

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 17 December 2013
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:

OFFICERS PRESENT:

Mr David Litchfield, General Manager of Economic
Development & Planning
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: Ann Nelson

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 19 November 2013, as printed and circulated be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/231/2013/C2 – 91 WINCHESTER STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/231/2013/C2 at 91 Winchester Street, Malvern 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed development does not satisfy Objective 3 and PDC 3 of the Historic (Conservation) Zone, which encourages the retention, conservation and enhancement of contributory items’.
- The existing dwelling is not considered structurally unsafe or so unsound as to be unreasonably economically rehabilitated. Demolition of the existing contributory dwelling therefore is not considered to meet the relevant criteria listed in PDC 6(a)(i) for demolition.
- The existing dwelling is not so compromised or altered that there is no reasonable prospect of its original fabric, and characteristic form and key features being revealed and therefore fails to meet the relevant criteria listed in PDC 6(a)(ii) for demolition.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/720/2013/C2 – 66-74 UNLEY ROAD & 202 YOUNG STREET, UNLEY 5061 (UNLEY)

Mr George Manos, Ms Denise Keenan on behalf of Meditarre Pty Ltd and Mr Simon Lumsden, representors, and Mr Nathan Franklin, Ms Elizabeth Grace and Ms Karen Stewart, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Brenton Burman

That Development Application 090/720/2013/C2 at 66-74 Unley Road & 202 Young Street Unley 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 (including Master Plan report dated 4 October and 20 November 2013) except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the acoustic attenuation measures recommended on page 9 of the Marshall Day Acoustics report dated 24 September 2013 shall be undertaken prior to commencement.
3. No animals shall be kept on the premises outside of the ordinary business hours.

4. The hours of operation of the premises not exceed the following period:
 - 7:00am to 6:30pm Monday to Friday
5. The number of Canines on the premises at any given time shall not exceed 20.
6. Waste disposal vehicles only service the development between the hours of 7am and 7pm Monday to Saturday and 9am to 7pm Sunday and public holidays.
7. That waste be collected and removed from the premises at least twice a week.

NOTES PERTAINING TO PLANNING CONSENT:

- The emission of noise from the premises is subject to control under *The Environment Protection (Noise) Policy 2007 (EPP)* and the applicant (or person) with benefit of the consent shall comply with those requirements.

LOST

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/720/2013/C2 at 66-74 Unley Road & 202 Young Street Unley 5061 should be DEFERRED and that Administration be requested to:

- Obtain acoustic advice to determine whether the development can comply with the Environment Protection (Noise) Policy 2007.
- Provide any additional information that may be relevant regarding similar developments that exist in metropolitan Adelaide.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/723/2013/C2 – 16 BLYTH STREET, PARKSIDE SA 5063 (PARKSIDE)

Mr Keith Bennetts on behalf of Ms Selma Bennetts, representor, and Mr Marcus Motteram and Ms Marissa Galatis, Owners, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/723/2013/C2 at 16 Blyth Street, 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. 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 north (rear) 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.
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. 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 **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.
- 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/787/2013/C2 – 5 CLIFTON STREET, MILLSWOOD 5034 (UNLEY PARK)

Item WITHDRAWN by applicant.

ITEM 5

DEVELOPMENT APPLICATION – 090/693/2013/C2 – 2 / 94 UNLEY ROAD, UNLEY 5061 (UNLEY)

Item WITHDRAWN by Administration.

ITEM 6

DEVELOPMENT APPLICATION – 090/335/2013/C2 – 1-3 OSMOND TERRACE, FULLARTON 5063 (FULLARTON)

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/335/2013/C2 at 1-3 Osmond Terrace, 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 including correspondence dated 7 November 2013 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 works detailed in the approved plans and required by conditions of approval being completed prior to occupation of the development.
4. That the landscaping 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.
5. 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.

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.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/751/2013/C2 – 1 & 4 / 173 KING WILLIAM ROAD, HYDE PARK 5061 (UNLEY)

Mr Garth Heynen on behalf of Cotto F&B Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Ann Nelson

That Development Application 090/751/2013/C2 at 1 & 4 / 173 King William Road, 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. The hours of operation of the premises not exceed the following period:
 - 7:00am to 10:00pm Monday to Friday;
 - 7:00am to Midnight Saturday to Sunday.
3. The premises not cater for nor accommodate more than 52 persons at any one time.
4. A waste disposal enclosure shall be installed and operative to Council's satisfaction prior to the occupation of the development. Further details to be provided to the satisfaction of Council prior to the issue of Building Rules Consent.
5. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.

NOTES PERTAINING TO PLANNING CONSENT:

- The applicant should ensure that the development conforms to the Food Act 2001, Food Regulations 2002 and the Australian Food Safety Standard.
- A hand wash facility with a supply of warm potable water for hand washing shall be provided.
- The Applicant shall comply with the Environmental Protection Authority Guidelines for exhaust ventilation in commercial and institutional kitchens and the requirements within the Environmental Protection Act (Air Quality Policy 1994).
- The property owner must effect and maintain at all times while the permitted alteration remains on, over or under the road, a public risk insurance policy in the amount of **TWENTY MILLION DOLLARS (\$20,000,000.00)** per claim or such other amount as the Council may reasonably require from time to time and such policy must:
 - 1.1 be with an insurer and on terms approved by the Council;
 - 1.2 be in the name of the property owner and note the interest of the Council;
 - 1.3 have no limit on the number of claims that can be made under it;
 - 1.4 cover events occurring during the policy's currency regardless of when claims are made;
 - 1.5 note that despite any similar policies of the Council, the property owner's policy will be the primary policy; and
 - 1.6 require the insurer to notify the Council if the policy is varied or allowed to lapse.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/884/2013/NC – 43-51 GOODWOOD ROAD, WAYVILLE 5034 (GOODWOOD)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That pursuant to Development Regulation 17(3) (b) of the Development Regulations 2008, the Development Assessment Panel determines to proceed with an assessment of Development Application 090/884/2013/NC at 43-51 Goodwood Road, Wayville 5034

CARRIED

ITEM 9

DEVELOPMENT ASSESSMENT PANEL PROPOSED MEETING DATES FOR 2014

MOVED: Don Palmer

SECONDED: Brenton Burman

That the Development Assessment Panel (DAP) in 2014 meet on the third Tuesday of every month at 7.00pm at the Civic Centre, 181 Unley Road, Unley, in accordance with the meeting schedule outlined below:

Tuesday 21 January 2014
Tuesday 18 February 2014
Tuesday 18 March 2014
Tuesday 15 April 2014
Tuesday 20 May 2014
Tuesday 17 June 2014
Tuesday 15 July 2014
Tuesday 19 August 2014
Tuesday 16 September 2014
Tuesday 21 October 2014
Tuesday 18 November 2014
Tuesday 16 December 2014

OTHER BUSINESS

Terry Tysoe thanked Council staff and Panel members for work undertaken throughout the year.

Brenton Burman raised concerns about the lack of utilisation of the Council Carparking Contribution Fund and requested that Administration undertake a review and report back to the DAP.

Rufus Salaman raised concerns about the new seating arrangement for the DAP and requested that DAP revert back to the previous seating arrangement for the January 2014 meeting.

CLOSURE

The Presiding Member declared the meeting closed at 9.05pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21/1/2014.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 21 January 2014