

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting held Monday, 8 February 2010
at 7.00pm in the Civic Centre, 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 that 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.

MEMBERS:

Mr Terry Tysoe (Presiding Member)
Mr Graham Gaston
Mr Mike Hudson
Mr Rob Sangster
Ms Denise Tipper
Mr Will Webster

APOLOGIES:

Mr Don Donaldson

OFFICERS PRESENT:

Ms Christine Umapathysivam, Deputy CEO
Mr Paul Weymouth, Manager, Development
Mr Donny Michel, Team Leader, Planning
Ms Kelley Jaensch, Executive Assistant – Urban Services

CONFIRMATION OF MINUTES

MOVED: Will Webster, SECONDED: Mike Hudson

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday, 18 January 2010 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/653/2009/C2 – 8 CHELMSFORD AVENUE, MILLSWOOD 5034 (GOODWOOD SOUTH)

Errollyn and Tom Stacey, representors and representative of Brianni Construction, applicant, addressed the Panel in respect for this item.

MOVED: Denise Tipper,

SECONDED: Rob Sangster

That Development Application 090/653/2009/C2 at 8 Chelmsford Avenue, Millswood 5034 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 all external materials and finishes shall be the same as or complementary to the existing building(s) on the site.
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. Further to this, 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.
5. That for reasons of safety and amenity, all access to the swimming pool shall comply with Australian Standard AS 1926.1-1993 Fencing for Swimming Pools, AS 1926.2-1995 Swimming Pool Safety – Location of Fencing for Private Swimming Pools and the Building Code of Australia.
6. 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.
7. That no roots greater than 100mm in diameter of the *Jacaranda mimosifolia* located on the Council verge adjacent the swimming pool should be severed without seeking arboriculture advice.

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 developer or owner.
- 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.

Item 1

Development Application – 090/653/2009/C2 – 8 Chelmsford Avenue, Millswood 5034 (Goodwood South) - Continued

- 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 details of any air-conditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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 2

DEVELOPMENT APPLICATION – 090/849/2009/C2 – 21 CHURCH STREET, HIGHGATE 5063 (FULLARTON)

MOVED: Rob Sangster,

SECONDED: Graham Gaston

That Development Application 090/849/2009/C2 at 21 Church Street, Highgate 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. 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.

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 developer or owner.
- 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.
- 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.

Item 2

Development Application – 090/849/2009/C2 – 21 Church Street, Highgate 5063 (Fullarton) – Continued

- The emission of noise from the premises is subject to control under the Environmental Protection Act and Regulations and the applicant should ensure compliance with those requirements.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/794/2009/C2 – 18 GLENFERRIE AVENUE, MYRTLE BANK 5064 (FULLARTON)

MOVED: Graham Gaston,

SECONDED: Rob Sangster

That Development Application 090/794/2009/C2 at 18 Glenferrie Avenue, Myrtle Bank 5064 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 and any connection to the street water table is subject to application and shall be in accordance with any requirements and to the satisfaction of Council.
3. That a detailed landscaping plan, which indicates the species and location of proposed trees and shrubs on the site, shall be submitted to and approved by Council prior to the issue of Building Rules Consent.
4. That the upper floor windows facing north, east and west be treated to avoid overlooking by being fitted with fixed non-openable translucent glazed panels to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
5. That retaining walls be provided where differences in ground level exceed 200mm and fencing to be erected on top of retaining walls.
6. That lighting shall be provided to the access road by the applicant for security and safety of pedestrians.

NOTES PERTAINING TO PLANNING CONSENT

- 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 developer or owner.

Item 3

Development Application – 090/794/2009/C2 – 18 Glenferrie Avenue, Myrtle Bank 5064 (Fullarton) - Continued

- 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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 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. An application to install or amend a crossing place must be made to Council on the appropriate application form.
- A maximum clearance of one (1) metre between driveway crossover(s) and the existing street tree(s) shall be provided.
- 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.
- Any fence to the front of the property shall be designed to ensure that motorists exiting from the driveway have sufficient lines of sight to both pedestrians and motorists on Glenferrie Avenue.
- Any gates to the property on the south eastern and south western corners nearest Glenferrie Avenue shall be remotely controlled to minimise on street queuing and shall be wholly contained within the property at all times.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/610/2009/C2 – 37 NINGANA AVENUE, KINGS PARK 5034 (UNLEY PARK)

Michael Saies, representor and a representative from Troppo Architects, on behalf of the applicant, addressed the Panel in respect for this item.

MOVED: Graham Gaston,

SECONDED: Will Webster

Item 4

Development Application – 090/610/2009/C2 – 37 Ningana Avenue, Kings Park 5034 (Unley Park) - Continued

That Development Application 090/610/2009/C2 at 37 Ningana Avenue, Kings Park 5034 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, including amended plan dated 5 February 2010, 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.
- 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 developer or owner.

CARRIED

Prior to debate on this Item, Mike Hudson left the Chambers at 7.45pm.

ITEM 5

DEVELOPMENT APPLICATION – 090/993/2009/C2 – 34A OXFORD TERRACE, UNLEY 5061 (UNLEY)

MOVED: Denise Tipper,

SECONDED: Rob Sangster

That Development Application 090/993/2009/C2 at 34A Oxford Terrace, Unley 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree forms a notable visual element.
- The tree contributes to habitat value.
- The tree is not diseased and life expectancy is not short.
- The tree does not represent an unacceptable risk to public or private safety.

