

## **CITY OF UNLEY**

### **DEVELOPMENT ASSESSMENT PANEL**

**Minutes of Meeting held Monday, 20 December 2010  
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.

#### **MEMBERS:**

Mr Terry Tysoe (Presiding Member)  
Mr Roger Freeman  
Mr Brenton Burman  
Mr Rob Sangster  
Mr Don Palmer  
Mr Rufus Salaman

#### **APOLOGIES:**

Dr Lissa Van Camp

#### **OFFICERS PRESENT:**

Ms Christine Umapathysivam, Deputy CEO  
Mr Paul Weymouth, Manager Development  
Ms Fiona Koutsikas, Senior Planning Officer  
Ms Kelley Jaensch, Executive Assistant, City Development  
Ms Rachel Theile, Development Administration

**ITEM 7**

**DEVELOPMENT APPLICATION – 090/309/2010/C3 – 106-108 UNLEY ROAD, UNLEY 5061 (UNLEY)**

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/309/2010/C3 at 106-108 Unley Road, Unley 5061 be REFERRED back to Administration to allow negotiations to continue regarding flooding.

**CARRIED**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/366/2010/C3 – 103A FISHER STREET, FULLARTON SA 5063 (FULLARTON)**

The presiding member tabled the minutes from the site meeting and noted them as a true and correct record of the Panel's observations.

Stuart Riley, Ian Green, representors, and Stuart Henry, Jane Lovell, Roger Pitt on behalf Living Choice, applicant, addressed the Panel in respect of this item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/366/2010/C3 at 103A Fisher Street, Fullarton SA 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. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
3. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
4. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
5. The driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
6. That no signs be erected or displayed without the prior consent of the Council.
7. The pruning of significant trees shall occur under the supervision of a qualified arborist and shall be in accordance with the recommendation, in the Adelaide Tree Surgery Report dated July 2008 and 14 September 2010.

**Item 1**

**Development Application – 090/366/2010/C3 – 103A Fisher Street, Fullarton SA 5063 (Fullarton) - Continued**

8. No significant tree on the site may be damaged in any way (including roots) during demolition and/or construction.
9. That significant trees and other trees be retained must be protected during demolition and construction by a fence places a minimum of 2 metre radius around the base of the tree. Tree protection and management measures must be undertaken in accordance with the recommendations as detailed in the Adelaide Tree Surgery Report dated July 2008 and 14 September 2010.
10. Final details of the landscaping to the road reserve at the eastern end of Marlborough Street be provided to the satisfaction of Council prior to the issue of Building Rules Consent. All costs associated with this work are to be borne by the Applicant.
11. That the collection of stormwater from all large non-permeable surfaces (roofs and car parks) should be designed such that it allows for on-site collection, treatment and detention and used internally and for on-site irrigation of landscaped areas. Any stormwater discharge from the site shall be to an approved stormwater discharge point (within Council's Stormwater Pipe Network) and designed to not exceed 20 litres per second. Further details shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent.
12. Final details of waste management practices shall be submitted to and approved by Council prior to the issue of Building Rules Consent. These details shall include a Waste Management Plan which covers the three phases of the development:
  - Resource recovery during demolition;
  - Waste minimization and resource recovery during construction; and
  - Provision for the ongoing storage and management of waste, including separation of recyclable materials.
13. 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.

## **Item 1**

### **Development application – 090/366/2010/C3 – 103A Fisher Street, Fullarton SA 5063 (Fullarton) - Continued**

14. 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.

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 plan of lighting shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent. The plan shall include appropriate measures (aiming of lights, fitting of louvres, baffles, or shields or the like) to control or limit light falling on surrounding properties.

17. The applicant shall meet all costs associated with the removal of the street tree on Fisher Street (*Eucalyptus sideroxylon* (Red Ironbark) and the planting of a mature replacement tree including modifications to the irrigation system.

18. Final car park and access design details shall be submitted to the satisfaction of Council prior to the issue of Building Rules Consent In particular:

- The eastern most driveway from Fisher Street shall be used and appropriately signed as entry only.
- The roadway beneath the porte cochere shall be use and appropriately signed as being one way.
- Appropriate signage in accordance with Clause 5.3.1 of AS / NZ 2890.1:2004 identifying a clearance within the car park of less than 2.3 metres.

19. A Demolition and Building Site Management Plan is required to the satisfaction of Council prior to the issue of Building Rules Consent and shall include details such as:

- Work in the Public Realm
- Hoarding
- Site amenities
- Traffic requirements, including construction access
- Servicing the site
- Adjoining buildings
- Reinstatement of infrastructure

### **Item 1**

#### **Development application – 090/366/2010/C3 – 103A Fisher Street, Fullarton SA 5063 (Fullarton) - Continued**

#### **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 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.
- 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**.

