

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Monday, 11 July 2011
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 Brenton Burman
Mr Don Palmer
Mr Rufus Salaman
Dr Lissa van Camp (via conference call at 8.10pm)

APOLOGIES:

Mr Roger Freeman
Mr Rob Sangster
Dr Lissa van Camp

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Fiona Koutsikas, Senior Planning Officer
Ms Rachel Theile, Development Administration

CONFIRMATION OF MINUTES

MOVED: Don Palmer

SECONDED: Rufus Salaman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 14 June 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/1086/2010/C2 – 21 HUGHES STREET, UNLEY 5061 (UNLEY)

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/1086/2010/C2 at 21 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.
4. That the northern upper floor windows of the outbuilding 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.
5. That the northern upper floor balcony of the outbuilding be treated to avoid overlooking prior to occupation by being fitted with permanently fixed privacy fins to a minimum height of 1700mm above floor level as detailed on plans dated February 2011 drawing number 05/C, to the satisfaction of Council and 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.
- 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 alterations to existing overhead or underground services shall be at the applicant's expense.
- That the existing levels adjacent to the property boundary must be maintained.
- 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.

- 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 – 090/367/2011/C2 – 8 OXFORD TERRACE, UNLEY 5061 (PARKSIDE)

Sharolyn Reed, representor, and Christopher Tidswell and Luke Richards, applicant, addressed the panel in respect for this item.

MOVED: Brenton Burman

SECONDED: Terry Tysoe

That Development Application 090/367/2011/C2 at 8 Oxford Terrace, 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.

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 resolution was put and **TIED**

MOVED: Terry Tysoe

SECONDED: Don Palmer

That Development Application 090/367/2011/C2 at 8 Oxford Terrace, Unley 5061 be DEFERRED to enable the administration to commission a report from a qualified engineer to determine whether the dwelling is structurally unsafe and unsound as to be unreasonably economically rehabilitated.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/35/2011/C2 – 1 RHYL AVENUE, WAYVILLE 5034 (GOODWOOD)

Kate Fitzsimons and Tim Bambridge, representors, addressed the panel in respect for this item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/35/2011/C2 at 1 Rhyll Avenue, Wayville 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. That all external materials and finishes shall be the same as or complementary to the existing building(s) on the site.

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

CARRIED

ITEM 4**DEVELOPMENT APPLICATION – 090/259/2011/C2 – 113-119 KING WILLIAM ROAD, UNLEY 5061 (UNLEY)**

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/259/2011/C2 at 113-119 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 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:
 - 8:30am to 11:00pm on any day.
3. The premises shall not cater for nor accommodate more than 54 seats for dining purposes at any one time.
4. All deliveries (including waste/refuse collections) shall occur between the hours of 7.30am and 5.00pm on Monday to Friday.
5. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

NOTES PERTAINING TO PLANNING CONSENT:

- 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.
- The emission into the air of any pollutant 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.
- 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, sink dimensions and the like shall be submitted to Council prior to or at the time of Provisional Building Rules Consent.

CARRIED

Prior to debate on this item, Rufus Salaman declared a conflict of interest as he has previously given advice to a representor.

ITEM 5

DEVELOPMENT APPLICATION – 090/319/2011/C2 – 35 ARTHUR STREET, UNLEY 5061 (UNLEY)

The Development Application 090/319/2011/C2 at 35 Arthur Street, Unley 5061 is DEFERRED due to lack of a quorum.

ITEM 6

DEVELOPMENT APPLICATION – 090/34/2011/C2 – 20 ETHEL STREET, FORESTVILLE 5035 (GOODWOOD)

Frank Dobozy, representor, and Colin Rettos on behalf of Joseph Di Statio, applicant, addressed the panel in respect for this item.

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/34/2011/C2 at 20 Ethel Street, Forestville 5035 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The development presents a two storey built form that is at variance to the streetscape, zone provisions and desired character and imposes on neighboring properties.
- The proposal does not provide adequate / directly accessible private open space for the proposed care-takers residence.
- The proposal does not have regard to the relevant Design Techniques and Performance Criteria relating to Visual Privacy / Overlooking.
- The proposal does not provide an adequate provision of on site car parking.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/251/2011/C2 – 52 SALISBURY STREET, UNLEY 5061 (UNLEY)

MOVED: Brenton Burman

SECONDED: Rufus Salaman

That Development Application 090/251/2011/C2 at 52 Salisbury 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 (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 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 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 8

DEVELOPMENT APPLICATION – 090/253/2011/C2 – 13 REGENT STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/253/2011/C2 at 13 Regent 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 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:

- 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.
- 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.

