

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 October 2018
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 Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PRESENT:

Mr Brenton Burman (Presiding Member)
Ms Nicole Dent
Mr Roger Freeman
Mr Rufus Salaman
Mrs Ann Nelson

APOLOGIES:

OFFICERS PRESENT:

Mr Paul Weymouth, Assessment Manager
Mr Andrew Raeburn, Acting Team Leader Planning
Ms Chelsea Spangler Planning Officer
Ms Lily Francis, Development Administration

CONFLICT OF INTEREST:

Nil

CONFIRMATION OF MINUTES:

MOVED: Rufus Salaman

SECONDED: Nicole Dent

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 September 2018, as printed and circulated be taken as read and signed as a correct record.

ITEM 1

DEVELOPMENT APPLICATION – 090/731/2017/C2/A – 47 MARLBOROUGH STREET, MALVERN SA 5061 (UNLEY PARK)

Peter Miro, applicant, addressed the Panel regarding the above mentioned application.

MOVED: Ann Nelson

SECONDED: Roger Freeman

That Development Application 090/731/2017/C2/A at 47 Marlborough Street, Malvern SA 5061 for 'Variation to 090/339/2017/C2- Enclose northern elevation and increase height of structure including ensuite', 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 the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
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. The conditions, where pertinent, of any Development Decisions in respect to the original overall (090/339/2017/C2) development shall be complied with to the reasonable satisfaction of Council 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**.
- 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.
- 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.

CARRIED UNANIMOUSLY

ITEM 2

DEVELOPMENT APPLICATION – 090/303/2018/C2 – 129 YOUNG STREET, PARKSIDE SA 5063 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/303/2018/C2 at 129 Young Street, Parkside SA 5063 to 'Demolish existing dwelling and construct single storey dwelling including outbuilding and in-ground swimming pool' 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 waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
3. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure which is at least 5 metres from a habitable room window on an adjoining property prior to the operation of said equipment.
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. The finished floor levels at the rear boundary serving the proposed rear garage building must be constructed at the same level as the existing road/laneway.

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.
- 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.
- 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**.
- Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/262/2018/C2 – 15 ALMA ROAD, FULLARTON SA 5063 (FULLARTON)

MOVED: Roger Freeman

SECONDED: Ann Nelson

That Development Application 090/262/2018/C2 at 15 Alma Road, Fullarton SA 5063 to 'Construct two, two storey dwellings (one facing Alma Road and one facing Hall Street) with associated garages', 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 the upper floor windows (excluding those on the front facades) 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.
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. 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. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant.

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.
- 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.
- 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 must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- 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 shall contact Council's Infrastructure Section on 8372 5460 to arrange the removal of the street tree. The work shall be carried out by the Council at no cost to the **applicant**.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is reminded that unless specifically stated, conditions in previous relevant development approvals remain active.
- The applicant and owner are reminded that development approval must be obtained where any fencing, including fencing combined with a retaining wall, exceed 2.1 metres in height.

CARRIED UNANIMOUSLY

ITEM 4

**DEVELOPMENT APPLICATION – 090/397/2018/DIV – 102 EAST AVENUE,
CLARENCE PARK SA 5034 (CLARENCE PARK)**

Mr Timothy Ballard supported by Robyn Ballard, Cr Don Palmer on behalf of Mr Paul Bradley and Mrs Leigh and Mr Travis Cardinal, and Ms Donna Ferretti on behalf of Mr Ben Wilson, representors, and Mr Lou Fantasia on behalf of the applicant, addressed the Panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/397/2018/DIV at 102 East Avenue, Clarence Park SA 5034 for Land Division - Torrens Title - Create 3 allotments from 1 existing allotment is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Development Plan Consent, Land Division Consent and Development Approval 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.

LAND DIVISION CONSENT CONDITIONS:

1. That the existing building on site be demolished prior to the issue of the Section 51 Certificate by the Development Assessment Commission. (All demolition is subject to separate Development Approval.)

NOTES PERTAINING TO LAND DIVISION CONSENT:

- Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the Development Assessment Commission.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS:

1. The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. The alteration of internal drains to the satisfaction of SA Water is required. An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard. 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.
3. Payment of \$13660 into the Planning and Development Fund (2 allotments @ \$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 State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
4. 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 Development Assessment Commission for Land Division Certification purposes.

