



Development Assessment Panel Meeting Minutes

Tuesday 06 December 2016 at 6pm
Council Chambers, 401 Greenhill Road, Tusmore

PRESENT

Bill Chandler (Presiding Member)
Don Donaldson (Deputy Presiding Member)
Ross Bateup, Graeme Brown, Peter Cornish, Grant Piggott and Di Wilkins

1 APOLOGIES

Nil

2 KAURNA ACKNOWLEDGEMENT

The Presiding Member acknowledged the Kurna people.

3 CONFIRMATION OF MINUTES

P7118 It was the consensus of the Development Assessment Panel that the minutes of the Development Assessment Panel meeting held on Tuesday 01 November 2016 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4 APPLICATIONS WITHDRAWN FROM THE AGENDA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)

Report Number:	5712.1
Page:	6
Application Number:	180\0571\16
Applicant:	R Davila and L Davila
Location:	321 Portrush Road, Toorak Gardens
Proposal:	Change of use from dwelling to office
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted
Representors:	<ul style="list-style-type: none">• H Dinh and P Dinh• T Dinhpham and T Lim• K Lo
Applicant:	<ul style="list-style-type: none">• R Davila and L Davila

P7119 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to the concurrence of the Development Assessment Commission, Development Application 180\0571\16, by R Davila and L Davila, is **granted** Development Plan Consent subject to the following conditions and reserved matters:

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 hours of operation of the premises for the office shall be limited to the following times: 9:00am to 6:00pm Monday to Friday.

Reason:

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

3. All vehicles are to enter and exit the site in a forward direction.

Reason:

To minimise impacts on the free flow of traffic along Portrush Road.

4. No more than three (3) staff shall operate out of the subject land at any one time.

Reason:

To ensure adequate off-street car parking is provided in accordance with the scale and intensity of the approved land use.

Reserved Matters

1. That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:
 - 1.1. All gates shall be setback sufficiently to provide adequate area for a car to store completely on site prior to the gates being opened/closed.
 - 1.2. The Portrush Road access shall be a minimum of 6.0 metres wide at the property boundary with suitable flaring to minimise the disruption to the free flow of traffic.
 - 1.3. All parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
 - 1.4. No stormwater from this development is permitted to discharge on-surface to Portrush Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.
 - 1.5. The car park shall be modified as follows in order to minimise the potential for conflict adjacent Portrush Road and to ensure that all vehicles exit the site in a forward motion:
 - Car parking spaces 1 and 2 shall be removed;
 - Car parking spaces 3 and 4 shall be general parking; and
 - Car parking spaces 5 and 6 shall be converted to a disabled space and shared area respectively.
 - The section of landscaping running parallel to the western side boundary located 2 metres from the southern rear boundary and extending 5.8 metres to the north shall be removed.

DPTI Requirements

1. The Portrush Road access shall be a minimum of 6.0 metres wide at the property boundary with suitable flaring to minimise the disruption to the free flow of traffic.
2. All gates shall be setback sufficiently to provide adequate area for a car to store completely on site prior to the gates being opened/closed.
3. All vehicles shall enter and exit the site in a forward direction.
4. The car park shall be modified as follows in order to minimise the potential for conflict adjacent Portrush Road and to ensure that all vehicles exit the site in a forward motion:
 - Car parking spaces 1 and 2 shall be removed;
 - Car parking spaces 3 and 4 shall be general parking; and
 - Car parking spaces 5 and 6 shall be converted to a disabled space and shared area respectively.
5. All parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
6. No stormwater from this development is permitted to discharge on-surface to Portrush Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.
7. All signs shall be finished in a material of low reflectivity to minimise the risk of sun/headlamp glare that may dazzle or distract motorists.
8. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.

Advisory Notes

Road Widening

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for strips of land up to 4.5 metres in width from both the Kensington Road and Portrush Road frontages of this site together with additional land at the Portrush Road / Kensington Road corner for future upgrading of the Portrush Road / Kensington Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

Given there are no significant building works or structural alterations being undertaken as part of this development, consent is not required in this instance.

CARRIED

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)

Report Number:	5712.2
Page:	92
Application Number:	180\0520\16
Applicant:	H Ratsch
Location:	362 Portrush Road
Proposal:	Alterations and additions to existing child care centre and increase in capacity from 60 to 100 children
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>Mandy and Bronte Ayres</i> • <i>Paul Gilles</i>
<i>Applicant:</i>	• <i>H Ratsch - C/- Access Planning</i>

Ross Bateup declared a conflict of interest in this matter in that he knew a representor and left the meeting during the discussion of the item.

