CITY OF UNLEY

<u>DEVELOPMENT ASSESSMENT PANEL</u>

Minutes of Meeting held Tuesday, 21 June 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)

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 Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

Roger Freeman advised that he has a conflict of interest in relation to Item 3 –10 Greer Street Hyde Park, as he is a friend of the representors from 12 Greer Street, Hyde Park, Michael and Ursula Cooney.

Brenton Burman advised that through his role as a planning consultant he has previously dealt with the applicant for Item 9 – 82 Cheltenham Street, Malvern, Scott Salisbury Homes, but that he has not discussed the application with them and he does not believe this represents a conflict of interest.

Jennifer Boisvert advised that the representor for Item 8-2 Graham Avenue, Millswood, Mr Andrew Wilson, is known to her but that she does not believe this represents a conflict of interest.

CONFIRMATION OF MINUTES:

MOVED: Barbara Norman SECONDED: Jennifer Boisvert

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 17 May 2016, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

<u>ITEM 1</u> <u>DEVELOPMENT APPLICATION - 090/912/2015/C2 - 12 ROBERTS STREET,</u> <u>UNLEY SA 5061 (UNLEY)</u>

Mr Peter van Diermen, representor, and Mr Ruan Perera on behalf of Ms Sarah Merrigan, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman SECONDED: Barbara Norman

That Development Application at 12 Roberts Street, Unley SA 5061 to 'Construct two storey detached dwelling with wall to common (southern) boundary, in-ground swimming pool and new wall to the northern (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. 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 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.

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

- 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.
- 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

<u>ITEM 2</u> <u>DEVELOPMENT APPLICATION – 090/127/2016/C2 – 135-137 LEICESTER</u> STREET, PARKSIDE SA 5063 (UNLEY)

Mr Phillip Brunning on behalf of Ms Helen Cutting, representor, and Mr Adrian Saccardo on behalf of Joe Castello Architects, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert SECONDED: Rob Sangster

That Development Application at 135-137 Leicester Street, Parkside SA 5063 to 'Carry out alterations and construct double storey additions to two (2) dwellings (adjacent 139-141 Leicester Street) on common boundaries including verandah and carport at rear 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 along the northern, western and eastern elevations be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
- 4. 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.

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.
- 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 <u>applicant</u>.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

CARRIED UNANIMOUSLY

Roger Freeman advised that he has a conflict of interest in relation to Item 3 –10 Greer Street Hyde Park, as he is a friend of the representors from 12 Greer Street, Hyde Park, Michael and Ursula Cooney, and left the meeting at 7.45pm.

*ITEM 3

<u>DEVELOPMENT APPLICATION - 090/12/2015/C2 - 10 GREER STREET, HYDE PARK SA 5061 (UNLEY PARK)</u>

Mr Malcolm Hughes on behalf of Ms Vicki Hughes, representor, and Mr Norman Sheun, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman SECONDED: Rob Sangster

That Development Application at 10 Greer Street, Hyde Park SA 5061 to 'Demolish existing dwelling and construct single storey dwelling with garage on common boundary', be DEFERRED and the applicant be requested to:

- Provide further information to address the inconsistencies in the plans and elevations.
- Provide contextual information and design detail as required by schedule 5 of the Development Regulations 2008 to demonstrate that the dwelling will complement the siting, form and key elements in the Residential Streetscape Zone.

CARRIED UNANIMOUSLY

Roger Freeman returned to the meeting at 8.09pm.

<u>ITEM 4</u> <u>DEVELOPMENT APPLICATION - 090/117/2016/C2 - 6A AUSTRAL TERRACE,</u> MALVERN SA 5061 (UNLEY PARK)

Mr Charles Iles, representor, and Mr Mark Williams on behalf of Medallion Homes, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert SECONDED: Roger Freeman

That Development Application at 6A Austral Terrace, Malvern SA 5061 to 'Construct two storey dwelling with garage on boundary, verandah and 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.
- 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.
- 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. 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.
- 6. 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:

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

CARRIED UNANIMOUSLY

<u>ITEM 5</u> <u>DEVELOPMENT APPLICATION - 090/285/2016/C2 - 337 FULLARTON ROAD, PARKSIDE SA 5063 (PARKSIDE)</u>

Mr Geoffrey Phillips, representor, and Mr Matthew King on behalf of Nirej Rewal, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman SECONDED: Barbara Norman

That Development Application at 337 Fullarton Road, Parkside SA 5063 for 'Land Division - Community Title - Create 4 allotments from 1 existing', 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:

 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 LAND DIVISION CONSENT:

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS are as follows:

- The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0045002).
- Payment of \$19464 into the Planning and Development Fund (3 Lots @ \$6488/lot).
 - Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

CARRIED UNANIMOUSLY

*<u>ITEM 6</u> <u>DEVELOPMENT APPLICATION – 090/699/2015/C2 – 337 FULLARTON ROAD,</u> <u>PARKSIDE SA 5063 (PARKSIDE)</u>

Mr Geoffrey Phillips, representor, and Mr Matthew King on behalf of Verrocchi Building Design, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman SECONDED: Jennifer Boisvert

That Development Application at 337 Fullarton Road, Parkside SA 5063 to 'Demolish existing dwelling and other structures and construct four 2 storey dwellings', be DEFERRED and the applicant requested to:

- Improve onsite manoeuvring and demonstrate compliance with relevant Australian Standards.
- Consider provision of visitor carparking.

