

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 16 July 2019  
at 7.00pm in the Civic Centre, Unley**

**ACKNOWLEDGEMENT**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

**PRESENT:** Ms Shanti Ditter (Presiding Member),  
Mrs Jennie Boisvert  
Mr Rufus Salaman

**APOLOGIES:** Mr Roger Freeman  
Mr Brenton Burman  
Mr Alexander (Sandy) Wilkinson

**OFFICERS PRESENT:** Mr Paul Weymouth, Assessment Manager  
Mr Andrew Raeburn, Acting Team Leader Planning  
Mrs Amy Barrat, Acting Senior Planning  
Ms Lily Francis, Development Administration Officer

**CONFLICT OF INTEREST:**

Nil

**CONFIRMATION OF MINUTES:**

MOVED: Rufus Salaman                      SECONDED: Jennie Boisvert

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 June 2019, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/970/2018/C2 – 145 KING WILLIAM ROAD, UNLEY 5061 (UNLEY)**

Mr David Weber on behalf of Anastasia Michos and Mr David Hutchison on behalf of Ruzen Baranikova spoke against the above-mentioned application. Mr Phil Brunning spoke on behalf of the applicant.

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/970/2018/C2 at 145 King William Road, Unley 5061 to 'Construct a new single storey building with verandah for consulting rooms', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That appropriate measures shall be taken to control any likely adverse impact on the amenity of the locality due to any noise nuisance, traffic hazard or otherwise.
3. The hours of operation of the Consulting Rooms shall not exceed the following period:
  - 8:45am to 5:00pm Monday to Friday.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
5. In lieu of providing the required car spaces on the site of the proposed development the applicant shall, prior to the issue of development approval, and pursuant to section 50A of the Development Act, make a contribution of \$30,000 to the City of Unley car parking fund.
6. That details and location of on-site waste disposal facilities and methods, including times of waste collection, be submitted for the approval of Council prior to the issue of Development Approval. Further, that the approved facilities be installed and operative prior to the occupation of the building.
7. The development herein approved includes works, buildings, structures, areas, or landscaping, or portions thereof, which are located under, on, or over a road, reserve, or other land, owned by a public authority such as the council. Those works, buildings, structures, areas, landscaping, or portions thereof, which are so located must be maintained in a good, safe, and sound condition at all times to the reasonable satisfaction of the public authority which owns that land.

## NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- **NOTE:** The proposed development in whole or in part encroaches upon a public place. The development cannot be lawfully undertaken, unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required and **an annual fee payable to Council** in order to deal with the encroachment in a satisfactory manner. In the case of encroachments over other public places owned by the Council, contact the Council for further information.

**CARRIED UNANIMOUSLY**

### **ITEM 2**

#### **DEVELOPMENT APPLICATION – 090/233/2019/C2 – 17 OXFORD STREET, HYDE PARK 5061 (UNLEY PARK)**

MOVED: Jennis Boisvert

SECONDED: Rufus Salaman

That Development Application 090/233/2019/C2 at 17 Oxford Street, Hyde Park to 'Carry out alterations and construct upper storey additions', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

#### **DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That all external materials and finishes shall be the same as or complementary to the existing dwelling on the site. Cladding and associated external metal hardware shall be pre-colour treated and non-reflective.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. That all upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.

**CARRIED UNANIMOUSLY**

**ITEM 3**

**DEVELOPMENT APPLICATION – 090/699/2016/C2 – 134 CROSS ROAD,  
HIGHGATE 5063 (FULLARTON)**

MOVED: Rufus Salaman

SECONDED: Jennis Boisvert

That Development Application 090/699/2016/C2 at 134 Cross Road, Highgate 5063 to demolish an existing outbuilding and carport, alterations to existing dwelling including in-ground car stacker and construction of new two-storey dwelling at rear including garage and verandah is not seriously at variance with the provisions of the City of Unley Development Plan; and the Council Assessment Panel authorises the Team Leader of Planning to issue Development Plan Consent upon the granting of the land division approval, and subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. Pedestrian sight lines at the common driveway access point shall be in accordance with AS/NZS2890.1:2004 figure 3.3.
5. The shared driveway and internal manoeuvring areas shall be clear of all obstructions including meters, letterboxes, landscaping and visitor parking.
6. A detailed landscape plan, including a plant species schedule, shall be submitted to Council for the planting of suitable trees, shrubs and ground covers on the site between the front of the existing dwelling and the road frontage and along the common driveway. The landscape plan shall be submitted prior to the issue of Development Approval and the landscaping established prior to occupation of the development and maintained in a healthy condition at all times. Any plantings that die or become seriously diseased must be replaced.
7. That all upper floor windows of the dwelling shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills or fixed obscure glass to a minimum height of 1700mm above the floor level with such glazing to be kept in place at all times.

