

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 17 November 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)
Mrs Ann Nelson
Ms Barbara Norman
Ms Jennifer Boisvert
Mr Rufus Salaman

APOLOGIES:

Mr Rob Sangster

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:

Jennifer Boisvert declared a conflict of interest for Item 10 – 316-320 Unley Road, Hyde Park as it was through her support of a resident that this matter is before the Panel.

Ann Nelson advised that a representor for Item 1 – 14 Roberts Street, Unley and Item 7 – 7 Foster Street, Parkside were both colleagues many years ago, but she has not maintained contact or discussed these applications with them, and does not consider this represents a conflict of interest.

CONFIRMATION OF MINUTES:

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Thursday 5 November 2015, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/615/2015/C2 – 14 ROBERTS STREET, UNLEY SA 5061 (UNLEY)

Mr David Mintern and Mr Peter Neuhaus, representors, and Mr Ruan Perera on behalf of Mr Jock Merrigan, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Roger Freeman

That Development Application at 14 Roberts Street, Unley SA 5061 to 'Carry out alterations and construct addition to common boundary, garage with two storey component, install in-ground swimming pool, outbuilding and new front fence', 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 north facing 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.
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:

- 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 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.
- 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**.
- 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

***ITEM 2**

DEVELOPMENT APPLICATION – 090/270/2015/C2 – 28 WESTALL STREET, HYDE PARK 5061 (UNLEY PARK)

Mr Phillip Brunning on behalf of Tom and Louise Emmett, and Mr Greg Vincent on behalf of Chris and Fiona Marslen, representors, and Mr Matt King on behalf of Alexander Brown Architects, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Roger Freeman

That Development Application at 28 Westall Street, Hyde Park 5061 for 'Demolish existing dwelling and construct two storey dwelling including verandah, basement, swimming pool and garage on boundary', 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 development does not maintain and enhance the desired character and streetscape attributes in terms of its siting, building form and key elements.
2. The second storey is not integrated sympathetically in to the dwelling design and imposes excess roof volume and bulk intruding on neighbouring spacious conditions.
3. The double garage does not form a minor streetscape element.

CARRIED

***ITEM 3**

DEVELOPMENT APPLICATION – 090/535/2015/C3 – 10-14 RUSHTON STREET, GOODWOOD 5034 (GOODWOOD)

Father Scott Moncrieff, representor, and Mr Graham Burns on behalf of St Thomas School/Catholic Education SA, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Barbara Norman

That Development Application at 10-14 Rushton Street, Goodwood SA 5034 for 'Alterations and additions to existing educational establishment (St Thomas School) including new store, alterations to existing administration building and a double storey addition to existing library building', 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 1.7m high privacy screening be erected along the western and southern sides of the landing prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
4. A Traffic, Demolition and Construction Management Plan is required prior to the issue of Development Approval and shall include details such as:
 - A Traffic Management Plan (TMP) to be prepared in accordance with AS 1742 and to the satisfaction of Councils Traffic and Transport Department – this report is to include details on the following:
 - i. Review of potential opportunities for off-street parking for construction workers;
 - ii. Timing and number of deliveries and safety management;
 - iii. A Traffic Impact Statement of the construction activities and its potential impacts on side streets and road users;
 - iv. Traffic requirements including construction access/egress and heavy vehicle routes.
 - Siting of materials storage;
 - Site offices and amenities
 - Work in the Public Realm;
 - Hoarding;
 - Reinstatement of infrastructure.
5. Prior to commencement of works, the developer shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
6. The security or ambient lighting associated with library building shall be designed to minimise any impacts on the adjacent rectory. Further details shall 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.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

CARRIED UNANIMOUSLY

***ITEM 4**

DEVELOPMENT APPLICATION – 090/203/2015/C2 – 150-152 CROSS ROAD, MALVERN SA 5061 (UNLEY PARK)

MOVED: Roger Freeman

SECONDED: Ann Nelson

That Development Application at 150-152 Cross Road, Malvern SA 5061 for 'Construct six (6), two-storey group dwellings with associated garaging and front fence at 150-152 Cross Road, Malvern, SA 5061', 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. The access point shall be 6.0 metres in width at the property boundary, extending at that width 6.0 metres inbound into the site.
4. All vehicles shall enter and exit the site in a forwards direction.
5. Any obsolete crossover/s shall be reinstated to Council standard kerb and gutter at the applicants cost.
6. No stormwater shall be discharged on-surface to Cross Road. Costs associated with any alterations to existing stormwater infrastructure resulting from the development shall be borne by the applicant.

7. 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.
8. That a detailed landscaping plan shall be submitted to the satisfaction of Council prior to the issue of Development Approval.

NOTES PERTAINING TO PLANNING CONSENT:

- Your attention is drawn to the requirements of **Development Regulation 76C-Fire Safety Requirements - Brush Fences.** It is a requirement for the purpose of building rules assessment that brush fences (existing, proposed or altered) must be clearly identified on all documentation to be lodged for building rules consent. Brush fences within 3 metres of any dwelling will require development approval.
- 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.
- 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.
- Residential Parking Permits will not be issued to residents of Community or Strata titled dwellings or other multi dwelling buildings if granted development approval on or after 1 November 2013.

CARRIED UNANIMOUSLY

***ITEM 5**

DEVELOPMENT APPLICATION – 090/87/2013/C2 – 34 WESTALL STREET, HYDE PARK SA 5061 (UNLEY PARK)

Mr Derek Piper, representor, and Mr Phillip Brunning on behalf of Progetto Design, applicant, addressed the Panel regarding the above item.

