



## Development Assessment Panel Meeting Minutes

Tuesday 02 May 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

Mark Osterstock

### 2 KAURNA ACKNOWLEDGEMENT

The Presiding Member acknowledged the Kurna people.

### 3 CONFIRMATION OF MINUTES

It was the consensus of the Development Assessment Panel that the minutes of the Development Assessment Panel meeting held on Tuesday 04 April 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### 4 APPLICATIONS WITHDRAWN FROM THE AGENDA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)

P7153 The Development Assessment 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.

<b>Report Number:</b>	<b>5716.1</b>
<b>Page:</b>	<b>5</b>
Application Number:	180\1181\16
Applicant:	Mr B Gregg
Location:	2-4 Borrow Drive, Burnside
Proposal:	Three-storey detached dwelling including in-ground swimming pool and earthworks greater than 9 cubic metres
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"><li>• Alice Minney - 3 Borrow Drive, Burnside (to be heard)</li><li>• Ann Maree Ramsay - 6 Borrow Drive, Burnside (to be heard)</li><li>• Mr and Mrs Bensted - 1 Kurralta Drive, Burnside (not to be heard)</li></ul>

<i>Applicant:</i>	• 262 Melbourne Street, North Adelaide
-------------------	--

The application be deferred to allow the applicant an opportunity to amend the application to address concerns raised regarding building height, scale, site coverage. Further, that a civil site works plan be provided detailing stormwater disposal.

**LOST**

P7154 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\1181\16, by Mr B Gregg, 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 3 months from the date substantial completion of the dwelling and maintained in good health and condition at all times to the reasonable satisfaction of Council.

#### **Reason:**

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

#### **Reserved Matters**

1. That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed plans for the following reserved matter requiring further assessment by the City of Burnside, prior to seeking an assessment against the Building Code:
  - 1.1 The applicant shall supply a detailed civil site works plan (including contour levels, spot levels, excavation levels and finished floor levels) that demonstrates the total building height above natural ground level at all points across the site.
  - 1.2 The applicant shall supply a detailed stormwater management plan to detail stormwater catchment on-site stormwater to the reasonable satisfaction of Council's Principal Civil Engineer.

#### **Reserved Conditions**

1. Pursuant to Section 33(1) of the *Development Act 1993* the Development Assessment Panel 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.

**Engineering Advisory Notes:***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:
  - The development utilises permeable paving for the proposed external paving work within the development site.

**Open Space Advisory Notes:***Street Trees*

- Minimum distances of 2 metres from the street tree to the west of the proposed crossover and 3.5 metres from the street tree to the east of the proposed crossover, are to be maintained from the closest point of the trenching to the adjacent street tree.
- The applicant will be liable for any damage to the street trees as direct or indirect result of development. Cost of any remedial works will be determined at the discretion of Council and borne by the applicant.
- For the duration of the on-site construction works the road reserve / verge is to remain protected in accordance with figure 3 of AS4970-2009 Protection of Trees on Development Sites. No excavation, construction activity, grade changes, surface treatment, vehicle access or storage of materials is permitted within the road reserve.
- Soft dig (hand digging / hydro-vac) methods must be used for the formation of the underground services that encroach within the Tree Protection Zones as defined by AS 4970-2009 Protection of Trees on Development Sites.
- Any works that are proposed, by the applicant, within 3 metres of the street tree 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 Council's 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.

**CARRIED****6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD****(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (NO HEARING)**

<b>Report Number:</b>	<b>5716.2</b>
<b>Page:</b>	<b>64</b>
Application Number:	180\0247\17
Applicant:	P D Vial and K L Rosenzweig
Location:	42 Old Norton Summit Road, Skye
Proposal:	Construction of 2m high (max) boundary retaining wall including 1m high fence on top, storage shed and earthworks exceeding 9 cubic metres
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Approval be granted

P7155 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\0247\17, by P D Vial and K L Rosenzweig, 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.

**CARRIED**

#### (B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

#### (C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

<b>Report Number:</b>	<b>5716.3</b>
<b>Page:</b>	<b>80</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:	That the CEO be advised to not accept the compromise

P7156 It was the consensus of the Development Assessment Panel that report number 5716.3 be considered during Item 10 on the Agenda "Confidential Matters" as it was the subject of appeal proceedings before the Environment Resource and Development Court.

