

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 26 February 2019
at 7.00pm in the Civic Centre, Unley**

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PRESENT:

Mr Brenton Burman (Presiding Member)
Ms Nicole Dent
Mr Roger Freeman
Mrs Ann Nelson
Ms Emma Wright

APOLOGIES:

Mrs Jennie Boisvert

OFFICERS PRESENT:

Mr Paul Weymouth, Assessment Manager
Mr Andrew Raeburn, Acting Team Leader Planning
Mrs Amy Barratt, Acting Senior Planning Officer
Ms Michelle Penta, Development Administration Officer
Mr Brendan Fewster, (Consultant Planner)

CONFLICT OF INTEREST:

Nil

CONFIRMATION OF MINUTES:

MOVED: Ann Nelson

SECONDED: Emma Wright

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 19 February 2019, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/875/2018/C3 – GOODWOOD OVAL, 1 CURZON AVENUE, MILLSWOOD 5034 (CLARENCE PARK)

Mr Philip Jaensch
Ms Courtney Stollznaw on behalf Ms Suzanne Brooks,
Ms Paige Brooks on behalf of Mr Robert Brooks
Mr Barry Davey on behalf of himself and Ms Sandra Davey
Mr James Polacek on behalf of Ms Beth Polacek and Mr Michael Polacek
Ms Leanne Margaret Collie
Ms Jane leak
Mr Anton Luga
Mr Trevor Gieltowski
Mr Andrew Rothwell
Ms Kirsten Potoczky on behalf of Ms Lynlee Jaensch
Mr Philip Jaensch on behalf of Mr Matthew Stead, representor and
Mr Phil Brunning, Mr Craig Scott and Mr Andrew Swain on behalf of the applicant
addressed the panel regarding the above item.

Nicole Dent moved and Emma Wright seconded to have the meeting adjourned at 8.28pm to allow the applicant time to consider amendments to the hours of operation.

The meeting resumed at 8.40pm.

MOVED: Roger Freeman

SECONDED: Emma Wright

That Development Application 090/875/2018/C3 at Goodwood Oval, 1 Curzon Avenue, Millswood 5034 to demolish existing grandstand building and replace with new two storey grandstand building comprising change rooms, toilet facilities, meeting and medical rooms, canteen, storage areas and clubrooms with associated bar and kitchen facilities; and extension to existing maintenance building is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT 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 reasonable satisfaction of Council.
2. A Construction Environment Management Plan (CEMP) for the proposed development shall be provided to the satisfaction of Council prior to Development Approval. The CMP should identify potential issues and appropriate measures to minimise impacts and disruption to surrounding residents during the construction phase of the development, such as:
 - Hours of construction work
 - Responsible persons and complaints protocol
 - Hoarding security fencing

- Traffic and parking management for construction vehicles
 - Dust and debris control
 - Stormwater runoff management
 - Site management and works accommodation
 - Litter control and waste management
 - Equipment and materials storage
 - Protection of significant trees and other landscape features
3. The following building acoustic treatments (or equivalent) shall be incorporated into the development and detailed on the Building Rules Consent plans in accordance with the recommendations of the Music and Environmental Noise Assessment (November 2018) prepared by Sonus:
- Walls consisting of minimum 100mm thick masonry construction;
 - Windows of minimum 10.38mm thick laminated glass sealed airtight when closed;
 - Roof and ceiling construction comprising:
 - Minimum 0.42mm BMT sheet steel roofing;
 - 13mm thick plasterboard fixed under the purlins;
 - a layer of 60mm thick insulation of minimum density 10kg/m³ below the roof in the cavity;
 - a 19mm thick mineral fibre tile ceiling or acoustic equivalent. Suitable ceiling tiles include: Armstrong “Ultima”; and USGBoral “Radar Climaplus”; and
 - a layer of 100mm thick insulation of minimum density 60kg/m³ (Rockwool or similar) above the ceiling.
- Written confirmation that the above building acoustic treatments (or equivalent) have been completed shall be provided by Sonus or another suitably qualified acoustic engineer/consultant prior to the occupation of the development.
4. Details of the acoustic treatments for mechanical plant shall be provided to the reasonable satisfaction of Council prior to Development Approval in accordance with the recommendations of the Music and Environmental Noise Assessment (November 2018) prepared by Sonus.
5. Details of on-site bicycle parking for the development that includes suitably located (internal and/or external to the building) and designed racks/rails for a minimum of 10 bicycles shall be provided to the satisfaction of Council prior to Development Approval.
6. That all landscaping shall be planted in accordance with the following approved plan (Proposed Landscape Plan prepared by Wiltshire & Swain Architects, Sheet 09 of 12 dated 31 October 2018). The landscaping shall be planted within three (3) months of the occupancy of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.
7. All existing trees to be retained in accordance with the following approved plans and documentation shall be protected during development:

