

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting held Monday, 15 October 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 Brenton Burman (Deputy Presiding Member)
Dr Lissa Van Camp
Mr Roger Freeman
Mr Rob Sangster
Mr Rufus Salaman

APOLOGIES:

Mr Don Palmer

OFFICERS PRESENT:

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

CONFLICT OF INTEREST:

Roger Freeman declared a conflict of interest for Item 5 due to the owner/applicant of the property being his current neighbour.

CONFIRMATION OF MINUTES:

MOVED: Lissa Van Camp

SECONDED: Rufus Salaman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday 17 September 2012, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/754/2012/C1 – 59 WELLER STREET, GOODWOOD 5034 (UNLEY)

Ms Dianne McCarthy, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Brenton Burman

That Development Application 090/754/2012/C1 at 59 Weller 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. That the removal of the subject significant tree (*Eucalyptus bicostata* – Victorian Blue 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 three (3) trees must be planted and maintained to replace the Significant tree within three (3) months of the Significant tree being removed. The cost of planting is to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land. The Applicant to advise Council when the replacement trees are planted.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/340/2012/C3 – 266-268 GLEN OSMOND ROAD, FULLARTON 5063 (PARKSIDE)

MOVED: Lissa Van Camp

SECONDED: Roger Freeman

That Development Application 090/340/2012/C3 at 266-268 Glen Osmond Road, Fullarton 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. A maximum of 6 vehicles shall be displayed for sale at any one time.

3. The applicant must arrange for the registration of the right of way depicted on the plan prepared by Chris Minchin reference CCM91/29D-20 at the Lands Titles Office prior to the grant of final Development Approval and in any event prior to the use or occupation of the development approved herein to ensure lawful vehicular and pedestrian access is provided for the public to the approved development from Aragon Street in accordance with the plan (reference CCM91/29D-20) at all times to the satisfaction of Council.
4. Documentary evidence of the registration of the public rights of way referred to in condition 3 above shall be provided to Council prior to the grant of final development approval and in any event prior to the use or occupation of the development authorised herein and the proposed development may not be used or occupied until Council confirms in writing that it is satisfied that the necessary rights of way have been registered to its satisfaction and thereafter the said rights of way cannot be revoked, rescinded, deregistered or varied without the prior written authorisation of the Council.
5. The development authorised herein may not be used or occupied at any time unless safe and convenient public access to the proposed development is provided and maintained at all times from Aragon Street via operative registered rights of way in accordance with the plan prepared by Chris Minchin reference CCM91/29D-20.
6. That loading and unloading of motor vehicles shall;
 - take place using a flat top commercial vehicle; and
 - take place within the right of way of allotment 86 (depicted on the plan prepared by Chris Minchin reference CCM91/29D-20) at the maximum practicable distance from the southern boundary of lot 87.
7. All delivery vehicles shall exit the site in a forward direction to Aragon Street.
8. The hours of operation of the premises not exceed the following period:
 - 7:00am to 9:30pm Monday to Saturday for the receiving of service customers and delivery of motor vehicles;
 - 7:00am to 5:30pm Monday to Saturday for workshop and showroom facility
9. 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.
10. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm Monday to Friday.
11. Works detailed in the Environmental Noise Assessment report by Sonus Pty Ltd dated 29 August 2012 (S4033C2) shall be completed within three months of the issue of Development Approval.

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.
- 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 3

DEVELOPMENT APPLICATION – 090/170/2012/C3 – 363 UNLEY ROAD, MALVERN 5061 (UNLEY PARK)

Mr Michael Underwood and Mr Rod De Hoedt on behalf of Mr Douglas De Hoedt, representors, and Mr Damian Dawson and Mr Michael Sheidow on behalf of Alternative Design Studio, applicant, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Rufus Salaman

That Development Application 090/170/2012/C3 at 363 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. 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 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.
4. 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.
5. 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.

6. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm Monday to Friday.
7. That all loading and unloading shall be carried out wholly within the site.
8. The driveway and car parking areas to be surfaces, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
9. All vehicles shall enter and exit the site in a forward direction.
10. 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.
11. The boom gate is to be closed between the hours of 7pm and 7am seven (7) days a week.
12. The east facing roller doors are to be closed between the hours of 7pm and 7am seven (7) days a week when vehicles are being serviced.
13. The access point on Unley Road near the Cross Road corner and the western exit point on Cross Road shall be closed.
14. The eastern entry point on Cross Road shall be reduced to 4.0 metres in width at the property boundary, the crossover shall be angled at 70 degrees to the kerbline and the entry point shall be appropriately signed and line marked to reinforce the desired one-way flow.
15. All obsolete crossovers serving the development shall be reinstated to Council's standard kerb and gutter at the applicant's cost.
16. All on-site car parking and manoeuvring areas shall comply with AS/NZS 2890.1:2004 and AS/NZA 2890.6:2009.
17. All on-site commercial vehicle areas shall comply with AS/NZS 2890.2:2002.
18. Any illuminated signs associated with the development shall use LED lighting for internal illumination of a light box only.
19. No element of LED or LCD display is to be included in the design of signage associated with the development.
20. Any illuminated signs associated with the development shall be limited to a low level of illumination so as to minimise distraction to motorists.
21. Any signs associated with the development shall not contain any element that flashes, scrolls, moves or changes.
22. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
23. The applicant shall ensure that any stormwater run-off is collected on-site and disposed of safely without entering and jeopardising the safety of the adjacent roads.