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/287/2011/C2 – 5 VIEW STREET, UNLEY PARK 5061 (UNLEY PARK)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/287/2011/C2 at 5 View 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. That the removal of the subject significant tree (Cinnamomum camphora-Camphor Laurel) 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:

- 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.

CARRIED

ITEM 10

DEVELOPMENT APPLICATION – 090/344/2011/C2 – 21 GLENFERRIE AVENUE, MYRTLE BANK 5064 (FULLARTON)

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/344/2011/C2 at 21 Glenferrie Avenue, Myrtle Bank 5064 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 all upper floor windows except for the northern 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.
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:

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

ITEM 11

DEVELOPMENT APPLICATION – 090/767/2010/C2/2/A – 130 ROSE TERRACE, WAYVILLE 5034 (GOODWOOD)

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/767/2010/C2/2/A130 Rose Terrace, Wayville 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 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 090/767/2010/C2 in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.

CARRIED

ITEM 12

DEVELOPMENT APPLICATION – 090/306/2011/C2 – 5 CLARK STREET, WAYVILLE 5034 (GOODWOOD)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/306/2011/C2 at 5 Clark Street, Wayville 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. That the northern 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:

- 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 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 13

DEVELOPMENT APPLICATION – 090/430/2011/C2 – 48 MITCHELL STREET, MILLSWOOD 5034 (UNLEY PARK)

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/430/2011/C2 at 48 Mitchell 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. That the removal subject significant tree (Sugar 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 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 14

DEVELOPMENT APPLICATION – 090/1127/2010/C2 – 27 CASTLE STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/1127/2010/C2 at 27 Castle 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. That no more than 8 people reside at the property at any time.
3. That driveway and car parking areas to be established, drained and marked to the reasonable satisfaction of Council within 3 months of the date of the issue of development approval and that no more than four motor vehicles be parked on the property at any time.

4. That immediate remedial measures 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.
5. 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:

- Note: A separate application to Council will be required to obtain building rules consent for a change in building classification (Class 1a to Class 1b). At the time of lodgement for building rules consent the applicant is responsible for ensuring that the classification applied for possesses attributes appropriate to its intended use. (Development Reg 82).
- Licensing under By-law 6 of the Corporation of the City of Unley for operation of multiple dwelling is required.
- Separate development approval is required for any physical changes to the subject property including changes to the front fence and gate
- 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.
- 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 Licenced Surveyor, prior to the commencement of any building work.

CARRIED

ITEM 15
CONFIDENTIALITY MOTION FOR ITEM 16
DEVELOPMENT APPLICATION - 79-85 MARY STREET AND 58, 60-62
ARTHUR STREET, UNLEY – 090/152/2010/C3

MOVED: Brenton Burman
SECONDED: Don Palmer

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:
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning
 - Fiona Koutsikas, Senior Planning Officer
 - 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 8.05pm.

MOVED: Rufus Salaman

SECONDED: Don Palmer

Pursuant to section 56A(19) of the Development Act 1993, the Development Assessment Panel hereby resolves that the following procedure may be observed in relation to the conduct of the business of the Council's Development Assessment Panel:

- i. That a member of the Development Assessment Panel may attend a meeting of the Panel by telephone.

CARRIED

Rufus Salaman declared a conflict of interest due to him lodging a representation against the application prior to becoming a DAP member, and left the meeting at 8.06pm.

MOVED: Don Palmer

SECONDED: Brenton Burman

That the meeting be adjourned to the ground floor meeting room for a period of 15 minutes to allow Lissa van Camp to participate via telephone conference.

