

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 December 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:

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Mr Grant Croft, Acting Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

Don Palmer advised that the applicant for Item 3 – 19 Carlton Street, Highgate attends the same church as him but that he does not believe this represents a conflict of interest.

Rufus Salaman advised that his employer has provided advice in relation to Item 6 – 17 & 19 Queen Street, Unley but that he does not believe this represents a conflict of interest.

Nicole Dent advised that her employer does work with the engineer for Item 5 – 9 Albert Street, Goodwood but that she does not believe this represents a conflict of interest.

Rob Sangster advised that he knows the applicant for Item 6 – 17 & 19 Queen Street, Unley but that he does not believe this represents a conflict of interest.

CONFIRMATION OF MINUTES:

MOVED: Don Palmer

SECONDED: Ann Nelson

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 18 November 2014, as printed and circulated be taken as read and signed as a correct record.

CARRIED

***ITEM 1**

DEVELOPMENT APPLICATION – 090/637/2014/NC – 123 FISHER STREET, FULLARTON SA 5063 (FULLARTON)

Mr Marcus Rolfe and Mr Jason Sack on behalf of Living Choice Australia Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/637/2014/NC at 123 Fisher Street, 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 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 premises not cater for nor accommodate more than 45 patrons from the general public at any one time.
3. That the applicant shall employ appropriate management strategies and install appropriate signage to ensure car-parking allocations occur in accordance with correspondence from MFY dated 30 October 2014 and the accompanying parking allocation plan dated 29 October 2014.
4. The hours of operation of the restaurant to the general public shall not exceed the following:
 - 7am - 10pm on Sunday to Thursday
 - 7am - 12am on Friday and Saturday
 - 7am – 2am the following day on New Years Eve.

LOST

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application 090/637/2014/NC at 123 Fisher Street, Fullarton SA 5063 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. The premises not cater for nor accommodate more than 45 general public patrons at any one time.
3. That the applicant shall employ appropriate management strategies and install appropriate signage to ensure car-parking allocations occur in accordance with correspondence from MFY dated 30 October 2014 and the accompanying parking allocation plan dated 29 October 2014.
4. That the hours of operation for the restaurant to the general public shall not exceed:
 - 7am to midnight on any day, and
 - New Year's Eve - 7am to 2am the following day.

CARRIED

ITEM 2

**DEVELOPMENT APPLICATION – 090/811/2014/C2 – 6 DAVEY STREET,
PARKSIDE SA 5063 (PARKSIDE)**

Mr Charles Mifsud, representor and Mr Alberto D'andrea on behalf of A D'andrea and Associates, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/811/2014/C2 at 6 Davey 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. To minimise the impact of stormwater runoff to Davey Street, the applicant shall provide a stormwater management plan that incorporates on site detention to the reasonable satisfaction of Council's engineer prior to the issue of Development Approval.

3. 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.
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.

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.
- 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
- 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.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/740/2014/C2 – 19 CARLTON STREET, HIGHGATE 5063 (FULLARTON)

Mr David Kidman, representor, and Mr Matt Beckwith on behalf of Finesse Built, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/740/2014/C2 at 19 Carlton 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. That the upper floor windows (excluding north facing 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:

- 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 8463 3555 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**.
- That details of any air-conditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/774/2014/C2 – 13 BARR-SMITH AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

MOVED: Rob Sangster

SECONDED: Brenton Burman

That Development Application 090/774/2014/C2 at 13 Barr-Smith Avenue, Myrtle Bank SA 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. 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. 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 recommendations contained in the arborist report from Acer Horticultural Services dated 29th October 2014 and detailed on pages 7 and 8 shall be complied with to the satisfaction of Council.
4. That the tree protection fence around the regulated tree shall be established at 8m from the base of the tree prior to and during demolition of the existing dwelling.

5. That the tree protection fence around the regulate tree shall be established at 5m from the base of the tree prior to and during the construction of the new development.
6. 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 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.
- 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.
- 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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.

CARRIED

ITEM 5

DEVELOPMENT APPLICATION – 090/576/2014/C2 – 9 ALBERT STREET, GOODWOOD 5034 (UNLEY)

MOVED: Don Palmer

SECONDED: Ann Nelson

That Development Application 090/576/2014/C2 at 9 Albert Street, Goodwood 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. 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.
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.

