

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 21 July 2020  
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 Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

**PRESENT:** Ms Shanti Ditter (Presiding Member)  
Mrs Jennie Boisvert  
Mr Roger Freeman  
Mr Alexander (Sandy) Wilkinson  
Mr Brenton Burman

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Mr Gary Brinkworth, Assessment Manager  
Mr Paul Weymouth, Acting Team Leader Planning  
Mr Andrew Raeburn, Senior Planner  
Mrs Amy Barratt, Planner  
Ms Lily Francis, Administration Officer

**CONFLICT OF INTEREST:**

NIL

**CONFIRMATION OF MINUTES:**

MOVED: Brenton Burman                      SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 16 June 2020 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/19/2019/C3 – 55-65 DUTHY STREET, MALVERN 5061 (UNLEY PARK)**

Mr John Lampard, Mr Phil Brunning on behalf of Jenny and Simon Briggs, representors, and Ms Emma Barnes on behalf of Samuel McKay and Theo Engela, applicant addressed the panel regarding the above mentioned application.

MOVED: Brenton Burman                      SECONDED: Roger Freeman

That Development Application 090/19/2019/C3 at 55-65 Duthy Street, Malvern 5061 to 'Change of use from shop to cafe, coffee processing and sale, and installation of associated roof mounted ventilation equipment (retrospective)' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development must be undertaken in accordance with the following plans and details, except where varied by any subsequent condition set out below (as relevant):
  - 1.1.1. Proposed Elevation of Exhaust Flues dated 17 July 2020, prepared by Paul Frazer Cut and Paste Studio;
  - 1.1.2. Vertical Heights Plan dated 17 July 2020, prepared by Alexander Symonds Surveying Consultants, Ref: 20A0931 FLUES(B)
  - 1.1.3. Letter from Planning Studio dated 25 May 2020, Ref: P0191.02;
  - 1.1.4. Email from Ignite Services dated 4 June 2020 and 25 May 2020;
  - 1.1.5. Environmental noise assessment prepared by Sonus, dated February 2020, Ref S6315C2;
  - 1.1.6. letter from Hark! Director Samuel McKay titled 'commitment letter' dated 17th April 2020;
  - 1.1.7. indicative floor plan, and internal floor plan with flue locations provided by the applicant; and
  - 1.1.8. letter from Planning Studio dated 31 July 2019, Ref: P0191.01

2. Coffee roasting must not occur outside the following hours:
  - Monday to Saturday 9:00am and 5:00pm
3. The Development must not be open to the public outside the following hours:
  - Monday to Friday 6.30am to 2.30pm;
  - Saturday and Sunday 7.00am to 1.00pm
4. Waste disposal vehicles and general delivery vehicles only service the development between the hours of 7am and 7pm on any day between Monday and Saturday.
5. The roof mounted ventilation shall be painted (mid-grey) no later than three (3) months from the date of the Development Approval and maintained at all times to the satisfaction of Council.
6. Coffee roasting time shall be limited to a maximum of 15 cycles per week (maximum of 5 hours per week).
7. The manufacturing/packaging of coffee 'capsules or pods' shall not be undertaken on-site.
8. The Environment Protection Authority Direction shall be completed no later than three (3) months from the date of the Development Approval and maintained at all times to the satisfaction of Council and the Environment Protection Authority.
9. An acoustic assessment, to be undertaken by the applicant measured from neighbouring residential properties to confirm that the noise levels of the roaster does not exceed the EPA requirements, shall be submitted to Council within one month of the EPA permit being granted.

**Environment Protection Authority Direction:**

10. The existing attenuators must be retained within the outlet duct of the coffee cooling fan and the internal dimensions of the duct should remain at the current diameter to ensure the maintenance of airflow. The insulation may be protected with a perforated steel sheet lining on the inside of the duct. The lining should have an open area of at least 15%.
11. The outlet ducts of the coffee cooling fan and roaster exhaust must be appropriately attenuated within three (3) months of the granting of Development Approval, with either;
  - a) 50mm thick insulation with a minimum density of 32 kg/m<sup>3</sup> for a minimum distance of 2.5m for the coffee roaster exhaust and 1.5m for the cooling fan exhaust; or
  - b) a 100mm thick insulation with a minimum density of 32 kg/m<sup>3</sup> for a minimum distance of 2.0m for the coffee roaster exhaust and a minimum distance of 0.5m for the cooling fan exhaust.

