

CITY OF



MITCHAM

MINUTES

OF THE

COUNCIL ASSESSMENT PANEL

HELD ON

THURSDAY 7 FEBRUARY 2019



COUNCIL ASSESSMENT PANEL

MINUTES

7 FEBRUARY 2019

MINUTES OF A MEETING OF THE COUNCIL ASSESSMENT PANEL HELD IN THE MAYOR'S PARLOUR, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 7 FEBRUARY 2019 AT 6:30PM.

MEMBERSHIP: *David Billington (Presiding Member), Andreea Caddy, Steve Hooper and Michael Osborn*

CR: *Andrew Tilley* **CR:** *Yvonne Todd*

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**COUNCIL ASSESSMENT PANEL****MINUTES****7 FEBRUARY 2019**

1. PRESENT

David Billington (Presiding Member)
Steve Hooper
Michael Osborn
Cr Andrew Tilley
Cr Yvonne Todd – as deputy for Cr Andrew Tilley

2. APOLOGIES

Andreea Caddy

3. ABSENT

Andreea Caddy

4. CONFIRMATION OF MINUTES

The Minutes of the Council Assessment Panel Meeting held on 6 December 2018 are confirmed.

CARRIED

5. DISCLOSURE OF PECUNIARY INTERESTS

Nil

6. DISCLOSURE OF INTERESTS

Michael Osborn declared a conflict of interest for Item 7.1 as an employee of the surveying company employed by the applicant and therefore, absented himself from deliberation and voting for this item.

Cr Andrew Tilley declared a conflict of interest for Item 8.2 as he was personally known to one of the representors and therefore, absented himself from deliberation and voting for this item.



7. CATEGORY 3 NOTIFIED APPLICATIONS

7.1 57 TOBRUK AVENUE, ST MARYS

Author:	Tim Pride
Proposal:	Divide Land to Create One Additional Allotment (1:2) & Construction of a Pair of Semi-Detached Dwellings (NON-COMPLYING)
Development Number:	080/0595/18
Date of Lodgement:	11 April 2018
Owner:	Ms M Zhong & Ms X Huang
Applicant:	Xiaoli Huang Mengxian Zhong
Location:	57 Tobruk Avenue ST MARYS SA 5042
Zone:	Residential (Central Plains) Zone Policy Area 10
Application type:	Non Complying
Public Notification Category:	Category 3
Representations Received:	1
Internal Referrals:	Nil
External Referrals:	Nil
Development Plan:	20 February 2018
Delegation:	Council Assessment Panel – Non-Complying application
Recommendation:	To Grant Development Plan Consent and Land Division Approval subject to conditions

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. Subject to the concurrence of the State Commission Assessment Panel (SCAP), GRANTS Development Plan Consent to the application by Xiaoli Huang & Mengxian Zhong to Divide Land Creating One Additional Allotment (1:2) & Construction of a Pair of Semi-Detached Dwellings (NON-COMPLYING) at 57 Tobruk Avenue, St Marys, as detailed in Development Application No. 080/0595/18 and 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. 080/0595/18 and more specifically the following plans:
 - Plan of Division – Fyfe Surveyors & Engineers – Amended 25/01/19
 - Engineer Site Plan – SAF Consulting Engineers – Drawing No. C1/C 1803016 – May 18
 - Dwelling Plans – Statesman Homes – File Ref. No. 2254 – Job No. 26796 Sheets 1 & 2 -- 3/04/18



- Dwelling Plans – Statesman Homes – File Ref. No. 2254 – Job No. 26795 – Sheets 1 & 2 – 3/04/18

except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is developed in accordance with approved plans.

2. Services to the site and within the subject site must be placed underground.

Reason: To enhance the amenity of the locality.

3. The new residential driveway crossovers must be constructed in accordance with Council's Engineering detail **SD-600, Sheets 8, 9 & 10.**

Reason: To comply with Council standard invert/crossover construction specifications for residential driveways.

4. Any existing driveway crossovers that become redundant as a result of the development must be reinstated to match the existing kerb profile along the road frontage of the property.

