

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 17 June 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 Brenton Burman (Acting Presiding Member)
Ms Nicole Dent
Mrs Ann Nelson
Mr Don Palmer
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES: Mr Terry Tysoe

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

CONFLICT OF INTEREST:

Ann Nelson declared a conflict of interest for Item 4 - 43-51 Goodwood Road, Wayville, as one of the representors is a family member.

Don Palmer declared in relation to Item 6 – 24 Robsart Street, Parkside, that he has previously built a verandah for the applicant 20 years ago, however 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 20 May 2014, as printed and circulated be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/872/2013/C2 – 179-181 FISHER STREET, MALVERN SA 5061 (UNLEY PARK)

Ms Linda Parkinson, Ms Anne Trengove, Mr Simon Lambert and Mr Craig Phillips, representors, and Mr Garth Heynen on behalf of Heritage Building Group, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/872/2013/C2 at 179-181 Fisher Street, Malvern SA 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 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 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.
- 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 2

DEVELOPMENT APPLICATION – 090/152/2014/C2 – 16 / 17 UNLEY ROAD, PARKSIDE 5063 (UNLEY)

Ms Jill Morey and Mr Michael Papps, representors, and Mr Enny Vojdani on behalf of Mohammad Hoseizadeh, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Nicole Dent

That Development Application 090/152/2014/C2 at 16 / 17 Unley 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. The premises not cater for nor accommodate more than 20 persons at any one time.
3. The hours of operation of the premises not exceed the following period:
 - 9:00am to 10:00pm, Sunday to Thursday; and
 - 9:00am to 11:00pm, Friday and Saturday
4. That the commercial range hood and exhaust flue comply with AS/NZS 1668 and details be provided, to the satisfaction of Council, prior to the issue of Development Approval.
5. That waste management shall be undertaken in accordance with the correspondence from Ben Green and Associates dated 27 May 2014 and to the reasonable satisfaction of Council.

NOTES PERTAINING TO CONSENT:

- The development shall comply with the relevant Food Act and Food Safety Standards. For this purpose details of the wall and flooring types, exhaust canopy specifications, sink dimensions and the like shall be submitted to Council prior to or at the time of Development Approval.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/359/2013/C3 – 50-54 DUTHY STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Rufus Salaman

SECONDED: Nicole Dent

That Development Application 090/359/2013/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. That the approved work shall be completed within 3 months after the issue of Planning Consent.

CARRIED

Ann Nelson declared a conflict of interest for Item 4 - 43-51 Goodwood Road, Wayville, as one of the representors is a family member and left the meeting at 8.28pm.

ITEM 4

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

Mr Michael Richardson on behalf of T & S Goodwood Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/884/2013/NC at 43-51 Goodwood Road, Wayville 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. That there are no group classes held at the fitness studio.
3. That the proposed entry and exit points shall be signed appropriately and include internal pavement marking arrows to ensure the desired traffic flow through the site.
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. That the rear car-park be closed between the hours of 10pm and 6am the following day and that further details of boom gate or bollards and closure arrangement be provided to Council satisfaction prior to issue of development approval. The boom gate or bollards shall be operational prior to occupation of the development herein approved.
12. That a detailed plan of lighting shall be provided to the satisfaction of Council prior to the issue of Development Approval. The plan shall include appropriate measures (aiming of lights, fitting of louvres, baffles, or shields or the like) to control or limit light falling on surrounding properties.
13. That the landscaping as approved by the Council, be established prior to occupation of the development and that the landscaping and site be generally maintained and plants replaced where necessary to the reasonable satisfaction of Council at all times. Further, that screening plants used in landscaping of the site be at least 1.5 metres in height at the time of planting.
14. That the car parking spaces nominated on the approved plan being available free of charge to any individual visitor to the site or employee on the site during the business hours of the premises.
15. That the collection of stormwater from all large non-permeable surfaces (roofs and car parks) should be designed such that it allows for on-site collection and treatment and used internally and for on-site irrigation of landscaped areas. Any stormwater discharge from the site shall be to an approved stormwater discharge point. Further details shall be provided to the satisfaction of Council prior to the issue of Development Approval.
16. That the final details of access for people with disabilities (AS1428-2009) shall be provided to the satisfaction of Council prior to the issue of development approval.

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

CARRIED

Ann Nelson returned to the meeting at 8.36pm.

ITEM 5

DEVELOPMENT APPLICATION – 090/151/2014/C2 – 7 / 2 DAVEY STREET, PARKSIDE SA 5063 (PARKSIDE)

Mr Balbir Randhawa, representor, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Rob Sangster

That Development Application 090/151/2014/C2 at 7 / 2 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 including correspondence received from *Luke Cooney* dated 3 June 2014 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 ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to any operation and which is at least 5 metres from a habitable room window on an adjoining property.
3. That the approved work shall be completed within 2 months of the issue of Development Plan Consent.