12. The coffee roaster must achieve the as following operational parameters:
- a) the afterburner retention time must be at a minimum of 4.5 seconds and a minimum of 650 degree Celsius throughout the roasting cycle;
  - b) the afterburner stack exit velocity must be a minimum of 10m/s;
  - c) the cooling-cycle stack must have a minimum exit velocity of 10m/s;
  - d) the stacks must not have their upward flow impeded by a rain protector; and
  - e) the stacks must be modified to be at a height of at least 3m above the highest point within a 30m radius.

#### **NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm, including undertaking all reasonable and practicable operational measures to minimise off-site noise.
- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: [http://www.epa.sa.gov.au/business\\_and\\_industry/applying\\_for\\_a\\_licence](http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence)
- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- The EPA will require as part of a licence application, the production of a 'verification report' prepared by an independent experienced and qualified engineer which demonstrates compliance with all engineering aspects related to air quality and noise attenuation as detailed in the Development Application and EPA directed conditions. If a post construction assessment indicates any parameters are not initially met then the applicant will be require to make the necessary adjustment to meet these requirements and revalidate as part of the validation report.
- EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>
- The applicant should ensure that the proposed development conforms to the Food Act 2001, Food Regulations 2002 and the Australian Food Safety Standard.
- The applicant should ensure that the proposed development conforms to the Local Litter and Nuisance Control Act.
- This authorisation does not include consent for additional advertisements. A separate consent will be required for further advertisements that constitute "development".
- That the applicant be requested to keep a diary of the roasting cycles per week.

**CARRIED UNANIMOUSLY**

**ITEM 2**

**DEVELOPMENT APPLICATION – 090/694/2019/C2 – 8 ROBERTS STREET,  
UNLEY SA 5061 (UNLEY)**

Mr Grant Ackland, representor, Mr David Huchison on behalf of applicant Mr and Mrs Blight, addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/694/2019/C2 at 8 Roberts Street, Unley SA 5061 to 'Demolish existing dwelling and construct two storey dwelling including garage and verandah', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

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 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.
3. 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. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

**NOTES PERTAINING TO DEVELOPMENT PLAN 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 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://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 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 3**

**DEVELOPMENT APPLICATION – 090/719/2019/C2 – 1 / 277 YOUNG STREET, WAYVILLE SA 5034 (GOODWOOD)**

Mr Patrick Tierney, applicant, addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/719/2019/C2 at 1 / 277 Young Street, Wayville SA 5034 to 'Convert garage to habitable room (retrospective)', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

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.

**LOST**

An alternative motion was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/719/2019/C2 at 1 / 277 Young Street, Wayville SA 5034 to 'Convert garage to habitable room (retrospective)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The development would fail to provide an on-site covered car parking space for Unit 1 in accordance with Table Un/5;
- The development would fail to provide sufficient on-site car parking spaces for Unit 1 and would increase demand for on-street car parking, contrary to Council Wide (Residential) PDC 45.

**CARRIED**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/170/2020/C2 – 11 FREW STREET,  
FULLARTON SA 5063 (FULLARTON)**

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/170/2020/C2 at 11 Frew Street, Fullarton SA 5063 to 'Construct additions to existing Local Heritage Place including additions and garage to boundary, and upper level', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

**RESERVED MATTER**

The following detailed information shall be submitted for further assessment and approval by the Team Leader Planning as delegate of the CAP as reserved matters under Section 33(3) of the Development Act 1993:

- A Stormwater management plan demonstrating that the total stormwater volume requirement (detention and retention) for the development herein meets the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.

