

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 18 September 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

APOLOGIES: Mrs Ann Nelson

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

CONFLICT OF INTEREST:

Nil

CONFIRMATION OF MINUTES:

MOVED: Rufus Salaman SECONDED: Roger Freeman

That the updated Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 21 August 2018, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/506/2018/C2 – 25 CULROSS AVENUE, MYRTLE BANK 5064 (FULLARTON)

Ms Maxine Gibbs on behalf of Muling Li and Zenghe Chen, Mrs Fiona Basedow, representor, and Mr Grant Croft and Ben Wilson on behalf of the applicant addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/506/2018/C2 at 25 Culross Avenue, Myrtle Bank 5064 for 'Demolish existing dwelling and construct a two storey residential flat building comprising seven dwellings, four with roof terraces, and the removal of one street tree, 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. 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. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any diseased or dying plants being replaced to the reasonable satisfaction of the Council.
4. 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.
5. All fencing shall be clear of the 4.5 x 4.5 metres corner cut-off at the Fullarton Road / Culross Avenue corner. Any vegetation within this area shall be low growing (i.e. ≤ 1.0 metres tall) in order to maintain sight lines at this location.
6. All vehicular access to/from the site shall be gained via Culross Avenue only and shall be located adjacent the eastern property boundary to comply with AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways' and maximise the separation between the access and the Fullarton Road / Culross Avenue junction.
7. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
8. That the upper floor windows on the east and south side elevation 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.

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 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 site is affected by a requirement shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a 4.5 x 4.5 metre cut-off at the Fullarton Road / Culross Avenue corner of this site for future road purposes. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirements. However, as the development is well clear of the corner cut, consent is not required in this instance.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.
- 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**.
- Residential Parking Permits will not be issued to residents of the development if granted development approval on or after 1 November 2013.
- The applicant is advised that the subject site is located within a Designated Area, as identified by the Unley Development Plan *Noise and Air Emissions* Overlay Map Un/1 (Overlay 3A). Accordingly, the development must be constructed in accordance with the Minister's Specification SA 78B for the *Construction Requirements for the Control of External Sound*.

CARRIED UNANIMOUSLY

ITEM 2

**DEVELOPMENT APPLICATION – 090/868/2017/C2 – 340 FULLARTON ROAD,
FULLARTON 5063 (PARKSIDE)**

MOVED: Nicole Dent

SECONDED: Roger Freeman

That Development Application 090/868/2017/C2 at 340 Fullarton Road, Fullarton 5063 to 'Demolish existing dwelling and outbuilding, construct two, two storey dwellings and front fence' 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 officer being satisfied that a land division application has been assessed, and the Development Plan Consent be 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 western elevation) 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. 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 the site shall be served by a single shared access point to/from Fullarton Road and shall be a minimum of 6.0 metres wide at the Fullarton Road property boundary to accommodate simultaneous two-way vehicular movements.
5. The shared access and shared on-site manoeuvring areas shall remain clear of any impediments (such as meters, fencing, letterboxes, vegetation and parked vehicles).
6. The obsolete crossover, shall be closed and reinstated to Council standard kerb and gutter at the applicant's expense.
7. All vehicles must enter and exit the site in a forward direction.
8. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Fullarton Road. Any alterations to the road drainage infrastructure required to facilities 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.

- 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.

CARRIED UNANIMOUSLY

ITEM 3

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

Ms Luci Ward on behalf of H Weijing and K Zhaomin, representor, and Mr Tony Kelly on behalf of the applicant addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

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 on common boundaries.', be DEFERRED and the applicant requested to consider amendments to the Alma Road dwelling including:

- An increase in the front setback from Alma Road; and
- The garage setback off the southern side boundary.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/472/2018/C2 – 91 & 93 UNLEY ROAD PARKSIDE SA 5063 (UNLEY)

Mr Ben Woolford, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/472/2018/C2 at 91 & 93 Unley Road Parkside SA 5063 to 'Change of use to Fitness Studio and Physiotherapy (91 Unley Road)' 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 personal services (Fitness studio and physiotherapy) use shall not cater for nor accommodate more than 18 persons at any one time.
3. The use of recorded music is to be restricted to operating hours only and to the reasonable satisfaction of Council, not causing nuisance to adjacent properties.

4. The hours of operation of the Fitness studio and Physiotherapy be as follows;
 - Monday to Friday:
6am to 7.30pm with 15-minute intervals in between each class (45-minute classes)
 - Saturday:
6am to 5pm with 15-minute intervals in between classes (45-minute classes)
5. That the car parks located within the building, accessed via Whittam Street, be used by members of staff only.
6. There shall be a maximum of five (5) classes per day.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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 also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/400/2018/C2 – 28 PALMER AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

Ms Tongwei Zhang, representor, and Mrs Tara Petersen, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Nicole Dent

That Development Application 090/400/2018/C2 at 28 Palmer Avenue, Myrtle Bank SA 5064 to 'Demolish existing dwelling and construct two storey dwelling including verandah, in-ground swimming pool and carport on common boundary' 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. 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 upper floor windows on the northern, eastern and western elevations 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 remain in perpetuity.

