

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 20 May 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
Mr Grant Croft, Planning Officer
Ms Michelle Penta, Development Administration

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED: Don Palmer

SECONDED: Rob Sangster

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

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/84/2014/C2 – 35 ROBERTS STREET, UNLEY 5061 (UNLEY)

Ms Julie Lewis on behalf of representor addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/84/2014/C2 at 35 Roberts 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.
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.

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

- 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 – 090/217/2014/C2 – 2 & 3/204 UNLEY ROAD, UNLEY SA 5061 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That Development Application 090/217/2014/C2 at 2 & 3/204 Unley Road, Unley 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. The premises not cater for nor accommodate more than 108 patrons at any one time.
3. The hours of operation shall be limited to the following:
 - Monday to Friday – 7:00 am to 10:00pm;
 - Saturday – 7:00 am to 11:00 pm
 - Sunday – 7:00am to 10:00pm
4. No signs to be erected or displayed without prior consent of Council.
5. That an appropriate safety barrier be installed between the car parking spaces and the outdoor dining area. Further details to be provided to the satisfaction of Council prior to the issue of development approval.

CARRIED

ITEM 3

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

MOVED: Rob Sangster

SECONDED: Don Palmer

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 090/240/2014/NC at 360 Cross Road and 95 East Avenue, Clarence Park.

CARRIED

ITEM 4

CONFIDENTIALITY MOTION FOR ITEM 5

DEVELOPMENT APPLICATION – 12 BIRKS STREET, PARKSIDE – 090/368/2013/C2

MOVED: Rufus Salaman

SECONDED: Rob Sangster

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
 - Donny Michel, Team Leader Planning
 - Grant Croft, Planning Officer
 - Michelle Penta, 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 7:31pm.

Ann Nelson declared a conflict of interest for Item 5 – 12 Birks Street, Parkside as she had worked with the representor on a project several years ago.

Ann Nelson left the meeting at 7:32pm.

ITEM 5

DEVELOPMENT APPLICATION – 090/368/2013/C2 – 12 BIRKS STREET, PARKSIDE 5063.

MOVED: Don Palmer

SECONDED: Nicole Dent

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that with respect to Development Application 090/368/2013/C2 at 12 Birks Street, Parkside 5063, that the Development Assessment Panel does not support the amended plans and reaffirms its decision dated 15 October 2013.

CARRIED

Ann Nelson returned to the meeting at 7:39pm.

ITEM 6

CONFIDENTIALITY MOTION FOR ITEM 5
DEVELOPMENT APPLICATION – 12 BIRKS STREET, PARKSIDE –
090/368/2013/C2

MOVED: Don Palmer

SECONDED: Rob Sangster

That:

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

For this Item remain confidential on the basis that the documentation referring to 12 Birks Street, Parkside is 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 7:39pm.

CLOSURE

The Presiding Member declared the meeting closed at 7:53pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20/5/2014.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 17 June 2014