

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 21 April 2015
at 7.00pm in the Civic Centre, Unley**

ACKNOWLEDGEMENT

We acknowledge that the land we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

We also acknowledge that the Aboriginal people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Aboriginal people today.

PRESENT:

Mr Brenton Burman (Presiding Member)
Ms Barbara Norman
Mr Roger Freeman
Ms Jennifer Boisvert
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES:

Mrs Ann Nelson

OFFICERS PRESENT:

Mr Donny Michel, Acting Manager Development
Mr Grant Croft, Acting Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

Rufus Salaman declared a conflict of interest of Item 6 – 5A Langham Terrace, Unley as he has had various dealings with the owners on other matters.

Jennifer Boisvert declared a conflict of interest for Item 4 – 12A Arnold Street, Parkside as both the applicant and representor are known to her.

CONFIRMATION OF MINUTES:

MOVED: Rufus Salaman

SECONDED: Rob Sangster

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

CARRIED UNANIMOUSLY

APPOINTMENT OF DEPUTY PRESIDING MEMBER:

Two nominations were received from the floor, from Jennifer Boisvert and Roger Freeman, and a ballot was held.

MOVED: Rufus Salaman

SECONDED: Barbara Norman

That Roger Freeman be elected as the Deputy Presiding Member for the City of Unley Development Assessment Panel until March 2017.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/70/2015/C2 – 47 FAIRFORD STREET, UNLEY SA 5061 (UNLEY)

Mr Robert Wharton on behalf of Ms Anne Wharton, Mr Tim Lloyd and Mr Mark Patterson, representors, and Mr Daniel Tuckwell on behalf of the owners of 47 Fairford St, Unley, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/70/2015/C2 47 Fairford Street, Unley SA 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The subject trees are considered to make an important contribution to the character and amenity of the local area;
- The subject trees are considered to form a notable visual element to the landscape of the local area;
- The subject trees are considered to contribute to the habitat value of local area individually;
- The subject trees are not considered to be diseased or have a short life expectancy;
- The subject trees are not considered to represent an unacceptable risk to public and / or private safety;
- The subject trees are not considered to be causing, or threatening to cause substantial damage to a substantial structure of value;
- Arboricultural advice provided indicates that there are several remedial options the applicant can utilise to minimise potential risks and improve the longevity and health of the trees.

CARRIED UNANIMOUSLY

***ITEM 2**

DEVELOPMENT APPLICATION – 090/173/2014/C2 – 218 CROSS ROAD, UNLEY PARK SA 5061 (UNLEY PARK)

Mr Paul Duregon, Mr David Zaborowski, and Mr Michael Doherty, representors, and Ms Rebecca Thomas on behalf of House and Land SA, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application at 218 Cross Road, Unley Park 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. External privacy screening devices along the balcony of dwelling 3 and 4 must be installed to avoid overlooking prior to occupation to a minimum height of 1700mm above floor level with such screening to be kept in place at all times.
4. That all upper floor windows except for the southern windows of dwelling 1 and 2 must 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.
5. The Cross Road access point shall be designed to cater for left- in/left-out movements only. This shall be achieved by installing a splitter island within the access with a minimum width of 4.0m at the kerb line and the ingress and egress points being angled at 70 degrees to the kerb. This treatment shall be reinforced by the installation of two signs:
 - An "All vehicles turn left" sign within the portion of the splitter island within private property facing exiting vehicles; and
 - A "No right turn" sign within the Cross Road median facing westbound traffic on Cross Road.

All costs shall be borne by the applicant.

6. The access shall provide a minimum of 1.0 metres clearance from the existing trees.
7. All vehicles shall enter and exit the site in a forward direction.
8. The obsolete crossover shall be reinstated to gutter and kerb to Council's satisfaction at the applicant's cost prior to habitation of the dwellings.

