

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting held Tuesday, 9 March 2010
at 7.00pm in the Civic Centre, Unley**

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge that Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

MEMBERS:

Mr Terry Tysoe (Presiding Member)
Mr Don Donaldson
Mr Graham Gaston
Mr Mike Hudson
Mr Rob Sangster
Ms Denise Tipper
Mr Will Webster

APOLOGIES:

OFFICERS PRESENT:

Mr Ludwig Kraayenbrink, Acting General Manager – Corporate Services
Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader, Planning
Ms Kelley Jaensch, Executive Assistant City Development

CONFIRMATION OF MINUTES

MOVED: Mike Hudson, SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday, 8 February 2010 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

Prior to debate on this Item, Terry Tysoe declared a conflict of interest and left the meeting at 7.02pm.

Don Donaldson took over as Presiding Member for this Item.

ITEM 1

DEVELOPMENT APPLICATION – 090/929/2009/C3 – GOODWOOD OVAL, 1 CURZON AVENUE, MILLSWOOD 5034 (GOODWOOD SOUTH)

Philip Jaensch, Joy Mundy, Karen Kraws, Michael Polacek, Julie-Anne Farrer, Anton Lugna, Timothy Halls, Graham O'Neil, Michelle Stead, Craig Scott, representors and Mr Mattner, applicant, addressed the Panel in respect for this Item.

MOVED: Graham Gaston, SECONDED: Denise Tipper

That Development Application 090/929/2009/C3 at Goodwood Oval, 1 Curzon Avenue, 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 to the satisfaction of Council except where varied by conditions below (if any).
2. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.
3. The use of the lighting system shall be restricted to the following hours:
 - 5:00pm to 9:00pm on Tuesdays;
 - 5:00pm to 8:30pm on Wednesdays
 - 5:00pm to 9:00pm on Thursdays; and
 - 5:00pm to 7:30pm on Fridays

Note: Except where varied by Condition 4.

- 4 That a maximum of four (4) night games per annum shall be played at the Oval. These games can only be played on Friday or Saturday nights and must conclude by 9:00pm and the Oval lights shall be turned off no later than 9:30pm.

NOTES PERTAINING TO PLANNING CONSENT:

NIL

LOST

MOVED: Rob Sangster, SECONDED: Mike Hudson

That Development Application 090/929/2009/C3 at Goodwood Oval, 1 Curzon Avenue, Millswood 5034 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

The development is at variance to:

Item 1

Development Application – 090/929/2009/C3 – Goodwood Oval, 1 Curzon Avenue, Millswood 5034 (Goodwood South) - Continued

PDC 14

The expansion or redevelopment of a non-residential use should be minor in scale and nature and:

- (a) preserve, or enhance, the established residential character and streetscape;
- (b) preserve, or enhance, the residential amenity of the locality in terms of the intensity and scale of non-residential activities including hours of operation, traffic generation, noise nuisance from plant and equipment and general business activity, overlooking and overshadowing, and any odours, overspray or other atmosphere discharges; and
- (c) not significantly increase the traffic activity or car parking demand associated with the continuing non-residential use, and any minor increase be met by additional car be demanded without prejudicing required resident parking, or the amenity and enjoyment of nearby residential occupiers.

Residential Historic Conservation Zone Objection 2

A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.

CARRIED

Terry Tysoe returned to the meeting at the conclusion of the debate at 9.16pm.

ITEM 2

DEVELOPMENT APPLICATION – 090/888/2009/C3 – 40 WINCHESTER STREET, MALVERN 5061 (FULLARTON)

During discussion, Mike Hudson left the meeting at 9.17pm and returned at 9.19pm.

Carol Lefevre, Robert Wadsworth, representors and George Manos, represented the applicant and addressed the Panel in respect for this Item.

MOVED: Rob Sangster,

SECONDED: Don Donaldson

That Development Application 090/888/2009/C3 at 40 Winchester Street, 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.

Item 2

Development Application – 090/888/2009/C3 – 40 Winchester Street, Malvern 5061 (Fullarton) - Continued

2. That on or before 9 March 2013, the temporary use of the land for the purposes of student accommodation shall cease, whereupon the pre-existing lawful use of the land as a nursing home shall revive.
3. The facility shall accommodate a maximum of 54 students at any one time.
4. The car parking areas as indicated on the approved plans and details shall be maintained at all times to the reasonable satisfaction of Council.
5. All car parks, driveways and vehicle manoeuvring areas shall conform to Australian Standards and be constructed, drained and paved in accordance with sound engineering practice and installed prior to occupancy.
6. All line marking, traffic signs and traffic control devices shall conform to Australian Standards and installed prior to occupancy.
7. The existing landscaping shall be retained to the reasonable satisfaction of Council.
8. That details of the internal floor layouts of the bedrooms shall be provided to the satisfaction of the Council prior to the issue of Development Approval.

NOTES PERTAINING TO PLANNING CONSENT

- 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.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/935/2009/C2 – 12 WINDSOR STREET, MALVERN 5061 (PARKSIDE)

Maria Porcaro spoke on behalf of John Morgan, Helen Crowe, representors and Stuart Black, applicant addressed the Panel in respect for this Item.

MOVED: Mike Hudson, SECONDED: Don Donaldson

That Development Application 090/935/2009/C2 at 12 Windsor Street, Malvern 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

The development is at variance to:

Principal Development Control 9

Development should present a single storey built scale to its streetscape. Any second storey building elements should be:

- a) integrated sympathetically into the dwelling design; and

Item 3

Development Application – 090/935/2009/C2 – 12 Windsor Street, Malvern 5061 (Parkside) - Continued

- b) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions nor increasing the evident wall heights as viewed from the street; and
- c) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape.

