

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 August 2016
at 7.00pm in the Unley Council Chambers,
181 Unley Road, Unley**

ACKNOWLEDGEMENT

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

PRESENT: Mr Brenton Burman (Presiding Member)
Mr Roger Freeman (Deputy Presiding Member)
Mrs Ann Nelson
Ms Jennifer Boisvert
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES: Ms Barbara Norman

OFFICERS PRESENT: Mr Paul Weymouth, Manager Development
Mr Grant Croft, Acting Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED: Jennifer Boisvert

SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 19 July 2016, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

***ITEM 1**

DEVELOPMENT APPLICATION – 090/411/2016/C2 – 80A UNLEY ROAD, UNLEY 5061 (UNLEY)

Ms Jo-Anne Saunders, representor, and Mr James Cummings on behalf of Scott Schubert, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application at 80A Unley Road, Unley 5061 for 'Change of use - fitness studio', 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:

PLANNING 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 including correspondence from MacroPlan Dimasi dated 7 June 2016, 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 period:
 - 5am to 9pm any day.
3. The car park accessed from Irwin Lane shall be closed between the hours of 8pm and 6am the following day.
4. The class based fitness training studio not cater for nor accommodate more than fifteen (15) persons at any one time.
5. The premises not cater for more than one (1) class at any one time, with a 15 minute space between classes.
6. Prior to 7am, any music played in association with the use shall be limited to background music only, defined for the purpose of this condition to be a maximum of 65 dB(A) when measured inside of the building.

NOTES PERTAINING TO PLANNING CONSENT:

- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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.

AMENDMENT TO THE MOTION

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

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 including correspondence from MacroPlan Dimasi dated 7 June 2016, 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 period:
 - 5am to 9pm any day.
3. The car park accessed from Irwin Lane shall be closed between the hours of 8pm and 6am the following day.
4. The class based fitness training studio not cater for nor accommodate more than fifteen (15) persons at any one time.
5. The premises not cater for more than one (1) class at any one time, with a 15 minute space between classes.
6. Prior to 7am, any music played in association with the use shall be limited to background music only, defined for the purpose of this condition to be a maximum of 65 dB(A) when measured inside of the building.
7. That there be a maximum of 20 persons on site at any one time plus staff.

The Amendment was **LOST**.

The original motion was put and **CARRIED**.

***ITEM 2**

DEVELOPMENT APPLICATION – 090/379/2016/C2 – 5 MUSGRAVE STREET, GOODWOOD SA 5034 (GOODWOOD)

Mr Brett Hartwig, representor, and Mr Darren Starr and Ms Julia Wetherell, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That Development Application at 5 Musgrave Street, Goodwood SA 5034 to 'Carry out alterations and construct double storey additions including carport within 600mm of a common boundary, new side and rear fencing and a 3.0m high trellis structure to boundary', 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:

PLANNING 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. 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. The Tree Protection measures and maintenance pruning outlined in pages 10 and 21 to 24 of *Duncan McGregor's* arborist report, dated 19 May 2016 are adhered to.

NOTES PERTAINING TO PLANNING CONSENT:

- 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 1300 366 424 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.
- 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 granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

CARRIED

***ITEM 3**

DEVELOPMENT APPLICATION – 090/140/2016/C1 – 9 SEDGEFORD ROAD, MYRTLE BANK SA 5064 (FULLARTON)

Mr Ben Bruce on behalf of William and Kathleen Austin, applicant, addressed the Panel regarding the above item.

Moved: Rob Sangster

Seconded: Ann Nelson

That Development Application 090/140/2016/C1 at 9 Sedgeford Road, Myrtle Bank SA 5064 to 'Remove significant tree – Eucalyptus sp. (Red Gum)', 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 regulated tree (Eucalyptus sp. (Red Gum)) 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 \$85.70 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).

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/301/2016/C2 – 382 UNLEY ROAD, UNLEY PARK SA 5061 (UNLEY PARK)

MOVED: Rufus Salaman

SECONDED: Jennifer Boisvert

That Development Application at 382 Unley Road, Unley Park SA 5061 to 'Erect two verandahs (retrospective) including one to the east of the existing dependent accommodation and one to the south abutting the common boundary', 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:

PLANNING 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. 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:

- 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 UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/334/2016/C2 – 52 PALMERSTON ROAD, UNLEY SA 5061 (UNLEY)

MOVED: Ann Nelson

SECONDED: Roger Freeman

That Development Application at 52 Palmerston Road, Unley SA 5061 to 'Carry out alterations and construct single storey additions including verandah, outbuilding on rear boundary, fence over 2.1m along the northern and western common boundaries, and inground swimming pool', 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:

PLANNING 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. 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 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 1300 366 424 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.
- 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 UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/359/2016/C2 – 5 DOUGLAS STREET, MILLSWOOD SA 5034 (UNLEY PARK)

MOVED: Jennifer Boisvert

SECONDED: Ann Nelson

That Development Application at 5 Douglas Street, Millswood SA 5034 to 'Carry out alterations and construct addition and masonry wall on common boundary and erect verandah', 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:

PLANNING 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. 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:

- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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 1300 366 424 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 UNANIMOUSLY

