



Development Assessment Panel Meeting Minutes

Tuesday 06 June 2017 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

P7164 It was the consensus of the Development Assessment Panel that the minutes of the Development Assessment Panel meeting held on Tuesday 02 May 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4 APPLICATIONS WITHDRAWN FROM THE AGENDA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)

Report Number:	5717.1
Page:	1
Application Number:	180\0204\17
Applicant:	Folland Panozzo Architects
Location:	516 Glynburn Road, Burnside
Proposal:	Amendment to DA 180\1296\08 and DA 180\0479\11 (extension of live music operating hours)
Recommendation:	Development Approval be granted
Representors:	<ul style="list-style-type: none"> • Paul Benuzzi – 513 Glynburn Road, Hazelwood Park (to be heard) • Name Suppressed – 511 Glynburn Road, Burnside (to be heard) • Dr Simon Walsh – 508 Glynburn Road, Burnside (not to be heard) • Mr and Mrs Wijesuriya – 562 Greenhill Road, Burnside (not to be heard) • Dr Simon Walsh – 1 John Street, Eastwood (not to be heard) • Paul and Janet Robinson – 16 John Street, Eastwood (not to be heard) • K and D Dulong – 11 John Street, Eastwood (not to be heard)

	<ul style="list-style-type: none"> • <i>Emily Palmer and Hayden Brooke – 2 Glen Street, Burnside (not to be heard)</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>269 Brighton Road, Somerton Park</i>

Representors who indicated a wish to be heard were called but were not present, accordingly there was no hearing.

P7165 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\0204\17, by Folland Panozzo Architects, is **granted** Development Approval subject to the following conditions:

Conditions

- 1 The development granted approval 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 for live music at the establishment shall be limited to the following times:
 - 9pm Sunday to Thursday
 - Midnight Friday and Saturday

Reason:

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

- 3 The following noise attenuation measures must be strictly adhered to at all times:
 - Amplification of live entertainment in the outdoor area shall be provided via the in-house speaker system only;
 - The music level from the live entertainment must not exceed that detailed in table form within the ‘Conclusions’ section on Page 7 of the report prepared by Sonus dated February 2017 when measured at the southern external entrance to the outdoor area.

Reason:

To minimise adverse noise impacts on the amenity of surrounding dwellings.

CARRIED

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)

P7166 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 by the Panel.

Report Number:	5717.2
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Page:	11
Application Number:	180\0080\17
Applicant:	Ayles Developments
Location:	3 Hewitt Avenue, Linden Park
Proposal:	Construction of a two storey detached dwelling including portico and alfresco, a pair of two storey semi-detached dwellings including portico and alfresco and concrete retaining walls and boundary fencing
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • <i>John and Lyn Hillier – 1 Hewitt Avenue, Linden Park (to be heard)</i> • <i>Joan and Peter Hensel – 4 Hewitt Avenue, Linden Park (not to be heard)</i> • <i>Iris Major – 4A Hewitt Avenue, Linden Park (not to be heard)</i> • <i>Kathy Kralj on behalf of Marilyn Falahey – 5 Hewitt Avenue (to be heard)</i> • <i>Catherine Cocciolone – 6 Hewitt Avenue, Linden Park (to be heard)</i> • <i>David Buttery – 4 Baulderstone Place, Linden Park (not to be heard)</i> • <i>Joanne Bell – 5 Baulderstone Place, Linden Park (not to be heard)</i> • <i>Frank Gimion – 6 Baulderstone Place, Linden Park (to be heard)</i>
Applicant:	• <i>PO Box 6147, Linden Park</i>

P7167 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\0080\17, by Ayles Developments, 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 All side and rear upper level windows for each dwelling as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured 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.

- 3 The driveway for each dwelling as 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.

- 4 The landscaping delineated on the stamped and approved plans 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.

Advisory Notes

1 **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.
- 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.
- 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.
- 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.