Item 5

Development Application – 090/993/2009/C2 – 34A Oxford Terrace, Unley 5061 (Unley) - Continued

- The tree is not shown to be causing substantial damage to a substantial building or structure of value.

CARRIED

After debate on this item, Mike Hudson returned to the Chambers at 8.02pm.

With consent of the Panel, Item 10 was moved forward.

ITEM 10

DEVELOPMENT APPLICATION – 090/874/2009/C2 – 7 LANGHAM TERRACE, UNLEY SA 5061 (UNLEY)

Paul Thorne and representative, representor, Mr Lindner and Chris Vanasis, applicant, addressed the Panel in respect for this item.

MOVED: Denise Tipper,

SECONDED: Mike Hudson

That Development Application 090/874/2009/C2 at 7 Langham Terrace, Unley SA 5061 is at variance with the provisions of the Development Plan and in particular the Residential Historic Conservation Zone Policy Area 6 and should be REFUSED Planning Consent for the following reasons:

The development is at variance with the following provisions of the Residential Conservation Zone and Policy Area 6:

Objective 1:

- Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.

Heritage Value:

- The Residential Historic (Conservation) Zone and its 7 policy areas have particular significance to the history of Unley's settlement. These areas tell a story about life in the late 19th and early 20th Century, and of the features and circumstances of the original European communities in Unley. It is for this reason, as well as the appealing and coherent streetscapes of largely intact original building stock, that these areas merit particular attention and protection. The important defining heritage values and statements of desired character are expressed for each of the zones seven distinctive policy areas. These values stem from the original road layout and settlement patterns. There is a strong consistency and an identifiable pattern in the way buildings, of varying proportions, are sited and massed relative to the site sizes and widths of street frontages. There is also an identifiable rhythm of spaces between buildings and their street setbacks. Dwellings are of a traditional street-fronting format and adopt a strong street "address" with open front gardens and fencing, and with outbuildings and garaging being a recessive or minor streetscape element. There is also a consistency in the built fabric itself with characteristic use of building forms, detailing, materials and colours.

Item 10

Development Application – 090/874/2009/C2 – 7 Langham Terrace, Unley SA 5061 (Unley) - Continued

Principle 1:

- Development should conserve and enhance the desired character as expressed for each of the seven policy areas.

Principle 9:

- Development should present a single storey built scale to the streetscape. Any second storey building elements should be:
 - (a) integrated sympathetically into the dwelling design; and
 - (b) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions nor increasing the evident wall heights as viewed from the street; and
 - (c) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape.

Principle 10:

- Buildings should be of a high quality design of its time inspired by current themes rather than seeking to replicate earlier architectural styles. Buildings should nonetheless suitably reference the contextual conditions of its locality and contribute positively to the desired character, particularly in terms of its:
 - (a) building scale and form relative to its setbacks as well as the overall size of its site; and
 - (b) streetscape setting or the pattern of buildings and spaces (front and side setbacks), and gaps between buildings; and
 - (c) primarily open front fencing and garden character and the strong presence of dwellings fronting the street.

Policy Area 6 Residential Character:

- The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focussed on the central oval feature in 'New Parkside') and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.
Development will:
 - (b) be of a street-fronting dwelling format, primarily detached dwellings; and
 - (c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:
 - (iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4 metres; and
 - (d) maintain and respect important features of architectural styles of contributory items having typically:
 - (i) building wall heights in the order of 3.6 metres; and

Item 10

Development Application – 090/874/2009/C2 – 7 Langham Terrace, Unley SA 5061 (Unley) - Continued

- (ii) total roof heights in the order of 5.6 metres or 6.5 metres; and
- (iii) roof pitches in the order of 27 degrees and 35 degrees.

CARRIED

ITEM 6

DEVELOPMENT APPLICATION – 090/1005/2009/C2 – 99 YOUNG STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Will Webster,

SECONDED: Rob Sangster

That Development Application 090/1005/2009/C2 at 99 Young Street, Parkside 5063 be deferred to allow the applicant to provide further information as to whether the owner of the land supports the application.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/887/2009/C2 – 306 YOUNG STREET, WAYVILLE 5034 (GOODWOOD)

MOVED: Graham Gaston,

SECONDED: Mike Hudson

That Development Application 090/887/2009/C2 at 306 Young Street, Wayville 5034 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Development Approval subject to the following conditions:

1. That the of the subject significant tree *Erythrina X sykesii* (Coral Tree) 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).

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 developer or owner.
- 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.

CARRIED

ITEM 8**DEVELOPMENT APPLICATION – 090/10/2010/C3 – 23 WINCHESTER STREET,
HIGHGATE 5063 (FULLARTON)**

MOVED: Rob Sangster,

SECONDED: Denise Tipper

That pursuant to Development Regulation 17(3)(b) of the Development Regulations the Development Assessment Panel resolve to proceed an assessment of the application.

CARRIED**ITEM 9****DEVELOPMENT APPLICATION – 090/828/2009/C2 – 2 / 10 HATHERLEY AVENUE,
HYDE PARK 5061 (UNLEY PARK)**

MOVED: Rob Sangster,

SECONDED: Graham Gaston

That Development Application 090/828/2009/C2 at 2 / 10 Hatherley Avenue, Hyde Park 5061 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.

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 developer or owner.
- 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.
- 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

Other Business

MOVED: Denise Tipper, SECONDED:

That the DAP will no longer receive late items.

The motion of Denise Tipper **LAPSED** for want of a seconder.

CLOSURE

The Presiding Member declared the meeting closed at 9.35pm.

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PRESIDING MEMBER

NEXT MEETING
9 March 2010