NOTES PERTAINING TO PLANNING CONSENT:

- The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from both the Unley Road and Cross Road frontages of this site for the possible future upgrading of the Unley Road/Cross Road intersection. An additional 4.5 metres x 4.5 metres cut-off may be required from the Unley Road/Malvern Avenue corner of the site. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6.0 metres of the possible requirements.

The attached consent form should be completed by the applicant and returned to DPTI with three copies of the approved plans. Consent can be anticipated.

- DPTI reserves the right to close the median opening opposite the Cross Road ingress to the site at a future date in the interests of road safety.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- 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 appropriate measures shall be taken (aiming of lights, fittings of louvres, baffles, shields or the like) to control and limit light falling on surrounding properties and that the lights shall be turned off no later than 10.00pm on Monday to Sunday.
- 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 4

DEVELOPMENT APPLICATION – 090/54/2012/C2 – HYDE PARK HOTEL, 187-189 KING WILLIAM ROAD, HYDE PARK SA 5061 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Roger Freeman

That Development Application 090/54/2012/C2 at Hyde Park Hotel, 187-189 King William Road, Hyde Park SA 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 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.
- 3 That any change to the current license conditions of the hotel, including, but to limited to, trading hours, venue capacity and security personal, shall be subject to a separate fully documented development application to Council.
4. The bi-fold windows between the rear part of Area 3 and Park Street shall be closed and locked from 8pm on any day until 9am the following morning.
5. That only background music be played within the smokers court to prevent noise disturbance to the surrounding residential areas.

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 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 5

DEVELOPMENT APPLICATION – 090/535/2012/C2 – 20 OPEY AVENUE, HYDE PARK 5061 (UNLEY)

Prior to debate on this item, Roger Freeman declared a conflict of interest due to the owner/applicant of the property being his current neighbour, and left the meeting at 7.51pm.

Mr Ross Burton, representor, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Lissa Van Camp

That Development Application 090/535/2012/C2 at 20 Opey Avenue, 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. 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:

- 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.
- 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

Roger Freeman returned the meeting at 8.01pm.

ITEM 6

DEVELOPMENT APPLICATION – 090/379/2012/C2 – 28 MILLER STREET, UNLEY 5061 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/379/2012/C2 at 28 Miller Street, Unley 5061 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That 1.7m high privacy screening be erected along the northern and southern sides of the balcony and extend 300mm beyond the edge of the balcony. The screens shall be erected prior to occupation of the bedroom. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- 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 7

DEVELOPMENT APPLICATION – 090/247/2012/C2 – 30 CLIFTON STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/247/2012/C2 at 30 Clifton 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.
2. That the 1.7m high privacy screening be erected along the northern and eastern first floor windows prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/502/2012/C2 – 13-23 GOODWOOD ROAD, WAYVILLE (GOODWOOD)

Mr Phil Brunning on behalf of Matthews Architects, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/502/2012/C2 at 13-23 Goodwood Road, Wayville 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 removal of the subject significant tree (Pinus pinea Stone Pine) 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).
3. Payment of \$232.50 for the Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (please refer to the attached invoice).
4. The relocated access shall be designed to accommodate simultaneous two-way vehicle movements and be suitably flared to the road to minimise the disruption to the free flow of traffic.

5. All sections of redundant crossover shall be reinstated with standard kerb and gutter at the applicant's expense.
6. Sufficient manoeuvring area shall be provided to ensure all vehicles can enter and exit the site in a forward direction.
7. No car transporters shall access the motor vehicle showroom or workshop facilities.
8. The parking areas shall conform to AS/NZS2890.1:2004 and Part 6, 2009.
9. The proposed signs may use LED lighting for internal illumination of a light box only.
10. No element of LED or LCD display shall be included in the design of any signs visible from Goodwood Road.
11. All illuminated signs shall be limited to a low level of illumination so as to minimise distraction to motorists.
12. The signs shall not contain any element that flashes, scrolls, moves or changes.
13. 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.
14. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
15. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
16. 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.
17. A maximum of 34 vehicles shall be displayed for sale at any one time.
18. A minimum of 23 off-street vehicle parks shall remain available for use by customers, visitors and staff at all times.
19. The hours of operation of the premises not exceed the following period:
7am to 10pm on any day.
20. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day.
21. The one-way sign demonstrated on drawing number 11065 SK11 dated 01/08/2012 shall be carried out in accordance with any requirements and to the satisfaction of Council, at the full cost to the applicant, and shall be completed prior to occupation of Stage 1.

NOTES PERTAINING TO PLANNING CONSENT:

- According to the Environment Protection (Water Quality) Policy 2003 and the Public and Environmental Health Act 1987 the proposed premise owner(s) must ensure that they undertake all reasonable and practicable measures to prevent discharging or depositing any pollutant(s) into stormwater drains.
- 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 Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Goodwood Road frontage of this site for future upgrading of the Goodwood Road/Greenhill Road intersection, along with a strip requirement of 2.13 metres (Lots 42 & 43 in FP 10394) for future road purposes. Although there are no current proposals that would require the acquisition of any land from this property, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement. As all building works are set clear of the above requirements consent is not required in this instance.

CARRIED

ITEM 9

REMOVAL OF CONFIDENTIALITY ORDER – ITEM 13 – DEVELOPMENT APPLICATION 090/955/2011/C2 84A NORTHGATE STREET, UNLEY PARK

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That:

1. The report be received.
2. The Development Assessment Panel (DAP) endorse the removal of the confidentiality order on the item as detailed in the attached table ([Attachment 1](#)).

CARRIED

CLOSURE

The Presiding Member declared the meeting closed at 8.17pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Monday 19/11/2012.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Monday, 19 November 2012