

CITY OF WEST TORRENS



Confidential Minutes
of Report Items 7.1
of the
COUNCIL ASSESSMENT PANEL

held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 13 FEBRUARY 2018
at 5.00pm

Angelo Catinari
Assessment Manager

Index

7 **Confidential Reports Of The Assessment Manager 1**

7.1 26 Kingston Ave, RICHMOND..... 1

Released

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 26 Kingston Ave, RICHMOND

Application No 211/412/2017

Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice.

as this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

Council Assessment Panel resolved that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager on the basis that this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. At the completion of the confidential session the meeting be re-opened to the public.

6.00pm the meeting moved into Confidence and session commenced.

PRESENT:**Panel Members:**

Dr D Ferretti (Independent Presiding Member)

Councillors: Mr G Nitschke

Independent Members: Ms C Dunn, Mr W Stokes, Ms J Strange

Officers:

Mr T Buss	(Chief Executive Officer)
Mr A Catinari	(General Manager Urban Services and Assessment Manager)
Ms H Bateman	(Manager City Development)
Ms R Knuckey	(Team Leader Planning)
Mr J Leverington	(Senior Development Officer - Planning)
Ms A DeRuvo	(Development Officer - Planning)
Ms E Morgan	(EA Urban Services - Minute Secretary)

RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environmental Resources and Development Court that it does NOT SUPPORT Development Plan Consent for Application No. 211/412/2017 (211/C050/17) by Kim Lao to undertake a 1 into 2 Community title subdivision at 26 Kingston Ave, Richmond (CT 5558/607) for the following reasons:

The proposed development is contrary to:

- Council Wide Objectives 1
Reason: It fails to reinforce the positive aspects of the local environment and built form.
- Council Wide Land Division Principle of Development Control 7
Reason: It does not provide for an access onto a public road with the driveway 'handle' being not less than 4 metres in width.
- Council Wide Residential Zone Principle of Development Control 11
Reason: The land division would result in a dwelling with a side boundary setback that is less than 1 metre.
- Council Wide Residential Zone Principle of Development Control 8
Reason: The front door is not visible from the street.
- Council Wide Transportation and Access Principle of Development Control 35
Reason: The development is inconsistent with Australian Standard 2890 - Parking facilities.
- Council Wide Transportation and Access Principle of Development Control 45
Reason: The driveway has insufficient width to allow for emergency service vehicles.
- Medium Density Policy Area 19 Objective 1
Reason: The land division is contrary to the desired character of Policy Area.
- Medium Density Policy Area 19 Zone Principle of Development Control 2
Reason: The land division is contrary to the desired character of Policy Area.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 7.1 - 26 Kingston Ave, RICHMOND, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

COUNCIL ASSESSMENT PANEL DECISION

That Panel resolved that the recommendation be adopted.

6.02pm the Confidential session closed and the meeting reopened to the public.