

**CITY OF UNLEY**

**DEVELOPMENT ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 16 February 2016  
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 Roger Freeman (Deputy Presiding Member)  
Mrs Ann Nelson  
Ms Barbara Norman  
Ms Jennifer Boisvert  
Mr Rufus Salaman  
Mr Rob Sangster

**APOLOGIES:** Mr Brenton Burman (Presiding Member)

**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:**

Roger Freeman advised that he knows the arborist, Mark Elliott, for Item 7 – 3 Palmer Avenue, Myrtle Bank, as he lives nearby and has undertaken work for him on one occasion in the past. He has not discussed the application with him, and he does not consider that these circumstances give rise to a conflict of interest.

**CONFIRMATION OF MINUTES:**

MOVED: Ann Nelson

SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Wednesday 20 January 2016, as printed and circulated be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/799/2015/NC – 82 WATTLE STREET,  
FULLARTON SA 5063 (PARKSIDE)**

Mr Phillip Brunning on behalf of Mr Nathan White and the Strata Corporation for 80 Wattle Street, Fullarton, representor, and Mr Jamie Botten on behalf of Home Support Services, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That Development Application at 82 Wattle Street, Fullarton SA 5063 for 'Change of use - home health care office and associated overnight accommodation and erect new free standing sign and widen existing ramp', 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 Development Assessment Commission (DAC) and 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, including correspondence from Jamie Botten dated 27 January 2016, 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. Suitable wheel stops or bump bars be placed in parking spaces to prevent damage to fences along the east and west of the site, prior to occupation.
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 hours of operation of the home health care office not exceed the following period:
  - Monday to Friday: 7:30am to 8:00pm
  - Saturday to Sunday: 8:00am to 6:00pm.
6. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7:00am and 7:00pm Monday to Friday.

**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**.
- 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 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 2**

**DEVELOPMENT APPLICATION – 090/459/2014/C2 – 364 FULLARTON ROAD, FULLARTON SA 5063 (FULLARTON)**

Mr Fabio Mamone and Ms Tina Mamone on behalf of Mr Larry Mamone, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Ann Nelson

That Development Application at 364 Fullarton Road, Fullarton SA 5063 to 'Divide Land - Torrens Title - Create 4 allotments from 1 existing', be DEFERRED to enable the applicant to review the design of the land division including the access arrangements and the number of allotments.

**CARRIED**

**\*ITEM 3**

**DEVELOPMENT APPLICATION – 090/43/2015/C2 – 364 FULLARTON ROAD, FULLARTON SA 5063 (FULLARTON)**

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That Development Application at 364 Fullarton Road, Fullarton SA 5063 to 'Construct four, two storey dwellings with associated garages and verandahs', be DEFERRED to enable the applicant to review the design of the development application including:

- The access arrangements;
- The form, scale and design of the dwellings to ensure they are compatible with the existing positive elements of the locality;
- The presentation of the proposed development to Wattle Street to ensure that it has regard to the desired streetscape character of the zone.

**CARRIED**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/692/2015/C2 – 3 WARWICK AVENUE, HYDE PARK 5061 (UNLEY PARK)**

Mr Norman Sheun, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Rob Sangster

That Development Application at 3 Warwick Avenue, Hyde Park SA 5061 to 'Construct double storey additions to rear of existing dwelling', 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 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:**

- 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**.
- 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 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 – 090/897/2015/C2 – 60 SECOND AVENUE, FORESTVILLE 5035 (GOODWOOD)**

Mr Peter Sakoulas on behalf of Ms Sophia Sakoulas, representor, and Mr Warwick O'Brien, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Barbara Norman

That Development Application at 60 Second Avenue, Forestville 5035 to 'Carry out alterations and construct single storey addition including verandah, carport, in-ground swimming pool and masonry wall to 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:

**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 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. 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:**

- 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.
- 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.
- 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).

- 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 6**

**DEVELOPMENT APPLICATION – 090/922/2015/C2 – 2 MORESBY STREET, WAYVILLE SA 5034 (GOODWOOD)**

Mr Robert Lynch and Ms Samantha Lynch, representors, and Mr Stuart Davis, applicant, addressed the Panel regarding the above item.

MOVED: Barbara Norman

SECONDED: Ann Nelson

That Development Application at 2 Moresby Street, Wayville SA 5034 to 'Erect privacy screening to existing verandah along the southern 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.

**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).

**CARRIED**

Roger Freeman advised that he knows the arborist, Mark Elliott, for Item 7 – 3 Palmer Avenue, Myrtle Bank, as he lives nearby and has undertaken work for him on one occasion in the past. He has not discussed the application with him, and he does not consider that these circumstances give rise to a conflict of interest.

**\*ITEM 7**

**DEVELOPMENT APPLICATION – 090/740/2015/C1 – 3 PALMER AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

Mr Michael Dinnen, owner, and Mr Mark Elliott, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That Development Application 090/740/2015/C1 at 3 Palmer Avenue, Myrtle Bank SA 5064 to 'Remove significant tree - Eucalyptus camadulensis (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:

**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. Payment of \$252.00 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 8**

**CONFIDENTIALITY MOTION FOR ITEM 9**

**DEVELOPMENT APPLICATION – 78 CROSS ROAD, MYRTLE BANK - 090/755/2015/C2**

MOVED: Rufus Salaman

SECONDED: Barbara Norman

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (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
  - Donny Michel, Team Leader Planning
  - Grant Croft, Senior Planning Officer
  - Rachel Theile, 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**

The chamber doors were closed at 8.42pm.

**\*ITEM 9**

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

MOVED: Jennifer Boisvert

SECONDED: Ann Nelson

- A.** That the report be received; and
- B.** That the Environment, Resource and Development Court be advised that the City of Unley Development Assessment Panel accepts the compromise and concedes the appeal for Development Application 090/755/2015/C2 at 78 Cross Road, Myrtle Bank SA 5064 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 on any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That 1.7m high privacy screening be erected along the southern side of the dormer windows prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
4. That the upper floor windows on the northern and eastern elevations be treated to avoid overlooking prior to occupation. Further details to be provided to the satisfaction of Council prior to the issue of Development Approval.

**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).

**CARRIED UNANIMOUSLY**



**ITEM 10**

**CONFIDENTIALITY MOTION FOR ITEM 9**

**DEVELOPMENT APPLICATION – 78 CROSS ROAD, MYRTLE BANK - 090/755/2015/C2**

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That:

1. The report be received.
2. 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 disclosure of the information may prejudice Council's position.

- 2.2 The report will be kept confidential until such time as the appeal has been determined and the order is reviewed by the Development Assessment Panel.

**CARRIED UNANIMOUSLY**

The chamber doors were opened at 8.53pm.

**CLOSURE**

The Presiding Member declared the meeting closed at 8.56pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 15/3/2016.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING

Tuesday, 15 March 2016