CARRIED

ITEM 5

DEVELOPMENT APPLICATION – 090/249/2018/C2 – 102 EAST AVENUE, CLARENCE PARK SA 5034 (CLARENCE PARK)

Mr Timothy Ballard supported by Robyn Ballard, Cr Don Palmer on behalf of Mr Paul Bradley and Mrs Leigh and Mr Travis Cardinal, and Ms Donna Ferretti on behalf of Mr Ben Wilson, representors, and Mr Lou Fantasia on behalf of the applicant, addressed the Panel regarding the above mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Ann Nelson

SECONDED: Nicole Dent

That Development Application 090/249/2018/C2 at 102 East Avenue, Clarence Park SA 5034 to *'Demolish existing dwelling and construct three (3) two storey dwellings with associated garages and the removal of a Council street tree along Lorraine Avenue'*, is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The form, scale and design of the proposed dwellings would not be compatible with the existing positive elements of the character of the area, and would therefore be contrary to Principle of Development Control 1 of the Residential B350 Zone;
- The proposed 'dwelling 1' would fail to comply with the recommended secondary street frontage setback under Council Wide (Residential) Policy 8 and would result in the building appearing overly dominant within the streetscape.
- The proposed dwellings would fail to comply with the recommended front and rear boundary setbacks under Council Wide (Residential) Policy 6 and 13 and would result in the buildings appearing overbearing and visually intrusive when viewed from neighbouring properties.

CARRIED

ITEM 6

DEVELOPMENT APPLICATION – 090/49/2018/C3 – 85 LEICESTER STREET, PARKSIDE SA 5063 (PARKSIDE)

Vincent Maselli, Michael Maselli and Victoria Maselli, representors, and Anthony Gatti on behalf of the applicant, addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Ann Nelson

That Development Application 090/49/2018/C3 at 85 Leicester Street, Parkside SA 5063 for 'Change of use from vacant to hotel (to be used between the hours of 10:45am to 10pm, 7 days a week) is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The hours of use associated with the proposal would not be compatible with the surrounding residential properties, and in the absence of any mitigation measures, would result in an unreasonable increase in noise and disturbance, particularly within the more sensitive morning and evening hours.
- The proposal is thereby contrary to Residential Streetscape (Built Form) Zone Principle of Development Control 5; and Council Wide (Interface Between Land Uses) Principles of Development Control 6 and 9.

CARRIED UNANIMOUSLY

ITEM 7

DEVELOPMENT APPLICATION – 090/521/2018/C2 – 64 DOVER STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Ann Nelson

SECONDED: Rufus Salaman

That Development Application 090/521/2018/C2 at 64 Dover Street, Malvern 5061 for 'Demolition of existing shed, carport, rear verandah and lean-to. Construction of single storey rear extension including alfresco, attached carport on common boundary, and in-ground swimming pool with associated shed' 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

* Denotes Change

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 ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure which is at least 5 metres from a habitable room window on an adjoining property prior to the operation of said equipment.
3. Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.
4. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.
5. 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.
6. 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.

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.
- 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.
- 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.

CARRIED UNANIMOUSLY

ITEM 8

**CONFIDENTIAL MOTION FOR ITEM 8 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-18-118 – Goodwood Oval, 1 Curzon Avenue, Millswood 5034 (D.A.
090/845/2017/C3)**

MOVED: Roger Freeman

SECONDED: Ann Nelson

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (viii) and (ix) of the Development Act 1993, as amended, the Development Assessment Panel orders the public be excluded with the exception of the following:
 - Paul Weymouth, Manager Development and Regulatory
 - Andrew Raeburn, Acting Team Leader Planning
 - Chelsea Spangler, 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 9

DEVELOPMENT APPLICATION – 090/845/2017/C3 – GOODWOOD OVAL, 1 CURZON AVENUE, MILLSWOOD 5034 (CLARENCE PARK)

MOVED: Rufus Salaman

SECONDED: Ann Nelson

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/845/2017/C3 – Goodwood Oval, 1 Curzon Avenue, Millswood that the Council Assessment Panel supports the compromise subject 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. That conditions, where pertinent, of any development decisions in respect to the original overall development (Development Application No 090/1011/2007/NC) shall be complied with to the reasonable satisfaction of Council at all times.
 3. The use of the lighting system shall be restricted to the following hours:
 - 5:00pm to 8.30pm Tuesday;
 - 5:00pm to 8.00pm Wednesday;
 - 5:00pm to 8.30pm Thursday;

* Denotes Change

5:00pm to 8.00pm Friday; and

5.00pm to 9.00pm Saturday (game nights only)

4. That a maximum of seven (7) games per annum shall be played at the Oval on Friday nights, with the games to be concluded and the lights to be turned off no later than 8.00pm.
5. That a maximum of five (5) games per annum shall be played at the Oval on Saturday nights, with the games to be concluded and the lights to be turned off no later than 9:00pm.
6. Of the 12 games per annum to be held on Friday or Saturday nights, 8 of these games must be played by junior or C7 (players with integration difficulties) teams.
7. Senior sides may train on a Wednesday night on 3 occasions per annum only.

CARRIED UNANIMOUSLY

ITEM 10

**CONFIDENTIAL MOTION FOR ITEM 8 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-18-118 – Goodwood Oval, 1 Curzon Avenue, Millswood 5034 (D.A.
090/845/2017/C3)**

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That:

3. The report be received.
4. Pursuant to section 56A(16) of the Development Act 1993, 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-18-118

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

CLOSURE

The Presiding Member declared the meeting closed at 9:15pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20/11/2018

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 20 November 2018