Reason: To ensure uniformity of kerbing within the street as well as providing protection to pedestrian users etc.

5. 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.

CONDITIONS IMPOSED UNDER SECTION 33(1)(C) OF THE DEVELOPMENT ACT 1993 – DIVISION OF LAND

The following requirements are to be satisfied within three (3) years of the operative date of the Development Approval or any extension thereof which Council may grant.

Council Requirements:

Nil

State Commission Assessment Panel Requirements:

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.



On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

CARRIED



7.2 2-5 EAGLE ROAD, LEAWOOD GARDENS

Author:	Bethany Andretzke
Proposal:	Two-Storey Detached Dwelling with Under-croft Parking
Development Number:	080/1571/18
Date of Lodgement:	05/12/2018
Owner:	Ms N Lavender
Applicant:	James Michael Homes
Location:	2-5 Eagle Road LEAWOOD GARDENS SA 5150
Zone:	Hills Face Zone
Application type:	Non Complying
Public Notification Category:	Category 3
Representations Received:	Nil
Internal Referrals:	Nil
External Referrals:	CFS
Development Plan:	Consolidated 20 February 2018
Delegation:	CAP - Non-complying applications
Recommendation:	To Grant Development Plan Consent subject to SCAP concurrence

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. Subject to the concurrence of the State Commission Assessment Panel (SCAP), GRANTS Development Plan Consent to the application by James Michael Homes to Construct a Two-Storey Detached Dwelling with Undercroft Parking at 2-5 Eagle Road, Leawood Gardens, as detailed in Development Application No. 080/1571/18 and subject to the following reserved matters and conditions:

Pursuant to Section 33(3) of the Development Act, 1993, the Council Assessment Panel RERSERVES its decision in relation to the following matters, and AUTHORISES the Development Assessment Manager to determine whether consent should be granted in respect of each matter:

1. Siteworks and drainage (a detailed engineering plan will be required)

Reserved conditions Pursuant to Section 42(1) of the Development Act, 1993:

The Council Assessment Panel reserves its decision on the form and substance of any further conditions for the Development Plan Consent that it considers appropriate to impose in respect of the reserved matter(s) outline above, and this is to be authorised to the Manager Development Services.



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. 080/1571/18 and more specifically the following plans:

- Locality Plan – James Michael Homes – 27/11/18
- Site Plan – James Michael Homes – 27/11/18
- Landscaping Plan – James Michael Homes – 27/11/18
- Roof Layout – James Michael Homes – 27/11/18
- Ground Floor Plan – James Michael Homes – 27/11/18
- FL Upper – James Michael Homes – 27/11/18
- FL Undercroft – James Michael Homes – 27/11/18
- D Elevation / A Elevation – James Michael Homes – 27/11/18
- B Elevation / C Elevation – James Michael Homes – 27/11/18
- Lower Flooring Plan – James Michael Homes – 27/11/18
- Upper Flooring Plan – James Michael Homes – 27/11/18
- Undercroft Flooring Plan – James Michael Homes – 27/11/18
- Section Y – James Michael Homes – 27/11/18
- Heynen Planning Consultants Statement of Effect

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

Reason: To ensure the proposal is developed in accordance with the approved plans

(2) The landscaping must be established within 12 months from occupation of the herein approved dwelling, and the landscaping shall be maintained in good condition at all times, with the replacement of any landscaping that dies or becomes seriously diseased.

Reason: To ensure the amenity of the locality is maintained.

(3) All scarring or physical disturbances of the land during any excavation work must be restricted to only that which is shown on the approved plan and only as required for building work and/or access purposes. All exposed excavations and fill must be covered with top soil and planted with ground cover which will screen the changed land forms and prevent erosion within 6 months of the excavation work taking place.

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

(4) The erosion control measures must be maintained throughout the progress of the work.

Reason: To protect the natural environment and minimise erosion



- (5) Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.

Reason: To protect the natural environment and minimise erosion

- (6) Retaining walls necessary for retention of earthworks associated with foundations for the development are required to be constructed prior to or concurrently with the earthworks.