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 6

DEVELOPMENT APPLICATION – 090/649/2014/DIV – 17 & 19 QUEEN STREET, UNLEY 5061 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That Development Application 090/649/2014/DIV at 17 & 19 Queen 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 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

DEVELOPMENT ASSESSMENT COMMISSION **conditions** are as follows:

1. The financial requirements of SA Water shall be met for the provision of sewerage services. The alteration of internal drains to the satisfaction of SA Water is required. 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.
2. 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 Certification purposes.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/900/2014/NC – 17 WINCHESTER STREET, HIGHGATE 5063 (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That pursuant to Section 17(3) (b) of the Development Regulations 2008, the Development Assessment Panel determines to proceed with an assessment of Development Application 090/900/2014/NC at 17 Winchester Street, HIGHGATE.

CARRIED

ITEM 8

CONFIDENTIALITY MOTION FOR ITEM 9

DEVELOPMENT APPLICATION – 333-343 GOODWOOD RD, KINGS PARK - 170/2014/C2

MOVED: Don Palmer

SECONDED: Brenton Burman

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (ix) of the Development Act 1993, as amended, the Development Assessment Panel orders the public be excluded with the exception of the following:
 - Paul Weymouth, Manager Development
 - Grant Croft, Acting Team Leader Planning
 - Rachel Theile, Development Administration

on the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believes on reasonable grounds will take place.

CARRIED

The Chamber doors were closed at 8.07pm.

ITEM 9

DEVELOPMENT APPLICATION – 090/170/2014/C2 – 333-343 GOODWOOD ROAD, KINGS PARK 5034 (UNLEY PARK)

MOVED: Brenton Burman

SECONDED: Ann Nelson

- A. That the report be received; and
- B. That the Environment, Resource and Development Court be advised that the City of Unley Development Assessment Panel concedes the appeal for development application 090/170/2014/C2 at 333-343 Goodwood Road, Kings Park SA 5034, based on the amended plans, 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.

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.

CARRIED

ITEM 10

CONFIDENTIALITY MOTION FOR ITEM 9

DEVELOPMENT APPLICATION – 333-343 GOODWOOD RD, KINGS PARK - 170/2014/C2

MOVED: Don Palmer

SECONDED: Rufus Salaman

That:

1. The report be received.
2. Pursuant to section 56A(16) of the Development Act 1993, as amended:

2.1 The

- ☐ Minutes
- ☒ Report
- ☒ Attachments

For this Item remain confidential on the basis that the documentation referring to 333-343 Goodwood Rd, Kings Park to remain confidential on the basis that the disclosure of the information may prejudice Council's position.

- 2.2 The report will be kept confidential until such time as the appeal has been determined and the order is reviewed by the Development Assessment Panel.

CARRIED

The Chamber doors were opened at 8.10pm.

ITEM 11

REMOVAL OF CONFIDENTIALITY ORDERS

MOVED: Rufus Salaman

SECONDED: Don Palmer

That:

1. The report be received.
2. The Development Assessment Panel (DAP) endorse the removal of the confidentiality order on the item as detailed in the attached table ([Attachment A](#)).

CARRIED

***ITEM 12**

DEVELOPMENT ASSESSMENT PANEL PROPOSED MEETING DATES FOR 2015

MOVED: Don Palmer

SECONDED: Brenton Burman

That the Development Assessment Panel (DAP) in 2015 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, with the exception of the January meeting:

Wednesday 21 January 2015

Tuesday 17 February 2015

Tuesday 17 March 2015

Tuesday 21 April 2015

Tuesday 19 May 2015

Tuesday 16 June 2015

Tuesday 21 July 2015

Tuesday 18 August 2015

Tuesday 15 September 2015

Tuesday 20 October 2015

Tuesday 17 November 2015

Tuesday 15 December 2015

CARRIED

CLOSURE

The Presiding Member declared the meeting closed at 8.26pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21/1/2015.

.....
PRESIDING MEMBER

DATED / /

NEXT MEETING

Wednesday, 21 January 2015