

**CITY OF UNLEY**

**DEVELOPMENT ASSESSMENT PANEL**

**Minutes of Meeting held Wednesday, 20 January 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)  
Mrs Ann Nelson  
Ms Barbara Norman  
Mr Rufus Salaman  
Mr Rob Sangster

**APOLOGIES:**

Mr Roger Freeman (Deputy Presiding Member)  
Ms Jennifer Boisvert

**OFFICERS PRESENT:**

Mr Donny Michel, Acting Manager Development  
Mr Grant Croft, Senior Planning Officer  
Ms Rachel Theile, Development Administration

**CONFLICT OF INTEREST:** Nil

**CONFIRMATION OF MINUTES:**

MOVED: Rufus Salaman

SECONDED: Barbara Norman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 15 December 2015, as printed and circulated be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**\*ITEM 1**

**DEVELOPMENT APPLICATION – 090/758/2015/NC – 414 UNLEY ROAD, UNLEY PARK 5061 (UNLEY PARK)**

Mr Damian Dawson and Mr Mike Claridge on behalf of Claridge Motors Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application at 414 Unley Road, Unley Park 5061 for 'Change in use from crash repair to used car showroom', 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 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 hours of operation of the premises not exceed the following period:
  - 8.00am to 6.00pm Monday to Saturday
  - Closed on Sunday and Public Holidays
3. That the flood lighting shall be constructed and maintained in accordance with Australian Standard AS 4282 – 1997.
4. That there shall be no vehicle deliveries to the site.
5. That immediate remedial measure shall be taken (aiming of lights, fittings of louvres, baffles, shields or the like) to control and limit light falling on surrounding properties.
6. That the customer parking shall be signed appropriately to ensure customers do not park on the street.
7. That a car parking space shall be designed in accordance with Australian Standard AS 2890.6.2009 and designated for people with disabilities.

**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**.
- 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.
- 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 UNANIMOUSLY**

**ITEM 2**

**DEVELOPMENT APPLICATION – 090/760/2015/C2 – 36 FASHODA STREET, HYDE PARK 5061 (UNLEY PARK)**

Ms Mesha Karamalis, owner, addressed the Panel regarding the above item.

MOVED: Barbara Norman

SECONDED: Rob Sangster

That Development Application at 36 Fashoda Street, Hyde Park 5061 to 'Remove existing lean-to and outbuilding, carry out alterations, construct addition to common boundary (W), garage to common boundary (E), verandah and install 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.
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:**

- 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](http://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.

**CARRIED UNANIMOUSLY**

**ITEM 3**

**DEVELOPMENT APPLICATION – 090/567/2015/C2 – 74 MILLS STREET,  
CLARENCE PARK SA 5034 (CLARENCE PARK)**

Mr Daniel Maguire and Ms Farrah Tate, representors, addressed the Panel regarding the above item.

MOVED: Ann Nelson

SECONDED: Rob Sangster

That Development Application at 74 Mills Street, Clarence Park SA 5034 to 'Demolish existing outbuildings, carry out alterations and construct dwelling additions to side boundary, and construct carport, pergola and garage to common boundaries', 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.
- 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](http://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.

**CARRIED UNANIMOUSLY**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/857/2015/C1 – 28A MALVERN AVE,  
MALVERN SA 5061 (UNLEY PARK)**

MOVED: Rufus Salaman

SECONDED: Ann Nelson

That Development Application 090/857/2015/C1 at 28 Malvern Avenue, Malvern SA 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The subject tree is considered to make an important contribution to the character and amenity of the local area;
- The subject tree forms a notable visual element to the landscape of the local area;
- The subject tree is not diseased and its life expectancy is not short;
- The subject tree does not represent an unacceptable risk to public and / or private safety;
- The subject tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value;
- The applicant has not demonstrated that reasonable alternative development options and design solutions in accord with Council-wide, Zone and Area provisions have been considered.

**CARRIED UNANIMOUSLY**

**ITEM 5**

**CONFIDENTIALITY MOTION FOR ITEM 6**

**DEVELOPMENT APPLICATION - 28 WESTALL STREET, HYDE PARK -  
090/270/2015/C2**

MOVED: Rufus Salaman

SECONDED: Barbara Norman

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:
  - Donny Michel, Acting Manager Development
  - Grant Croft, Senior Planning Officer

- Rachel Theile, 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**

The chamber doors were closed at 7.55pm.

**\*ITEM 6**

**DEVELOPMENT APPLICATION – 090/270/2015/C2 – 28 WESTALL STREET, HYDE PARK 5061 (UNLEY PARK)**

MOVED: Ann Nelson

SECONDED: Rufus Salaman

- A. That the report be received; and
- B. That the Environment, Resource and Development Court be advised that the City of Unley Development Assessment Panel accepts the compromise and concedes the appeal for Development Application 090/270/2015/C2 at 28 Westall Street, Hyde Park 5061, 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 on any building on the site. Stormwater shall not be disposed of over a crossing place.
3. 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.

**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](http://www.lsc.sa.gov.au).

**CARRIED UNANIMOUSLY**

**ITEM 7**

**CONFIDENTIALITY MOTION FOR ITEM 6**

**DEVELOPMENT APPLICATION - 28 WESTALL STREET, HYDE PARK -  
090/270/2015/C2**

MOVED: Rob Sangster

SECONDED: Barbara Norman

That:

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

2.1 The

- ☐ Minutes
- ☒ Report
- ☒ Attachments

For this Item 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 UNANIMOUSLY**

The chamber doors were opened at 8.04pm.

**CLOSURE**

The Presiding Member declared the meeting closed at 8.05pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16/2/2016.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING

Tuesday, 16 February 2016