

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 19 August 2014
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 Terry Tysoe (Presiding Member)
Mr Brenton Burman (Deputy Presiding Member)
Ms Nicole Dent
Mrs Ann Nelson
Mr Don Palmer
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES: Nil

OFFICERS PRESENT: Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

None

CONFIRMATION OF MINUTES:

MOVED: Don Palmer

SECONDED: Brenton Burman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 15 July 2014, as printed and circulated be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/257/2014/C2 – 6 DOUGLAS STREET, MILLSWOOD SA 5034 (UNLEY PARK)

Mr Jeff Smith on behalf of Mr David Taylor and Ms Margaret Taylor, representors, and Mr David Bills on behalf of Mr David Ross and Ms Karen Ross, applicants, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/257/2014/C2 at 6 Douglas Street, 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 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. That the tree protection management recommendations as described on pages 18 and 19 of *Daniel Tuckwell's* report dated 24 April 2014 be implemented prior to commencement (including demolition) and during construction.
5. That further design details of the pier and beam footings for the decking (as described in the report prepared by *Daniel Tuckwell* dated 24 April 2014) be provided to the satisfaction of Council prior to the issue of Development Approval.
6. That the northern and southern upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed 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.
7. That the timber batten privacy screening be erected along the western side of the upper level prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

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.
- 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.
- 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.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/329/2014/C2 – 36 WESTALL STREET, HYDE PARK 5061 (UNLEY PARK)

Item WITHDRAWN by Administration.

ITEM 3

DEVELOPMENT APPLICATION – 090/381/2014/C2 – 27 UNLEY ROAD, PARKSIDE 5063 (UNLEY)

Mr Chris Adami, representor, Mr Adrian Saturno, owner and Mr Mark Folland on behalf of Folland Panozzo Architects Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Brenton Burman

That Development Application 090/381/2014/C2 at 27 Unley Road, Parkside SA 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. The level of music in the outdoor area is to be background music only, defined for the purposes of this condition to be 65 dB(A) when measured at any location where a patron might be standing or seated. All speakers shall be mounted on the eastern wall of the outdoor area at a height which is less than 2.4m above the floor level of the outdoor area.
3. Acoustic attenuation to be installed in accordance with the acoustic measures identified in the Sonus Environmental Noise Assessment report dated May 2014 prior to the operation / use of the upper level deck.
4. That the deck can only be occupied during the following hours:
 - Monday to Thursday: 7:00am to 12 midnight;
 - Friday and Saturday: 7:00am to 1:00am the following day;
 - Sunday: 9am to 12 midnight;

NOTES PERTAINING TO PLANNING CONSENT:

- 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

ITEM 4

DEVELOPMENT APPLICATION – 090/847/2013/C2 – 202 WATTLE STREET, MALVERN 5061 (UNLEY)

Mr Tom Game on behalf of Mr Edward Hartley and Ms Kate O’Fathartaigh, representors, and Mr Ruan Perera on behalf of Ms Vanessa Petterson, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Nicole Dent

That Development Application 090/847/2013/C2 at 202 Wattle Street, Malvern 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. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO PLANNING CONSENT:

- 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

ITEM 5

DEVELOPMENT APPLICATION – 090/345/2014/C2 – 29 FREDERICK STREET, CLARENCE PARK 5034 (GOODWOOD SOUTH)

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/345/2014/C2 at 29 Frederick Street, Clarence 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, 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 **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.

