

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

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

APOLOGIES:

Mr Roger Freeman

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Mr Grant Croft, Senior Planning Officer
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST: None

CONFIRMATION OF MINUTES:

MOVED: Rufus Salaman

SECONDED: Ann Nelson

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

CARRIED UNANIMOUSLY

***ITEM 1**

DEVELOPMENT APPLICATION – 090/876/2014/C2- 5 EUSTON AVENUE, HIGHGATE (FULLARTON)

Mr Robert Brelsford, representor, and Mr John Khodarahmi, owner, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That Development Application at 5 Euston Avenue, Highgate 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:

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. All upper level windows for dwellings 3, 4, 5 and 6 and the south, east and west facing windows of dwellings 1 and 2, 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 the landscaping, as approved by the Council, be established prior to occupation of the development and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times. Further, that trees used in landscaping of the site be at least 1.5 metres in height at the time of planting.

NOTES PERTAINING TO PLANNING CONSENT:

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

- 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 2

DEVELOPMENT APPLICATION - 090/400/2013/C3 - 30-32 CROSS ROAD, MYRTLE BANK (FULLARTON)

Ms Aijiao Cai, representor, and Mr Andrew Kirkbride on behalf of Kirkbride Boyce Architects, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Jennifer Boisvert

That Development Application at 30-32 Cross Road, Myrtle Bank 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:

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 recommendations contained in the arborist report prepared by Michael Palamountain from Tree Environs PTY LTD dated 9 September 2014 and detailed on pages 14 to 33 shall be complied with to the satisfaction of Council.
4. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
5. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
6. A Dilapidation Report relating to the proposed excavation and impacts on adjoining properties to the east shall be undertaken, submitted to Council prior to or at the time of application for Provisional Building Rules Consent.
7. That the collection of stormwater from all large non-permeable surfaces (roofs and car parks) should be designed such that it allows for on-site collection, treatment and detention and used internally and for on-site irrigation of landscaped areas. Any stormwater discharge from the site shall be to an approved stormwater discharge point (within Council's Stormwater Pipe Network) and to the satisfaction of Council's engineers. Further details shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent.

8. A Demolition and Construction Management Plan is required to the satisfaction of Council prior to the issue of Building Rules Consent and shall include details such as:
 - Car parking for tradespersons
 - Work in the Public Realm
 - Hoarding
 - Site amenities
 - Traffic requirements including construction access/egress and heavy vehicle routes
 - Reinstatement of infrastructure
9. Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties. Pollution prevention measures shall be in accordance with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
 - For the Community
 - For the Local , State and Federal Government
 - For the Building and Construction Industry

In the event that soil, dust or construction debris enter Council's road network, it shall be removed by the end of the next business day.
10. The hours of construction shall be limited to the following:
 - Monday to Friday – 7:00 am to 7:00pm;
 - Saturday – 7:00 am to 1:00 pm

All reasonable efforts shall be made to limit the emission of noise during construction and shall comply with the provisions of the Environmental Protection Act and Regulations, 1993.
11. Prior to commencement of works, the developer shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
12. That a detailed plan of lighting shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent. The plan shall include appropriate measures (aiming of lights, fitting of louvres, baffles, or shields or the like) to control or limit light falling on surrounding properties.
13. The applicant shall meet all costs associated with the removal of the street tree on Cross Road and the planting of a mature replacement tree.
14. Access to the site shall be constructed in accordance with Kirkbride Boyce Proposed Site Plan, Job No: 12-025, Drawing no: Sk07, Date: 3/02/2015.
15. 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.
16. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Cross Road access point.

17. Signs viewable to drivers on Cross Road shall not contain any element that flashes scrolls, moves or changes.
18. Illumination of signs that are viewable to drivers on Cross Road shall be limited to a low level (i.e. 200cd/m²).
19. Non-illuminated signs that are viewable to drivers on Cross Road shall be finished in a material of low reflectivity.
20. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not occur on or adjacent to the subject land.
21. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
22. Details of the Interface between the retained historic walls along Cross Road and the new building, Including the method of support, shall be provided to the satisfaction of Council in consultation with the Department of Environment, Water & Natural Resources, for sign off prior to the issue of full Development Approval.
Reason for condition: Detail not provided in the planning application stage.
23. Details of the interface between the new building and the east walls of the former dwelling shall be provided to the satisfaction of Council in consultation with the Department of Environment, Water & Natural Resources, for sign off prior to the issue of full Development Approval.
Reason for condition: Detail not provided in the planning application stage.
24. Final details of the landscaping plan be provided to the satisfaction of Council prior to the issue of Building Rules Consent.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- 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 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 Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 2.13 metres in width may be required from part of the Cross Road frontage of this site for possible future road purposes. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6.0 metres of the possible requirement.