**CARRIED**

<b>Report Number:</b>	<b>5716.4</b>
<b>Page:</b>	<b>127</b>
Application Number:	180\1153\16
Applicant:	G J Ambrose-Pearce
Location:	27 Davenport Terrace, Hazelwood Park
Proposal:	Construction of two-storey detached dwelling including cellar, store, carport, verandahs, swimming pool, balconies and fencing
Recommendation:	Development Plan Consent be granted

Peter Cornish declared a conflict of interest in this matter as he knew one of the representors and left the meeting which previously considered this item. He subsequently vacated his chair and left the meeting at 7.27pm during the discussion of this matter.

P7157 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\1153\16, by G J Ambrose-Pearce, 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 maintained in good health and condition at all times to the reasonable satisfaction of Council.

The establishment of all landscaping shall be undertaken within three 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 privacy and amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

3. The landscape screening as depicted on the stamped and approved plans granted Development Plan Consent shall be planted 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.

4. All tree protection measures concerning the regulated Willow Myrtle within the front yard of the neighbouring property at 29 Davenport Terrace as outlined in the arborist report prepared by Gary Moran of Arborman Tree Solutions dated 27 September 2016 shall be undertaken and adhered to at all times during construction of the development.

**Reason:**

To ensure that no adverse impacts result to the regulated tree on adjoining land.

Peter Cornish returned to the meeting at 7:40pm.

**CARRIED**

<b>Report Number:</b>	<b>5716.5</b>
<b>Page:</b>	<b>210</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:	The Panel determines to advise the Chief Executive Officer that the compromise should be accepted

- P7158 It was the consensus of the Development Assessment Panel that report number 5716.5 be considered during Item 10 on the Agenda "Confidential Matters" as it was the subject of appeal proceedings before the Environment Resource and Development Court.

**CARRIED**

<b>Report Number:</b>	<b>5716.6</b>
<b>Page:</b>	<b>345</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

- P7159 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\0977\16, by N Qi, 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 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.

3. 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.

4. The approved works may not commence until such time as the applicant has secured written authorisation for the construction and/or alterations of the proposed driveway crossovers 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:*

- The existing redundant driveway/gutter crossings 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 width of 6 metres must be maintained between all driveway crossovers to ensure that on-street car parking remains in front of the properties.
- A minimum distance of 3 metres shall be maintained from the closest point of the driveway to the adjacent street trees.
- The existing sections of driveway crossovers that are to be demolished are to be reinstated as per the existing and adjacent road reserve / verge.
- The new driveway crossovers are to be formed using pervious paving to ensure continued filtration into the road reserve.
- 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.
- Excess stormwater runoff from the roof catchment shall be connected to the Council's main underground drainage system. Required permits from the Council are to be obtained prior to undertaking the connection to the main drainage pipe.
- A minimum distance of 3 metres is to be maintained from the closest point of the trenching to the adjacent street tree.
- The applicant will be liable for any damage to the street trees as direct or indirect result of development. Cost of any remedial works will be determined at the discretion of Council and borne by the applicant.
- For the duration of the on-site construction works the road reserve / verge is to remain protected in accordance with figure 3 of AS4970-2009 Protection of Trees on Development Sites. No excavation, construction activity, grade changes, surface treatment, vehicle access or storage of materials is permitted within the road reserve.
- Soft dig (hand digging / hydro-vac) methods must be used for the formation of the underground services that encroach within the Tree Protection Zones as defined by AS 4970-2009 Protection of Trees on Development Sites.
- Any works that are proposed, by the applicant, within 3 metres of the street tree 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.

**CARRIED**



**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**

P7160 It was the consensus of the Development Assessment Panel, that, pursuant to Section 56A(12)(a)(ix) 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 02 May 2017 (with the exception of members of Council staff who are hereby permitted to remain) to enable the Panel to receive, discuss or consider information relating to actual litigation in report 5716.3 and report 5716.5.

**CARRIED****10 CONFIDENTIAL MATTERS**

The Meeting went into confidence at 8:11pm.

<b>Report Number:</b>	<b>5716.3</b>
<b>Page:</b>	<b>80</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:	<i>Confidential</i>

P7161 *Confidential resolution provided to the Council Chief Executive Officer for determination.*

**CARRIED**

<b>Report Number:</b>	<b>5716.5</b>
<b>Page:</b>	<b>210</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:	<i>Confidential</i>

P7162 *Confidential resolution provided to the Council Chief Executive Officer for determination.*

**CARRIED**

P7163 It was the consensus of the Development Assessment Panel, that, the minutes relating to the report 5716.3 and 5716.5 remain in confidence until such time that each matter is considered and determined by the Council Chief Executive Officer.

**CARRIED**

The Meeting came out of confidence at 8:41pm.

**Closure**

Meeting closed at 8:41pm.

**CONFIRMED THIS ..... DAY ..... 2017**

.....  
Presiding Member