- Existing Site Plan prepared by Wiltshire & Swain Architects, Sheet 02 of 12 dated 31 October 2018
- Proposed Landscape Plan prepared by Wiltshire & Swain Architects, Sheet 09 of 12 dated 11 February 2019
- Tree Assessment prepared by Symatree dated October 2018

Prior to any earthworks on the site, fencing must be erected around the base of the trees to be retained.

8. That no goods, materials or equipment associated with the approved development shall be stored outside of the grandstand building or designated storage areas.
9. That the operating hours of the bar, dining and first floor clubroom areas within the grandstand building shall be restricted to between the following hours:
 - 8.00am to 9.00pm Monday to Wednesday
 - 8.00am to 11.00pm Thursday and Friday
 - 8.00am to 12.00 Midnight Saturday
 - 10.00am to 10.00pm on Sunday
 - 1.00am closure on New Years Day
 - Closed on Good Friday and Christmas Day
10. During sporting events the capacity of the first floor clubrooms shall not exceed 150 persons at any one time (both seated and standing) and the capacity of the tiered viewing area shall not exceed 84 persons at any one time.
11. During sporting events conducted on the oval the tiered viewing area shall only be used for a maximum period of one hour after the sporting event up to and no later than 10.00pm in any event.
12. During club events the capacity of the clubrooms and tiered viewing area shall not exceed 150 persons (both seated and standing), with the capacity of the tiered viewing area not exceeding 30 persons when used in conjunction with the clubrooms during events. The tiered viewing area and paved area adjacent the canteen shall not be used later than 10.00pm.
13. The clubrooms (excluding the meeting room) shall not be offered for separate hire for private functions (i.e. birthdays, weddings and meetings) that are not related to the club activities of the respective leaseholders.
14. Entertainment during club events involving amplified music shall be fully contained within the designated clubroom area, with no access or use of the tiered viewing area and all window and door openings to be closed shut at all times when amplified music is played.
15. The in-house amplified sound system within the clubrooms shall be fitted with a calibrated noise volume limiter that is set at a level that would achieve the requirements of the EPA Guideline *"Development Proposal Assessment for Venues Where Music May be Played"* at the nearest noise sensitive receptor.

16. All materials, goods and refuse shall at all times be loaded and unloaded within the confines of the subject land. Delivery vehicles shall only access the site between the hours of 7.30am and 6.00pm on any day.
17. All solid waste shall be stored in bins/containers having a close fitting lid in accordance with the waste management details outlined in the Traffic & Waste Management Report prepared by InfraPlan dated November 2018. The bins/containers shall be kept within the designated storage areas and collection of waste shall be carried out at least once a week by a private contractor (medium size vehicle) within the approved delivery hours.
18. External lighting around the grandstand building shall be restricted to that necessary for security purposes only and be designed, directed and shielded in accordance with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting* so as to cause no adverse light overspill nuisance to nearby properties.