MOVED: Barbara Norman

SECONDED: Ann Nelson

That Development Application at 34 Westall Street, Hyde Park SA 5061 to 'Construct new two (2) storey dwelling with garage and balcony fronting King William Road (on section of land between 213 and 215 King William Road)' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed development does not present single storey built scale to the streetscape or integrated sympathetically into the dwelling design;
- The proposed development detrimentally impacts on available sunlight to the adjacent properties ground level private open space;
- The length and height of the wall along the northern (side) boundary is considered detrimental to the visual amenity of the adjacent properties as this wall abuts their ground level private open space;
- The proposed garaging is located under the main roof and exceed 50% of the total width of the dwelling and is therefore not considered to form a relatively minor streetscape element.

The resolution was put and **TIED**.

On the casting vote of the Presiding Member the resolution was **LOST**.

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That Development Application at 34 Westall Street, Hyde Park SA 5061 to 'Construct new two (2) storey dwelling with garage and balcony fronting King William Road (on section of land between 213 and 215 King William Road)' be DEFERRED and the applicant be requested to provide a arboricultural report to assess the impact of the development on the adjacent significant tree at 213 King William Road.

CARRIED UNANIMOUSLY

Jennifer Boisvert left the meeting at 8.44pm and returned at 8.46pm, during discussion on the above item.

ITEM 6

DEVELOPMENT APPLICATION – 090/517/2015/C2 – 32 MILLER STREET, UNLEY SA 5061 (UNLEY)

MOVED: Roger Freeman

SECONDED: Barbara Norman

That Development Application at 32 Miller Street, Unley SA 5061 to 'Demolish existing dwelling and construct two storey dwelling to common boundary with upper level balcony', 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 northern and southern 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.
4. Water discharged from the development site should not exceed the rate of discharge from the site as it existed in pre-development conditions. Further details shall be provided to the satisfaction of Council 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**.
- 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.
- 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

ITEM 7

**DEVELOPMENT APPLICATION – 090/288/2015/C2 – 7 FOSTER STREET,
PARKSIDE SA 5063 (PARKSIDE)**

MOVED: Jennifer Boisvert

SECONDED: Ann Nelson

That Development Application at 7 Foster Street, Parkside 5063 for 'Demolition of existing dwelling and construction of a two storey dwelling with garage, verandah, shed and 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. 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 maximum 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 on 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.

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.

CARRIED UNANIMOUSLY

ITEM 8

DEVELOPMENT APPLICATION – 090/242/2015/C2 – 61 FISHER STREET, MYRTLE BANK SA 5064 (FULLARTON)

Mr Scott Davies, representor, and Mr Xiang Yu, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application at 61 Fisher Street, Myrtle Bank SA 5064 for 'Construct single storey dwelling including carport and 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. 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. The following information is to be prepared by a suitably qualified Arborist and is to be submitted to and approved by Council prior to the issue of Development Approval:

- A tree protection plan that identifies a Tree Protection Zone for the regulated tree on the land and measures to protect the tree throughout all phases of the development, including ground protection measures and a fencing plan;
- 4. No major trenching shall occur within the Tree Protection Zone to be identified and no services shall traverse the Tree Protection Zone and nothing shall be attached to the canopy of the trees by any means.
- 5. 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 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 8463 3555 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

ITEM 9

DEVELOPMENT APPLICATION – 090/672/2015/C2 – CARLTON STREET, HIGHGATE SA 5063 (PARKSIDE)

Mr Peter Tanjic, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/672/2015/C2 at Carlton Street, Highgate to 'Remove regulated street tree - Eucalyptus sideroxylon (Iron Bark tree) (Outside 20A Carlton Street Highgate)' is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent subject to the following reasons:

- The tree provides an important aesthetic and environmental benefit to the area;
- The tree is not diseased and its life expectancy is good;
- The tree does not present a material risk to public or private safety;

* Denotes Change

- The tree is not causing damage to a building; and
- The tree does not prevent reasonable and expected development.

CARRIED

Jennifer Boisvert declared a conflict of interest for Item 10 – 316-320 Unley Road, Hyde Park as it was through her support of a resident that this matter is before the DAP, and left the meeting at 9.18pm.

ITEM 10

DEVELOPMENT APPLICATION – 090/468/2015/C1 – WALFORD ANGLICAN SCHOOL FOR GIRLS, 316-320 UNLEY ROAD, HYDE PARK SA 5061 (UNLEY PARK)

Ms Wendy McFarlane addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Barbara Norman

That Development Application at Walford Anglican School for Girls, 316-320 Unley Road, Hyde Park SA 5061 for 'Variation to Condition 10 of DA 090/551/87 to allow part of the landscaped area to be used for storage of waste collection bins and other infrequently used items of school equipment, in association with existing educational establishment', 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 conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.
3. Waste disposal vehicles only service the subject area between the hours of 7am and 7pm Monday to Friday.
4. All waste disposal vehicles collecting waste from the subject area shall access the site via Fashoda Street.

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**.

CARRIED UNANIMOUSLY

Jennifer Boisvert returned to the meeting at 9.24pm.

ITEM 11

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

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That pursuant to Section 17(3)(b) of the Development Regulations 2008, the Development Assessment Panel determines to proceed with an assessment of Development Application 090/799/2015/NC at 82 Wattle Street, Fullarton Park for 'Change of use – home health care and associated overnight accommodation.'

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 9.29pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 15/12/2015.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 15 December 2015