CARRIED

ITEM 6

DEVELOPMENT APPLICATION – 090/176/2014/C1 – UNIT 6 / 35 COMMERCIAL ROAD, HYDE PARK SA 5061 (UNLEY PARK)

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/176/2014/C1 at Unit 6/35 Commercial Road, Hyde Park SA 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The subject tree significantly contributes to the character and visual amenity of the locality; and
- The subject tree forms a notable visual element to the landscape of the local area; and
- The subject tree contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor; and
- The subject tree is not considered to be diseased or have a short life expectancy; and
- The subject tree does not represent an unacceptable risk to public and / or private safety; and
- The subject tree is not shown to be causing substantial damage to a building.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/240/2014/NC – 360 CROSS ROAD & 95 EAST AVENUE, CLARENCE PARK 5034 (GOODWOOD SOUTH)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/240/2014/NC at 360 Cross Road & 95 East Avenue, Clarence Park 5034 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 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. The hours of operation of the premises not exceed the following period:
 - Monday to Friday 8.00am to 8.00pm.
 - Saturday 8.00am to 5.00 pm
4. That all line marking, traffic signs and traffic control devices shall conform to Australian Standards.

5. Suitable wheel stops or bump bars be placed in all parking spaces to prevent damage to fences and landscaping on the site, prior to use of the car parking area.
6. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
7. The driveway and car parking areas to be surfaced drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
8. That further details of the disabled parks to comply with AS 2890 part 6 shall be provided to the satisfaction of Council prior to the issue of Development Approval.
9. That no signs be erected or displayed without the prior consent of the Council.
10. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on Monday to Friday.
11. The landscaping, as indicated in the approved plans and details, shall be established within three (3) months of the completion of the development and thereafter shall be maintained in good health and condition to the satisfaction of Council. Any dead or diseased plants or trees shall be replaced to the reasonable satisfaction of Council.

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.
- 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.
- 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.
- 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.
- All access to the site shall be via East Avenue only. No direct vehicle access to/from Cross Road shall be permitted.
- A minimum separation of 1.0 metre shall be provided between the access points and the relocated light pole.

- All vehicles shall enter and exit the site in a forward direction.
- Car parks 11, 13, 15 (refer Williams Burton plan 2082-S1 0.01) shall be designated staff car parks with appropriate line marking and/or signage as per Phil Weavers' Traffic and Parking Assessment, dated 16 June 2014.
- All car parking shall be consistent with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
- All building works, including fencing, shall be kept clear of the 4.5 by 4.5 metres corner cut-off area at the Cross Road / East Avenue corner.
- Any vegetation at the Cross Road / East Avenue corner shall be low growing in nature (i.e. less than 1.0 metres in height) to preserve sight lines across the Corner.
- Any illuminated signage associated with the development shall use LED lighting for internal illumination of a light box only.
- No element of LED or LCD display shall be included in the design of any signage associated with the development.
- Signage associated with the development shall be limited to a low level of illumination so as to minimise distraction to motorists.
- Signage associated with the development shall not contain any element that flashes, scrolls, moves or changes.
- The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
- No stormwater from this development shall be permitted to discharge on-surface to Cross Road or East Avenue. In addition, any existing drainage of the roads shall be accommodated in the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.
- DPTI's Public Transport Services Division (PTSD) has no objection in-principle to the relocation of Bus Stop 12. However, the applicant will be required to seek agreement from PTSD regarding any new location and all associated costs must be borne by the applicant/Council. The applicant must contact DPTI, PTSD, Senior Project Officer, Mr Wayne Stewart, ph (08) 8303 0979 prior to undertaking any relocation works.
- The property is partially affected by a possible requirement shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a 4.5 x 4.5 metres cut-off from the Cross Road / East Avenue corner of this site for possible future road purposes. The consent of the Commissioner of Highways is required to all building works on or within 6.0 metres of the possible requirement. It is noted that the proposed building is set clear of the possible requirement and that no fencing is proposed at the corner. Subsequently, the Commissioner's consent is hereby granted for the building works proposed within the MARWP consent area.

CARRIED

ITEM 8

DEVELOPMENT ASSESSMENT PANEL – ANNUAL REPORT TO COUNCIL

MOVED: Brenton Burman

SECONDED: Ann Nelson

That it be recommended to Council that:

1. The attached Draft Annual Report of the Development Assessment Panel ([Attachment 1](#)), as amended, be endorsed and provided to Council for consideration at the next available meeting.

CLOSURE

The Presiding Member declared the meeting closed at 8.04pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16/9/2014.

.....
PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 16 September 2014