Reason: To minimise soil erosion and ensure compaction of foundations

- (7) Stormwater must be disposed of in such a manner that it 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

- (8) 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

- (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



(10) ACCESS TO HABITABLE BUILDING

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.

SA CFS has no objection to the proposed access driveway as detailed on drawing named Landscaping Plan dated at last revision 27.11.2018, with the following conditions:-

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres
- The 'T' shaped turning area, (utilising the public road) shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

(11) ACCESS (TO DEDICATED WATER SUPPLY)

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway.

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Landscaping Plan dated at last revision 27.11, providing the outlet is positioned to comply with the following conditions:

- 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.
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:
- The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.
- The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

(12) WATER SUPPLY

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.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.



- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter of the pump inlet.
- 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.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

(13) VEGETATION

Minister's Code 20019 "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.



- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. 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).
 - viii. 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.
 - ix. The VMX shall be maintained to be free of accumulated dead vegetation.

Compliance with the fire protection requirements is not a guarantee the habitable building will not burn, but its intent is to provide a ‘*measure of protection*’ from the approach, impact and passing of a bushfire.

CARRIED



8. CATEGORY 2 NOTIFIED APPLICATIONS

8.1 2 HARVEY AVENUE, WESTBOURNE PARK

Author:	Sean Elliott
Proposal:	Two 2-Storey Semi-Detached Dwellings, Garage, Carport & Verandahs
Development Number:	080/0835/18
Date of Lodgement:	28/06/2018
Owner:	Atkins Building Group Pty Ltd
Applicant:	Atkins Building Group Pty Ltd
Location:	2 Harvey Avenue WESTBOURNE PARK SA 5041
Zone:	Residential (Central Plains) / Policy Area 9
Application type:	Merit
Public Notification Category:	Category 2
Representations Received:	Yes - 5
Internal Referrals:	Nil
External Referrals:	Nil
Development Plan:	20 February 2018
Delegation:	Council Assessment Panel – ‘Any Category 2 or 3 application where a representor wishes to be heard by the Council’.
Recommendation:	To Grant Development Plan Consent subject to conditions

Representors

MR H VAN DEN IJSSEL OF 7 HARVEY AVENUE WESTBOURNE PARK (REPRESENTOR) ADDRESSED THE PANEL CONCERNING THIS ITEM

MR H PRICE & MS P TILBURGS OF 1 HARVEY AVENUE WESTBOURNE PARK (REPRESENTOR) ADDRESSED THE PANEL CONCERNING THIS ITEM

MR E VERHAGE OF 5 HARVEY AVENUE WESTBOURNE PARK (REPRESENTOR) ADDRESSED THE PANEL CONCERNING THIS ITEM

MR D METALLINOS OF 3 HARVEY AVENUE WESTBOURNE PARK (REPRESENTOR) ADDRESSED THE PANEL CONCERNING THIS ITEM

Applicant/Owner

MR G JENKINS ON BEHALF OF ATKINS BUILDING GROUP PTY LTD (ADDRESSED THE PANEL / 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. DEFERS FURTHER CONSIDERATION of this application in order to permit the applicant to consider the Council Assessment Panel's feedback, in particular:
 1. The presentation of the western elevation of Residence B;
 2. The presentation of the eastern elevation of Residence A, in both cases particularly focusing on the upper storey;
 3. The energy efficiency of west facing windows;
 4. Compliance with Figure R/1;
 5. Site coverage, particularly impervious coverage

