

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 18 February 2020
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 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:

Mrs Jennie Boisvert
Mr Roger Freeman
Mr Alexander (Sandy) Wilkinson
Mr Rufus Salaman
Ms Shanti Ditter (Presiding Member)

APOLOGIES:

Mr Brenton Burman

OFFICERS PRESENT:

Mr Gary Brinkworth, Assessment Manager
Mrs Amy Barratt, Acting Senior Planner
Mr Harry Stryker, Planning Officer
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST:

Nil

CONFIRMATION OF MINUTES:

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 21 January 2020, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/774/2019/C2 – 2 BELGRAVE COURT, PARKSIDE 5063 (UNLEY)

Mr Thomas Dewar, Mr Matthias Birkner and Ms Darina Hoffman, representors, addressed the panel regarding the above-mentioned application. Mr Mark Kwiatkowski from Adelaide Planning and Development Solutions, spoke on behalf of the applicant, Mr Spiro Papaemanouil.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/774/2019/C2 at 2 Belgrave Court, Parkside 5063 to 'Construct two, two storey dwellings including garages and verandahs', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

1. The proposed development does not adequately minimise building massing at the interface of the adjacent residential zone.
2. The proposed garaging detracts from the associated dwellings and the prevailing built form of the locality.
3. The proposed development does not provide adequate Private Open Space in accordance with Council Wide Residential PDC 20.
4. The proposed development is at variance with the relevant Zone and Council Wide Residential PDC in that the boundary development exceeds recommended height and length.
5. The proposal does not provide adequate vehicle turning area to allow for the safe movement of vehicles and pedestrians.
6. The proposed development does not satisfy the minimum frontage width.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/579/2019/C2 – 6 / 254-262A GLEN OSMOND ROAD, FULLARTON SA 5063 (PARKSIDE)

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/579/2019/C2 at 6 / 254-262A Glen Osmond Road, Fullarton SA 5063 to 'Undertake a change of use (from residential to office and dwelling) and carry out alterations to existing building and construction of additions including a second storey with balcony', 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 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. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*.
5. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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.
- 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**.
- 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.
- The Metropolitan Adelaide Road Widening Plan currently shows that a strip of land up to 2.13 metres in width may be required from the Glen Osmond Road frontage of this site (CP 14299), together with a 4.5 x 4.5 metre cut-off at the Glen Osmond Road / Katherine Street corner, 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.

Further, preliminary investigations into a potential future upgrade of the adjacent Glen Osmond Road / Bevington Road / Conyngham Street intersection indicate that some land may be required from this site. However, the exact nature and timing of any requirements has yet to be determined, and no funding has been committed to that upgrade.

Accordingly, the attached consent form should be completed and forwarded to OPTI via dpti.luc@sa.gov.au with three copies of the approved site plan for processing. Consent can be anticipated.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/770/2019/C2 – 59 WINCHESTER STREET, MALVERN SA 5061 (UNLEY PARK)

Mr Tom Fisher, representor, Mr Antonio Staiano, applicant, addressed the panel regarding the above-mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/770/2019/C2 at 59 Winchester Street, Malvern SA 5061 to 'demolish rear of dwelling, carry out alterations and construct additions including upper storey, verandahs, fencing, garage and carport to common boundaries and install 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:

RESERVED MATTER

The following detailed information shall be submitted for further assessment and approval by the Team Leader Planning as delegate of the CAP as reserved matters under Section 33(3) of the Development Act 1993:

- (a) All dimensions of the proposed front boundary fence, including the blade size and spacing between blades, shall be provided to the satisfaction of Council to acknowledge the relevant principles of the Development Plan. The spacing between the fence blades shall be sufficient to allow a high degree of transparency.
- (b) That the upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or raised sills to a minimum height of 1700mm above floor level with such measures to be kept in place at all times. Details of privacy treatments shall be provided to the satisfaction of Council.

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. shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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 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.
- 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.

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/215/2019/DIV – 300 CROSS ROAD, CLARENCE PARK SA 5034 (CLARENCE PARK)

This application has been removed at the request of the applicant.

ITEM 5

**DEVELOPMENT APPLICATION – 090/494/2019/C2 – 11 ADA STREET,
GOODWOOD SA 5034 (GOODWOOD)**

Ms Kate Swann, representor, Mr Andrew McAllister and Mrs Erin McAllister, applicant, addressed the panel regarding the above mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED:

That Development Application 090/494/2019/C2 at 11 Ada Street Goodwood SA 5034 to 'carry out alterations and construct upper storey addition' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed development does not adequately present a single storey built scale to the streetscape, and will be conspicuous in the streetscape, contrary to Residential Historic Conservation Zone, Principle of Development Control 9.

The motion lapsed for want of a seconder.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/494/2019/C2 at 11 Ada Street Goodwood SA 5034 to 'carry out alterations and construct upper storey addition' be DEFFERED to allow the applicant to:

- Seek a perspective view to convey how the upper storey is viewed from the street;
- Provide additional shadow diagrams to assess full impact of the development if there are potential changes to the setback.

CARRIED

ITEM 6

**DEVELOPMENT APPLICATION – 090/672/2019/C2 – 3 ERSKINE STREET,
GOODWOOD 5034 (UNLEY)**

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/672/2019/C2 at 3 Erskine Street, Goodwood to 'Demolish existing rear additions and construct new rear additions including veranda, and erect carport on side 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. Tree protection fencing shall be installed, a minimum radius of 4m around the Regulate Eucalyptus, prior to the commencement of any work on site. Further, the fencing shall remain in place until the completion of all building works (with the exception of the affected existing outbuilding being removed).
3. That the 'alfresco blade wall' be constructed utilising a pier and beam construction to support the blade wall, with the beam supported above existing ground level or similar. Further engineering details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. Construction of the 'alfresco blade wall' shall minimise any disruption to the root system of the Regulated Eucalypt tree with no severing of roots with a diameter greater than 50 mm without the presence of an Arboricultural officer of Council.
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.
6. 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.
(2.5kL retention and 1.5kL detention)

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 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 7

DEVELOPMENT APPLICATION – 090/448/2018/C2 – WESTALL STREET, HYDE PARK (UNLEY PARK)

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That pursuant to Section 33 of the Development Act, 1993, Development Approval be **REFUSED** to 090/448/2018/C2 at Westall Street, Hyde Park for 'Removal of Regulated Street Tree (Eucalyptus sideroxylon - Red Ironbark), located on Westall Street frontage of 2 Jasper Street, Hyde Park, for the following reasons:

- The regulated tree makes an important contribution to the visual amenity of the locality and therefore should be retained in accordance with Regulated and Significant Trees Objective 2(a);
- The regulated tree provides an important habitat for native fauna and therefore should be retained in accordance with Regulated and Significant Trees Objective 2(d);
- No evidence has been provided to demonstrate that the regulated tree is diseased, and its life expectancy is short, nor represents a material risk to public or private safety, nor is causing damage to a building contrary to Regulated and Significant Trees PDC 2.

CARRIED UNANIMOUSLY

OTHER BUSINESS

Discussion around the CAP Meeting Procedures with specific reference to reviewing the circumstances in which a deferral motion can be applied.

Suggestion that the abovementioned matter could be discussed in a future CAP workshop meeting.

MATTERS FOR COUNCIL'S CONSIDERATION

Nil

The Presiding Member declared the meeting closed at 8:29pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 17 March 2020.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 18 February 2020