CARRIED

ITEM 16

**DEVELOPMENT APPLICATION – 090/152/2010/C3 – 79-85 MARY STREET
AND 58, 60-62 ARTHUR STREET, UNLEY (UNLEY)**

MOVED: Brenton Burman

SECONDED: Lissa van Camp

Reserved Matter – Acoustic Fencing

That the Reserved matter for Development Application 090/152/2010/C3 at 79-85 Mary Street and 58, 60-62 Arthur Street, Unley is resolved by the imposition of the following two additional conditions which shall be incorporated into the Compromise Proposal put to the Environment, Resources and Development Court:

1. The fencing and acoustic glazing for 77 Mary Street Unley 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 Sonus Report dated 27 June 2011 and email correspondence from Greg Vincent of Master Plan dated 24 June 2011, except where varied by condition 2 below and such work shall be undertaken to the satisfaction of Council and shall be completed prior to the occupation of any building on-site.
2. Details of intercom location, height and operation shall be submitted to the satisfaction of 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 16

**DEVELOPMENT APPLICATION – 090/152/2010/C3 – 79-85 MARY STREET
AND 58, 60-62 ARTHUR STREET, UNLEY (UNLEY)**

COMPROMISE PROPOSAL

MOVED: Don Palmer

SECONDED: Lissa van Camp

- A. That the report be received; and
- B. That the Environment, Resources and Development Court be advised that with respect to Development Application 090/152/2010/C3, that the Development Assessment Panel agrees to the Compromise Proposal as detailed in plans numbered 06378-02-02 dated 24/6/11; 06378-02-04 dated 9/5/11; 06378-02-06 dated 9/5/11; 06378-02-05 dated 9/5/11; and 06378-03-06 dated 4/3/10 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 as amended by plans numbered 06378-02-02 dated 24/6/11; 06378-02-04 dated 9/5/11; 06378-02-06 dated 9/5/11; 06378-02-05 dated 9/5/11; and 06378-03-06 dated 4/3/10 and where varied by conditions set out below and the development shall be undertaken to the satisfaction of Council.
 2. The fencing and acoustic glazing for 77 Mary Street Unley 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 Sonus Report dated 27 June 2011 and email correspondence from Greg Vincent of Master Plan dated 24 June 2011, except where varied by condition 25 below and such work shall be undertaken to the satisfaction of Council and shall be completed prior to the occupation of any building on-site.
 3. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
 4. Waste disposal vehicles and general delivery vehicles shall only service the development between the hours of 9am and 5pm, Monday to Saturday inclusive.
 5. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
 6. The driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
 7. That no signs be erected or displayed without the prior consent of the Council.

8. The pruning of significant trees shall occur under the supervision of a qualified arborist and shall be in accordance with the recommendation contained in the Arborman Tree Solutions report dated 23 October 2009 and 28 July 2010.
9. No significant tree on the site (excluding those proposed to be removed) may be damaged in any way (including roots) during demolition and/or construction.
10. That significant trees and other trees be retained and protected during demolition and construction by a fence placed 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 Arborman Tree Solutions report dated 23 October 2009 and 28 July 2010.
11. That the collection of stormwater from all large non-permeable surfaces (roofs and car parks) shall be designed and implemented such that it allows for on-site collection, treatment and detention and used internally and for on-site irrigation of landscaped areas and used in toilets. 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. All details shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent.
12. 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 IndustryIn 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.
13. 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 pmAll 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.
14. 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.

15. 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.
16. The applicant shall meet all costs associated with the removal of the street tree located within the verge on Mary Street and the planting of a mature replacement tree including modifications to the irrigation system to the reasonable satisfaction of Council.
17. 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 driveway from Arthur Street shall be used and appropriately signed as entry only.
 - 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.
 - The basement car parking area shall have sufficient method for dealing with stormwater flows that may enter via the ramp.
 - The entrance ramp down to the basement shall be 'humped' outside on the road such that it provides a weir a minimum of 100mm above surrounding levels to prevent stormwater flows directly entering the basement via the ramp.
 - Internal roadways, in particular the section from Arthur Street to the corner near Building 3 shall be appropriately signed in accordance with AS1742, reinforcing that pedestrians may be present and therefore speed must be kept low.
 - Provision for a pedestrian crossing in the basement of Building 3 to assist crossing the access road from the western section of the basement to the stairs/lifts.
 - The tandem car parking spaces shall only be allocated to units with two (2) vehicles allocated or to staff to minimise the number of vehicle manoeuvres internally.
 - Vehicles using the loading area adjacent Building 1 shall enter via Arthur Street only to ensure that they are facing the correct direction.
18. 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