CARRIED

CR ANDREW TILLEY LEFT THE MEETING AT 7:44PM
CR YVONNE TODD JOINED THE MEETING AT 7:44PM



8.2 14 VERCO AVENUE LOWER MITCHAM

Author:	Bethany Andretzke
Proposal:	Domestic Outbuilding (Shed), Front Fence, Swimming Pool & Safety Barrier
Development Number:	080/1319/18
Date of Lodgement:	09/10/2018
Owner:	Mr T M Ulmer & Mrs K R Ulmer
Applicant:	Heritage Building Group
Location:	14 Verco Avenue LOWER MITCHAM SA 5062
Zone:	Residential (Central Plains) Zone Policy Area 8
Application type:	Merit
Public Notification Category:	Category 2
Representations Received:	2 – 1 in support / 1 support with concerns and wishes to be heard
Internal Referrals:	Nil
External Referrals:	Nil
Development Plan:	Consolidated 20 February 2018
Delegation:	Council Assessment Panel – ‘Any Category 2 or 3 application where a representor wishes to be heard by the Council’.
Recommendation:	To Grant Development Plan Consent subject conditions

MRS C & MR R HEITMANN OF 4 SPRUCE CRESCENT, LOWER MITCHAM (REPRESENTOR) ADDRESSED THE PANEL CONCERNING THIS ITEM

Owner

MR T M ULMER ADDRESSED THE PANEL / ANSWERED QUESTIONS OF THE PANEL CONCERNING THIS ITEM

**MEETING ADJOURNED AT 8:03PM
MEETING RECONVENED AT 8:10PM**



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 Heritage Building Group to Construct a Domestic Outbuilding (Shed), Front Fence, Swimming Pool and Safety Barrier at 14 Verco Avenue, Lower Mitcham, as detailed in Development Application No. 080/1319/18 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. 080/1319/18 and more specifically the following plans:
 - Proposed site/floor plan – Abela Design and Drafting – Project number 1468/12/17 – Dated 09/08/18
 - Elevations – Abela Design and Drafting – Project number 1468/12/17 – Dated 09/08/18

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

Reason: To ensure the proposal is developed in accordance with the approved plans

2. 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

3. Stormwater must be disposed of in such a manner that it 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



4. 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

5. In accordance with the verbal modification advised by the applicant, the shed shall be re-sited approximately 150mm west, in order to allow for the common boundary fence with number 4 Spruce Crescent to be retained (limited to the north/south section of the said fence).
6. The exterior finish of the eastern elevation of the shed shall be such colour nominated in writing by the occupiers of 4 Spruce Crescent, selected from the standard colorbond range.

Development Plan consent Notes:

1. Council advises that in accordance with the Environment Protection (Noise) Policy 2007 it is the owner/occupiers 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

**CR YVONNE TODD LEFT THE MEETING AT 8:16PM
CR ANDREW TILLEY JOINED THE MEETING AT 8:16PM**



9. DEFERRED ITEMS (FROM PREVIOUS MEETING)

9.1 20 STRATHCONA AVENUE CLAPHAM

Author:	Sean Elliott
Proposal:	Two Storey Alterations & Additions and Demolition of Existing Garage
Development Number:	080/1222/18
Date of Lodgement:	14/09/2018
Owner:	Mr P B Hounsell & Mrs G Hounsell
Applicant:	Peter & Gale Hounsell
Location:	20 Strathcona Avenue CLAPHAM SA 5062
Zone:	Residential (Central Plains) Zone - Policy Area 8
Application type:	Merit
Public Notification Category:	Category 2
Representations Received:	Yes - 2
Internal Referrals:	Yes – Engineering
External Referrals:	Nil
Development Plan:	Consolidated 20 February 2018
Delegation:	Council Assessment Panel – <i>‘Any Category 2 or 3 application where a representor wishes to be heard by the Council’.</i>
Recommendation:	To Grant Development Plan Consent subject to conditions

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 Mr P B Hounsell to Construct Two Storey Alterations & Additions and Demolition of Existing Garage at 20 Strathcona Avenue Clapham SA 5062, as detailed in Development Application No. 080/1222/18 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. 080/1222/18 and more specifically the following plans:
 - Survey Plan - Jeans & Sommerville Surveyors Pty Ltd – Ref no. VR3 – 21 April 2011
 - Site Plan – Peter Hounsell – Drawing No. WD 01 Rev 1
 - Elevations and Floor Plans - Peter Hounsell – Drawing No. WD03 Rev A
 - Colour Elevation – Peter Hounsell – Drawing No. WD 05

Except where varied by any conditions listed below



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

2. All upper-storey windows other than street elevation(s) must comprise of fixed translucent glazing or fixed shutters to a minimum height of not less than 1.7m from the finished floor level.