5. The pedestrian footpath to the front entrance to be installed transgressing the 'Tree Protection Zone' (TPZ) of the 'significant' *Eucalyptus cladocaylx* (Sugar Gum) is to be constructed without any change to the existing grade and in the presence of Council's Arborist.
6. The applicant shall ensure that a tree protection zone of minimum 6m radius around the regulated/significant tree is created prior to the commencement of any demolition or building work on site. For this purpose, no excavation, construction or storage of materials shall occur within the protection zone.
7. A chain wire mesh tree protection fencing a minimum radius of 2.5m around the tree shall be installed prior to the commencement of any work on site (including demolition), and shall remain until the completion of all building works.
8. The construction of the proposed gravel driveway is to be undertaken with no excavation greater than 100mm removed off the existing grade.
9. The activities on-site during construction are consistent with tree sensitive work site methods outlined within the Australian Standard 4970-2009 'Protection of trees on development sites'.
10. 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.
11. 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.

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.
- 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.
- 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 UNANIMOUSLY

ITEM 6

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

Mr Grant Croft, on behalf of the applicant, addressed the Panel regarding the above item.

MOVED: Nicole Dent

SECONDED: Rufus Salaman

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' be DEFERRED and the applicant is requested to:

- Provide further and more detailed information in relation to the streetscape elevation and the materials and finishes proposed.

CARRIED UNANIMOUSLY

ITEM 7

DEVELOPMENT APPLICATION – 090/452/2018/C2 – 42 HAMPTON STREET (SOUTH), GOODWOOD SA 5034 (GOODWOOD)

The above item was withdrawn by the applicant.

ITEM 8

DEVELOPMENT APPLICATION – 090/455/2018/C2 – 2A SHEFFIELD STREET, MALVERN SA 5061 (UNLEY PARK)

Ms Marta Najfeld, representor, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/455/2018/C2 at 2A Sheffield Street, Malvern SA 5061 to 'Erect verandah in north-western corner of allotment' 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. 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.

- 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.
- 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 9

DEVELOPMENT APPLICATION – 090/83/2018/C2 – 70 MITCHELL STREET, MILLSWOOD SA 5034 (GOODWOOD)

Brianne Mills, applicant, supported by Phillip Brunning, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/83/2018/C2 at 70 Mitchell Street, Millswood SA 5034 to 'Demolish existing leanto, carryout alterations and construct two storey addition and associated verandah' be DEFERRED and the applicant is requested to:

- Consider amendments to reduce the height of the rear extension in order to decrease impacts on the adjacent western property.

CARRIED UNANIMOUSLY

ITEM 10

DEVELOPMENT APPLICATION – 090/651/2017/C2 – 18 BARTLEY CRESCENT & 1A DAVENPORT TERRACE, WAYVILLE SA 5034 (GOODWOOD)

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/651/2017/C2 at 18 Bartley Crescent & 1A Davenport Terrace, Wayville SA 5034 to 'Construct single storey detached dwelling with garage and fencing', 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 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.
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.

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 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.
- 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 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.

CARRIED UNANIMOUSLY

ITEM 11

DEVELOPMENT APPLICATION – 090/448/2018/C2 – WESTALL STREET, HYDE PARK (UNLEY PARK)

Mr Richard Davis, applicant, supported by Councillor Rob Sangster, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/448/2018/C2 at Westall Street, Hyde Park for 'Removal of Regulated Street Tree (Eucalyptus sideroxylon Red Ironbark). Located on Westall Street frontage of 2 Jasper Street, Hyde Park', is considered to be at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree is considered to make an important contribution to the visual amenity of the locality as per Council Wide Regulated Trees Objective 2(a);
- The tree is considered to satisfy Council Wide Regulated Trees Objective 2(d) as it is an important habitat for native fauna;
- The tree is not diseased nor has a short life expectancy and therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(a);
- No evidence has been provided to demonstrate that the tree represents a material risk to public or private safety therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(b);
- No evidence has been provided to demonstrate that the tree is causing damage to a building therefore removal cannot be justified under Council Wide Regulated Trees Principle of Development Control 2(c);
- The tree does not demonstrate any of the criteria for removal under Council Wide Regulated Trees Principle of Development Control 2 and therefore the tree should not be removed or damaged.

LOST

An alternative recommendation for deferral was put to the Panel as follows:

MOVED: Brenton Burman

SECONDED: Nicole Dent

That Development Application 090/448/2018/C2 at Westall Street, Hyde Park for 'Removal of Regulated Street Tree (Eucalyptus sideroxylon Red Ironbark). Located on Westall Street frontage of 2 Jasper Street, Hyde Park', be DEFERRED and the applicant is requested to:

- Provide further information including engineering information in relation to the impacts that the tree is having on the adjacent dwelling.

CARRIED UNANIMOUSLY

ITEM 12

DEVELOPMENT APPLICATION – 090/509/2018/C1 – CARMELITE MONASTERY, 380 GLEN OSMOND ROAD, MYRTLE BANK SA 5064 (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Nicole Dent

That Development Application 090/509/2018/C1 at Carmelite Monastery, 380 Glen Osmond Road, Myrtle Bank SA 5064 to 'Erect external signage and associated support structures', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the CONCURRENCE of the State Commission Assessment Panel 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.

CARRIED UNANIMOUSLY

ITEM 13
COUNCIL ASSESSMENT PANEL – ANNUAL REPORT

That the Council Assessment Panel Annual Report be endorsed and provided to Council for consideration at the next available meeting.

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 9:28pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 18/09/2018

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 16 October 2018