**CARRIED**

Prior to debate on this Item, Rufus Salaman declared a conflict of interest due to his employment and left the meeting at 7.34pm

### **ITEM 2**

#### **DEVELOPMENT APPLICATION – 090/217/2009/C2/A – 22 FERN AVENUE, FULLARTON SA 5063 (FULLARTON)**

Marc Duncan on behalf of Greg Ransom and Elli Rafii-Ardestani, Annette Scurrah, Robert and Jillian Skopal, representors, and JP Premier Homes, Applicant, addressed the panel in respect of this Item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/217/2009/C2/A at 22 Fern Avenue, Fullarton SA 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. 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 the Planning Consent Development Application Number 090/217/2009/C2 in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.

**CARRIED**

Rufus returned to the meeting at 7.54pm

### **ITEM 3**

#### **DEVELOPMENT APPLICATION – 090/948/2010/C2 – 87 KING WILLIAM ROAD, UNLEY 5061 (UNLEY)**

Phil Brunning on behalf of RK Dillon Nominees Pty Ltd, representor, and George Manos, Bill Pryor, on behalf of the Applicant, addressed the panel in respect of this Item.

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/948/2010/C2 at 87 King William 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. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents including those recently supplied and dated 30 November 2010 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 retail showroom with wine tasting facility and wine education classes shall be limited to 9:00am to 9:00pm on weekdays and 2:30pm to 6:30pm on weekends.
3. The total number of visitors attending the premises at any one time between the hours of 9:00am to 4:30pm on weekdays shall not exceed 12 persons (including patrons attending wine education classes). The total number of visitors attending the premises at any one time between 4:30pm and 9:00pm on weekdays and 2:30pm to 6:30pm on weekends shall not exceed 20 persons (including patrons attending wine education classes). The overall capacity of the premises shall not exceed 20 persons at any one time (including patrons attending wine education classes).
4. The layout of all tables and chairs shall be as depicted on the amended plan accompanying the application. Area 1 depicted on the latest undated amended plan shall be limited to 4 tables (740mm x 1550mm) with 12 chairs, and Area 2 shall be limited to 4 tables (740mm x 580mm ) with 8 chairs and 4 stools .
5. The premises are not to be used at any time as a restaurant.
6. That car park 5, 6 and 7 shall be dedicated for staff use only during 9.00am to 4.30pm weekdays.
7. That the carpark shall be available to the public during all hours of operation.

**CARRIED**

#### **ITEM 4**

#### **DEVELOPMENT APPLICATION – 090/746/2010/C2 – 7 LANGHAM TERRACE, UNLEY SA 5061 (UNLEY)**

Following a request by the Applicant to withdraw this Item from the Agenda, the Panel referred the matter back to Administration.

#### **ITEM 5**

#### **DEVELOPMENT APPLICATION – 090/825/2010/C2 – 83 ROSE TERRACE, WAYVILLE SA 5034 (GOODWOOD)**

Ann Campbell, representor, addressed the panel in respect of this item.

MOVED: Brenton Burman

SECONDED: Rob Sangster

That Development Application 090/825/2010/C2 at 83 Rose Terrace, Wayville SA 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. 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.
3. That the upper floor window to the bathroom of the eastern residence shall be obscured glass.
4. That the ground floor window of the bathroom of the eastern residence shall be obscured glass.

#### **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**.
- 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.

## **ITEM 5**

### **Development Application – 090/825/2010/C2 – 83 Rose Terrace, Wayville SA 5034 (Goodwood) – Continued**

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

**CARRIED**

## **ITEM 6**

### **DEVELOPMENT APPLICATION – 090/874/2010/C2 – 32 DEVON STREET (NORTH), GOODWOOD 5034 (GOODWOOD)**

Ms B T Press, Applicant, addressed the panel in respect of this Item.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/874/2010/C2 at 32 Devon Street (North), Goodwood 5034 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 176 and 178 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;
- Is not diseased or has a short life expectancy;
- Does not represent an unacceptable risk to private or public safety;
- Has not been shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and
- All other reasonable remedial treatments and measures have not been determined to be ineffective.

**CARRIED**



Prior to debate on this Item, Rufus Salaman, Don Palmer and Roger Freeman declared a conflict of Interest. Rufus Salaman due to his employment, Don Palmer undertook construction work for the representor, and Roger Freeman is an adjoining owner to the property.

**ITEM 7**

**DEVELOPMENT APPLICATION – 090/679/2010/C2 – 35 AROHA TERRACE, BLACK FOREST 5035 (GOODWOOD SOUTH)**

That Development Application 090/679/2010/C2 at 35 Aroha Tce, Black Forest 5035 is DEFERRED due to lack of a quorum.

**ITEM 8**

**DEVELOPMENT APPLICATION – 090/143/2008/C2/A – 10 MILLSWOOD CRESCENT, MILLSWOOD 5034 (GOODWOOD SOUTH)**

MOVED: Don Palmer

SECONDED: Roger Freeman

That Development Application 090/143/2008/C2/A at 10 Millswood Crescent, Millswood 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. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application including the email to the satisfaction of Council except where varied by conditions below (if any).
2. The conditions, where pertinent, of the Planning Consent Development Application Number 090/143/2008/C2 in respect to the original overall development shall be complied with 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**.
- 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 – 090/393/2010/C2 – 123 KING WILLIAM ROAD, UNLEY 5061 (UNLEY)**

Colin Baldock, applicant, addressed the panel in respect of this Item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/393/2010/C2 at 123 King William Road, Unley 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposal fails to provide sufficient on site car parking to accommodate the proposed development.

