

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting held Monday, 23 January 2012
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
Dr Lissa Van Camp
Mr Brenton Burman
Mr Rob Sangster
Mr Don Palmer
Mr Rufus Salaman (arrived 7.03pm)

APOLOGIES:

OFFICERS PRESENT:

Mr Donny Michel, Acting Manager Development
Ms Fiona Koutsikas, Acting Team Leader Planning
Ms Rachel Theile, Development Administration

CONFIRMATION OF MINUTES

MOVED: Don Palmer

SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday 5 December 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/770/2011/C3 – 335-337 UNLEY ROAD, MALVERN 5061 (UNLEY PARK)

Prior to debate on this item, Rob Sangster stated that he had been approached by residents regarding this item, but that he does not have a conflict of interest.

Mr Sam Hall, Mr Matthew Wenk, Mr William Harrod, and Cr Michael Saies on behalf of Annabel Blanch, representors, and Mr George Manos, Mr Michael Hutchison and Mr Trevor Routley, on behalf of Routley Holdings Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/770/2011/C3 at 335-337 Unley Road, Malvern 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. Any advertisements erected on the subject land only being those exempt from Development Approval pursuant to the Development Regulation 2008 and Local Government Act 1999.
3. 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. Further, that trees used in landscaping of the site be at least 1.0 metre in height at the time of planting.
4. The Hours of operation of the premises not exceed the following periods:
 - Monday to Wednesday, Friday 7am to 7pm
 - Thursday 7am to 9pm
 - Sunday 11am to 6pm
5. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm Monday to Friday. No vehicles larger than a medium rigid vehicle shall enter the site at any time.
6. That all loading and unloading shall be carried out wholly within the site.
7. That no storage of goods occur in the car park at any time.

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.
- 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.
- 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 2

DEVELOPMENT APPLICATION – 090/953/2011/C2 – 1 MITCHELL STREET, HYDE PARK 5061 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/953/2011/C2 at 1 Mitchell 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.
2. That all mechanical services be designed and operated so that no nuisance or inconvenience is caused to occupiers of the buildings in the locality.
3. The hours of operation for the baking component on premises must not exceed the following period:
 - 4.00am to 8.00pm Monday to Thursday.
 - 4.00am to 10.00pm Friday to Saturday.
 - 4.00am to 5.00pm Sunday.
4. The hours of operation of the premises shall be restricted to the following times:
 - Mon – Thurs 7.00am – 8.00pm

- Fri – Sat 7.00am - 11.00pm
 - Sun – 7.00am – 5.00pm
5. No signs to be erected or displayed without prior consent of Council.
 6. The portion of the development nominated as a 'shop' on the approved plans not being used as a restaurant.
 7. All deliveries (including waste/refuse collections) shall occur between the hours of 8.00am and 5.00pm on Monday to Friday, with all vehicles to utilise the car-park facility to the rear (off King William Road).
 8. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
 9. Further details of the exhaust stack (detailing all fixing methods) shall be provided to the satisfaction of Council prior to issuing of Building Rules Consent.
 10. That the development shall comply with the Food Act (2001) and Food Safety Standards. For this purpose details of the wall and flooring types, exhaust canopy specifications, hand wash basin, sink dimensions and the like shall be submitted to Council prior to or at the time of Provisional Building Rules Consent.
 11. That all vehicle deliveries shall be by small rigid truck and carried out wholly within the site.
 12. That immediate remedial measure shall be taken if, in the opinion of Council, adverse impact is being caused to the amenity of the locality due to any noise nuisance or otherwise.

NOTES PERTAINING TO PLANNING CONSENT

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

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/479/2011/C2 – 1 HEXHAM AVENUE, MYRTLE BANK 5064 (FULLARTON)

Ms Janzy Murphy, and Mr Lipscombe, representors, and Mr Dino Quarisa, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/479/2011/C2 at 1 Hexham Avenue, Myrtle Bank 5064 should be DEFERRED to enable the applicant to provide shadow diagrams and confirmation of heights of walls and setbacks.

CARRIED

Rufus Salaman left the meeting at 9.04pm.

Rufus Salaman returned to the meeting at 9.06pm.