P7120 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0520\16, by H Ratsch - C/- Access Planning, is granted Development Plan Consent subject to the following conditions and reserved matters:

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 hours of operation of the Child Care Centre shall be limited to the following times:
7am to 6pm Monday to Friday

Reason:

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

3. The childcare centre shall have places available for a maximum number of 100 children per day.

Reason:

To ensure the childcare centre is maintained to a reasonable scale and that on-site parking provisions remain of an adequate provision.

4. The child care centre shall have not more than 12 staff on-site during the approved operating hours.

Reason:

To ensure the childcare centre is maintained to a reasonable scale and that on-site parking provisions remain of an adequate provision.

CARRIED

Ross Bateup returned to the meeting at 7.31pm.

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)

- P7121 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.

Report Number:	5712.3
Page:	136
Application Number:	180\0733\16
Applicant:	Carlo Dottore & Partners Architects
Location:	247 The Parade, Beulah Park
Proposal:	One (1) two-storey mixed use building (office and residential) including garage, verandah, alfresco and balcony and three (3) two-storey dwellings, each including garage, verandah and alfresco
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • <i>Sofern Pty Ltd</i> • <i>A Lee</i>
Applicant:	• <i>Carlo Dottore & Partners Architects</i>

- P7122 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0733\16 is granted Development Plan Consent subject to the following conditions and reserved matters:

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 fixed and obscured glazing privacy treatments as depicted on the stamped and approved plans granted Development Plan Consent shall be installed prior to the occupation or use of the buildings 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.

Reserved Matters

1. That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:
 - 1.1. A detailed landscaping plan specifying all areas of the subject land to be landscaped, including a list of the species to be planted, the height of the species and the maturity at the time of planting and mature height of plants shall be submitted to the Council prior to the granting of Development Approval.
 - 1.2. The establishment of all landscaping shall be undertaken within (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.

CARRIED

Report Number:	5712.4
Page:	172
Application Number:	180\0773\16
Applicant:	Proske Architects
Location:	145 Swaine Avenue, Toorak Gardens
Proposal:	Two-storey detached dwelling including garage, boundary wall and front fence
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • A Ashby • M Nykiel • C and J Miller
Applicant:	• Proske Architects

Ross Bateup declared a conflict of interest in this matter in that he knew the applicant and a representor and left the meeting during the discussion of the item.

P7123 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0773\16 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 driveway depicted on the stamped and approved plans granted Development Plan Consent shall be tapered to a maximum width of 4.5m at the property boundary.

Reason:

To ensure minimal impacts to Council verge.

3. 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.

Advisory Notes

Engineering Requirements:

- 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.
- The existing second driveway/gutter crossing must be removed and reinstated to kerb upon completion of the proposed gutter crossing.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
- A minimum distance of 4 metres shall be maintained from the closest point of the driveway to the adjacent street tree.
- The new driveway crossover is to be formed using pervious paving to ensure continued filtration into the roadside verge.
- 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.
- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.
- 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.
- It should be noted that 1:20yr and 1:100yr AEP map indicate that shallow flooding up to a maximum depth of 100mm could occur across the site and the development should be notified regarding the risk of minor flooding.

- 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.
- Soft dig (hand digging/hydro-vac) methods must be used for the formation of underground services that encroach within the Tree Protection Zones as defined by AS4970-2009 Protection of Trees on Development Sites.
- Any works that are proposed, by the applicant, within 3 metres of the street trees requires a Tree Protection Plan (TTP) in accordance with AS4970-2009 Protection of Trees on Development Sites. The TTP will need to be submitted to Councils Arborist for approval prior to the commencement of any site works. The approved TTP and its recommended conditions shall form part of the conditions of this approval.
- The new driveway crossover is to be formed using pervious paving to ensure continued filtration into the road reserve.
- The applicant will be liable for any damage to the street trees as a direct or indirect result of the development. Cost if any remedial works will be determined at the discretion of Council and borne by the applicant.

CARRIED

Ross Bateup returned to the meeting at 8.17pm.

