

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 19 November 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 Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

Rob Sangster, Don Palmer and Rufus Salaman declared a conflict of interest for Item 1- Ridge Park Reserve, 1 Barr-Smith Avenue, Myrtle Bank and Item 6 - Randolph Avenue, Fullarton as both of these matters have been previously considered by Council.

Brenton Burman declared in relation to Item 1- Ridge Park Reserve, 1 Barr-Smith Avenue, Myrtle Bank, that one of the representors is a work colleague of his, however he does not believe this represents a conflict of interest.

Don Palmer declared in relation to Item 5 – 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: Rufus Salaman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 15 October 2013, as printed and circulated be taken as read and signed as a correct record.

CARRIED

Rob Sangster, Don Palmer and Rufus Salaman declared a conflict of interest for Item 1- Ridge Park Reserve, 1 Barr-Smith Avenue, Myrtle Bank as this matter has been previously considered by Council and left the meeting at 7.02pm.

ITEM 1

**DEVELOPMENT APPLICATION – 090/266/2013/C3 – RIDGE PARK RESERVE,
1 BARR-SMITH AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

Mr Ian Overton, representor, and Mr John Larwood, applicant, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Nicole Dent

That Development Application 090/266/2013/C3 at Ridge Park Reserve, 1 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. 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 all recommendations in the Arboricultural Method Statement (page 31 to 38) identified in Colin Thornton report dated 28th October 2013 shall be complied with to the satisfaction of Council.
3. That the person or company making use of this approval shall engage a Project Arborist to undertake site preparation, construction and post construction inspection to ensure compliance with the Tree Report 28th October 2013.
4. That the person or company making use of this approval shall contact Council to enable a full inspection of the Tree Protection Zone by Council officers and the Project Arborist prior to work commencing and once the tree protection zones are established.
5. That the proposed stage 1 landscaping works be completed within 6 months of the completion of all works and the landscaping shall be maintained with replanting to be undertaken when required.
6. That the stage 2 landscaping works be completed within 12 months of the completion of all works and the landscaping shall be maintained with replanting to be undertaken when required.

7. A Soil Erosion and Drainage Management Plan must be implemented and adhered to during construction.
8. Adequate downstream protection must be provided to minimise potential scouring and channel erosion.
9. The proposed work must be undertaken in a manner that prevents silt or sediment leaving the site by use of effective sediment control; measures.
10. The proposed work must not increase the risk of flooding upstream or down.
11. There must be a minimum distance of 20 metres between a watercourse, or well, and the fuelling site for machinery used to undertake construction.
12. The hours of construction shall be limited to the following:
 - Monday to Friday – 7:00 am to 7:00pm;
 - Saturday – 7:00 am to 1:00 pm

All reasonable efforts shall be made to limit the emission of noise during construction and shall comply with the provisions of the Environmental Protection Act and Regulations, 1993.

13. Prior to commencement of works, that the person or company use of this approval shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
14. A Contractor's Construction and Environmental Management Plan is required to the satisfaction of Council prior to the commencement of construction and shall include details such as:
 - Soil Erosion and Drainage Management Plan;
 - Air quality, including odour and dust;
 - Surface water including erosion and sediment control;
 - Installation of erosion control measures for the construction phase;
 - Appropriate location of stockpiles to prevent runoff entering the stormwater system or Brown hill Creek;
 - Removal of stockpiles in a timely manner and erosion prevention measures for the stockpiles while they remain on site;
 - Appropriate management of sediment related to vehicle drag out;
 - Details of how the construction site will be secured and public safety maintained;
 - Establishment of temporary fencing and hoardings;
 - Site servicing arrangements;
 - Site amenities
 - Reinstatement of infrastructure

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**.
- It is recommended that the existing native vegetation between the tennis court and western boundary be retained where possible.

CARRIED

Rob Sangster, Don Palmer and Rufus Salaman returned to the meeting at 7.35pm.

ITEM 2

DEVELOPMENT APPLICATION – 090/408/2013/C2 – 16 DRYDEN ROAD, BLACK FOREST 5035 (GOODWOOD SOUTH)

Item WITHDRAWN by Administration.

