

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 19 July 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 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)
Mr Roger Freeman (Deputy Presiding Member)
Mrs Ann Nelson
Ms Jennifer Boisvert
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES:

Ms Barbara Norman

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST: None.

CONFIRMATION OF MINUTES:

MOVED: Roger Freeman

SECONDED: Jennifer Boisvert

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 21 June 2016, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

***ITEM 1**

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

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

MOVED: Rob Sangster

SECONDED: Jennifer Boisvert

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 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, southern and eastern upper floor windows be treated to avoid overlooking by being fitted with fixed non-openable translucent glazed panels to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
4. That tree protection/management measures detailed on page 9 and 10 within Daniel Tuckwell's arborist report dated 21 April 2016 be complied with to the satisfaction of Council.
5. That a pier and beam footing system or similar be employed to minimise impacts on the tree. Further details to be provided to the satisfaction of Council of the footing system and finished floor level 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 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- 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 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 air-conditioning requiring approval under the Development Regulations 2008 shall be submitted to and approved by Council.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/699/2015/C2 – 337 FULLARTON ROAD, PARKSIDE SA 5063 (PARKSIDE)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application at 337 Fullarton Road, Parkside SA 5063 to 'Demolish existing dwelling and other structures and construct four 2 storey dwellings', 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. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
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 identified to be obscured 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. New planting shown on the approved site plan shall be implemented within the first available planting season after commencement of the use and be maintained thereafter to the satisfaction of the Council with diseased or dead plants replaced promptly with like species.
5. Vehicular access to/from the subject development shall be via a single, shared access point located adjacent the northern property boundary. The access shall be a minimum of 6.0 metres in width at the property boundary, extending at that width for a minimum of 6.0 metres into the site, before tapering into the driveway to the rear.
6. The access point shall be flared to the road to maximise ease of ingress/egress.
7. All vehicles shall enter and exit the site in a forward direction.
8. The shared access and vehicle manoeuvring areas shall be clear of all obstructions including meters, letterboxes, vegetation and visitor car parking.
9. The obsolete crossover shall be reinstated to Council standard kerb and gutter at the applicant's cost.
10. No stormwater shall be permitted to discharge on-surface to Fullarton Road. Additionally, any existing drainage of Fullarton Road must be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the applicant.

* Denotes Change

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 must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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.
- 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 3**

DEVELOPMENT APPLICATION – 090/283/2016/C2 – 82 FERGUSON AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

Mr Andre Roller, representor, and Mr Mark Thomas, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Rufus Salaman

That Development Application at 82 Ferguson Avenue, Myrtle Bank SA 5064 to 'Demolish existing dwelling and construct two storey dwelling with verandah and 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 upper floor windows (with the exception of the windows facing the balcony) 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 1.7m high privacy screening be erected along the northern, eastern and western sides of the balcony prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
5. That the existing garage be painted to match or blend with the proposed dwelling prior to occupation of the dwelling.

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 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.
- 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.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

CARRIED UNANIMOUSLY

***ITEM 4**

DEVELOPMENT APPLICATION – 090/312/2016/C2 – FERN AVENUE COMMUNITY GARDEN, 18-20 FERN AVENUE, FULLARTON SA 5063 (FULLARTON)

Mr Paul Adams and Ms Fiona Adams, representors, and Mr John Matheson on behalf of Alternative 3 Inc, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That Development Application at Fern Avenue Community Garden, 18-20 Fern Avenue, Fullarton SA 5063 to 'Erect steel framed enclosure covered with bird netting in associated with existing community garden (retrospective)', 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 the frame be painted in a matte black colour prior to installation of the netting.

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 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/331/2016/C2 – 352 FULLARTON ROAD, FULLARTON 5063 (PARKSIDE)

MOVED: Roger Freeman

SECONDED: Ann Nelson

That Development Application at 352 Fullarton Road, Fullarton 5063 to 'Erect two carports and verandah', 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 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.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- 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 6

DEVELOPMENT APPLICATION – 090/243/2016/C2 – 19 HART AVENUE, UNLEY SA 5061 (UNLEY)

Mr Ross Burton, representor, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application at 19 Hart Avenue, Unley SA 5061 for 'Variation to 090/49/2014/C2 - Extend existing verandah 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:

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 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- 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 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 resolution was put and **TIED**.

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

ITEM 7

DEVELOPMENT APPLICATION – 090/276/2016/C2 – 173 KING WILLIAM ROAD, HYDE PARK 5061 (UNLEY)

MOVED: Rob Sangster

SECONDED: Ann Nelson

That Development Application at 173 King William Road, Hyde Park 5061 to 'Erect canopy structure and signage, planters and seating in road reserve', 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 development herein approved includes works, buildings, structures, areas, or landscaping, or portions thereof, which are located under, on, or over a road, reserve, or other land, owned by a public authority such as the council. Those works, buildings, structures, areas, landscaping, or portions thereof, which are so located must be maintained in a good, safe, and sound condition at all times to the reasonable satisfaction of the public authority which owns that land.
4. Submit revised details of the internal layout with respect to the western planter box and the bicycle racks layout, which is to be confirmed to the satisfaction of Council prior to issue of development approval. Note: The location and width of the bicycle racks needs to be revised in accordance with the Australian Standards. The location of the western planter box also needs to be revised in order to maintain sight lines in accordance with the relevant Australian Standards).