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

Report Number:	5712.5
Page:	235
Application Number:	180/0517/16
Applicant:	Troppo Architect
Location:	73 Tusmore Avenue, Tusmore
Proposal:	Demolition of existing dwelling, pool and pool house and construction of a tree-storey detached dwelling, pool and pool pavilion, tennis court fencing and new front fence
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted

P7124 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to the concurrence of the Development Assessment Commission, Development Application 180/0517/16, by Troppo Architects, is granted Development Plan Consent subject to the following conditions and reserved matters:

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.

Reason:

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

Reserved Matters

That pursuant to Section 33(3) of the Development Act, the Applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to the granting of Development Approval:

1. The applicant shall supply additional information that addresses the potential for overlooking from the swimming pool pavilion and adjacent deck area into the swimming pool area of the adjoining allotment to the south (75 Tusmore Avenue).

CARRIED

Report Number:	5712.6
Page:	345
Application Number:	180/0464/16
Applicant:	Precision Homes (Australia) Pty Ltd
Location:	46-50 Coach Road, Skye
Proposal:	Construction of a detached dwelling, garage, swimming pool, pool pavilion/gym, guest suite, fencing, retaining walls, associated earthworks and landscaping
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted

P7125 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to the concurrence of the Development Assessment Commission, Development Application 180/0464/16, by Precision Homes (Australia) Pty Ltd, is granted Development Plan Consent subject to the following conditions and reserved matters:

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 landscaping delineated on the stamped and approved plans shall be established within the first planting season from the date of issue of the Certificate of Occupancy for the dwelling and thereafter maintained in good health and condition at all times to the reasonable satisfaction of 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.

3. The development shall be carried out in accordance with those provisions of the Minister's Code: ***Undertaking development in Bushfire Protection Areas*** that are designated as mandatory for Development Plan Consent purposes.

Reason:

To ensure the building is constructed and the land managed in accordance with the Bushfire Protection measures as detailed in the Minister's Code.

Reserved Matters

That pursuant to Section 33(3) of the Development Act, the Applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to the granting of Development Approval:

1. The applicant shall supply a landscaping plan with accompanying schedule of species to be planted on the subject land including their mature heights and heights at the time of planting. The landscaping plan shall be designed in accordance with the requirements of the Minister's Code: ***Undertaking development in Bushfire Protection Areas*** and incorporate landscaping treatments that are planted in locations that appropriately respond to the siting and scale of buildings proposed in this application.

The applicant is encouraged to contact the CFS to determine appropriate Bushfire Prevention measures that may apply to this proposal.

CARRIED

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Report Number:	5712.7
Page:	417
Application Number:	180\0674\16
Applicant:	Anthony Donato Architects
Location:	44 Howard Terrace, Hazelwood Park
Proposal:	Construction of a two-storey residential flat building containing two dwellings
Recommendation:	Development Plan Consent be granted

P7126 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0674\16 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.

CARRIED

Report Number:	5712.8
Page:	497
Application Number:	180/0543/16
Applicant:	Architects Ink
Location:	6 Dulwich Avenue, Dulwich
Proposal:	Two-storey outbuilding comprising garage, rumpus and bathroom
Recommendation:	Development Plan Consent be granted

P7127 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development application 180\0543\16 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 batten privacy screen and obscure glazing as depicted on the stamped and approved plans granted Development Plan Consent 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.

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

Report Number:	5712.9
Page:	550
Application Number:	180\0453\16
Applicant:	Masterplan
Location:	1 Fergusson Square, Toorak Gardens
Proposal:	Aluminium gates (two sets of swing gates and one sliding gate)
Recommendation:	Development Plan Consent be refused

The applicant was provided the opportunity to address the panel on merits of the proposal.

P7128 The Development Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0453\16 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.

CARRIED**8 OTHER BUSINESS**

The Panel discussed matters relating to item 5712.9 in particular heritage definition of fencing and gates, and the policy in the development plan which may need further consideration.

Grant Piggot reminded the Panel that representors and applicants should be treated fairly and equitably when making verbal submissions.

Grant Piggot was thanked for his input and participation on the Panel given it was his last attendance.

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

Nil

10 CONFIDENTIAL MATTERS

10.1 Legal advice pertaining to 6 Dulwich Avenue, Dulwich

Closure

Meeting closed at 9:40 pm.

CONFIRMED THIS DAY 2016

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Presiding Member