CARRIED UNANIMOUSLY

ITEM 2

DEVELOPMENT APPLICATION – 090/732/2018/C2 – 134-138 GOODWOOD ROAD, GOODWOOD SA 5034 (GOODWOOD)

MOVED: Nicole Dent

SECONDED: Ann Nelson

That Development Application 090/732/2018/C2 at 134-138 Goodwood Road, Goodwood SA 5034 for 'Mixed use three (3) storey Residential Flat Building comprising eighteen (18) dwellings and ground level retail (shop and restaurant) tenancies with associated car parking and landscaping.' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

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. Access to Goodwood Road shall be designed in general accordance with DKO Architecture (Vic) Pty Ltd Ground Floor Plan, Project Number 11856, Drawing Number TP200, dated 20 September 2018.
3. The access to Goodwood Road shall be at least 6.0 metres in width at the property boundary and be suitably flared to the kerbline. A clear 1.0 metre separation shall be provided between the crossover and the balcony posts located north of the crossover.
4. All vehicles shall enter and exit the site in a forward direction.

5. All off-street car parking areas shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Furthermore, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
6. The roller door shall remain open during typical business hours to ensure unrestricted visitor/s and delivery vehicle entry/exit movements.
7. Any redundant crossover/s on Goodwood Road shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to the development becoming operational.
8. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Goodwood Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
9. 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.
10. That the following screening measures be undertaken prior to occupation of the development:
 - The upper floor west facing bedroom windows of apartments 2B, 2G and 2F on the first and second floors be 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; and
 - The three balconies of apartments 2B, 2G and 2F (with a western aspect) on the first and second floors will be constructed with a suitable 1.7m high privacy screen erected along the western side of these balconies.
11. Prior to the issue of Development Approval, details of the finished footpath and building entry levels shall be submitted to and approved by Council. The details shall be to the reasonable satisfaction of Council and must be discussed with Council's Assets team prior to submission.
12. A Demolition and Construction Management Plan to the reasonable satisfaction of Council shall be submitted to and approved by Council prior to the issue of Development Approval and shall include details such as:
 - Siting of materials storage;
 - Site offices;
 - Work in the Public Realm;
 - Hoarding;
 - Site amenities;
 - Reinstatement of infrastructure; and
 - Protection measures for significant landscape elements.
13. A Traffic Management Plan to the reasonable satisfaction of Council shall be submitted to and approved by Council prior to the commencement of construction and shall include such details:
 - Car parking and access arrangements for tradespersons;
 - Traffic requirements including construction access/egress and heavy vehicle routes; and

- Proposed alterations to a public road requiring hoarding.
14. Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties. Pollution prevention measures shall be in accordance with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
- For the Community
 - For the Local , State and Federal Government
 - For the Building and Construction Industry

In the event that soil, dust or construction debris enter Council's road network, it shall be removed by the end of the next business day.

15. Prior to commencement of works, the developer 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.
16. That a detailed landscape management plan be submitted to and approved by Council prior to full Development Approval being issued, which indicates the species and location of proposed trees and shrubs on the site, and details of all new fencing and boundary treatments.
17. The landscaping, as approved by Council, be established prior to occupation of the development and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times. Further, that trees used in landscaping of the site be at least 1.5 metres in height at the time of planting.
18. That full details of external colours, finishes and materials to be used, including a sample of the perforated balcony cladding, be submitted to and approved by the Council, prior to the issue of full Development Approval. .
19. 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. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications
<https://www.unley.sa.gov.au/forms-and-applications#>
20. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
21. The development herein approved includes works, buildings, structures, areas, or landscaping, or portions thereof, which are located under, on, or over a road, reserve, or other land, owned by a public authority such as the council. Those works, buildings, structures, areas, landscaping, or portions thereof, which are so located must be maintained in a good, safe, and sound condition at all times to the reasonable satisfaction of the public authority which owns that land.

22. The hours of operation of the retail tenancies shall not exceed the following periods:
- Sunday 9am to 11.00pm
 - Monday to Saturday, 7am to midnight
23. Prior to the issue of Development Approval, amended plans shall be submitted to and approved by Council that demonstrate:
- the car parking spaces to the north of the disabled space having a length of 5.4m;
 - the blind aisles extending a minimum of 1.0m beyond the last car park; and
 - the width of the western blind aisle increased to a minimum of 6.2m, or the car parking spaces (excluding the small car and disabled spaces) be increased to 2.6m.
- The amended plans shall be to the reasonable satisfaction of Council and Council's Traffic team should be consulted prior to submission of the plans.
24. All waste storage and collection shall be undertaken in accordance with the approved Waste Management Plan prepared by RawTec and a building manager shall be appointed to transfer waste from the waste enclosures to the designated holding area at the front of the property for kerbside collection.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 2.13 metres in width may be required from the Goodwood Road frontage of the subject site for possible future road purposes. Although it is considered unlikely that land will be required from the subject site, the consent of the Commissioner of Highways is required under the *Metropolitan Adelaide Road Widening Plan Act 1972* for all new building works located on or within 6.0 metres of the possible requirement. Accordingly, the attached consent form and three copies of the approved site plans should be provided to DPTI for consent purposes.
- Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- The applicant is informed of the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

