



Council Assessment Panel Meeting Minutes

Tuesday 03 October 2017 at 6pm

Council Chambers, 401 Greenhill Road, Tusmore

PRESENT

Bill Chandler (Presiding Member)
Ross Bateup, Graeme Brown, Patrick Trainor and Di Wilkins

1 APOLOGIES

Nil

2 KAURNA ACKNOWLEDGEMENT

The Presiding Member acknowledged the Kaurna people.

3 CONFIRMATION OF MINUTES

P7197 It was the consensus of the Council Assessment Panel that the minutes of the Development Assessment Panel meeting held on Tuesday 05 September 2017 be taken as read and confirmed.

4 APPLICATIONS WITHDRAWN FROM THE AGENDA

Nil

5 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – PERSONS WISH TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (HEARING)

Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)

P7198 The Panel resolved that all eligible persons who had previously advised that they wish to be heard for Category 2 development applications will have the opportunity to be heard.

Report Number:	5721.1
Page:	5
Application Number:	180\0393\17
Applicant:	Mr D Gold represented by Kieron Barnes (Ekistics)
Location:	21 John Street EASTWOOD SA 5063
Proposal:	Creation of additional dwelling (conversion of detached dwelling into semi-detached dwellings) including upper level additions with balconies and associated demolition of rear lean-to.
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none">• Brian & Colleen Magor – 18 John Street, Eastwood• Bramwell Portas – 19A John Street, Eastwood – not present• Grant Croft on behalf of Alison Preiss – 1 Bristol Street,

	<i>Eastwood</i>
<i>Applicant:</i>	• 5\173 Glenhuntly Road, Elwood VIC 3184

P7199 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not at serious variance with the policies in the Development Plan; and
2. Development Application 180\0393\17, by is **refused** Development Plan Consent for the following reasons:

The proposed development is at variance with the following provisions of the Burnside (City) Development Plan

- 1 The proposal is at variance with HCPA 2 PDC 2 and PDC 4 as they relate to established historic character of the area.
- 2 The proposal is at variance with HCPA 2 PDC 6 and 8 as they relate to site area and frontage guidelines.
- 3 The proposal is at variance with HCPA 2 PDC 7 as it relates to site coverage.
- 4 The proposal is at variance with CW PDC 162 as it relates to setbacks and boundary development.
- 5 The proposal is at variance with CW PDC 164(c) as it relates to total floor area site coverage.
- 6 The proposal is at variance with CW PDC 166 as there is a deficiency as it relates to private open space.
- 7 The proposal is at variance with traffic and on site car parking.

Historic Conservation Policy Area 2 – Eastwood objectives and principles of development control:

- The development is at variance with objective 1 in that the development does not conserve and enhance the Established Historic Character
- The development is at variance with principle of development control 1 in that the development does not conserve and enhance an existing contributory item.
- The development is at variance with principle of development control 2 in that the development does not adequately reflect of complement the existing original style, design and features of a contributory item.
- The development is at variance with principle of development control 4 in that the development does not complement the Established Historic Character of the Policy Area in terms of siting, scale, massing, proportions, built-form, roof-forms and pitches, boundary setback, materials and external finishes.
- The development is at variance with principle of development control 7 in that there is excessive site coverage.

Historic (Conservation) Zone objectives and principles of development control:

- The development is at variance with objective 1 in that the development does not conserve and enhance the Established Historic Character of the relevant Policy Area.
- The development is at variance with objective 3 in that the development is not compatible with the historic character of the Zone.
- The development is at variance with objective 4 in that the development does not conserve and enhance the historic character of the relevant Policy Area in terms of, overall and detailed design and overall form.
- The development is at variance with principle of development control 1 in that the development does not conserve and enhance the Established Historic Character of the relevant Policy Area.

