MINUTES

OF THE

COUNCIL ASSESSMENT PANEL

HELD ON

THURSDAY 7 NOVEMBER 2019
COUNCIL ASSESSMENT PANEL

MINUTES 7 NOVEMBER 2019

MINUTES OF A MEETING OF THE COUNCIL ASSESSMENT PANEL HELD IN COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 7 NOVEMBER 2019 AT 6:30PM.

MEMBERSHIP: David Billington (Presiding Member), Steve Hooper, Michael Osborn AND Rebecca Rutschack

CR: Andrew Tilley  CR: Yvonne Todd (Deputy for Cr Tilley)

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TIM PRIDE
ACTING ASSESSMENT MANAGER
1. **PRESENT**
   
   David Billington (Presiding Member)
   Steve Hooper
   Michael Osborn
   Rebecca Rutschack
   Yvonne Todd – as Deputy for Cr Tilley

2. **APOLOGIES**
   
   Andrew Tilley

3. **ABSENT**
   
   Nil

4. **CONFIRMATION OF MINUTES**
   
   RECOMMENDATION
   
   That the Minutes of the Council Assessment Panel Meeting held on 3 October 2019 be confirmed.
   
   CARRIED

5. **DISCLOSURE OF PECUNIARY INTERESTS**
   
   Nil

6. **DISCLOSURE OF INTERESTS**
   
   Nil
7. CATEGORY 3 NOTIFIED APPLICATIONS

7.1 76 HIGHLAND DRIVE BELLEVUE HEIGHTS

<table>
<thead>
<tr>
<th>Author:</th>
<th>Sean Elliott</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Dwelling Alterations &amp; Additions (Teenagers Retreat), Above Ground Swimming Pool, Safety Barrier, Raised Deck Incorporating Timber Slat Privacy Screen, Stairs, Balustrade &amp; Associated Earthworks</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/0429/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>06/05/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms A Rodger &amp; Mr J B Todd</td>
</tr>
<tr>
<td>Applicant:</td>
<td>James Beattie Todd</td>
</tr>
<tr>
<td>Location:</td>
<td>76 Highland Drive BELLEVUE HEIGHTS SA 5050</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Hills) Zone [Mit/18]</td>
</tr>
<tr>
<td>Application type:</td>
<td>Merit</td>
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<tr>
<td>Public Notification Category:</td>
<td>Category 3</td>
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<tr>
<td>Representations Received:</td>
<td>1</td>
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<tr>
<td>Internal Referrals:</td>
<td>Nil</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>CFS</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>CAP – Category 3 application where a representor wishes to be heard by the Council.</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

Representors

Pieter Herbold of 78 Highland Drive Bellevue Heights, was called but was not present.

Applicant / Owner

James Todd, ADDRESSED/ANSWERED QUESTIONS OF THE PANEL CONCERNING THIS MATTER

MOTION: That pursuant to the authority delegated to the Council Assessment Panel by the Council, the Council Assessment Panel:

1. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and

2. GRANTS Development Plan Consent to the application by James Beattie Todd for Dwelling Alterations & Additions (Teenagers Retreat), Above Ground Swimming Pool, Safety Barrier, Raised Deck Incorporating Timber Slat Privacy Screen, Stairs & Balustrade at 76 Highland Drive BELLEVUE HEIGHTS SA 5050, as detailed in Development Application No. 080/0429/19 subject to the following conditions and advisory notes:

Development Plan consent Conditions:
1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 080/1577/18 and more specifically the following plans;

- Site Plan – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 01 – Revision A – 06/04/19
- Ground Floor Plan – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 01 – Revision B – 06/04/19
- Upper Floor Plan & Front Elevation – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 02 – Revision B – 06/04/19
- Elevations – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 03 – Revision B – 06/04/19
- North-Western Elevation Section Plan depicting area of cut
- Email from James Todd – detailing level of cut and fill – Sent 6 August 2019
- Email from James Todd – detailing vegetation – Sent 7 June 2019

Except where varied by any condition(s) listed below:

Reason:  To ensure the proposal is established in accordance with the plans and details submitted

Conditions Pursuant to Section 33 1(c) as directed by the Country Fire Service (CFS)

2. ACCESS TO HABITABLE BUILDING

SA CFS notes the proposed development is sited less than 30 metres from the public road.

Reason:  Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.3.1 describes the mandatory provision for ‘Private’ roads and driveways to buildings shall provide safe and convenient access/egress for large Bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

WATER SUPPLY

Where a water storage facility is required to have a fire authority fitting, the following will apply:-

- Water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed habitable building. Stand alone tanks shall be identified with the signage ‘WATER FOR FIRE FIGHTING’ and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21
tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

**Reason:** Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

**VEGETATION**

A vegetation management zone (VMZ) shall be maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:

i. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
ii. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
iii. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
iv. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
v. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
vi. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.

vii. The VMZ shall be maintained to be free of accumulated dead vegetation during the fire danger season.