ITEM 7

**DEVELOPMENT APPLICATION – 090/415/2016/C2 – 31 WILKINSON ROAD,
PARKSIDE SA 5063 (PARKSIDE)**

Ms Yvonne Stokes, representor, and Mr Petros Eleftheriou, owner, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application at 31 Wilkinson Road, Parkside SA 5063 to 'Erect shed to common boundary', 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:

PLANNING 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. 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:

- 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 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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 UNANIMOUSLY

ITEM 8

DEVELOPMENT APPLICATION – 090/336/2016/C2 – 91 FREDERICK STREET, UNLEY 5061 (UNLEY)

Mr Marek Mikucki, representor, and Mr Gary Williams, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Jennifer Boisvert

That Development Application at 91 Frederick Street, Unley SA 5061 to 'Erect storage shed on rear boundary and erect verandah and extend carport to eastern (side) boundary', 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:

PLANNING 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. 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:

- 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 1300 366 424 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 9**

DEVELOPMENT APPLICATION – 090/354/2016/C2 – UNLEY SHOPPING CENTRE, 1 / 204 UNLEY ROAD, UNLEY SA 5061 (UNLEY)

Mr Phillip Brunning on behalf of Duke Group of Companies, applicant, addressed the Panel regarding the above item.

MOVED: Jennifer Boisvert

SECONDED: Rufus Salaman

That Development Application at Unley Shopping Centre, 1 / 204 Unley Road, Unley SA 5061 to 'Demolish existing pylon sign and construct a new pylon structure comprising 20 illuminated signs', 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:

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 signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall be included in the design of signs.
3. The signage shall not contain any element that flashes, scrolls, moves or changes.
4. All illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists (S 100cd/m²).
5. The signage shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
6. The sign shall be located no closer to the Unley Road boundary than the current sign and shall be fully within private property.
7. The sign shall not display images, text or backgrounds that are predominantly red, yellow/amber or green in colour.
8. That no telecommunication facilities be erected on the sign.

CARRIED

***ITEM 10**

DEVELOPMENT APPLICATION – 090/387/2016/NC – 1 SPENCE AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

Mr Greg Vincent on behalf of Southern Cross Care (SA & NT) Inc, applicant, addressed the Panel regarding the above item

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application at 1 Spence Avenue, Myrtle Bank SA 5064 for 'Temporary change of use from a dwelling to site offices', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the CONCURRENCE of the Development Assessment Commission (DAC) and subject to the following conditions:

PLANNING 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. The subject building and land hereby approved to be used for a temporary site office shall be returned to a single dwelling use and a covered car parking space constructed on the land no later than two (2) years from the date of full Development Approval.
3. That the driveway access on the northern side of the dwelling shall not be used for the purpose of providing access for contractors/tradespersons undertaking building work on the adjacent construction site as part of development application 287/2015/C1/2/B.

CARRIED UNANIMOUSLY

***ITEM 11**

DEVELOPMENT APPLICATION – 090/400/2016/C1 – 51 THOMAS STREET, UNLEY SA 5061 (UNLEY)

MOVED: Jennifer Boisvert

SECONDED: Ann Nelson

That Development Application at 51 Thomas Street, Unley SA 5061 for 'Remove regulated tree – Eucalyptus camaldulensis (River Red Gum)', 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:

PLANNING CONSENT DETAILS OF DECISION:

1. That the removal of the subject regulated tree (Eucalyptus camaldulensis – River Red Gum) 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. That two (2) replacement trees must be planted to replace the Regulated tree within twelve (12) months of the date of the development approval. The replacement trees shall be selected from the attached list. The applicant shall advise Council in writing when the replacement trees are planted. The replacement trees shall not be planted within 10 metres of a dwelling or in ground swimming pool. The owner of the land the subject of this authorisation shall maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

CARRIED

The Presiding Member brought forward Item 13 to enable members of the gallery to leave at the conclusion of debate.

CONFLICT OF INTEREST

Prior to discussion on Item 13, Rufus Salaman advised that he had sought legal advice from Council's lawyer regarding a potential conflict of interest as he lives opposite the site and was involved in an appeal involving the childcare centre in 1978. He was advised that this was not a conflict of interest.

***ITEM 13**

DEVELOPMENT APPLICATION – 090/522/2016/C1 – 42 ARTHUR STREET, UNLEY SA 5061 (UNLEY)

MOVED: Ann Nelson

SECONDED: Rob Sangster

That Development Application at 42 Arthur Street, Unley SA 5061 to 'Remove regulated tree – Corymbia citriodora (Lemon scented Gum)', 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:

PLANNING CONSENT DETAILS OF DECISION:

1. That the removal of the subject regulated tree (Corymbia citriodora – Lemon scented Gum) 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. That two (2) replacement trees must be planted to replace the Regulated tree within twelve (12) months of the date of the development approval. The replacement trees shall be selected from the attached list. The applicant shall advise Council in writing when the replacement trees are planted. The replacement trees shall not be planted within 10 metres of a dwelling or in ground swimming pool. The owner of the land the subject of this authorisation shall maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

CARRIED

ITEM 12

DEVELOPMENT ASSESSMENT PANEL – ANNUAL REPORT TO COUNCIL

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That it be recommended to Council that:

1. The attached Draft Annual Report of the Development Assessment Panel (Attachment 1), with amendments, be endorsed and provided to Council for consideration at the next available meeting.

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 9.55pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20/9/2016.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 20 September 2016