Desired Character

Development will:

- d) maintain and respect important features of architectural styles of contributory items having typically:
 - (i) building wall heights in the order of 3.6m;
 - (ii) total roof heights in the order of 5.6m or 6.5m; and
 - (iii) roof pitches in the order of 27 degrees and 35 degrees

Principal Development Control 105

Garages/carports and open car parking spaces should be of a size suitable for convenient use.

Principal of Development Control 88

Buildings should be sited and designed to ensure that adequate sunlight is available to:

- (d) ground level private open space of existing dwellings;
- (e) upper level balconies which provide the primary open space area for any existing dwelling; and
- (f) habitable room windows of adjacent dwellings.

CARRIED

The Presiding Member adjourned the meeting at 10.11pm.

The meeting resumed at 10.14pm.

Prior to debate on this Item, Will Webster declared a conflict of interest and left the meeting at 10.14pm.

ITEM 4

DEVELOPMENT APPLICATION – 090/915/2009/C2 – 1 KING STREET, UNLEY PARK 5061 (UNLEY PARK)

Rob Chisholm, representor, and Mark Claridge, representor and applicant, addressed the Panel in respect for this Item.

MOVED: Denise Tipper,

SECONDED: Rob Sangster

Item 4

Development Application – 090/915/2009/C2 – 1 king street, unley park 5061 (unley park) - Continued

That Development Application 090/915/2009/C2 at 1 King 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. The garage is to be used in conjunction with the dwelling located on the subject site, and be used for domestic purposes only.

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.
- 4. 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 developer or owner.

CARRIED

Will Webster returned to the meeting at the conclusion of the debate at 10.30pm.

ITEM 5**DEVELOPMENT APPLICATION – 090/960/2009/C2 – 1 ROSE LANE, WAYVILLE SA 5034 (GOODWOOD)**

MOVED: Graham Gaston,

SECONDED: Denise Tipper

That Development Application 090/960/2009/C2 at 1 Rose Lane, 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. 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 developer or owner.
- 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 6****DEVELOPMENT APPLICATION – 090/545/2009/C2 – 1 / 59 SALISBURY STREET, UNLEY 5061 (UNLEY)**

MOVED: Don Donaldson,

SECONDED: Rob Sangster

That Development Application 090/545/2009/C2 at 1 / 59 Salisbury Street, Unley 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The appearance of the building will detract from the visual amenity and built form character of neighbouring properties and is inconsistent with the desired character of the locality; and
- Does not meet the Development Plan requirements for wall on boundary or first floor setbacks.
- The development will result in the loss of one (1) on-site car-parking space.

CARRIED

ITEM 7**DEVELOPMENT APPLICATION – 090/981/2009/C2 – 1C FRANCIS AVENUE, FULLARTON 5063 (FULLARTON)**

MOVED: Mike Hudson,

SECONDED: Rob Sangster

That Development Application 090/981/2009/C2 at 1C Francis Avenue, Fullarton 5063 is seriously at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree makes an important contribution to the character and amenity of the local area.
- The tree forms a notable visual element to the landscape of the local area.
- The tree is not diseased and its life expectancy not short.
- The tree is not considered to present an unacceptable risk to either private and/or public safety.

CARRIED**ITEM 8****DEVELOPMENT APPLICATION – 090/926/2009/C2 – 31 DEVON STREET (NORTH), GOODWOOD 5034 (GOODWOOD)**

Murray Gates, representor and Anthony Perry, applicant, addressed the Panel in respect for this Item.

MOVED: Don Donaldson,

SECONDED: Graham Gaston

That Development Application 090/926/2009/C2 at 31 Devon Street (North), 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. 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 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.
- 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

Item 8

Development Application – 090/926/2009/C2 – 31 Devon Street (North), Goodwood 5034 (Goodwood) - Continued

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 9

DEVELOPMENT APPLICATION – 090/944/2009/C2 – 5 WESTALL STREET, HYDE PARK 5061 (UNLEY PARK)

MOVED: Mike Hudson

SECONDED: Rob Sangster

That Development Application 090/944/2009/C2 at 5 Westall 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. That the removal of the subject significant *Cupressaceae* (Cypress Pine) tree 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).

NOTES PERTAINING TO PLANNING CONSENT:

- 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 developer or owner.

CARRIED

ITEM 10

DEVELOPMENT APPLICATION – 090/964/2009/C2 – 49 & 51 FISHER STREET MYRTLE BANK 5064 (FULLARTON)

MOVED: Rob Sangster,

SECONDED: Graham Gaston

That Development Application 090/964/2009/C2 at 49 & 51 Fisher Street 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 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. 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.
4. A minimum clearance of one (1) metre between the driveway crossover and the existing street tree to be retained shall be provided.

NOTES PERTAINING TO PLANNING CONSENT

- That the applicant shall meet all costs associated with removing of the existing street tree on Fisher Street and the planting of a replacement tree to the satisfaction of Council.
- 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.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

Item 10

**Development Application – 090/964/2009/C2 – 49 & 51 Fisher Street Myrtle Bank
5064 (Fullarton) - Continued**

- 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. An application to install or amend a crossing place must be made to Council on the appropriate application form.
- 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

CLOSURE

The Presiding Member declared the meeting closed at 11.06pm.

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PRESIDING MEMBER

NEXT MEETING
12 April 2010