

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 20 March 2018
at 7.00pm in the Unley Council Chambers,
181 Unley Road, Unley**

NOMINATION OF ACTING PRESIDING MEMBER FOR 20 MARCH 2018 MEETING:

The Team Leader Planning called for nominations for an Acting Presiding Member for the meeting.

MOVED: Ann Nelson

SECONDED: Rufus Salaman

That Roger Freeman be elected as the Acting Presiding Member for the City of Unley Council Assessment Panel meeting for 20 March 2018.

CARRIED

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:

Ms Nicole Dent
Mr Roger Freeman
Mrs Ann Nelson
Mr Rufus Salaman

APOLOGIES:

Mr Brenton Burman (Presiding Member)

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development and Regulatory
Mr Donny Michel, Team Leader Planning
Mr Andrew Raeburn, Senior Planner
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 Council Assessment Panel meeting held on Tuesday, 20 February 2018, as printed and circulated be taken as read and signed as a correct record.

CARRIED

***ITEM 1**

DEVELOPMENT APPLICATION – 090/414/2017/C1 – 3 MACKLIN STREET, HYDE PARK SA 5061 (UNLEY PARK)

Mr Lino Ceccon and Ms Sandra Sebben, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Nicole Dent

That Development Application 090/414/2017/C1 at 3 MacKlin Street, Hyde Park SA 5061 for 'Removal of significant tree - Eucalyptus camaldulensis (River Red Gum)', 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. That the removal of the subject tree significant tree (Eucalyptus camaldulensis) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. Payment of \$256.50 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/986/2016/C2/A – 68 WELLER STREET, GOODWOOD SA 5034 (GOODWOOD)

MOVED: Ann Nelson

SECONDED: Rufus Salaman

That Development Application 090/986/2016/C2/A at 68 Weller Street, Goodwood SA 5034 for 'Carry out alterations and construct addition including garage on common boundaries, cellar, erect verandahs and 2.7m high boundary wall and install in-ground swimming pool - Variation to 090/986/2016/C2 - as described in Planning Report dated 31/10/2017, including remove vergola, change fencing material, extend ensuite and laundry, alter and lower roof form, lower finished levels of addition, garage and 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:

DEVELOPMENT PLAN 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 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.
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.
5. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.

Variation to 090/986/2016/C2 - As described in Planning Report dated 31/10/2017, including remove vergola, change fencing material, extend ensuite and laundry, alter and lower roof form, lower finished levels of addition, garage and pool

1. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. The applicant shall submit details of all surface materials for driveways, pathways, courtyards etc. and these shall include permeable materials wherever possible. These details shall be provided to the satisfaction of Council prior to issue of Development Approval.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any 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 UNANIMOUSLY

ITEM 3

**DEVELOPMENT APPLICATION – 090/64/2018/DIV – 402 FULLARTON ROAD,
MYRTLE BANK SA 5064 (FULLARTON)**

Ms Joanne Haas and Ms Maxine Gibbs, representors, and Mr Marcus Rolfe on behalf of Rob De Sciscio, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Nicole Dent

That Development Application 090/64/2018/DIV at 402 Fullarton Road, Myrtle Bank SA 5064 for 'Land Division - Torrens Title - Create seven allotments from one 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:

DEVELOPMENT PLAN 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.

LAND DIVISION CONSENT CONDITIONS:

1. That the existing buildings on site be demolished prior to the issue of the Section 51 Certificate by the State Commission Assessment Panel. (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 State Commission Assessment Panel.

2. Section 61(1)(e) of the Development Act 1993 requires the building owner and the adjoining owner to create easements of support in respect of a party wall over their respective land and cause the easements to be registered under the Real Property Act 1986 or lodged under the Registration of Deeds Act 1935 (as the case may require).

Builders and owners should ensure that the necessary documentation is prepared and lodged with the Registrar-General.

NOTES PERTAINING TO LAND DIVISION CONSENT:

None.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0067938)

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

SA Water Corporation further advise that an investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non-standard.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

- Payment of \$40980 into the Planning and Development Fund (6 allotment/s @ \$6830 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders 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 4**

DEVELOPMENT APPLICATION – 090/825/2017/C2 – 402 FULLARTON ROAD, MYRTLE BANK SA 5064 (FULLARTON)

Mr Mirek Haas, Ms Joanne Haas, Mr David Pisoni on behalf Nora Close, and Ms Fiona Basedow on behalf of Zenghe Chen and Muling Ni, representors, and Mr Marcus Rolfe on behalf of Chanh Huynh, applicant, addressed the Panel regarding the above item.

MOVED: Nicole Dent

SECONDED: Rufus Salaman

That Development Application 090/825/2017/C2 at 402 Fullarton Road, Myrtle Bank SA 5064 to 'Demolish existing dwelling and construct seven, two storey dwellings with garaging, retaining walls and the removal of a street tree' 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:

DEVELOPMENT PLAN 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 a detailed landscaping plan, which provides details of any paving and surfacing materials, garden structures / walls, bin stores and 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 Development Approval. Any surfacing material should be permeable wherever practicable.
4. The landscaping details approved by Council shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any diseased or dying plants being replaced.