CARRIED

Report Number:	5717.3
Page:	29
Application Number:	180\0075\17
Applicant:	Mayfair Projects Pty Ltd
Location:	24 Taylor Terrace, Rosslyn Park
Proposal:	Single-storey detached dwelling including retaining walls, fencing and shed
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	• <i>Gregory Abron – 26 Taylor Terrace, Rosslyn Park (to be heard)</i>
<i>Applicant:</i>	• <i>15A Fife Street, Woodville South</i>

P7168 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\0075\17, by Mayfair Projects Pty Ltd, 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 dwelling shall be constructed on a Bench Level of 101.40 and Finished Floor Level of 101.60.

Reason:

To ensure the development achieves a benched level that appropriately responds to

adjoining land.

Reserved Matter

1. A detailed landscaping plan/streetscape plan shall be provided prior to the granting of development approval. The landscaping plan shall include appropriate planting within the front yard of the subject land, specific species to be planted, height at the time of planting and height at maturity.

Advisory Notes

- 1 **Engineering Requirements:**
 - 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.
 - 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.

CARRIED

Report Number:	5717.4
Page:	41
Application Number:	180\0289\17

Applicant:	C Hawkins
Location:	26 Torrens Street, Linden Park
Proposal:	Removal of regulated Council street tree – Green Mallet (Eucalyptus clivicola)
Recommendation:	Development Approval be granted
Representors:	• Andrew Hillier – 1 Wemyss Street, Linden Park (to be heard)
Applicant:	• 401 Greenhill Road, Tusmore

The three elected members of the panel declared an interest, but not a conflict

P7169 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\0289\17, by City of Burnside, is **granted** Development Approval 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 Two (2) replacement trees must be planted on site within three months of removal of the regulated tree, and thereafter maintained to the reasonable satisfaction of the Council. The replacement trees must not be a species listed in Regulation 6A(5)(b) of the *Development Regulations 2008* and must not be planted within 10 metres of any existing dwelling or existing in-ground swimming pool (regardless of whether the dwelling or pool is within the site or on adjacent properties).

Reason:

To satisfy Section 42(4) of the *Development Act 1993*.

CARRIED

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

Report Number:	5717.5
Page:	46
Application Number:	180\0949\16
Applicant:	Francis Samson
Location:	63 Stonyfell Road, Stonyfell
Proposal:	(Non-complying) Earthworks greater 9 cubic metres involving excavation greater than 1.0m below natural ground level and filling to a height that exceeds 2.0m above natural ground level, construction of a shed, rainwater tank fencing and gates

Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted
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P7170 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 concurrence from the Development Assessment Commission, that Development Application 180\0949\16, by F Samson, 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.

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 The applicant shall supply a detailed landscaping plan that demonstrates how cut and/or battered surfaces are to be landscaped in a manner that enhances the natural landscape character.

Reserved Conditions

1. Pursuant to Section 33(1) of the *Development Act 1993* the DAP reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters, and this is delegated to the Manager of City Development & Safety.

CARRIED

(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

Don Donaldson recommended staff seek vertical shadow diagrams in addition to aerial diagrams, to assist in the accurate assessment of shadowing impacts when considering dwelling applications.

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

P7171 It was the consensus of the Development Assessment Panel, that, pursuant to Section 56A(12) of the Development Act, 1993, the public be excluded from this part of the meeting of the City of Burnside Development Assessment Panel meeting dated Tuesday 06 June 2017 (with the exception of members of Council staff who are hereby permitted to remain) to enable the Panel to receive, discuss or consider legal advice, or advice from a person who is providing specialist professional advice.

CARRIED

10 CONFIDENTIAL MATTERS

10.1 Legal Matter Appeal

Report Number:	5717.6
Page:	54
Application Number:	180\1149\16
Applicant:	TRV Homes Pty Ltd
Location:	2 Booth Avenue, Linden Park
Proposal:	Three two-storey dwellings including garages, verandahs and porticos
Recommendation:	The Chief Executive Officer be advised that the Development Assessment Panel supports the compromise proposal, subject to conditions
Confidentiality:	That the report is to remain in confidence until the Chief Executive Officer determines otherwise.

P7172 It was the consensus of the Development Assessment Panel, that, the minutes relating to the report 5717.6 remain in confidence until such time that the matter is considered and determined by the Council Chief Executive Officer.

CARRIED

The Meeting came out of confidence at 8:32pm.

Closure

Meeting closed at 8:32pm.

CONFIRMED THIS DAY 2016

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 Presiding Member