



## Development Assessment Panel Meeting Minutes

Tuesday 07 March 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, Mark Osterstock and Di Wilkins

### 1 APOLOGIES

Nil

### 2 KAURNA ACKNOWLEDGEMENT

The Presiding Member acknowledged the Kaurna people.

### 3 CONFIRMATION OF MINUTES

P7135 It was the consensus of the Development Assessment Panel that the minutes of the Development Assessment Panel meeting held on Tuesday 07 February 2017 be taken as read and confirmed.

### 4 APPLICATIONS WITHDRAWN FROM THE AGENDA

Item 5714.4 was withdrawn from the agenda as all representations were withdrawn.

### 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)

P7136 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.

<b>Report Number:</b>	<b>5714.1</b>
<b>Page:</b>	<b>6</b>
Application Number:	180\1062\16
Applicant:	A L H Lim
Location:	59 Linden Avenue, Hazelwood Park
Proposal:	Demolition of existing dwelling and construction of two single storey dwellings including garages, verandahs, retaining walls and fencing
Recommendation:	Development Plan Consent be refused
Representors:	<ul style="list-style-type: none"><li>• Bruce McDonald (not to be heard)</li><li>• J C &amp; E M Runciman (to be heard)</li><li>• Tom Sexton (to be heard)</li></ul>

	<ul style="list-style-type: none"> <li>• Gary William Murdock (to be heard)</li> <li>• John Brinias (not to be heard)</li> <li>• Charmane Lucas-Cresswell &amp; Etienne Beetge (to be heard)</li> </ul>
<i>Applicant:</i>	• A L H Lim

P7137 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\1062\16, by A L H Lim, is **refused** Development Plan Consent / Approval for the following reasons:

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

- Residential Policy Area 22 Principle of Development Control 1 in that the proposed development does not conserve and enhance the low density residential character of the policy area as described in Objective 1;
- Residential Policy Area 22 Principle of Development Control 3 in that the proposed development does not satisfy the minimum site area requirements for subdivision; and
- Residential Zone Objective 3 in that the proposed density of development is not consistent with the objectives of the relevant policy area.

**CARRIED**

<b>Report Number:</b>	<b>5714.2</b>
<b>Page:</b>	<b>75</b>
Application Number:	180\0982\16
Applicant:	A D'Andrea & Associates (SA) Pty Ltd
Location:	105 Conyngham Street, Frewville
Proposal:	Two-storey detached dwelling including garage, alfresco, balcony, retaining walls and fencing
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	• Name Suppressed (to be heard)
<i>Applicant:</i>	• A D'Andrea & Associates (SA) Pty Ltd

P7138 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\0982\16, by D'Andrea and Associates, 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 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 1.7m 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. All roof stormwater and site surface water shall be collected and either retained on site or discharged to the street water table. The sump and pump stormwater management system shall be maintained in good working condition at all times.

**Reason:**

To ensure stormwater collected on site is appropriately managed and does not cause nuisance to adjoining land.

**CARRIED**

<b>Report Number:</b>	<b>5714.3</b>
<b>Page:</b>	<b>102</b>
Application Number:	180\0977\16
Applicant:	N Qi
Location:	3 & 4 Austin Crescent, St Georges
Proposal:	Construction of three (3) two-storey dwellings
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> <li>• <i>Caleb Ferguson &amp; Ji-Eun Park (not to be heard)</i></li> <li>• <i>John Hewson (not to be heard)</i></li> <li>• <i>Susan Howard (to be heard)</i></li> <li>• <i>Richard K Mathews (to be heard)</i></li> <li>• <i>Paul Twiss (to be heard)</i></li> </ul>
<i>Applicant:</i>	• <i>N Qi</i>

- P7139 That the application be deferred to allow the applicant to consider amended plans which address the following:

- Bulk and scale, particularly building no. 4
- Site coverage
- Relationship between buildings and contours of the land
- Landscaping being clearly defined

**CARRIED**

<b>Report Number:</b>	<b>5714.4</b>
<b>Page:</b>	<b>167</b>
Application Number:	180\1027\16
Applicant:	Scott Salisbury Homes
Location:	22 Brand Street, Beulah Park
Proposal:	Construct a double storey dwelling
Recommendation:	Development Plan Consent be granted

<i>Representors:</i>	• <i>Stiven Magliani (to be heard)</i>
<i>Applicant:</i>	• <i>Scott Salisbury Homes</i>

Withdrawn from the agenda as all representations were withdrawn.

**CARRIED**

<b>Report Number:</b>	<b>5714.5</b>
<b>Page:</b>	<b>214</b>
Application Number:	180\1008\16
Applicant:	Dechellis Homes Pty Ltd
Location:	4 Hay Road, Linden Park
Proposal:	Two-storey dwelling
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	• <i>Leo Song (to be heard)</i>
<i>Applicant:</i>	• <i>Dechellis Homes Pty Ltd</i>

P7140 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\1008\16, by Dechellis Homes 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. All side and rear upper level windows 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.

**CARRIED**

<b>Report Number:</b>	<b>5714.6</b>
<b>Page:</b>	<b>261</b>
Application Number:	180\0497\16
Applicant:	C Bastiras
Location:	102 Alexandra Avenue, Toorak Gardens
Proposal:	Three-storey detached dwelling including basement garage, lift,

	swimming pool and fencing
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> <li>• Elizabeth French represented by Marcus Rolfe URPS (to be heard)</li> <li>• Ian &amp; Lilian Henschke (to be heard)</li> <li>• Mark &amp; Bernadette Eckermann (to be heard)</li> <li>• Graham Lowry &amp; Carolyn Marlow - represented by Marcus Rolfe URPS (to be heard)</li> </ul>
Applicant:	• C Bastiras represented by Matt Henderson of Masterplan

P7141 The Development Assessment Panel resolved that:

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\0497\16 by C 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.
- The development is at variance with principle of development control 7 in that the development is setback less than 8 metres from the front property boundary.

**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 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.

**CARRIED**

**6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**

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

<b>Report Number:</b>	<b>5714.7</b>
<b>Page:</b>	<b>382</b>
Application Number:	180\0430\16
Applicant:	Planning Aspects Pty Ltd
Location:	364 Magill Road, Kensington Park
Proposal:	Non-Complying – Childcare centre with car parking, fencing and landscaping
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Assessment be granted

P7142 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\0430\16, by Planning Aspects 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 hours of operation of the childcare 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 92 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 15 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.

## 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 the applicant shall supply a detailed stormwater management plan that demonstrates how stormwater catchment from on-site to the reasonable satisfaction of Council's Technical Officer.

## 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.

**(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**

Nil

**10 CONFIDENTIAL MATTERS**

Nil

**Closure**

Meeting closed at 9.22pm.

**CONFIRMED THIS 7th..... DAY March..... 2016**

**Bill Chandler.....  
Presiding Member**