5. Submit final details of the footing design and footpath treatment, which is to be confirmed to the satisfaction of Council prior to full development approval. Note: The footings should be subsurface with paving at the finished ground level.
6. New planting shown on the approved site plan shall be implemented within the first available planting season after commencement of the use and be maintained thereafter to the satisfaction of the Council with diseased or dead plants replaced promptly with like species.

NOTES PERTAINING TO PLANNING CONSENT:

- **NOTE:** The proposed development in whole or in part encroaches upon a public place. No development approval can be obtained, and the development cannot be lawfully undertaken, unless all encroachment/s have been dealt with in a satisfactory manner. In the case of encroachments over a road, an authorisation under Section 221 of the Local Government Act 1999 will be required **and an annual renewal fee payable to Council** in order to deal with the encroachment in a satisfactory manner. In the case of encroachments over other public places owned by the Council, contact the Council for further information.
- 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.
- A footpath dining permit is required to be obtained from Council's Traffic Management Department. Please contact 8372-5111 for more information.
- This planning assessment has not taken into account the specific requirements for access and facilities for people with disabilities (AS1428-2001). These are building assessment related matters and will be dealt with accordingly at the time of lodgment for Building Consent.

CARRIED UNANIMOUSLY

ITEM 8

DEVELOPMENT APPLICATION – 090/968/2015/C1 – 7 OMAR PLACE, UNLEY PARK SA 5061 (UNLEY PARK)

MOVED: Jennifer Boisvert

SECONDED: Ann Nelson

That Development Application 090/968/2015/C1 at 7 Omar Place, Unley Park SA 5061 to 'Remove regulated tree – *Corymbia ficifolia* (Red Flowering Gum)' is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree is considered to significantly contribute to the visual amenity of the locality as per Council Wide Objective 61(a) and therefore should be preserved.
- The tree is not diseased and is not considered to have a short life expectancy and therefore removal cannot be justified under Principle of Development Control 220(a).

- The tree is not considered to pose a material risk to public or private safety and therefore removal cannot be justified under Principle of Development Control 220(b).
- The tree is not considered to be causing damage to a building and therefore removal cannot be justified under Principle of Development Control 220(c).
- The tree does not demonstrate any of the criteria under Principle of Development Control 220 and therefore the tree should not be removed or damaged.

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/349/2016/C1 – 66-68 UNLEY ROAD, UNLEY SA 5061 (UNLEY)

Mr David Pongracz and Ms Chrissie Pongracz, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That Development Application at 66-68 Unley Road, Unley SA 5061 for 'Change of use - Licensed Restaurant (Moroccan/European Mezze Restaurant Wine Bar - maximum 55 Seats) and Retail store with associated fit-outs', 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 hours of the licensed restaurant shall be limited to the following:
 - Monday-Thursday – 12pm-Midnight
 - Friday and Saturday 11am-1am;
 - Sunday 11am-11pm.The associated VAP shop is to be limited to the hours below:
 - Monday-Friday 10am-6pm;
 - Thursday only 10am – 7pm;
 - Saturday 10am-4pm;
 - Sunday – Closed.
3. Amplified or live music is not permitted. Any music played in association with the use shall be limited to background music only, defined for the purpose of this condition to be a maximum of 65 dB(A) when measured inside of the building.
4. That the commercial range hood and exhaust flue comply with AS/NZS 1668 and details be provided, to the satisfaction of Council, prior to the issue of Development Approval.
5. Further details of waste storage and disposal to be provided to the satisfaction of Council, prior to the issue of Development Approval.

6. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm Monday to Friday.
7. All waste liquids associated with any activity undertaken on the premises must be either discharged into the sewer (with the approval of the Manager Trade Wastes SA Water Corporation) or alternatively contained on site in a holding tank or in a bunded compound/area, which is protected from stormwater intrusion, and regularly removed off site for disposal by a licensed waste transporter to a licensed waste disposal facility.

NOTES PERTAINING TO PLANNING CONSENT:

- This planning assessment has not taken into account the specific requirements for access and facilities for people with disabilities (AS1428-2001). These are building assessment related matters and will be dealt with accordingly at the time of lodgment for Building Consent.
- The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.
- The applicant should ensure that the proposed development conforms to the Food Act 2001, Food Regulations 2002 and the Australian Food Safety Standard.
- Signage is not a part of this approval and will require the prior consent of Council under a separate application.

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 9.27pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16/8/2016.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 16 August 2016