

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 17 February 2015
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
Mr Don Palmer
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES:

Mrs Ann Nelson

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Rachel Theile, Development Administration

CONFLICT OF INTEREST:

Nicole Dent declared a conflict of interest for Item 7 – 36 Hughes Street, Unley as she has a working relationship with the applicant.

Don Palmer declared a conflict of interest for Item 8 – 16 Langdon Avenue, Clarence Park as he has counseled the representor.

Don Palmer advised that he has previously worked on DPA2 with one of the representors for Item 1 – 16A Dryden Road, Black Forest but that he does not believe this represents a conflict of interest.

Don Palmer advised that he has previously been on different committees with one of the applicants for Item 6 – 135 Goodwood Road, Goodwood but that he does not believe this represents a conflict of interest.

* Denotes Change

Rob Sangster advised that he knows the applicant for Item 7 – 36 Hughes Street, Unley but that he has not discussed the application with them and does not believe this represents a 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 Wednesday 21 January 2015, as printed and circulated be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/676/2014/C2 – 16A DRYDEN ROAD, BLACK FOREST SA 5035 (CLARENCE PARK)

Ms Rachel Merritt and Ms Marissa Gentilcore, representors, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Rob Sangster

That Development Application 090/676/2014/C2 at 16A Dryden Road, Black Forest SA 5035 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 landscaping, as approved by the 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.

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**.
- 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.
- 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

ITEM 2

DEVELOPMENT APPLICATION – 090/684/2014/C2 – 65 EDMUND AVENUE, UNLEY 5061 (UNLEY)

MOVED: Brenton Burman

SECONDED: Rob Sangster

That Development Application 090/684/2014/C2 at 65 Edmund Avenue, 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 the upper floor windows (apart from bedroom 1) 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. 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.
5. That further details to be provided regarding the balcony screening to Administration's satisfaction prior to the issue of the Development Approval.
6. 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:

- 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.

- 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 8463 3555 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.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/776/2014/C2 – 20 PARK STREET, HYDE PARK 5061 (UNLEY)

Mr Andres Morris, representor, and Mr Madhu Saraf, owner, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Brenton Burman

That Development Application 090/776/2014/C2 at 20 Park Street, 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.

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.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/777/2014/C2 – 20 PARK STREET, HYDE PARK 5061 (UNLEY)

Mr Andres Morris and Dr Judith Peppard, representors, and Mr Madhu Saraf, owner, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/777/2014/C2 at 20 Park Street, 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.

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.

CARRIED

ITEM 5

DEVELOPMENT APPLICATION – 090/908/2014/C2 – 66-68 UNLEY ROAD, UNLEY 5061 (UNLEY)

Mr Simon Lumsden, representor, and Mr Greg Vincent and Ms Karen Stewart, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/908/2014/C2 at 66-68 Unley Road, 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. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. The conditions, where pertinent, of 090/720/2013/C2 and 090/347/2014/C2 shall be complied with to the reasonable satisfaction of Council at all times.
3. Dog grooming shall be undertaken between the hours of 8:00am and 4:00pm Monday to Saturday only.

CARRIED

***ITEM 6**

DEVELOPMENT APPLICATION – 090/866/2014/C2 – 135 GOODWOOD ROAD, GOODWOOD 5034 (GOODWOOD)

Ms Suzanne Hall, representor, and Ms Nicole Sheehan and Ms Kelly-Ann Clarcken, applicants, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/866/2014/C2 at 135 Goodwood Road, Goodwood 5034 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 hours of operation of the premises not exceed the following periods:
 - Thursday, 4:00pm to 11:00pm
 - Friday 2:00pm to Midnight
 - Saturday, 3:00pm – Midnight
 - Sunday, 3:00pm – 10:00pm
3. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm Monday to Saturday.

4. That the premises accommodate no more than 27 seats at any time.

NOTES PERTAINING TO PLANNING CONSENT:

- The applicant should ensure that the proposed development conforms to the Food Act 2001, Food Regulations 2002 and the Australian Food Safety Standard.

CARRIED

Nicole Dent declared a conflict of interest for Item 7 – 36 Hughes Street, Unley as she has a working relationship with the applicant and left the meeting at 8.42pm

ITEM 7

DEVELOPMENT APPLICATION – 090/704/2014/C2 – 36 HUGHES STREET, UNLEY SA 5061 (UNLEY)

MOVED: Rob Sangster

SECONDED: Brenton Burman

That Development Application 090/704/2014/C2 at 36 Hughes 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.
4. That 1.7m high privacy screening be erected along the northern (rear) upper floor windows prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.
5. That the western (side) upper floor window 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.

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**.
- 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

Nicole Dent returned to the meeting at 8.56pm.

Don Palmer declared a conflict of interest for Item 8 – 16 Langdon Avenue, Clarence Park as he has counseled the representor and left the meeting at 8.56pm.

***ITEM 8**

DEVELOPMENT APPLICATION – 090/812/2014/C2 – 16 LANGDON AVENUE, CLARENCE PARK 5034 (CLARENCE PARK)

Ms Sue Fraser, representor, and Mr Paul Quaini, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Brenton Burman

That Development Application 090/812/2014/C2 at 16 Langdon Avenue, Clarence Park 5034 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 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 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, and that a copy of the survey plan be provided to the representor.

CARRIED

Don Palmer returned to the meeting at 9.10pm.

ITEM 9

CONFIDENTIALITY MOTION FOR ITEM 10

DEVELOPMENT APPLICATION – 32 HART AVENUE, UNLEY – 090/492/2014/C2

MOVED: Rufus Salaman

SECONDED: Don Palmer

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
 - Rachel Theile, 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 9.10pm.

ITEM 10

DEVELOPMENT APPLICATION – 090/492/2014/C2 – 32 HART AVENUE, UNLEY 5061 (UNLEY)

MOVED: Terry Tysoe

SECONDED: Don Palmer

- C. That the report be received; and
- D. That the Environment Resources and Development Court be advised that the City of Unley Development Assessment Panel reaffirms its decision of 18 November 2014 as the amended plans provided do not adequately address the grounds for refusal.

The resolution was put and **TIED**.

On the casting vote of the Presiding Member the resolution was **CARRIED**.

ITEM 11

CONFIDENTIALITY MOTION FOR ITEM 10

DEVELOPMENT APPLICATION – 32 HART AVENUE, UNLEY – 090/492/2014/C2

MOVED: Rufus Salaman

SECONDED: Don Palmer

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 remain confidential on the basis that the documentation referring to 32 Hart Avenue, Unley 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 9.24pm.

OTHER BUSINESS

The Presiding Member thanked the Panel members and administration for their contribution over the last 2 year term.

The Panel discussed the proposed new report format that was tabled by Administration and agreed to start using it from the March meeting.

CLOSURE

The Presiding Member declared the meeting closed at 9.39pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 17/3/2015.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 17 March 2015