Reason: To minimise the impact on privacy to the residents of adjacent dwellings

3. Stormwater must be disposed of in such a manner that it 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

4. 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

5. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure.

NOTE: The applicant is reminded that earthworks must not encroach across neighbouring property boundaries.

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

6. An 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



7. 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



10. CATEGORY 1 APPLICATIONS

10.1 16 PRINCE GEORGE PARADE COLONEL LIGHT GARDENS

Author:	Bethany Andretzke
Proposal:	Solar Panels
Development Number:	080/1276/18
Date of Lodgement:	26/09/2018
Owner:	Mr J J Fox
Applicant:	Jonathon James Fox
Location:	16 Prince George Parade COLONEL LIGHT GARDENS SA 5041
Zone:	State Heritage Area (Colonel Light Gardens)
Application type:	Merit
Public Notification Category:	Category 1
Representations Received:	N/A
Internal Referrals:	Nil
External Referrals:	Heritage SA
Development Plan:	Consolidated 20 February 2018
Delegation:	Applications recommended for refusal
Recommendation:	To Refuse Development Plan Consent

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 seriously at variance with the policies in the City of Mitcham Development Plan; and
2. REFUSES Development Plan Consent to the application by Mr Jonathon Fox to Install Solar Panels at 16 Prince George Parade, Colonel Light Gardens as detailed in Application No. 080/1276/18 on the following grounds:
 - i. The proposed development is considered to diminish the heritage significance of the existing State Heritage place
 - ii. Visibility from the street has detrimental impacts on the significant State Heritage streetscape
 - iii. Does not conserve or reinforce the heritage value and integrity of the State Heritage place

Development Plan Policies

Council Wide:

Principles of Development Control:

- PDC 180: In that the development is not compatible with the heritage value of the place



State Heritage Area (Colonel Light Gardens) Zone:

Objectives:

- Objective 1: In that the development does not conserve or reinforce the heritage value and integrity of the *garden suburb* design

Principles of Development Control:

- PDC 4: In the fact that the new development does not retain the heritage value
- PDC 5: The fact that the development is directly visible from the street

CARRIED



11. CONFIDENTIAL ITEMS

Nil

12. APPEALS UPDATE

12.1 PENDING APPEALS UPDATE AS AT 29 JANUARY 2019

MOTION: The Council Assessment Panel orders the public excluded, with the exception of Council staff, on the basis it will consider a matter of information relating to one or more of the following:

- a) Information the disclosure of which could reasonably be expected to prejudice the maintenance of law or the right to a fair trial;
- b) A matter that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence or other legal obligation or duty;
- c) Legal advice; and/or
- d) Information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place.
- e) The disclosure of such information could compromise Council's position in the matter.

Accordingly, the Council Assessment Panel is satisfied that the desire to conduct the meeting in a place open to the public is on the occasion outweighed by the need to keep the information and discussion confidential.

The Council Assessment Panel order the minutes be kept in confidence until such time that a decision on the matter has been made by the Environment, Resources and Development Court.

The agenda be made public, but reports, plans, and other documentation received by the Council Assessment Panel shall remain in confidence until such time that a decision on the matter has been made by the Environment, Resources and Development Court.

CARRIED

THE GALLERY LEFT THE MEETING SO CONFIDENTIAL MATTERS COULD BE DISCUSSED

THE MEETING MOVED INTO CONFIDENCE SO CONFIDENTIAL MATTERS COULD BE DISCUSSED

The report was received for information only

FOLLOWING DISCUSSION OF CONFIDENTIAL MATTERS, THE MEETING MOVED OUT OF CONFIDENCE



13. OTHER BUSINESS

Nil

14. ASSESSMENT MANAGER REPORT

Nil

15. STRATEGY AND POLICY CONSIDERATIONS

Nil

16. CLOSE

There being no further business, the meeting closed at 8:35pm