

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 21 January 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
Mr Don Palmer
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES:

Mrs Ann Nelson

OFFICERS PRESENT:

Mr David Litchfield, General Manager of Economic
Development & Planning
Mr Donny Michel, Acting Manager Development
Ms Fiona Koutsikas, Senior Planning Officer
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST: None

CONFIRMATION OF MINUTES:

MOVED: Don Palmer

SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 17 December 2013, as printed and circulated be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/358/2013/C3 – 50-54 DUTHY STREET, MALVERN 5061 (UNLEY PARK)

Ms Susan Mitchell, representor, and Mr Garth Heynen on behalf of Mr Basil Kyratzoulis, applicant, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Nicole Dent

That Development Application 090/358/2013/C3 at 50-54 Duthy 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. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.
3. The hours of operation for the air conditioning plants shall be restricted to the following times:
 - 7.30 am to 5.30pm pm Monday to Friday
 - 7.30 am to 3.30pm pm Saturday to Sunday

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/471/2013/C2 – 5 EUSTON AVENUE, HIGHGATE 5063 (FULLARTON)

Mr Robert Brelsford, representor, and Mr John Khodarahmi, applicant, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/471/2013/C2 at 5 Euston Avenue, 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, except street fronting of Dwellings 1 and 2 and those directed towards the internal common drive of Dwellings 1 to 4, be treated to avoid overlooking 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. Further details to be submitted to the reasonable satisfaction of Council prior to the issue of Building Rules Consent.
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. Payment of \$160.00 for Regulated 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).
6. That fencing behind the building alignment of Dwelling 2, western boundary, shall be 2.1m in height and constructed from pre-painted steel.

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 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 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.

CARRIED

ITEM 3

**DEVELOPMENT APPLICATION – 090/789/2013/C2 – 166 FISHER STREET,
MALVERN SA 5061 (UNLEY PARK)**

Item WITHDRAWN by Administration.

ITEM 4

DEVELOPMENT APPLICATION – 090/820/2013/C2 – 1 / 66-70 KING WILLIAM ROAD, GOODWOOD 5034 (UNLEY)

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/820/2013/C2 at 1 / 66-70 King William Road, 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. The hours of operation of the premises not exceed the following periods:
 - Sunday 2:00pm to 11.00pm
 - Monday to Thursday, 5:00pm to midnight
 - Friday to Saturday, 5:00pm to 1:00am on the following day.
3. There shall be no music or any amplified noise played external to the premises at any time. Only background low volume pre-recorded music is permitted to be playing in the restaurant premises to prevent the generation of excessive noise outside the subject building and nuisance or inconvenience to occupiers of the buildings in the locality.
4. The premises not cater for nor accommodate more than 33 persons at any one time.
5. No signs to be erected or displayed without prior consent of Council.

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.
- This planning assessment has not taken into account the specific requirements for access and facilities for people with disabilities (AS1428-2001). These are building assessment related matters and will be dealt with accordingly at the time of lodgment for Building Consent.

CARRIED

ITEM 5

DEVELOPMENT APPLICATION – 090/410/2013/C2 – 14 WILKINSON ROAD, PARKSIDE 5063 (PARKSIDE)

Mr Stanley Woods, representor, and Mr Luke Foster, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/410/2013/C2 at 14 Wilkinson Road, Parkside 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. 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.
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. 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 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 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 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.
- 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

ITEM 6

DEVELOPMENT APPLICATION – 090/768/2013/C2 – 2 MORESBY STREET, WAYVILLE 5034 (GOODWOOD)

Mr Stuart Davis, owner, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/768/2013/C2 at 2 Moresby Street, Wayville 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. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/581/2013/DIV – 73 FISHER STREET, MYRTLE BANK 5064 (FULLARTON)

Mr Peter Kokkoni, applicant, addressed the Panel regarding the above item.

MOVED: Nicole Dent

SECONDED: Rufus Salaman

That Development Application 090/581/2013/DIV at 73 Fisher Street, Myrtle Bank 5064 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed division of land is at variance with the relevant Desired Character and Objectives for the RA 560 Zone as it does not preserve existing low density character and landscape settings; and
- The southern section of Fisher Street, between Bridge Street (to the East) and Fullarton Road (to the west) has a consistent pattern of development, with allotment sizes and frontages substantially greater than what is proposed; and
- The proposed division of land does not have regard to the relevant Performance Criteria and / or Design Techniques relating to minimum street frontages for detached dwellings in the RA560 Zone.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/689/2013/C2 – 40 MARLBOROUGH STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/689/2013/C2 at 40 Marlborough 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. 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 external materials and finishes shall be the same as or complementary to the existing building(s) on the site.

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. 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 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.
- 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 8463 3555 or refer to their web site at www.lsc.sa.gov.au.

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/ 589/2013/C1 – 32 DEVON STREET (NORTH), GOODWOOD SA 5034 (GOODWOOD)

Item WITHDRAWN by Administration.

CLOSURE

The Presiding Member declared the meeting closed at 8.31pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 18/2/2014.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 18 February 2014