**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 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.
3. 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 DEVELOPMENT PLAN 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 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

**CARRIED UNANIMOUSLY**

**ITEM 5**

**DEVELOPMENT APPLICATION – 090/215/2019/DIV – 300 CROSS ROAD,  
CLARENCE PARK SA 5034 (CLARENCE PARK)**

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

That Development Application 090/215/2019/DIV at 300 Cross Road, Clarence Park SA 5034 for 'Land Division - Community Title - Create two allotments from one existing; and construction of freestanding carport in association with existing dwelling', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

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. All vehicles must enter and exit Cross Road in a forward direction.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**LAND DIVISION CONSENT CONDITIONS:**

6. That the existing outbuilding and pergola on site be demolished prior to the issue of the Section 51 Certificate by the State Commission Assessment Panel. (All demolition is subject to separate Development Approval.)

**NOTE:** Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the State Commission Assessment Panel.

**STATE COMMISSION ASSESSMENT PANEL CONDITIONS** are as follows:

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0082919) On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.



2. Payment of \$7,253.00 into the Planning and Development Fund (1 allotment/s @ \$7253.00 /allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

**NOTES PERTAINING TO DEVELOPMENT PLAN 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.

**CARRIED UNANIMOUSLY**

**ITEM 6**

**DEVELOPMENT APPLICATION – 090/180/2020/C2 – 10 RINGAROOMA AVENUE, MYRTLE BANK SA 5064 (FULLARTON)**

Mr P Cornish, representor, and Lachy from Outside Development, applicant, addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/180/2020/C2 at 10 Ringarooma Avenue, Myrtle Bank SA 5064 to 'Install in-ground swimming pool' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

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 prior to the operation of said equipment. 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.

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 DEVELOPMENT PLAN 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 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- 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**.
- 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 UNANIMOUSLY**

#### **ITEM 7**

#### **DEVELOPMENT APPLICATION – 090/263/2020/C2 – 60 PARK STREET, HYDE PARK SA 5061 (UNLEY)**

Mr Tim Pozza, representor, Mr Lou Fantasia on behalf of the applicant Mr Kosta Barkoukis, addressed the panel regarding the above mentioned application.

An alternative motion was put to the panel as follows:

MOVED: Roger Freeman

SECONDED: Alexander Wilkinson

That Development Application 090/263/2020/C2 at 60 Park Street, Hyde Park SA 5061 for 'Land Division - Torrens Title - Create 2 allotments from one existing; demolish existing dwelling and structures; construct 2, two-storey dwellings, carports and front fence is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent subject to the following conditions:

1. The proposed replacement dwellings would not make a comparable or more positive contribution to the desired character than the building to be demolished, contrary to PDC 6 of the Zone.

\* Denotes Change

2. The proposed development would not enhance the desired character of the area, contrary to Objectives 1 and 3.
3. The size and width of the proposed allotments would be inconsistent with the predominant allotment sizes and widths within the area, contrary to Desired Character of Policy Area 8.5 and PDC 17 of the Zone.
4. The proposed front and side boundary setbacks of the dwellings would be contrary to Council Wide (Residential) PDC 13, would be inconsistent with the predominance setbacks identified by the Policy Area and would result in the development appearing cramped and incongruous with the development pattern and character of the area.
5. The proposed development would result in excessive bulk and massing and would intrude on the neighbouring spacious conditions, contrary to PDC 9 of the Zone

**CARRIED UNANIMOUSLY**

**ITEM 8**

**DEVELOPMENT APPLICATION – 090/9/2020/C1 – 39A DAVENPORT TERRACE, WAYVILLE 5034 (GOODWOOD)**

Mr Dean Nicolle, on behalf of the applicant Mr Roland Tan addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Alexander Wilkinson

That Development Application 090/9/2020/C1 at 39A Davenport Terrace, Wayville 5034 to 'Remove significant *Corymbia Citriodora* (Lemon Scented Gum)', is seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- 1) The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- 2) The significant tree makes an important contribution to the character and amenity of the local area, and forms a notable visual element to the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- 3) No conclusive evidence has been provided to demonstrate that the significant tree is diseased and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value, contrary to Regulated and Significant Trees PDC 8.

**CARRIED**

**OTHER BUSINESS**

Meeting procedure reports and other reports will be presented to the CAP in the future in regard to the changes being made with the new PDI Act.

**MATTERS FOR COUNCIL'S CONSIDERATION**

The Presiding Member declared the meeting closed at 9:40pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 18 August 2020.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday, 18 August 2020