9. All stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost
10. 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 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.
- 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 3**

**DEVELOPMENT APPLICATION – 090/968/2014/C2 – 2 AILSA STREET,
FULLARTON SA 5063 (PARKSIDE)**

MOVED: Jennifer Boisvert

SECONDED: Barbara Norman

That Development Application at 2 Ailsa Street, Fullarton SA 5063 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. 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:

- 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.
- 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.
- 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.
- 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
- 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

Jennifer Boisvert declared a conflict of interest for Item 4 – 12A Arnold Street, Parkside as both the applicant and representor are known to her and left the meeting at 8.32pm.

***ITEM 4**

DEVELOPMENT APPLICATION – 090/733/2014/C2 – 12A ARNOLD STREET, PARKSIDE SA 5063 (PARKSIDE)

Ms Joan Sawley, representor, and Mr Michael Gryst on behalf of Ms Susan Gryst, applicant, addressed the Panel regarding the above item.

MOVED: Barbara Norman

SECONDED: Rob Sangster

That Development Application at 12A Arnold Street, Parkside SA 5063 is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposal fails to satisfy Council Wide Principles of Development Controls 82 and 142 in that direct overlooking will occur to habitable room windows and useable private open spaces of other dwellings.

LOST

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application at 12A Arnold Street, Parkside SA 5063 be DEFERRED to allow the Panel to undertake a site inspection.

CARRIED UNANIMOUSLY

Jennifer Boisvert returned to the meeting at 8.54pm.

ITEM 5

DEVELOPMENT APPLICATION – 090/938/2014/C2 – 23 WILKINSON ROAD, PARKSIDE 5063 (PARKSIDE)

MOVED: Rob Sangster

SECONDED: Roger Freeman

That Development Application at 23 Wilkinson Road, Parkside 5063 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. 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.
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. 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.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- 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 Act shall be submitted to and approved by Council.

CARRIED UNANIMOUSLY

Rufus Salaman declared a conflict of interest of Item 6 – 5A Langham Terrace, Unley as he has had various dealings with the owners on other matters and left the meeting at 8.57 pm.

ITEM 6

DEVELOPMENT APPLICATION – 090/100/2015/C2 – 5A LANGHAM TERRACE, UNLEY SA 5061 (UNLEY)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application at 5A Langham Terrace, Unley 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. That all north, south and east 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.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. The construction of the crossing place(s) shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant.
5. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
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

- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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.
- 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.

CARRIED UNANIMOUSLY

Rufus Salaman returned to the meeting at 9.04pm.

ITEM 7

DEVELOPMENT APPLICATION – 090/124/2015/C2 – 38D HIGHGATE STREET, HIGHGATE 5063 (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That Development Application at 38D Highgate Street, Highgate 5063 is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The existing dwelling already has a double width garage facility, which provides two (2) car-parks;
- There are no site constraints that would warrant support of a new double width carport;
- The proposed carport is not considered to compliment the streetscape and / or have regard to the Desired Character of the RB300 Zone;
- The carport will diminish the attractiveness of the streetscape;
- The carport will dominate the presentation of the associated dwelling;
- The carport will adversely impact on the amenity of the neighbours.

CARRIED UNANIMOUSLY

ITEM 8

CONFIDENTIALITY MOTION FOR ITEM 9

DEVELOPMENT APPLICATION – 090/237/2014/C2 – 84 ROSE TERRACE, WAYVILLE 5034 (GOODWOOD)

Item WITHDRAWN by Administration.

ITEM 9

**DEVELOPMENT APPLICATION – 090/237/2014/C2 – 84 ROSE TERRACE,
WAYVILLE 5034 (GOODWOOD)**

Item WITHDRAWN by the Applicant.

ITEM 10

**CONFIDENTIALITY MOTION FOR ITEM 9
DEVELOPMENT APPLICATION – 090/237/2014/C2 – 84 ROSE TERRACE,
WAYVILLE 5034 (GOODWOOD)**

Item WITHDRAWN by Administration.

CLOSURE

The Presiding Member declared the meeting closed at 9.16pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 19/5/2015.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 19 May 2015