NOTES PERTAINING TO PLANNING CONSENT:

- 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 6

DEVELOPMENT APPLICATION – 090/229/2014/C2 – 24 ROBSART STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Don Palmer

SECONDED: Ann Nelson

That Development Application 090/229/2014/C2 at 24 Robsart Street, 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 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 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**.
- 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 7

DEVELOPMENT APPLICATION – 090/208/2014/C2 – WINCHESTER STREET, MALVERN (5061)

Item WITHDRAWN by Administration.

ITEM 8

DEVELOPMENT APPLICATION – 090/63/2014/C2 – 85 CREMORNE STREET, MALVERN 5061 (UNLEY)

Mr Brenton Keen on behalf of Ms Julie Osborne, representor, and Mr Tom Walker, owner, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Ann Nelson

That the City of Unley Development Assessment Panel in exercise of the delegated powers conferred upon it by the Council authorises the grant of Development Plan consent to Development Application 090/63/2014/C2 – 85 Cremorne Street, Malvern 5061 upon the Manager Development being in receipt of amended plans showing the location of the velux windows on the floor/roof plan consistent with the elevation 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.

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.

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/68/2014/C2 – 16 FOUNDRY STREET, GOODWOOD SA 5034 (GOODWOOD)

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/68/2014/C2 at 16 Foundry Street, Goodwood SA 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.
- 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.

CARRIED

SHORT TERM ADJOURNMENT OF MEETING

The Presiding Member advised the meeting that he thought the meeting would benefit from a short term adjournment to allow Members of the Panel to take a short break. This was supported with a two thirds majority.

The meeting was adjourned at 9.17pm.
The meeting resumed at 9.20pm.

ITEM 10

DEVELOPMENT APPLICATION – 090/103/2014/C2 – 18 NORTH TERRACE, HIGHGATE 5063 (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/103/2014/C2 at 18 North Terrace, Highgate 5063 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The structure proposed is not required to provide a necessary site function
- The proposed structure is located forward of the dwelling where there are no site constraints on the allotment
- The proposed structure is considered to detract from the visual amenity and built form character of neighbouring properties.

CARRIED

ITEM 11

DEVELOPMENT APPLICATION – 090/18/2014/C2 – 33 YEO AVENUE, HIGHGATE 5063 (FULLARTON)

MOVED: Nicole Dent

SECONDED: Ann Nelson

That Development Application 090/18/2014/C2 at 33 Yeo 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.

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 12

DEVELOPMENT APPLICATION – 090/165/2014/C1 – 106 CAMBRIDGE TERRACE, MALVERN 5061 (UNLEY PARK)

Mr Nathan Franklin and Ms Catherine Bradshaw, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/165/2014/C1 at 106 Cambridge Terrace, Malvern 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent as it is at variance with Council Wide Objective 60 and Principles of Development Control 224 and 226, in that the subject tree;

- Makes an important contribution to the character and amenity of the local area;
- Forms a notable visual element to the landscape of the local area;
- Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor;
- That all other reasonable remedial treatments and measures have not been determined to be ineffective.

LOST

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/165/2014/C1 at 106 Cambridge Terrace, 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. That the removal of the subject significant tree (Norfolk Island Pine) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. Payment of \$240.00 for Significant 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).

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.

CARRIED

ITEM 13

DEVELOPMENT APPLICATION – 090/221/2014/C1 – 42 NORTHGATE STREET, UNLEY PARK 5061 (UNLEY PARK)

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That Development Application 090/221/2014/C1 at 42 Northgate Street, Unley Park 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent as it is at variance with Council Wide Objective 60 and Principles of Development Control 224 and 226, in that the subject tree;

- Makes an important contribution to the character and amenity of the local area;
- Contributes to habitat value of an area individually, or provides links to other vegetation which forms a wildlife corridor;
- Is not diseased and its life expectancy short;
- Does not represent an unacceptable risk to public or private safety; and
- Has not been shown to be causing, or threatening to cause, damage to a substantial structure of value

CARRIED

ITEM 14

DEVELOPMENT APPLICATION – 090/188/2014/C1 – ROYAL AGRICULTURAL & HORTICULTURAL SHOWGROUNDS, 68 GOODWOOD ROAD, WAYVILLE SA 5034 (GOODWOOD)

Item WITHDRAWN by Administration.

CLOSURE

The Presiding Member declared the meeting closed at 9.58pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 15/7/2014.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 15 July 2014