- The proposed development in whole or in part encroaches upon a public place. No development approval can be obtained, and the development cannot be lawfully undertaken, unless an Encroachment Permit has been obtained for all encroachment/s. Please review Council's [Encroachment Policy](#) and contact Council's Property Services Co-Ordinator for further information.

CARRIED UNANIMOUSLY

**REPORT TITLE: CONFIDENTIAL MOTION FOR ITEM 4 - PLANNING
APPEAL – ERD COURT ACTION NO ERD-18-262 –
420 Fullarton Road, Myrtle Bank 5064 (DA
090/403/2018/C2)**

MOVED: Emma Wright

SECONDED: Ann Nelson

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
 - Megan Berghuis, General Manager Community
 - Paul Weymouth, Manager Development and Regulatory
 - Andrew Raeburn, Acting Team Leader Planning
 - Amy Barratt, Acting Senior Planning Officer
 - Michelle Penta, Development Administration Officer

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 UNANIMOUSLY

ITEM 4

**DEVELOPMENT APPLICATION – 090/403/2018/C2 – 420 FULLARTON ROAD,
MYRTLE BANK 5064 (FULLARTON)**

MOVED: Ann Nelson

SECONDED: Roger Freeman

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/403/2018/C2 at 420 Fullarton Road, Myrtle Bank 5064 that the Council Assessment panel supports the compromise 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 approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any diseased or dying plants being replaced to the reasonable satisfaction of the Council.
 4. All vehicles shall enter and exit the site in a forward direction.
 5. The site shall be served by a single shared access point to/from Fullarton Road in general accordance with Yogo Design & Consulting's Ground Floor Plan, Project No. Y170309, Drawing No. A006, Revision M, dated 19/12/2018. The stobie pole relocation shall be to the satisfaction of the relevant authority, with all costs being borne by the applicant.
 6. The shared access and on-site manoeuvring areas shall remain clear of any impediments (such as utility meters, fencing, letterboxes, vegetation or parked vehicles).
 7. The off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004. In particular, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety', shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
 8. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
 9. The vehicle crossover shall be constructed no closer than 3.0 metres from the existing *Jacaranda mimosifolia* (Brazilian Rosewood) street tree.
 10. 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. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by

council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>

11. Landscaping on the southern side of the driveway must be maintained to less than 1m in height for the first 2.5m (measured from the western property boundary) so as not to obstruct visibility to/from pedestrians.
12. Each dwelling shall be assigned a car parking space and all car parking spaces are to be line marked and labelled.
13. That the landscaping plan be altered to incorporate small trees (up to 6m in height) along the southern boundary and the western courtyard. Further details to be provided to the satisfaction of Council prior to the issue of Development Approval.

CARRIED UNANIMOUSLY

REPORT TITLE: **CONFIDENTIAL MOTION FOR ITEM 4 -
PLANNING APPEAL – ERD COURT ACTION NO
ERD-18-262 – 420 Fullarton Road, Myrtle Bank
5064 (DA 090/403/2018/C2)**

MOVED: Roger Freeman

SECONDED: Emma Wright

That:

3. The report be received.
4. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended:

2.1 The

- ☐ Minutes
- ☒ Report
- ☒ Attachments

For this Item to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-18-262

- 2.2 The report and attachments will be kept confidential until such time as the appeal has been determined.

CARRIED UNANIMOUSLY

OTHER BUSINESS

CLOSURE

The Presiding Member declared the meeting closed at 8.58pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 19 March 2019

.....
PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 19 March 2019.