



Council Assessment Panel Meeting Minutes

**Tuesday 05 March 2019 at 6:04pm
Council Chambers, 401 Greenhill Road, Tusmore**

PRESENT

Bill Chandler (Presiding Member)
Ross Bateup, Graeme Brown, Kate Shierlaw and Lilian Henschke

1 APOLOGIES

Nil

2 KAURNA ACKNOWLEDGEMENT

The Presiding Member acknowledged the Kaurna people.

3 CONFIRMATION OF MINUTES

P7253 It was the consensus of the Council Assessment Panel that the minutes of the Council Assessment Panel meeting held on Tuesday 05 February 2019 be taken as read and confirmed.

CARRIED

4 APPLICATIONS WITHDRAWN FROM THE AGENDA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)

Nil

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)

Nil

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

Nil

8 OTHER BUSINESS

Nil

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

MOVED Graeme Brown, SECONDED Ross Bateup:

P7254 Pursuant to Section 56A(12)(a)(viii) of the *Development Act 1993*, the City of Burnside Council Assessment Panel orders that all members of the public be excluded, with the exception of Council Staff in attendance, on the basis that it will consider Item 5736.1 Legal Matter Appeal.

The City of Burnside Council Assessment Panel is satisfied, pursuant to section 56A(12)(a)(viii) of the Act that the information to be received, discussed or considered in relation to Item 5736.1 contains legal advice.

The City of Burnside Council Assessment Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

CARRIED

MOVED Graeme Brown, SECONDED Ross Bateup:

P7255 Pursuant to Section 56A(12)(a)(viii) of the *Development Act 1993*, the City of Burnside Council Assessment Panel orders that all members of the public be excluded, with the exemption of Council Staff in attendance, on the basis that it will consider Item 5736.2 Legal Matter Appeal.

The City of Burnside Council Assessment Panel is satisfied, pursuant to section 56A(12)(a)(viii) of the Act that the information to be received, discussed or considered in relation to Item 5736.2 contains legal advice.

The City of Burnside Council Assessment Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

CARRIED

Meeting moved into confidence at 6:17pm to consider item 10.1 in accordance with resolution P7254.

10 CONFIDENTIAL MATTERS

10.1 Legal Matter Appeal

Report Number:	5736.1
Page:	
Application Number:	180\0326\18
Applicant:	Aplin Cook Gardner
Location:	44 Watson Avenue, Rose Park
Proposal:	Demolition of existing student accommodation buildings & the construction of 3 buildings containing 15 apartments & 6 townhouses including basement level car parking & utility area, at grade parking area, garaging, landscaping & fencing in the form of: <ul style="list-style-type: none"> - a residential flat building of 8 levels & basement car parking comprising 15 dwellings - a residential flat building of 2 levels, roof top terrace & basement car parking comprising 4 dwellings, & - a building of 2 levels comprising two dwellings & associated garages
Recommendation:	The Chief Executive Officer be advised that the Council Assessment Panel supports the compromise proposal, subject to conditions

Previously deferred item returning to the Panel for further consideration.

The Presiding Member Bill Chandler advised he was absent from the initial Hearing but based on legal advice presented to Council, and the content and detail contained within the agenda papers he is satisfied he has sufficient knowledge on the matter to enable him to participate in further discussion and decisions on this item. He subsequently maintained his role as Presiding Member.

Graeme Brown left the meeting at 6.44pm.

Graeme Brown returned to the meeting at 6.47pm.

MOVED Graeme Brown, SECONDED Ross Bateup:

P7256 The Chief Executive Officer be advised that the Council Assessment Panel **supports** the compromise proposal, subject to the following 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 approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the

Council pursuant to Section 221 of the *Local Government Act 1999*.

Reason:

To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

- 3 The landscaping detailed on the stamped and approved plans granted Development Plan Consent shall be undertaken within three (3) months of the substantial completion of development and in any event prior to the occupation or use of the development.

Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

Reason:

To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

- 4 The medium and large trees identified on the landscape plan shall have the following heights:
 - Medium tree 6-12 metres mature height and 4-8 metres canopy spread
 - Large tree 12 metres mature height and > 8 metres canopy spread

Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

Reason:

To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

- 5 The 1.4 metre high and 1.6 metre high privacy screens associated with the apartment building as depicted on the stamped and approved plans granted Development Plan Consent shall comprise a material with not more than 50% permeability.