The plans show the new building works clear of the 2.13 metre requirement, but within the consent area. Subsequently, should Council approve the development in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans. Consent can be anticipated.

- Illuminated signage applications shall be designed in accordance with DPTI "Advertising Signs - Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:
<http://www.dpti.sa.gov.au/data/assets/pdf/0019/145333IDPTI-Advertising-Signs-Assessment-Guidelines.pdf>
- Should Council not adopt the above recommendation in full, it will be necessary to obtain the concurrence of the Development Assessment Commission before a decision is conveyed to the applicant.
- Any changes to the proposal on which this report is based may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal described in the planning documentation.
- To ensure a satisfactory heritage outcome, Council is requested to consult the Department of Environment, Water and Natural Resources in finalising any conditions or reserved matters above.
- In accordance with Regulation 43 of the Development Regulations 2008, please send the Department of Environment, Water and Natural Resources a copy of the Decision Notification.
- Council is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.

- Council is requested to inform the applicant of the following requirements of the Aboriginal Heritage Act 1988.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

CARRIED UNANIMOUSLY

***ITEM 3**

DEVELOPMENT APPLICATION – 090/744/2014/C2 – 23 WOODFIELD AVENUE, FULLARTON 5063 (FULLARTON)

Mr Eric Pagnozzi and Mr Marcus Rolfe on behalf of Medallion Homes, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/744/2014/C2 at 23 Woodfield Avenue, Fullarton 5063 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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 eastern and western 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. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- 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 4

**DEVELOPMENT APPLICATION - 090/974/2014/C2 - 310 GLEN OSMOND ROAD
FULLARTON (FULLARTON)**

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That Development Application at 310 Glen Osmond 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:

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 1.7m high privacy screening be erected along the northern and western side of the balcony prior to occupation and that the screening be angled such that downward viewing is eliminated.

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.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION - 090/900/2014/NC - 17 WINCHESTER STREET, HIGHGATE (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application at 17 Winchester Street, Highgate 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 CONCURRENCE of the Development Assessment Commission and subject to the following conditions:

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. Use of the maintenance shed not exceed the following operating hours:
 - 8:00am to 4:00pm, Monday – Friday.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- That any 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 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.

CARRIED UNANIMOUSLY

ITEM 6

CONFIDENTIALITY MOTION FOR ITEM 7

DEVELOPMENT APPLICATION – 32 HART AVENUE, UNLEY – 090/492/2014/C2

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (ix) of the Development Act 1993, as amended, the Development Assessment Panel orders the public be excluded with the exception of the following:
 - David Litchfield, General Manager Economic Development and Planning
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning
 - Grant Croft, Senior Planning Officer
 - Rachel Theile, Development Administration

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.

CARRIED UNANIMOUSLY

The chamber doors were closed at 7.50pm.

***ITEM 7**

DEVELOPMENT APPLICATION – 090/492/2014/C2 – 32 HART AVENUE, UNLEY 5061 (UNLEY)

MOVED: Rob Sangster

SECONDED: Ann Nelson

- A. That the report be received; and
- B. That the Environment, Resource and Development Court be advised that the City of Unley Development Assessment Panel concedes the appeal for development application 090/492/2014/C2 at 32 Hart Avenue, Unley, subject to the following conditions:
 1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council dated March 2015, 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, east and west 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. That 1.7m high privacy screening be erected along the northern and western side of the balcony prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
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. 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 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**.
- 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.
- 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 resolution was put and **TIED**.

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

ITEM 8

CONFIDENTIALITY MOTION FOR ITEM 7

DEVELOPMENT APPLICATION – 32 HART AVENUE, UNLEY – 090/492/2014/C2

MOVED: Rufus Salaman

SECONDED: Barbara Norman

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

For this Item remain confidential on the basis that the documentation referring to 32 Hart Avenue, Unley remain confidential on the basis that the disclosure of the information may prejudice Council's position.

- 2.2 The report will be kept confidential until such time as the appeal has been determined and the order is reviewed by the Development Assessment Panel.

CARRIED UNANIMOUSLY

The Chamber doors were opened at 8.29pm.

OTHER BUSINESS

The Presiding Member called for nominations for Deputy Presiding Member at the April 2015 meeting.

CLOSURE

The Presiding Member declared the meeting closed at 8.39pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21/4/2015.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 21 April 2015