19. Landscaping shall be established in accordance with the approved plans prior to the occupation of the development to the reasonable satisfaction of Council.
20. Those windows nominated as being fitted with obscured glazing to 1.7 metres shall also be fixed below 1.7 metres, further details to be provided prior to the issue of Building Rules Consent.
21. Balconies associated with Units 47, 48, 49, 50, 51, 59, 60, 61, 62, 66, 68, 71, 72, 73, 78, 89, and 91 shall be fitted with privacy screens to a height of 1.7 metres above finished floor level prior to occupation and to the reasonable satisfaction of Council. Further details to be provided to the reasonable satisfaction of Council prior to the issue of Building Rules Consent.
22. That the masonry wall adjacent the rear of 6 Queen Street be retained.
23. No gates are to be installed at the Mary Street entrance.
24. Access via the Arthur Street vehicle access point shall be restricted by means of an electronic gate for use by rubbish collection, service and delivery vehicles (including removalist vans) and pedestrians only.
25. Details of intercom location, height and operation shall be submitted to the satisfaction of Council prior to the issue of Building Rules Consent.
26. "Visitor Parking" spaces as delineated on the approved plans shall be signposted or otherwise identified as being available for use only by visitors, tradespeople, visiting doctors, emergency vehicles or other people just visiting the village prior to occupation. They are not to be used by residents, guests staying overnight or longer, tenants or staff other than stopping to allow passengers to get out of or enter a vehicle.
27. The approved development may be undertaken in four (4) stages as identified in staging plan 06378-02-06 dated 9 May 2011, with staged Building Rules Consent and development approvals being issued for each stage.
28. Pursuant to section 40(3) of the Development Act 1993, the time within which the applicant may commence the development by substantial work on the site is extended to 24 months (2 years) from (refer dated of consent order).
29. Pursuant to section 40(3) of the Development Act 1993, the time for substantial completion of the whole of the development approved pursuant to this development plan consent is extended to 60 months (5 years) from (refer date of consent order).

30. The roof level to the three storey elements of Buildings 2 and 3 as identified on the roof plan (06378-02-05 dated 9 May 2011) shall be established as "Green Roofs", in accordance with the detail illustrated or similar method approved to the satisfaction of Council prior to the granting of Development Approval and incorporating drought tolerant plant species (native grasses and or ground covers or succulents).

The green roofs shall be established prior to the occupation of the buildings herein approved.

The vegetation should be maintained in good health and condition at all times and to the reasonable satisfaction of Council. Any dead or diseased plants should be replaced to the reasonable 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 construction of the crossing place(s)/alterations 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**.
- Existing back of footpath levels must be maintained.
- Provision shall be made for postal deliveries to be made within the development to community mail boxes, located adjacent each of the four (4) buildings. The applicant should liaise with Australia Post regarding provision of access to facilitate this.
- 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

MOVED: Brenton Burman

SECONDED: Don Palmer

That the Development Assessment Panel meeting reconvene in the civic centre.

CARRIED

ITEM 17

CONFIDENTIALITY MOTION FOR ITEM 16

**DEVELOPMENT APPLICATION – 79-85 MARY STREET AND 58, 60-62
ARTHUR STREET, UNLEY – 090/152/2010/C3**

MOVED: Brenton Burman

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
 - ☒ Report
 - ☒ Attachments

For this Item remain confidential on the basis that the documentation referring to 79-85 Mary Street and 58, 60-62 Arthur Street, Unley is 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 revoked.
3. The Ordinary Meeting of the Development Assessment Panel resume in Public.

CARRIED

The chamber doors were opened at 8.20pm.

Rufus Salaman returned to the meeting at 8.20pm.

ITEM 18

CONFIDENTIALITY MOTION FOR ITEM 19

**DEVELOPMENT APPLICATION -12 COMMERCIAL ROAD, HYDE PARK –
090/1118/2010/C2**

MOVED: Don Palmer

SECONDED: Brenton Burman

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:
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning

- Fiona Koutsikas, Senior Planning Officer
- 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 8.22pm.