The screens 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.

- 6 Rear elevation, upper level windows associated with the approved semi-detached dwellings shall be un-openable and fitted with fixed and obscure glazing to a minimum height of 1.6m above the finished floor level.

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.

- 7 Rear elevation bedroom windows associated Levels 1-7 associated with the

apartment building shall be un-openable and fitted with fixed and obscure glazing to a minimum height of 1.6m above the finished floor level.

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.

- 8 Waste collection relying on private collection shall not occur outside of the following periods and shall occur once per week only:
- 7am – 7pm Monday to Friday (excluding public holidays)
 - 8am – 7pm Saturday to Sunday (and other days comprising public holidays)

Reason:

To ensure the development does not unduly diminish the enjoyment of other land in the vicinity.

- 9 All waste bins associated with the apartment building relying on private collection shall be returned to the refuse storage area on the day of pick up and within the following times:
- 7am – 7pm Monday to Friday (excluding public holidays)
 - 8am – 7pm Saturday to Sunday (and other days comprising public holidays)

Bins shall not be placed on the road reserved for pick up more than one day ahead of the collection period above.

Reason:

To ensure the development does not unduly diminish the enjoyment of other land in the vicinity.

CARRIED

- P7257 It was the consensus of the Council Assessment Panel, that, the report, appendices, attachments and minutes relating to the report 5736.1 remain in confidence under section 58A(16) of the *Development Act 1993* as it contains legal advice considered under Section 56A(12)(a)(viii) and will be retained in confidence until such time that the matter is determined by the Council Chief Executive Officer.

CARRIED

MOVED by K Shierlaw SECONDED by L Henschke:

- P7258 The Council Assessment Panel move out of confidence.

CARRIED

- P7259 Pursuant to Section 56A(12)(a)(viii) of the *Development Act 1993*, the City of Burnside Council Assessment Panel orders that all members of the public be excluded, with the exemption of Council Staff in attendance, on the basis that it will consider Item 5736.2 Legal Matter Appeal.

The City of Burnside Council Assessment Panel is satisfied, pursuant to section 56A(12)(a)(viii) of the Act that the information to be received, discussed or considered in relation to Item 5736.2 contains legal advice.

The City of Burnside Council Assessment Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

CARRIED

10.2 Legal Matter Appeal

Report Number:	5736.2
Page:	
Application Number:	180\0470\18
Applicant:	Cosimo Maiolo
Location:	1 Matilda Street, Eastwood
Proposal:	Alterations to existing outbuilding including conversion to habitable building ancillary to the existing dwelling
Recommendation:	The Chief Executive Officer be advised that the Council Assessment Panel supports the compromise proposal, subject to conditions

Previously deferred item returning to the Panel for further consideration.

P7260 It was the consensus of the Council Assessment Panel, that the Chief Executive Officer be advised that the Council Assessment Panel **supports** Development Application 180\0470\18, by C Maiolo, subject to the following 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 'study' located within the main dwelling shall be used only as a 'study' at all times.

Reason:

To ensure that the development does not adversely impact on car parking.

- 3 The approved use of the outbuilding shall be used by direct family members only and shall be, subordinate to, the main dwelling on the allotment.

Reason:

To ensure the approved development does not negatively impact on the residential amenity of the locality.

- 4 That the approved outbuilding shall not be used for commercial activity of any type.

Reason:

To ensure the approved development does not negatively impact on the residential amenity of the locality and is used in accordance with the established residential use of the subject land.

- 5. A solid 1.8 meter fence shall be constructed and maintained along the southern boundary and shall not include a gate.

Reason:

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

CARRIED

P7261 It was the consensus of the Council Assessment Panel, that, the report, appendices, attachments and minutes relating to the report 5736.2 remain in confidence under section 58A(16) of the *Development Act 1993* as it contains legal advice considered under Section 56A(12)(a)(viii) and will be retained in confidence until such time that the matter is determined by the Council Chief Executive Officer.

CARRIED

MOVED by R Bateup SECONDED by K Shierlaw:

P7262 The Council Assessment Panel move out of confidence.

CARRIED

The Meeting came out of confidence at 7:40pm.

Closure

Meeting closed at 7:46pm.

CONFIRMED THIS DAY 2018

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 Presiding Member