

**CITY OF UNLEY**

**DEVELOPMENT ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 15 December 2015  
at 7.00pm in the Unley Council Chambers,  
181 Unley Road, 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:** Mr Brenton Burman (Presiding Member)  
Mr Roger Freeman (Deputy Presiding Member)  
Ms Barbara Norman  
Ms Jennifer Boisvert  
Mr Rufus Salaman  
Mr Rob Sangster

**APOLOGIES:** Mrs Ann Nelson

**OFFICERS PRESENT:** Mr Paul Weymouth, Manager Development  
Mr Donny Michel, Team Leader Planning  
Mr Grant Croft, Senior Planning Officer  
Ms Rachel Theile, Development Administration

**CONFLICT OF INTEREST:** Nil

**CONFIRMATION OF MINUTES:**

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 17 November 2015, as printed and circulated be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/358/2015/C2 – 182 FISHER STREET,  
MALVERN SA 5061 (UNLEY PARK)**

Ms Loretta Condoluci and Mr Peter Jellings, representors, and Mr Con Bastiras, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application at 182 Fisher Street, Malvern SA 5061 to 'Carry out alterations and construct addition including basement, verandah and shed on common boundaries and install 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:

**PLANNING 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. 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 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 PLANNING 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 8463 3555 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

**CARRIED UNANIMOUSLY**

**\*ITEM 2**

**DEVELOPMENT APPLICATION – 090/755/2015/C2 – 78 CROSS ROAD, MYRTLE BANK SA 5064 (FULLARTON)**

Mr John Rawson, representor, and Mr Derek Haggart, applicant, addressed the Panel regarding the above item.

The following motion was MOVED by Jennifer Boisvert:

That Development Application at 78 Cross Road, Myrtle Bank SA 5064 for 'Construct two storey dwelling on rear allotment with 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:

**PLANNING 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 PLANNING 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 8463 3555 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

The motion LAPSED for want of a seconder. It was then:

MOVED: Barbara Norman

SECONDED: Roger Freeman

That Development Application at 78 Cross Road, Myrtle Bank SA 5064 for 'Construct two storey dwelling on rear allotment with in-ground swimming pool', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

1. The dwelling on a hammerhead allotment should be limited to single storey.
2. The dwelling is not compatible in form, scale and design with the existing positive elements of the character of the area.

3. The development does not comply with side and rear setbacks to the upper level.

**CARRIED**

**\*ITEM 3**

**DEVELOPMENT APPLICATION – 090/704/2015/C2 – 1 / 80 UNLEY ROAD, UNLEY SA 5061 (UNLEY)**

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application at 1 / 80 Unley Road, Unley SA 5061 for 'Change of use - Personal training / Fitness Studio', 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:

**PLANNING 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, including correspondence dated 14 September 2015, except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The hours of operation of the premises not exceed the following period:
  - 6am to 8pm Monday to Friday.
  - 6:30am to 12pm Saturday
  - Closed on Sunday.
3. No more than ten (10) patrons and two (2) staff shall be on the premises at any one time.
4. A sign shall be displayed on the building frontage directing customers to the car parking area accessed via Irwin Lane.
5. That the carpark be accessible to patrons of the fitness studio during the hours of operation.

**CARRIED UNANIMOUSLY**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/722/2015/C2 – 135 FISHER STREET, FULLARTON 5063 (FULLARTON)**

Mr Denis Kennelly, representor, and Ms Jane Eisemann, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Barbara Norman

That Development Application at 135 Fisher Street, Fullarton 5063 to 'Carry out single storey alterations and construct addition with verandah, shed and a carport to the western (side) 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:

**PLANNING 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 PLANNING 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 8463 3555 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**.
- 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 5**

**DEVELOPMENT APPLICATION – 090/437/2015/C2 – 14 DAWSON STREET,  
FULLARTON SA 5063 (PARKSIDE)**

Mr Anton Rast and Ms Anita Rast, representors, and Mr Rick Harding on behalf of Format Homes Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application at 14 Dawson Street, Fullarton SA 5063 to 'Construct two single storey dwellings including garages (one to common western boundary), associated verandahs and 1.8m high fencing upon retaining wall', 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:

**PLANNING 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 PLANNING 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 8463 3555 or refer to their web site at [www.lsc.sa.gov.au](http://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**

Jennifer Boisvert left the meeting at 8.36pm and returned at 8.38pm.

