

**CITY OF UNLEY**

**DEVELOPMENT ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 21 February 2017  
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 Barbara Norman  
Ms Jennifer Boisvert  
Mr Rufus Salaman  
Mr Rob Sangster

**APOLOGIES:**

None

**OFFICERS PRESENT:**

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

**CONFLICT OF INTEREST:**   None

**CONFIRMATION OF MINUTES:**

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 17 January 2017, as printed and circulated be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/2/2017/DIV – 23A FERGUSON AVENUE,  
MYRTLE BANK SA 5064 (FULLARTON)**

MOVED: Jennifer Boisvert

SECONDED: Rob Sangster

That Development Application at 23A Ferguson Avenue, Myrtle Bank SA 5064 for 'Land Division - Create 3 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:**

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 existing building on site be demolished prior to the issue of the Section 51 Certificate by the Development Assessment Commission. (All demolition is subject to separate Development Approval.)

**NOTE:** Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the Development Assessment Commission.

**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.  
  
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.  
  
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
- Payment of \$13352 into the Planning and Development Fund (2 allotments @ \$6676 / allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, 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 Certificate purposes.

**CARRIED UNANIMOUSLY**

## **ITEM 2**

### **DEVELOPMENT APPLICATION – 090/648/2016/C2 – 23A FERGUSON AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

Mr Kym Day, representor, and Mr Omid Rad and Mr Frank Rositano on behalf of Group Kinetica Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application at 23A Ferguson Avenue, Myrtle Bank SA 5064 to 'Construct 1 x detached two storey dwelling with gargage and verandahs and 2 x two storey dwellings with gargages, verandahs and boundary retaining walls', 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 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.
4. 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.
5. Prior to full Development Approval a stormwater management plan shall be submitted to Council for approval along with stormwater flow calculations demonstrating post development flow rates not exceeding pre-development flow rates.

#### **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**.
- 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](http://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.
- 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.
- 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 – 090/727/2016/C2 – 15A CLIFTON STREET, MILLSWOOD SA 5034 (GOODWOOD)**

Mr Marcus Rolfe on behalf of Precision Homes, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Jennifer Boisvert

That Development Application at 15A Clifton Street, Millswood SA 5034 to 'Demolish existing dwelling and outbuildings, construct new two storey dwelling including verandah, garage, front fence and install 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, as shown on *Precision Homes Elevations Plans WD04 and WD05*, 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.

\* Denotes Change

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.

**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**.
- 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](http://www.lsc.sa.gov.au).
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- 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.
- 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 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 – 090/931/2016/C2 – 54 FREDERICK STREET, UNLEY SA 5061 (UNLEY)**

Mr Errol Kaplan on behalf of Mr Geoff Krieger, representor, and Mr Phil Brunning on behalf of Mr Jason Oster, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Ann Nelson

That Development Application at 54 Frederick Street, Unley SA 5061 to 'Erect shed located on northern and eastern common boundaries', 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 associated outbuilding subject of this Approval shall only be used for purposes and activities ancillary to the residential use of the property and at no time be used for any commercial and/or industrial purpose.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

### **NOTES PERTAINING TO PLANNING CONSENT:**

- 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](http://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.

**CARRIED**

### **ITEM 5**

### **DEVELOPMENT APPLICATION – 090/442/2016/DIV – 166 CROSS ROAD, MALVERN 5061 (UNLEY PARK)**

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application at 166 Cross Road, Malvern 5061 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:**

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 vehicular access to/ from the site shall be gained via the common property adjacent the western property boundary only.
3. The access shall be a minimum of 6.0 metres wide at the Cross Road property boundary and extend into the site at this width for a minimum of 6.0 metres prior to tapering down to nominal driveway width.
4. The shared access and vehicle manoeuvring areas shall be kept clear of all obstructions to vehicle movements (including meters, fences, vegetation and parked vehicles).
5. The obsolete cross over shall be reinstated to Council standard kerb and gutter at the applicant's cost.
6. All vehicles shall enter and exit Cross Road in a forward direction.
7. 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.

#### **LAND DIVISION CONSENT CONDITIONS:**

1. That the existing building on site be demolished prior to the issue of the Section 51 Certificate by the Development Assessment Commission. (All demolition is subject to separate Development Approval.)

**NOTE:** Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the Development Assessment Commission.

#### **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 H0046300).
- Payment of \$19464 into the Planning and Development Fund (3 allotment/s @ \$6488 / allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, 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.

#### **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**.

**CARRIED UNANIMOUSLY**

**ITEM 6**

**DEVELOPMENT APPLICATION – 090/239/2016/C2 – 166 CROSS ROAD, MALVERN 5061 (UNLEY PARK)**

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That Development Application at 166 Cross Road, Malvern 5061 to 'Construct four, two storey dwellings with associated garages and verandahs and erect 2m high masonry fence along front 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 all upper floor windows aside from the south facing 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. The Cross Road access shall be a minimum of 6.0 meters in width at the property boundary and extend at this width for a minimum of 6.0 metres into the site prior to tapering down to the shared driveway, in order to ensure unrestricted two-way movements can be achieved at the crossover.
5. The access point shall be suitably flared to Cross Road to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic
6. All vehicles shall enter and exit the site in a forward direction.
7. The shared driveway and internal manoeuvring areas shall be clear of all obstructions including meters, letterboxes, landscaping and visitor parking.
8. The gate shall be setback a minimum of 8.0 metres from the Cross Road property boundary to ensure it can be opened /closed whilst a vehicles is stored on private property.
9. The redundant eastern crossover shall be closed and reinstated to Council specification gutter and kerb at the applicant's cost prior to habitation of the dwellings.
10. Pedestrian sightlines at the access shall be in accordance with AS/NZS2890.1:2004.
11. All stormwater generated by the proposal shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

## 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](http://www.lsc.sa.gov.au).
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- 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.
- 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 7**

### **DEVELOPMENT APPLICATION – 090/902/2016/C1 – 47 FAIRFORD STREET, UNLEY SA 5061 (UNLEY)**

Item WITHDRAWN by Administration.

## **CLOSURE**

The Presiding Member declared the meeting closed at 8.08pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21/3/2017.

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**PRESIDING MEMBER**

**DATED**        /        /

NEXT MEETING

Tuesday, 21 March 2017