- The development is at variance with principle of development control 5 in that the development does not complement the identified heritage values of the Zone as well as specifically identified State and Local Heritage Places and Contributory Items.
- The development is at variance with principle of development control 1 in that the development does not conserve and enhance the Established Historic Character of the relevant Policy Area.
- The development is at variance with principle of development control 7 in that the development does not incorporate a roof pitch that matches the principal roof pitches within the relevant Policy Area and immediate vicinity.
- The development is at variance with principle of development control 8 in that the two-storey dwelling has not been designed in a manner that utilises the roof space to accommodate the first floor, and/or has been designed to complement the architectural character of the Policy Area and has an overall building height and scale that is at odds with existing single-storeyed dwellings.
- The development is at variance with principle of development control 16 in that the additions have not been designed to complement and reinforce the original appearance of dwellings in the Policy Area.
- The development is at variance with principle of development control 17 in that the development will be prominent and interfere with streetscape quality.
- The development is at variance with principle of development control 18 in that the additions do not have setbacks that are complementary to the contributory item.
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Council Wide objective and principles of development control

- The development is at variance with objective 11 in that the development does not respond and reinforce the positive aspects of the local environment and built form.
- The development is at variance with Objective 35 in that there is not adequate provision for the parking of vehicles.
- The development is at variance with principle of development control 162 in that setbacks to windows are not adequate.
- The development is at variance with principle of development control 164(c) in that setbacks the total floor area is well in excess of 50% of the site.
- The development is at variance with principle of development control 166 in that private open space is not adequate.

CARRIED

Report Number:	5721.2
Page:	171
Application Number:	180\0714\17
Applicant:	Mr T Wilson represented by Lara Waltham
Location:	5 Korra Avenue KENSINGTON GARDENS SA 5068
Proposal:	Alterations and additions to existing dwelling including deck, detached garage and swimming pool
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>F Gulliver - 3/12 South Terrace, Kensington Gardens – not present</i> • <i>J Blackwell - 7 Korra Avenue, Kensington Gardens</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>Po Box 55, Kapunda SA 5373</i>

P7200 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0714\17, by Mr T Wilson is **granted** Development Plan Consent subject to the following conditions:

Conditions

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

2. The proposed upper level bathroom window illustrated on the south elevation as depicted on the stamped and approved plans granted Development Plan Consent shall be either fixed and obscured up to 1.6m above the floor level, OR fitted with obscured glazing up to 1.6m above the floor level with restricted winders allowing an opening of no greater than 20cm as measured from the bottom sill of the window.

The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

3. The pool pump equipment shall be enclosed within a solid structure and shall not emit noise which exceeds 45dB(A) when measured from the boundary of the subject land at the closest point to the enclosure.

Reason:

To ensure minimal amenity loss of adjacent properties.

CARRIED

Report Number:	5721.3
Page:	203
Application Number:	180\0725\17
Applicant:	Con Bastiras Architect
Location:	102 Alexandra Avenue TOORAK GARDENS SA 5065
Proposal:	Three-storey detached dwelling incorporating basement garage, lift and in-ground swimming pool
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • Elizabeth French – 25 Grant Avenue, Toorak Gardens – represented by Ian Henschke • Ian and Lilian Henschke – 104 Alexandra Avenue, Toorak Gardens – represented by Sandy Wilkinson • Mark and Bernadette Eckermann – 100 Alexandra Avenue, Toorak Gardens
Applicant:	<ul style="list-style-type: none"> • 13 Valmai Avenue, Kings Park SA 5034

P7201 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0725\17, by Con Bastiras is **refused** Development Plan Consent for the following reasons:

The proposed development is at variance with the following provisions of the Burnside (City) Development Plan:

Historic Conservation Policy Area 6 – Toorak Gardens (North) objectives and principles of development control:

- The development is at variance with objective 1 in that the development does not conserve and enhance the Established Historic Character
- The development is at variance with principle of development control 1 in that the development does not conserve and enhance the Established Historic Character
- The development is at variance with principle of development control 3 in that the development does not conserve and enhance the Established Historic Character
- The development is at variance with principle of development control 4 in that the development does not complement the Established Historic Character of the Policy Area in terms of siting, scale, massing, proportions, built-form, roof-forms and pitches, boundary setback, materials and external finishes.