ITEM 19

DEVELOPMENT APPLICATION – 090/1118/2010/C2 – 12 COMMERCIAL ROAD, HYDE PARK 5061 (UNLEY PARK)

MOVED: Brenton Burman

SECONDED: Don Palmer

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that, regarding Development Application 090/1118/2010/C2 at 12 Commercial Road, Hyde Park that the Development Assessment Panel concedes the appeals subject to the following conditions:
 1. That the removal of the subject significant tree Agonis flexuosa- Willow Myrtle, shall be undertaken in accordance with the plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
 2. A semi-mature replacement tree (with a minimum height of 1.5 metres) of a suitable species as determined in consultation with the Council's Arborist shall be planted by the Appellants within six months of the date of the Order. The replacement tree shall be planted in the front yard of the subject land in the same or similar location as the subject tree being removed ('the replacement tree'). Should the replacement tree die, or become dead, diseased, or be removed for any reason, a further replacement tree of the same species shall be planted in the same location within two months.

CARRIED

ITEM 20
CONFIDENTIALITY MOTION FOR ITEM 19
DEVELOPMENT APPLICATION – 12 COMMERCIAL ROAD, HYDE PARK –
090/1118/2010/C2

MOVED: Don Palmer

SECONDED: Brenton Burman

That:

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

2.2 The

- ☒ Report
- ☒ Attachment

For this Item remain confidential on the basis that the documentation referring to 12 Commercial Road, Hyde Park is to remain confidential on the basis that the disclosure of the information may prejudice Council's position.

- 2.3 The report will be kept confidential until such time as the appeal has been determined and the order is revoked.

3. The Ordinary Meeting of the Development Assessment Panel resume in Public.

CARRIED

The chamber doors were opened at 8.30pm

ITEM 21
CONFIDENTIALITY MOTION FOR ITEM 22
DEVELOPMENT APPLICATION - 84-86 GREENHILL ROAD, WAYVILLE –
090/928/2010/C2

MOVED: Don Palmer

SECONDED: Brenton Burman

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:

- Paul Weymouth, Manager Development
- Donny Michel, Team Leader Planning
- Fiona Koutsikas, Senior Planning Officer
- 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 8.32pm.

ITEM 22

DEVELOPMENT APPLICATION – 090/928/2010/C2 – 84-86 GREENHILL ROAD, WAYVILLE 5034 (GOODWOOD)

MOVED: Rufus Salaman

SECONDED: Don Palmer

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/928/2010/C2 at 84-86 Greenhill Road, Wayville that the Development Assessment Panel concedes the appeals 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 and any connection to the street water table is subject to application and shall be in accordance with any requirements and to the satisfaction of Council.
 3. That the applicant shall undertake a dilapidation report of adjacent properties to the east and west prior to any demolition and building works.
 4. That the proposed entry and exit points shall be signed appropriately and include internal pavement marking arrows to ensure the desired traffic flow through the site.
 5. That all line marking, traffic signs and traffic control devices shall conform to Australian Standards.

6. Suitable wheel stops or bump bars be placed in all parking spaces to prevent damage to fences and landscaping on the site, prior to use of the car parking area.
7. The landscaping, as indicated in the approved plans and details, shall be established within three (3) months of the completion of the development and thereafter shall be maintained in good health and condition to the satisfaction of Council. Any dead or diseased plants or trees shall be replaced to the reasonable satisfaction of Council.
8. That no advertising signs shall be erected or displayed without the prior consent of the Council.
9. That all windows on the ground and first floor level along the eastern elevation 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 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 developer or owner.
- 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.
- 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 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.
- That any necessary alterations to existing public infrastructure (street 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 23
CONFIDENTIALITY MOTION FOR ITEM 22
DEVELOPMENT APPLICATION – 84-86 GREENHILL ROAD, WAYVILLE –
090/928/2010/C2

MOVED: Don Palmer

SECONDED: Brenton Burman

That:

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

2.3 The

- ☒ Report
- ☒ Attachments

For this Item remain confidential on the basis that the documentation referring to 86-86 Greenhill Road, Wayville is 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 revoked.
3. The Ordinary Meeting of the Development Assessment Panel resume in Public.

CARRIED

The Chamber doors were opened at 8.35 pm.

CLOSURE

The Presiding Member declared the meeting closed at 8.45 pm.

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PRESIDING MEMBER

NEXT MEETING
Monday, 8 August 2011