**CARRIED**

**ITEM 10**

**DEVELOPMENT APPLICATION – 090/801/2010/C2 – 43 MILLS STREET, CLARENCE PARK 5034 (GOODWOOD SOUTH)**

MOVED: Roger Freeman

SECONDED: Don Palmer

That Development Application 090/801/2010/C2 at 43 Mills Street, 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. That the removal of the subject significant trees (Melia azedarah and Erythrina skesii) 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).

**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 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**

## **ITEM 11**

### **DEVELOPMENT APPLICATION – 090/893/2010/C2 – 6 ELM STREET, UNLEY PARK 5061 (UNLEY PARK)**

Jackie Venning, representor, and Susan Scrymgour, applicant, addressed the panel in respect of this item.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/893/2010/C2 at 6 Elm 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.

#### **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 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).
- 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.
- Your attention is drawn to the requirements of **Development Regulation 76C- Fire Safety Requirements - Brush Fences**. It is a requirement for the purpose of building rules assessment that brush fences (existing, proposed or altered) must be clearly identified on all documentation to be lodged for building rules consent. Brush fences within 3 metres of any dwelling will require development approval.

**CARRIED**

# DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 13  
17 MAUD STREET, UNLEY – 090/54/2010/C2

**ITEM NUMBER:** 12

**DATE OF MEETING:** 20 December 2010

**AUTHOR:** KELLEY JAENSCH

**JOB TITLE:** EXECUTIVE ASSISTANT CITY  
DEVELOPMENT

**RESPONSIBLE OFFICER:** CHRISTINE UMAPATHYSIVAM

**JOB TITLE:** DEPUTY CHIEF EXECUTIVE OFFICER

**COMMUNITY GOAL:** GOE/2 Generate an approach to all  
Council operations which maintains the  
principles of good governance such as public  
accountability, transparency, integrity,  
leadership, cooperation with other levels of  
government and social equity.

**ATTACHMENTS:** NIL

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## **PURPOSE**

To recommend that Item 13 be considered in confidence at the  
20 December 2010 Development Assessment Panel meeting.

## **RECOMMENDATION**

MOVED: Don Palmer  
SECONDED: Roger Freeman

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a)(viii) and (ix) of the Development Act 1993, as amended, the Development Assessment Panel orders the public be excluded with the exception of the following:
  - Christine Umapathysivam, Deputy Chief Executive Officer
  - Paul Weymouth, Manager Development
  - Fiona Koutsikas, Senior Planning Officer
  - Terry Tysoe

- Don Palmer
- Rufus Salaman
- Rob Sangster
- Roger Freeman
- Lissa Van Camp
- Brenton Burman
- Mayor Lachlan Clyne
- Kelley Jaensch, Executive Assistant City Development
- 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**

Brenton Burman declared a conflict of interest as he was acting for the adjoining owner in a development matter and left the meeting at 9.25pm.

### **ITEM 13**

#### **DEVELOPMENT APPLICATION – 090/54/2010/C2 – 17 MAUD STREET, UNLEY 6061 (PARKSIDE)**

MOVED: Roger Freeman

SECONDED: Don Palmer

- 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 concedes the appeal for development application 090/54/2010/C2 at 17 Maud Street, Unley, subject to the following condition:
  1. That the removal of the subject significant tree *Schinus Molle* (Pepper Tree) 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).

### **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.

**CARRIED**

Brenton Burman returned to the meeting at 9.37pm.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That the Ordinary Meeting of the Development Assessment Panel resume in Public.

**CARRIED**

The Chamber doors were opened at 9.30pm.

**ITEM 15**

**DEVELOPMENT ASSESSMENT PANEL PROPOSED MEETING DATES FOR 2011**

MOVED: Rob Sangster

SECONDED: Don Palmer

That the Development Assessment Panel (DAP) in 2011 meets on the second Monday of every month at 7.00pm at the Civic Centre, 181 Unley Road, Unley, with appropriate adjustments to accommodate the Christmas period and public holidays, in accordance with the meeting schedule outlined below:

Monday	24 January 2011
Monday	14 February 2011
Tuesday	15 March 2011 (Adelaide Cup Day)
Monday	11 April 2011
Monday	9 May 2011
Tuesday	14 June 2011 (Queens Birthday)
Monday	11 July 2011
Monday	8 August 2011
Monday	12 September 2011
Monday	10 October 2011
Monday	14 November 2011
Monday	5 December 2011

**CARRIED**

**CLOSURE**

The Presiding Member declared the meeting closed at 9.42pm.