ITEM 3

DEVELOPMENT APPLICATION – 090/566/2013/C2 – 5A HIGH STREET, UNLEY PARK 5061 (UNLEY PARK)

Mr Will Laubsch, representor, and Mr Adam Mehicic and Ms Alana Dec, Owners, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Nicole Dent

That Development Application 090/566/2013/C2 at 5A High Street, Unley 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. 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.
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.

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 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.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/627/2013/NC – 3A EUSTON AVENUE, HIGHGATE 5063 (FULLARTON)

MOVED: Don Palmer

SECONDED: Ann Nelson

That Development Application 090/627/2013/NC at 3A Euston Avenue, Highgate 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. That appropriate measures shall be taken (aiming of lights, fittings of louvres, baffles, shields or the like) to control and limit light falling on surrounding properties and that the lights shall be turned off between the hours of 10pm and 7am on Monday to Sunday.

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 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.

CARRIED

Don Palmer declared in relation to Item 5 – 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.

ITEM 5

DEVELOPMENT APPLICATION – 090/611/2013/C2 – 24 ROBSART STREET, PARKSIDE 5063 (PARKSIDE)

Mr Jim Savic, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Ann Nelson

That Development Application 090/611/2013/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.

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**.

- 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

Rob Sangster, Don Palmer and Rufus Salaman declared a conflict of interest for Item 6 - Randolph Avenue, Fullarton as this matter has been previously considered by Council and left the meeting at 7.55pm.

ITEM 6

DEVELOPMENT APPLICATION – 090/642/2013/C2 – RANDOLPH AVENUE, FULLARTON

MOVED: Brenton Burman

SECONDED: Ann Nelson

That Development Application 090/642/2013/C2 at Randolph Avenue, Fullarton is not 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 16 regulated and 1 significant street trees (Ulmus Procera) 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 \$160.00 for each Regulated Tree and \$240.00 for the 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).

CARRIED

Rob Sangster, Don Palmer and Rufus Salaman returned to the meeting at 7.59pm

ITEM 7

DEVELOPMENT APPLICATION – 090/459/2013/C1 – 3 RUSHTON STREET, GOODWOOD 5034 (GOODWOOD)

MOVED: Rob Sangster

SECONDED: Brenton Burman

That Development Application 090/459/2013/C2 at 3 Rushton Street, Goodwood is not 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 street tree (Eucalyptus Camaldulensis) 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 the 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).

LOST

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/459/2013/C2 at 3 Rushton Street, Goodwood 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 179 and 181 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, as an indigenous species;
- Is not diseased and its life expectancy is not short;
- The tree does not represent an unacceptable risk to public or private safety;
- The tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value;
- Remedial measures including pruning are available to maintain the safety of the tree.

CARRIED

ITEM 8

**DEVELOPMENT APPLICATION – 090/481/2013/C2 – 7 WAY AVENUE,
MYRTLE BANK 5064 (FULLARTON)**

Mr Javad Alikorki, representor, and Mr Carmen Obbietivo and Mr Luca Obbietivo on behalf of L Obbietivo and A Obbietivo, owners, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/481/2013/C2 at 7 Way Avenue, Myrtle Bank 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. 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 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. Retaining walls are to be constructed where any change in levels exceeds 200mm at the property boundary, and fencing is to be erected on retaining walls.

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 airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/324/2013/C2 – 56 OPEY AVENUE, HYDE PARK 5061 (UNLEY)

MOVED: Brenton Burman

SECONDED: Nicole Dent

That Development Application 090/324/2013/C2 at 56 Opey Avenue, 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. 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 1.7m high privacy screening be erected along the northern, eastern and western sides of the proposed upper level roof-deck prior to occupation. Further details of the timber screen to the west elevation to be provided to Council's satisfaction 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 **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.
- 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.

CARRIED

OTHER BUSINESS

Brenton Burman raised concerns that tennis court lighting is non-complying within a number of Council's residential zones. He requested Council review the planning policy for tennis court lighting to ensure that it is a merit use in all residential zones.

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 17/12/2013.

.....
PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 17 December 2013