Historic (Conservation) Zone objectives and principles of development control:

- The development is at variance with objective 1 in that the development does not conserve and enhance the Established Historic Character of the relevant Policy Area.
- The development is at variance with objective 3 in that the development is not compatible with the historic character of the Zone.
- The development is at variance with objective 4 in that the development does not conserve and enhance the historic character of the relevant Policy Area in terms of, overall and detailed design and overall form.
- The development is at variance with principle of development control 1 in that the development does not conserve and enhance the Established Historic Character of the relevant Policy Area.
- The development is at variance with principle of development control 4 in that the development has not been designed in accordance with the guidelines set out in Table Bur/1.
- The development is at variance with principle of development control 5 in that the development does not complement the identified heritage values of the Zone as well as specifically identified State and Local Heritage Places and Contributory Items.
- The development is at variance with principle of development control 1 in that the development does not conserve and enhance the Established Historic Character of the relevant Policy Area.
- The development is at variance with principle of development control 6 in that the development does not incorporate a façade that faces the street that has been designed to be consistent with the historic character of the Policy Area.
- The development is at variance with principle of development control 7 in that the development does not incorporate a roof pitch that matches the principal roof pitches within the relevant Policy Area and immediate vicinity.
- The development is at variance with principle of development control 8 in that the two-storey dwelling has not been designed in a manner that utilises the roof space to accommodate the first floor, and/or has been designed to complement the architectural character of the Policy Area and has an overall building height and scale that is at odds with existing single-storeyed dwellings.

- The development is at variance with principle of development control 19 in that the new building has not been designed to complement and reinforce the historic character of the Policy Area.
- The development is at variance with principle of development control 21 in that the development does not include a palette of materials that are consistent with the historic character of the Policy Area.

Council Wide objective and principles of development control

- The development is at variance with objective 11 in that the development does not respond and reinforce the positive aspects of the local environment and built form.
- The development is at variance with principle of development control 14 in that the development does not have regard to adjoining buildings with respect to building height, mass and proportions, external materials, pattern, colours, decorative elements and roof form and pitch.

Report Number:	5721.4
Page:	303
Application Number:	180\0754\17
Applicant:	Dechellis Homes – not present
Location:	14 Talbot Street ERINDALE SA 5066
Proposal:	Single storey detached dwelling
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>A & H Milchem - 2 Vauxhall Street, Erindale – not present</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>170 Payneham Road, Evandale SA 5069</i>

P7202 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0754\17, by Dechellis Homes is **granted** Development Plan Consent subject to the following conditions:

Conditions

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

Advisory Notes

1. Expiration Time of Approval

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this Consent/Approval will lapse at the expiration of 12 months from the operative date of the Consent/Approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, in which case the Approval will lapse within 3 years from the operative date of the Approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the Approval will not lapse.

2. Building Consent

Development Approval will not be granted until a Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

3. Noise

The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

4. Fences Act 1975

The Applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or visit www.lsc.sa.gov.au

5. Engineering Requirements:

Footpath Maintenance

- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.

Stormwater Detention

- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council's default detention and discharge requirements below:
 - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious ($C_p = 0.9$) site coverage of 75% and pervious ($C_p = 0.1$) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
 - The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious ($C_p = 0.9$) site coverage of 40% and pervious ($C_p = 0.1$) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
- For stormwater management purposes, it is desirable that:
 - An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
 - The development utilises permeable paving for the proposed external paving work within the development site.

Stormwater Discharge

- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.

- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

Open Space Advisory Notes

- The proposed crossover requires a Setback of 2m from the street tree.
- Street trees to be protected during development with bunting set 1.5m from trunk for duration of works.
- Crossover to be constructed using Permeable materials.
- No storing of materials on road verge during construction.
- No pruning of street trees.
- No vehicles on road verge at any time during development.
- The applicant will be liable for any damage caused to public trees during the development process, including damage by privately engaged contractors.

6. Boundaries

It is recommended that as the Applicant is undertaking work on or near the boundary, the Applicant should ensure that the boundaries are clearly defined by a Licensed Surveyor, prior to the commencement of any building work.