CARRIED UNANIMOUSLY

<u>ITEM 7</u> <u>DEVELOPMENT APPLICATION – 090/201/2016/C2 – 15 SECOND AVENUE,</u> <u>FORESTVILLE SA 5035 (GOODWOOD)</u>

MOVED: Rob Sangster SECONDED: Rufus Salaman

That Development Application at 15 Second Avenue, Forestville SA 5035 to 'Demolish existing outbuilding and erect new dependent accommodation with workshop on common boundary and associated 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:

- 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.
- 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.

CARRIED UNANIMOUSLY

Jennifer Boisvert advised that the representor for Item 8-2 Graham Avenue, Millswood, Mr Andrew Wilson, is known to her but that she does not believe this represents a conflict of interest.

<u>ITEM 8</u> <u>DEVELOPMENT APPLICATION – 090/156/2016/C2 – 2 GRAHAM AVENUE,</u> MILLSWOOD 5034 (CLARENCE PARK)

Mr Andrew Wilson, representor, and Ms Kate Russo, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman SECONDED: Barbara Norman

That Development Application at 2 Graham Avenue, Millswood 5034 to 'Carry out alterations and construct single storey additions including garage and shed on common boundaries and retrospective side fencing', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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.

CARRIED UNANIMOUSLY

Jennifer Boisvert left the meeting at 9.27pm

Jennifer Boisvert returned to the meeting at 9.28pm.

Brenton Burman advised that through his role as a planning consultant he has dealt with the applicant for Item 9 – 82 Cheltenham Street, Malvern, Scott Salisbury Homes, but that he has not discussed the application with them and he does not believe this represents a conflict of interest.

<u>ITEM 9</u> <u>DEVELOPMENT APPLICATION - 090/189/2016/C2 - 82 CHELTENHAM STREET,</u> MALVERN SA 5061 (UNLEY PARK)

MOVED: Rob Sangster SECONDED: Rufus Salaman

That Development Application at 82 Cheltenham Street, Malvern SA 5061 'Demolition of a contributory item in a conservation zone and other structures', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the 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:

• 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

<u>ITEM 10</u> <u>DEVELOPMENT APPLICATION – 090/959/2015/C1 – 127-128 GREENHILL ROAD,</u> UNLEY SA 5061 (UNLEY)

MOVED: Jennifer Boisvert SECONDED: Rufus Salaman

That Development Application at 127-128 Greenhill Road, Unley SA 5061 to 'Construct cafe in front of existing office 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:

- 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 a detailed landscaping plan, which indicates the species and location of any proposed trees and shrubs on the site, shall be submitted to and approved by Council prior to full development approval being granted.
- 4. New planting shown on the approved landscape plan (to be provide prior to development approval being granted) 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. The hours of operation of the premises not exceed the following period:
 - 7am to 6pm Monday to Saturday
 - 8am to 6pm Sunday
- 6. Payment of \$168 per Regulated 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).
- 7. No signs to be erected or displayed without the prior consent of Council pursuant to the provisions of the Local Government Act and relevant regulations and bylaws made thereunder.
- 8. That details and location of on-site waste disposal facilities and methods, including times of waste collection, be submitted for the approval of Council prior to full development approval being granted. Further, that the approved facilities be installed and operative prior to the commencement of the use

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.

CARRIED UNANIMOUSLY

Rufus Salaman left the meeting at 9.31pm.

ITEM 11

CONFIDENTIALITY MOTION FOR ITEM 12 DEVELOPMENT APPLICATION – 090/857/2015/C1 – 28A MALVERN AVENUE, MALVERN SA 5061 (UNLEY PARK)

MOVED: Roger Freeman SECONDED: Barbara Norman

That:

- 1. The report be received.
- 2. Pursuant to Section 56A(12)(a)(viii) and (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
 - 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 and the Panel will consider legal advice.

CARRIED UNANIMOUSLY

The Chamber doors were closed at 9.33pm.

Rufus Salaman returned to the meeting at 9.33pm.

ITEM 12

<u>DEVELOPMENT APPLICATION - 090/857/2015/C1 - 28A MALVERN AVENUE,</u> MALVERN SA 5061 (UNLEY PARK)

MOVED: Roger Freeman SECONDED: Barbara Norman

- **A.** That the report be received; and
- **B.** That the Environment, Resources and Development Court be advised that the City of Unley Development Assessment Panel consents to Orders being made by the ERD Court to grant Development Plan consent to development application 090/857/2015/C1 at 28a Malvern Ave, Malvern, subject to the following conditions:

- 1. That the removal of the subject significant tree (River Red Gum) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
- 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).

The resolution was put and **TIED**.

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

ITEM 13 CONFIDENTIALITY MOTION FOR ITEM 12 DEVELOPMENT APPLICATION - 090/857/2015/C1 - 28A MALVERN AVENUE, MALVERN SA 5061 (UNLEY PARK)

MOVED: Roger Freeman

SECONDED: Jennifer Boisvert

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
- ☑ Legal Advice

For this Item to remain confidential on the basis that the information contained therein concerns legal advice and actual litigation being the appeal in ERD-16-45.

The report and attachments will be kept confidential until such time as the appeal has been determined.

CARRIED UNANIMOUSLY

The chamber doors were opened at 9.53pm.

CLOSURE

The Presiding Member declared the meeting closed at 9.56pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 19/7/2016.

DDECIDING MEMBED

PRESIDING MEMBER

DATED / /

NEXT MEETING Tuesday, 19 July 2016