**Reason:** Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

**Notes**

Council advises that in accordance with the Environment Protection (Noise) Policy 2007 it is the owner/occupier’s responsibility to ensure that the pool equipment does not emit noise levels greater than 45dB(A) between 10pm and 7am the next day, or greater than 52 dB(A) between 7am to 10 pm, when measured at the receivers.

CARRIED
8. CATEGORY 2 NOTIFIED APPLICATIONS

8.1 200 BELAIR ROAD, HAWTHORN

<table>
<thead>
<tr>
<th>Author:</th>
<th>Brendan Fewster</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Change of use from office/training centre to fitness studio (gym)</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/1025/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>9 September 2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Belhaw Pty Ltd</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Efm Health Clubs</td>
</tr>
<tr>
<td>Location:</td>
<td>200 Belair Road HAWTHORN SA 5062</td>
</tr>
<tr>
<td>Zone:</td>
<td>District Centre [Mit/5]</td>
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<td>Application type:</td>
<td>Merit</td>
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<td>Public Notification Category:</td>
<td>Category 2</td>
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<td>Representations Received:</td>
<td>Yes - Four (4)</td>
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<td>Internal Referrals:</td>
<td>N/A</td>
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<td>External Referrals:</td>
<td>N/A</td>
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<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
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<tr>
<td>Delegation:</td>
<td>CAP – Category 2 application where a representor wishes to be heard</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

Representors

Nigel Uren of Aldi Foods Belair Road Hawthorn, *called but was not present.*

Steve Cox of Orange Theory Fitness, 202 Belair Road Hawthorn, *called but was not present.*

Applicant

Peter Rohde of EFM Health Clubs, *was not required to answer any questions of the panel*

ADDRESSED/ANSWERED QUESTIONS OF THE PANEL CONCERNING THIS MATTER

Owner

Belhaw Pty Ltd, ADDRESSED/ANSWERED QUESTIONS OF THE PANEL CONCERNING THIS MATTER

MOTION: That pursuant to the authority delegated to the Council Assessment Panel by the Council, the Council Assessment Panel:

1. Determines that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and

2. Grants Development Plan Consent to the application by EFM Health Clubs for a change of use from office and training centre to fitness studio (gym) at 200 Belair Road, Hawthorne as detailed in Development Application No. 080/11025/2019 subject to the following conditions:

Development Plan consent Conditions:
1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 080/1025/2019 except where varied by any condition(s) listed below:

   Reason:  *To ensure the proposal is developed in accordance with the plans and details submitted.*

2. The operation of the fitness studio shall be between the following times:

   - 6.00am and 7.30pm Monday to Friday; and
   - 7.00am and 4.00pm on Saturday and Public Holidays

   Reason:  *To ensure minimal disturbance to surrounding properties.*

   CARRIED
9. DEFERRED ITEMS (FROM PREVIOUS MEETING)

Nil
10. CATEGORY 1 APPLICATIONS

10.1 15 ADEY ROAD BLACKWOOD

<table>
<thead>
<tr>
<th>Author:</th>
<th>Bethany Andretzke</th>
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<tbody>
<tr>
<td>Development Number:</td>
<td>080/1093/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>19/09/2019</td>
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<tr>
<td>Owner:</td>
<td>J Atkinson &amp; C E M Atkinson</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Jason Atkinson</td>
</tr>
<tr>
<td>Location:</td>
<td>15 Adey Road BLACKWOOD SA  5051</td>
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<tr>
<td>Zone:</td>
<td>Residential (Hills) Zone [Mit/20] Adey Road Historic (Conservation) Policy Area 17 [Mit/36]</td>
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<td>Application type:</td>
<td>Merit</td>
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<td>Public Notification Category:</td>
<td>Category 1</td>
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<td>Representations Received:</td>
<td>Not applicable</td>
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<td>Internal Referrals:</td>
<td>Local Heritage Advisor - Grieve Gillett Anderson</td>
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<td>External Referrals:</td>
<td>None</td>
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<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
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<td>Delegation:</td>
<td>Council Assessment Panel – Application for demolition of a dwelling and construction of a new dwelling in any Historic (Conservation) Policy Area</td>
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<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

MOTION: That pursuant to the authority delegated to the Council Assessment Panel by the Council, the Council Assessment Panel:

1. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and

2. GRANTS Development Plan Consent to the application by J Atkinson to Demolition of Existing Dwelling and Detached Outbuilding & Construction of Single Storey Dwelling, Garage & Verandahs (Staged Development - Stage 1: Demolition of Existing Dwelling and Detached Outbuilding, Stage 2: Construction of Single Storey Dwelling, Garage & Verandahs) at 15 Adey Road, Blackwood, as detailed in Development Application No. 080/1093/19 subject to the following, conditions and advisory notes:

Development Plan consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 080/1093/19

   - Demolition application form – dated 6 September 2019
   - Structural report by P & G Structures Pty Ltd – dated 2 September 2019
   - Site Plan – A101 – Number 3 Planning Drawings – dated 21 October 2019
   - Floor Plan – A102 – Number 2 Planning Drawings Rev. 2 – dated 12 October 2019
• Elevations – A103 – Number 2 Planning Drawings Rev. 2 – dated 12 October 2019
• Demolition Plan – A104 – Number 2 Planning Drawing Rev. 2 – dated 12 October 2019
• Landscaping Plan – A105 – Number 2 Planning Drawings Rev. 2 – 12 October 2019
• 3D Impressions and Colours – A106 – Number 2 Planning Drawings Rev. 2 – 12 October 2019
• Survey Plan – A107 – dated September 2019

Except where varied by any condition(s) listed below:

Reason: To ensure the proposal is developed in accordance with the details and information submitted.

2. All freestanding sides of the alfresco must remain open

Reason: To maintain the visual amenity of the locality

3. The proposed landscaping must be established on site in accordance with the approved plan, prior to the occupation of the dwellings and must be maintained in good conditioned at all times to the reasonable satisfaction of Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of Council.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

4. A dedicated water supply of 2000 litres connected to mains water with an automatic float switch to maintain full capacity, or 5,000 litres independent of reticulated mains supply, must be accessible at all times for fire fighting purposes. Where the water supply is an above ground tank, the tank (including any support structure) must be constructed of non combustible material. The tank must be installed and operational prior to occupation of the dwelling.

Reason: To minimise the risks of damage to life and property in the event of a bushfire

NOTE: The water supply and any other associated fixtures and fittings must comply with the following legislation:

• Building Code of Australia;
• Minister’s Specification SA 78;
• Minister’s Code – Undertaking Development in Bushfire Protection.

5. Stormwater must be disposed in a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

Reason: To provide adequate protection against the possibility of stormwater inundation to neighbouring properties

6. Stormwater connections to the street water table, must be in accordance with Council’s Engineering Detail SD-600, Sheet 19. Pipes through the Council verge area must be constructed of galvanized steel, not PVC. Trench reinstatements beneath the
footpath area must be in accordance with Council’s Engineering Detail SD-600 Sheets 14 B & 15 B.

Reason: To comply with Council policy and to ensure uniformity with stormwater connections from the property boundary to the kerb and gutter

7. Temporary debris and sediment control measures must be installed to ensure debris, soil, soil sediments, and litter are maintained within the construction site. Debris, soil, soil sediments, and litter from the construction site must not enter Council’s drainage system, Council’s road network, or neighbouring properties.

NOTE: Pollution prevention measures must be in accordance with the Environmental Protection Authority’s “Stormwater Pollution Prevention Codes of Practice”;

- For the Community
- For Local, State and Federal Government
- For the Building and Construction Industry

Reason: To inform owners, developers, builders etc of their obligation in regard to the environment and to the appropriate measures of stormwater disposal from building sites

8. Any portion of Council’s infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council’s satisfaction at the developer’s expense.

Reason: To ensure any damage to Council’s infrastructure is reinstated

9. Stormwater from the site must be managed during construction and until the site is stabilised to ensure that it does not cause nuisance to any adjoining property. Temporary drainage must be installed as soon as the roof is constructed.

Reason: To ensure that all necessary measures are undertaken to stabilise all earthworks on site

CARRIED
11. CONFIDENTIAL ITEMS
   Nil

12. APPEALS UPDATE

12.1 APPEALS UPDATE
   17 Hannahford Road – order issued

   25 Chapman Street – Lawyers for the applicant are comparing the proposed development against planning and design code, as well as looking at options for progressing some other development of the site.

13. OTHER BUSINESS
   Nil

14. ASSESSMENT MANAGER REPORT
   Nil

15. STRATEGY AND POLICY CONSIDERATIONS
   Training – panel members invited on 19 November with Elected Members.

   Proposed training session for CAP will be provided to members to comment on the format of the training.

   Cc’ Rommi Martin into emails for CAP items.

16. CLOSE
   There being no further business, the meeting closed at 7:11pm.