**ITEM 6**

**DEVELOPMENT APPLICATION – 090/514/2015/C2 – 9 MILTON AVENUE, FULLARTON SA 5063 (FULLARTON)**

Mr Andrew Cronin on behalf of D'Andrea & Associates (SA) Pty Ltd, applicant, and Mr Harun Nusrat, owner, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application at 9 Milton Avenue, Fullarton SA 5063 to 'Construct two storey dwelling including garage on common boundary, verandah, fencing and water feature on 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:

### **PLANNING 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 (excluding the west-facing 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.

### **NOTES PERTAINING TO PLANNING 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 8463 3555 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**.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

**CARRIED**

### **\*ITEM 7**

### **DEVELOPMENT APPLICATION – 090/299/2015/C2 – 58-60 GLEN OSMOND ROAD, PARKSIDE 5063 (PARKSIDE)**

Mr Angelo Ali, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Jennifer Boisvert

That Development Application at 58-60 Glen Osmond Road, Parkside SA 5063 to 'Demolish two (2) existing buildings and removal of one (1) street tree and construct two (2) new double storey buildings containing offices and one (1) upper level apartment', 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:

**PLANNING 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 driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
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 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. The Glen Osmond Road driveway shall be 7.8 metres in width at the road edge, connecting to a 6.0 metre wide internal aisle. A street tree shall be removed to accommodate the access.
6. All vehicles shall enter and exit the site in a forward direction.
7. A car stacker shall be utilised to maximise on-site car parking. The car stacker shall be accessed via the car park indicated with a triangle on the Angelo Ali plan dated 11.8.15 stamped by Council 13 August 2015 and operational prior to occupation of the development.
8. The balance of the crossover not required for emergency/alternate access to the central building or the new access shall be closed and reinstated to Council standard kerb and gutter at the applicants expense.
9. That the landscaping detailed in drawing A275 15-P1, revision E dated 30 November 2015, be established prior to occupation of the development and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times. Details of the 'green wall' are also to be provided prior to issue of Development Approval. Furthermore the trees used in landscaping of the site be at least 1.5 metres in height at the time of planting.
10. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Glen Osmond Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.
11. That 1.7m high privacy screening be erected along the southern side of the balcony prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

12. That the driveway from Glen Osmond Road shall enable access to the rear carpark prior to the occupation of the new buildings.
13. That gates to the rear carpark shall be modified to ensure they do not restrict access to the rear carparking spaces. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

**NOTES PERTAINING TO PLANNING 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 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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 Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a strip of land up to 2.13 metres in width from the Glen Osmond Road frontage of this site for future road purposes. The consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the possible requirement.

The main structural elements of the new building (i.e. the piers supporting the second storey over the car park) are located outside the possible requirement. Subsequently, consent can be anticipated for the overhanging balcony and portion of car parking that encroaches within the requirement. Should Council approve the development, the applicant should forward the attached form, along with the three copies of the approved plan to DPTI for consent purposes.

- 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 8463 3555 or refer to their web site at [www.lsc.sa.gov.au](http://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**  
**REMOVAL OF CONFIDENTIALITY ORDERS**

MOVED: Jennifer Boisvert  
SECONDED: Rufus Salaman

That:

1. The report be received.
2. The Development Assessment Panel (DAP) endorse the removal of the confidentiality order on the item as detailed in the attached table (Attachment A).

**CARRIED UNANIMOUSLY**

**ITEM 9**  
**DEVELOPMENT ASSESSMENT PANEL PROPOSED MEETING DATES FOR 2016**

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That the Development Assessment Panel (DAP) in 2016 meet on the third Tuesday of every month at 7.00pm in the Council Chambers, 181 Unley Road, Unley, in accordance with the meeting schedule outlined below (with the exception of January and December 2016):

Wednesday 20 January 2016  
Tuesday 16 February 2016  
Tuesday 15 March 2016  
Tuesday 19 April 2016  
Tuesday 17 May 2016  
Tuesday 21 June 2016  
Tuesday 19 July 2016  
Tuesday 16 August 2016  
Tuesday 20 September 2016  
Tuesday 18 October 2016  
Tuesday 15 November 2016  
Tuesday 13 December 2016

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

The Presiding Member wished everyone a 'Merry Christmas' and thanked Panel Members and Administration for their contribution throughout the year.

**CLOSURE**

The Presiding Member declared the meeting closed at 9.10pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20/1/2016.

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**PRESIDING MEMBER**

**DATED**       /       /

NEXT MEETING  
Wednesday, 20 January 2016