8. All building works and underground services carried out inside the Structural Root Zone (SRZ) and the Tree Protection Zone (TPZ) of the tree shall be carried out using non-destructive/invasive methods (i.e. Hydro-vac or by hand). These works need to be carried out by a suitably qualified arborist or under supervision of a qualified arborist.

Note: If any major tree roots are discovered inside the Tree Protection Zone the Project Arborist is to be contacted immediately to assess the situation.

9. The following building design measures shall be incorporated into the foundations of the dwelling with details to be provided to Council prior to the issue of Development Approval:
  - A Trilink Screw Pile Foundation System with pilot holes to be excavated to a minimum depth of 600mm below the existing soil grade and no narrower than the full diameter of the screw pile blade.
  - A suspended flooring system that includes:
    - A raised platform made of galvanized steel
    - Weight bearing corners
    - Covered by two layers of overlapping 12mm floor sheets manufactured from 4 hour FRL HD MgSO4 board / Alternatively 1 x 20mm sheet TG HD MgSO4 board may be used
10. There shall be no soil level changes within the Tree Protection Zone with the current soil levels to be maintained at all times.
11. The Significant tree shall be watered regularly throughout the development phase. A suitable irrigation system shall be installed prior to commencement of works. The irrigation system shall be covered with a course layer of organic mulch approximately 50–75mm thick.
12. The area of the Tree Protection Zone of the tree shall be protected during the construction process. Temporary fencing is to be erected around the Tree Protection area during construction. A sign should be placed on the fenced TPZ that states: TREE PROTECTION ZONE-NO ENTRY and the fence location must be maintained as set through-out the development until the completion of all works. The fence location cannot be altered without the expressed permission of the Project Arborist and no materials may be stored within the fenced area and there shall be no disposal of any building waste within the zone.
13. Any landscaping works within the area of the Tree Protection Zone shall not adversely affect the tree. A cellular confinement system or similar shall be employed and all works within the area of the TPZ shall be undertaken by hand or using non-destructive methods.
14. All vehicles shall enter and exit Cross Road in a forward direction.
15. The shared access shall provide a full 6 metres width at the property boundary, be extended at this width for at least 6 metres within the site and be suitably flared to the kerbline.
16. The 6 metres x 6 metres shared driveway shall remain clear of any impediments (including utility meters, vegetation, fencing, letterboxes or parked vehicles).

17. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
18. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

**CARRIED UNANIMOUSLY**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/241/2019/C2 – 95-99 KING WILLIAM ROAD, UNLEY SA 5061 (UNLEY)**

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/241/2019/C2 at 95-99 King William Road, Unley SA 5061 to demolish existing buildings, construct two storey building containing two retail tenancies at ground floor and two office tenancies at first floor with associated car parking and landscaping at rear is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

2. The development herein approved includes works, buildings, structures, areas, or landscaping, or portions thereof, which are located under, on, or over a road, reserve, or other land, owned by a public authority such as the council. Those works, buildings, structures, areas, landscaping, or portions thereof, which are so located must be maintained in a good, safe, and sound condition at all times to the reasonable satisfaction of the public authority which owns that land.
3. The car parking areas shall be developed and maintained in accordance with the approved plans at all times to the reasonable satisfaction of Council.
4. Prior to the issue of full Development Approval, a detailed landscaping plan indicating the species and location of proposed trees and shrubs on the site, shall be submitted to and approved by Council. Once approved, the landscaping must be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
5. That all rear upper floor windows on the eastern elevation shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills, permanently fixed non-openable obscure glazed panels or horizontal screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times.
6. The hours of operation of the premises shall not exceed 7.00am to 10.00pm on any day.
7. That no goods, materials or equipment associated with the approved development shall be stored outside of the building or designated storage areas.
8. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
9. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
10. The existing vehicle crossover between the two existing buildings that is no longer required for access shall closed and reinstated to kerb and gutter in accordance with Council requirements prior to occupation of the development.
11. Prior to the issue of full Development Approval, a detailed car parking plan shall be provided demonstrating the location and marking of designated 'visitor' car parking spaces to the satisfaction of Council. The details as approved shall be implemented before the development is occupied.
12. Prior to the issue of full Development Approval, further details shall be provided for the erection of suitable signage on the subject land indicating the provision of car parking to the rear of the site, to the satisfaction of Council. The signage as approved shall be erected before the development is occupied and maintained at all times.

## NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

**NOTE:** The proposed development in whole or in part encroaches upon a public place. No development approval can be obtained, and the development cannot be lawfully undertaken, unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required **and an annual fee payable to Council** in order to deal with the encroachment in a satisfactory manner. In the case of encroachments over other public places owned by the Council, contact the Council for further information.

**CARRIED UNANIMOUSLY**

### **ITEM 5**

#### **DEVELOPMENT APPLICATION – 090/108/2018/C2 – 10 & 12 MARION STREET, UNLEY SA 5061 (PARKSIDE)**

It is to be noted that a site inspection was conducted on the property:

#### **Minutes of onsite inspection held on Monday 15 July 2019 at 10 & 12 Marion Street, Unley.**

MOVED: Jennie Boisvert                      SECONDED: Rufus Salaman

PRESENT: Rufus Salaman, Jennie Boisvert, Shanti Ditter, Sandy Wilkinson, Paul Weymouth and Andrew Raeburn.

APOLOGY: Brenton Burman and Roger Freeman.

5.00pm            Panel Members accompanied by Paul Weymouth and Andrew Raeburn attended a site inspection at 10 & 12 Marion Street, Unley. The Panel members viewed the exterior and interior of the dwelling.

Access to the property was provided by the applicant and property owner Jim Meraklis who was present on site at the time of the inspection.

The site visit concluded at 5:20 pm.

**CARRIED UNANIMOUSLY**

**ITEM 5**

**DEVELOPMENT APPLICATION – 090/108/2018/C2 – 10 & 12 MARION STREET, UNLEY SA 5061 (PARKSIDE)**

Mr J Meraklis, applicant, addressed the panel regarding the above-mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/108/2018/C2 at 10 & 12 Marion Street, Unley 5061 to 'Demolish existing contributory dwellings and other structures', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- It has not been sufficiently demonstrated that the subject building at 10 Marion is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or so compromised or altered that there is no reasonable prospect of its original fabric, and characteristic form and key features being revealed; and is thereby contrary to Residential Historic (Conservation) Zone PDC 6.

**CARRIED UNANIMOUSLY**

**ITEM 6**

**DEVELOPMENT APPLICATION – 090/95/2019/C1 – 5 GRAHAM AVENUE, MILLSWOOD 5034 (CLARENCE PARK)**

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/95/2019/C1 at 5 Graham Avenue, Millswood 5034 to 'Remove significant tree - Eucalyptus camaldulensis (River Red Gum)', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. That the removal of the subject significant tree (Eucalyptus camaldulensis 'River Red Gum') shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. Payment of \$268.50 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).

**CARRIED UNANIMOUSLY**

**ITEM 7**

**CONFIDENTIAL MOTION FOR ITEM 8 - PLANNING APPEAL – ERD COURT ACTION NO ERD-19-99 – 4 Fourth Avenue Everard Park (090/684/2018/C2)**

MOVED: Rufus Salaman

SECONDED: Jennie Boisvert

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
  - Megan Berghuis, General Manager Community
  - Paul Weymouth, Manager Development and Regulatory
  - Andrew Raeburn, Acting Team Leader Planning
  - Amy Barratt, Acting Senior Planning Officer
  - Harry Stryker, Planning Officer
  - Lily Francis, Development Administration Officer

on the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believes on reasonable grounds will take place.

**CARRIED UNANIMOUSLY**

**ITEM 8**

**DEVELOPMENT APPLICATION – 090/684/2018/C2 – 4 FOURTH AVENUE, EVERARD PARK SA 5035 (GOODWOOD)**

MOVED: Rufus Salaman

SECONDED: Jennie Boisvert

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/684/2018/C2 at 4 Fourth Avenue, Everard Park SA 5035 that the Council Assessment Panel supports the compromise subject to the following conditions:
  1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
  2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
  3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

**CARRIED UNANIMOUSLY**

**ITEM 9**

**CONFIDENTIAL MOTION FOR ITEM 8 - PLANNING APPEAL – ERD COURT ACTION NO ERD-19-99 – 4 Fourth Avenue Everard Park (090/684/2018/C2)**

**RECOMMENDATION**

MOVED: Rufus Salaman

SECONDED: Jennie Boisvert

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended
  - 2.1 The
    - Minutes
    - Report
    - Attachments

For this Item to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD -19-99

- 2.2 The report and attachments will be kept confidential until such time as the appeal has been determined.

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

Presiding Member moved to have the minutes adopted for the site meeting held on Monday 16 July 2019 at 10 and 12 Marion Street Unley be included in the minutes.

**CLOSURE**

The Presiding Member declared the meeting closed at 8:07pm.

[Note: These minutes are unconfirmed until 20 August 2019]

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20 August 2019

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday, 20 August 2019

\* Denotes Change