5. All fencing shall be clear of the 4.5 x 4.5 metres corner cut-off at the Fullarton Road / Culross Avenue corner. Any vegetation within this area shall be low growing (i.e. ≤ 1.0 metres tall) in order to maintain sight lines at this location.
6. All vehicular access to/from the site shall be gained via Culross Avenue only. No direct vehicular access onto Fullarton Road shall be permitted.
7. Access to/from the site shall comply with AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways'. The separation between the access for Lot 01 and the Fullarton Road / Culross Avenue junction shall be maximised.
8. Fencing along the Culross Avenue frontage of Lot 01 (including the corner cut-off) shall be open in nature or no taller than 1.0 metres tall in order to maximise sight lines between the Fullarton Road / Culross Avenue junction and the driveway to Lot 01.
9. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- This site is affected by a possible requirement shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a strip of land up to 4.5 metres in width from the Fullarton Road property boundary, together with a 4.5 x 4.5 metre cut-off at the Fullarton Road / Culross Avenue corner of this site for future road purposes. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement. As part of the proposed development is within the above requirement, consent will be required.

As part of the proposed building is within the consent area, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans for consent purposes.

- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out 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.
- 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 the development if granted development approval on or after 1 November 2013.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/948/2017/C2 – 177 -179 KING WILLIAM ROAD, HYDE PARK 5061 (UNLEY)

Mr Greg O’Grady, representor, and Mr Phillip Brunning on behalf Duke Group of Companies, applicant, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Rufus Salaman

That Development Application 090/948/2017/C2 at 177 -179 King William Road, Hyde Park 5061 to ‘Install two (2) lighting poles in rear carpark’, 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:

DEVELOPMENT PLAN 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 lights shall only operate between 5am-7am and 7:30pm-9:45pm Monday to Sunday.
3. The lighting shall be maintained, at all times, in accordance with Australian Standard AS/NZ 4282-1997.

CARRIED UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/899/2017/C2 – 47 AUSTRAL TERRACE, MALVERN SA 5061 (UNLEY PARK)

Mr Liam McCusker on behalf of Neville and Lyn Minnis, representors, and Mr Greg Vincent on behalf of Joshua Simons, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Nicole Dent

That Development Application 090/899/2017/C2 at 47 Austral Terrace, Malvern SA 5061 to ‘Construct freestanding habitable outbuilding on southern common 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:

DEVELOPMENT PLAN 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 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 DEVELOPMENT PLAN 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**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

CARRIED UNANIMOUSLY

ITEM 7

DEVELOPMENT APPLICATION – 090/893/2017/C2 – 8 VICTORIA AVENUE, UNLEY PARK SA 5061 (UNLEY PARK)

Mr David Burton on behalf of J & T McLean, applicant, addressed the Panel regarding the above item.

MOVED: Nicole Dent

SECONDED: Ann Nelson

That Development Application 090/893/2017/C2 at 8 Victoria Avenue, Unley Park SA 5061 to 'Carry out demolition and alterations, construct two storey addition, two storey habitable outbuilding to boundary, garage, shed to boundaries, in-ground swimming pool and pergola', 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:

* Denotes Change

DEVELOPMENT PLAN 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 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.
3. 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.
4. A Tree Protection Zone be applied to the existing Regulated Tree in accordance with the recommendations of Australian Standard AS 4970 Protection of trees on development sites.
5. That the construction of the development subject of this approval shall minimise any disruption to the root system of the affected regulated/significant tree growing in the property with no severing of roots with a diameter greater than 50 mm.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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.

CARRIED UNANIMOUSLY

* Denotes Change

ITEM 8

DEVELOPMENT APPLICATION – 090/885/2017/C2 – 1A VICTORIA AVENUE, UNLEY PARK SA 5061 (UNLEY PARK)

MOVED: Ann Nelson

SECONDED: Rufus Salaman

That Development Application 090/885/2017/C2 at 1A Victoria Avenue, Unley Park SA 5061 to 'Construct single storey detached dwelling with double garage under main roof, swimming pool, tennis court, new front fence and remove a significant tree – Eucalyptus camaldulensis (Red River Gum)' 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:

DEVELOPMENT PLAN 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 total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That the removal of the subject significant tree "Tree 1" (Eucalyptus camaldulensis) and the retention and protection of "Tree 2" (Eucalyptus camaldulensis) 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).
5. That the recommendations in both Tree Assessment Reports prepared by Jason Williams from Arborman (dated 15 May 2017 and 11 July 2017) be adhered to the satisfaction of Council.
6. 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.
7. 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.
8. 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.
9. The construction of the crossing place shall minimise any disruption to the root system of the street tree growing adjacent to the proposed crossover and be carried out to the satisfaction of Council.

10. That the construction of the proposed development shall minimise any disruption to the root system of regulated/significant trees growing in the property with no severing of roots with a diameter greater than 50 mm.

NOTES PERTAINING TO DEVELOPMENT PLAN 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 1300 366 424 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

OTHER BUSINESS

None.

MATTERS FOR COUNCIL'S CONSIDERATION

None.

CLOSURE

The Presiding Member declared the meeting closed at 9.35pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 17/4/2018.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 17 April 2018