CARRIED

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Report Number:	5721.5
Page:	345
Application Number:	180\0334\17
Applicant:	Glasshouse Projects
Location:	17 Bushy Park Drive AULDANA SA 5072
Proposal:	(Non-complying) Two-storey detached dwelling, swimming pool and moss rock retaining walls
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted.

P7203 It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0334\17, by Glasshouse Projects is **granted** Development Plan Consent subject to the following conditions:

Conditions

1. The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

2. The timber screen as depicted on the stamped and approved plans granted Development Plan Consent located on the side elevations of the lower ground floor plan alfresco shall be spaced at no more than 15mm gaps.

The screen shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties

3. ACCESS TO DWELLING

The Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles.

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either-
 - i. A loop road around the building, OR
 - ii. A turning area with a minimum radius of 12.5 metres, OR
 - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.

SA CFS has no objection to utilising public road for 'T' shape turnaround with the following condition:-

- Private access shall be a minimum formed length of 11 metres and minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

Reason:

To ensure requirements of the CFS are upheld.

4. VEGETATION

The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- A vegetation management zone (VMZ) shall be maintained within 20 metres of the dwelling (or to the property boundaries - whichever comes first) as follows:
 - iv. i. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - v. ii. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - vi. iii. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
 - vii. iv. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - viii. vi. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
 - ix. vii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
 - x. viii. The VMZ shall be maintained to be free of accumulated dead vegetation during the fire danger season.

Reason:

To ensure requirements of the CFS are upheld.

5. WATER SUPPLY

The Ministers [Bushfire] Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

- CFS notes no details are provided.
- CFS recommends, either 5,000 litre static water supply independent of mains supply or 2,000 litre static water supply connected to mains supply and provided with an automatic float switch to maintain full capacity.

This determination may be used as the basis for issuing a variation to the building rules to alter the requirements of Minister's Specification SA78.

Reason:

To ensure requirements of the CFS are upheld.

6. Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s)

The building shall incorporate the construction requirements for building in Bushfire Prone Areas, in accordance with the Building Code of Australia, South Australian Housing Code and Australian Standard™3959 (AS3959) "Construction of buildings in bushfire prone areas".

Compliance with the fire protection requirements is not a guarantee that the dwelling will not burn, but provides a 'refuge' from the approach, impact and passing of a bushfire. Should there be any need for further information, please contact the CFS Planning & Development on (08) 8339 6900.

Reason:

To ensure requirements of the CFS are upheld.

Additional Advisory Notes:**Engineering Requirements****Driveway Conditions:**

- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council's Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- Driveway width as per the approved site plans
- A finished level on the driveway within 3m of the gutter is to be a minimum of 200mm above the level of the adjacent gutter.
- Driveway grade is to be no steeper than 1 in 4 at any point.
- If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.

Stormwater Detention

- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council's default detention and discharge requirements below:
 - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious ($C_p = 0.9$) site coverage of 75% and pervious ($C_p = 0.1$) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
 - The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious ($C_p = 0.9$) site coverage of 40% and pervious ($C_p = 0.1$) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
- For stormwater management purposes, it is desirable that:
 - An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
 - The development utilises permeable paving for the proposed external paving work within the development site.

Stormwater Discharge

- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.
- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from surfaces within the subject land shall be controlled and managed within the subject land.
- Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.
- Excess surface stormwater runoff generated by the development is to be managed within the subject land or discharged to the street water table using a sump/pump arrangement or other methods acceptable to Council.

CARRIED

7 CATEGORY 1 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

Nil

8 OTHER BUSINESS

- Graeme Brown – supportive of p re-prepared alternative recommendations.
- Magnus Heinrich – The New Code of Conduct for CAP Members, Terms of Reference were presented the Operating Procedures were discussed for adoption.

MOVED DI Wilkins, Seconded Patrick Trainor

That the Operating Procedures enclosed with these Minutes be adopted as the Operating Procedures for the Council

CARRIED

9 ORDER FOR EXCLUSION OF THE PUBLIC FROM THE MEETING TO DEBATE CONFIDENTIAL MATTERS

Nil

10 CONFIDENTIAL MATTERS

Nil

Closure

Meeting closed at 8:54pm.

CONFIRMED THIS DAY 2017

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Presiding Member