ITEM 4

DEVELOPMENT APPLICATION – 090/686/2011/C2 – 28 THORNBUR STREET, UNLEY PARK 5061 (UNLEY PARK)

Dr J Possingham, representor, and Mr Lou Fantasia on behalf of Mr Anthony Romeo, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/686/2011/C2 at 28 Thornber 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.
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. All trees being retained shall be protected during construction by a fence placed a minimum of 2 metres radius around the base of the tree. The following tree protection measures shall also be adopted during the construction process:
 - Vacuum-excavation of a post hole is to be undertaken for a single verandah pier within the structural root zone of the tree; and
 - Tree sensitive design and construction to be utilised where the development encroaches into the tree protection zone of the tree, including screw-pile or pier and beam footings and a finished floor level that will not require area and strip excavation of existing soil within the tree protection zone of the tree.
5. A sample of all external materials, colours and finishes for the dwelling, fencing and pool enclosure shall be provided and approved by Council prior to issue of Development Approval.

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.
- 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.
- 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.
- 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

ITEM 5

**DEVELOPMENT APPLICATION – 090/551/2011/C2 – 5 HALMON AVENUE,
EVERARD PARK 5035 (GOODWOOD)**

Chris Louca on behalf of Katina Kappos, representor, and Toufic Kaissi, on behalf of T K Building Design, applicant, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/551/2011/C2 at 5 Halmon Avenue, Everard park 5035 should be DEFERRED to allow the applicant to consider moving the building forward by 1m.

CARRIED

ITEM 6

**DEVELOPMENT APPLICATION – 090/727/2011/C2 – 5 BLOOMSBURY
STREET, GOODWOOD 5034 (UNLEY)**

MOVED: Lissa van Camp

SECONDED: Roger Freeman

That Development Application 090/727/2011/C2 at 5 Bloomsbury Street, 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. 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 associated outbuilding subject of this Approval shall only be used for purposes and activities ancillary to the residential use of the property and at no time be used for any commercial and/or industrial purpose.

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.

- 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

ITEM 7

DEVELOPMENT APPLICATION – 090/531/2011/C2 – 245-255 UNLEY ROAD, MALVERN 5061 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/531/2011/C2 at 245-255 Unley Road, Malvern 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.
- 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**.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/852/2011/C2 – 2A CHURCH STREET, HIGHGATE SA 5063 (FULLARTON)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/852/2011/C2 at 2A Church Street, Highgate 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. 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 final details of the privacy screen shall be provided to Council prior to the issue of Building Rules Consent.

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 8463 3555 or refer to their web site at www.lsc.sa.gov.au.

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/566/2011/C2 – 2A MALCOLM STREET, MILLSWOOD 5034 (UNLEY PARK)

Mr Alan Sheppard on behalf of Alan Sheppard Constructions, applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/566/2011/C2 at 2A Malcolm Street, 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. 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 plinth when viewed from adjoining properties shall be finished to the satisfaction of Council.

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

ITEM 10

DEVELOPMENT APPLICATION – 090/914/2011/C2 – FULLARTON PARK CENTRE, 411 FULLARTON ROAD, FULLARTON SA 5063 (FULLARTON)

MOVED: Don Palmer

SECONDED: Lissa van Camp

That Development Application 090/914/2011/C2 at Fullarton Park Centre, 411 Fullarton Road, 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 removal of the subject significant tree (*Ceratonia siliqua*) 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 a semi-mature replacement tree (minimum height of 1.5 metres) be replanted of a suitable species within 6 months of the date of this consent. Should the tree die or be removed for any reason a replacement tree of the same species to be replanted.

CARRIED

ITEM 11

**DEVELOPMENT APPLICATION – 090/850/2011/C2 – 19 THOMAS STREET,
UNLEY 5061 (UNLEY)**

MOVED: Lissa van Camp

SECONDED: Brenton Burman

That Development Application 090/850/2011/C2 at 19 Thomas 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. That the removal of the subject significant tree (Willow Myrtle) 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 a semi-mature replacement tree (minimum height of 1.5 metres) be replanted of a suitable species as determined in consultation with Council's arborist within 6 months of the date of this consent. Should the tree die or be removed for any reason a replacement tree of the same species to be replanted.

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**.

CARRIED

ITEM 12

DEVELOPMENT APPLICATION – 090/702/2011/C2 – 79 ROBSART STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/702/2011/C2 at 79 Robsart Street, Parkside 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. 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 southern and eastern 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.

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.
- 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 8463 3555 or refer to their web site at www.lsc.sa.gov.au.

CARRIED

ITEM 13

**DEVELOPMENT APPLICATION – 090/824/2011/C2 – 28 URRBRAE AVENUE,
MYRTLE BANK 5064 (FULLARTON)**

Item WITHDRAWN by Administration.

CLOSURE

The Presiding Member declared the meeting closed at 9.53pm.

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PRESIDING MEMBER

NEXT MEETING

Monday, 20 February 2012