

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 July 2013
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.

PRESENT: Mr Brenton Burman (Deputy Presiding Member)
Ms Nicole Dent
Mrs Ann Nelson
Mr Don Palmer
Mr Rufus Salaman
Mr Rob Sangster

APOLOGIES: Mr Terry Tysoe (Presiding Member)

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

CONFLICT OF INTEREST:

Don Palmer declared in relation to Item 4 that he has previously built pergolas for two residents at 6 Avenue Street Millswood approximately 20 years ago, however he does not consider that this represents a conflict of interest.

CONFIRMATION OF MINUTES:

MOVED: Don Palmer

SECONDED: Rufus Salaman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 18 June 2013, as printed and circulated be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/164/2013/C2 – 219A KING WILLIAM ROAD, HYDE PARK 5061 (UNLEY PARK)

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/164/2013/C2 at 219A King William Road, Hyde Park 5061 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the 1.7m high privacy screening be erected along the eastern side of the balcony prior to occupation.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/184/2013/C2 – 7 DOUGLAS STREET, MILLSWOOD 5034 (UNLEY PARK)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/184/2013/C2 at 7 Douglas Street, Millswood 5034 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application including the responses to representation prepared by *Alberto D'Andrea*, except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. 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.
3. The associated outbuilding subject of this Approval shall only be used for purposes and activities ancillary to the residential use of the property and at no time be used for any commercial and/or industrial purpose.
4. 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.
5. That the northern, and southern 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:

- 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.
- 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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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 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 3

DEVELOPMENT APPLICATION – 090/858/2012/NC – 3 WILGENA AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/858/2012/NC at 3 Wilgena Avenue, Myrtle Bank SA 5064 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the CONCURRENCE of the Development Assessment Commission and 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 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 not operate between the hours of 10.00pm to 7.00am Monday to Sunday.

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 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

Don Palmer declared in relation to Item 4 that he has previously built pergolas for two residents at 6 Avenue Street Millswood approximately 20 years ago, however he does not consider that this represents a conflict of interest.

ITEM 4

DEVELOPMENT APPLICATION – 090/804/2012/C1 – 1 HEATHCOTE CRESCENT & 6 AVENUE STREET, MILLSWOOD 5034 (UNLEY PARK)

Mr Garth Heynen on behalf of Mr Theodore Georgiou, Applicant, addressed the Panel regarding the above item.

MOVED: Rob Sangster

SECONDED: Nicole Dent

That Development Application 090/804/2012/C1 at 1 Heathcote Crescent, 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 of the subject trees 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. Payment of \$387.50 (\$155.00 for Regulated Tree and \$232.50 for 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 (an invoice will be attached to the development approval).

NOTES PERTAINING TO PLANNING CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- **The attached consent has only been issued under the Development Act, 1993 and only authorises the removal of the subject trees pursuant to that specific legislation. Other written consents from other parties, such as your neighbours, may be required before you can lawfully remove the trees. For example you may require a separate written consent from your neighbour to remove the trees if one or both of the trees are not located wholly within the boundaries of your land. Council recommends that you take your own professional advice, including legal advice, before you undertake any work to the trees which are the subject of the attached development authorisation to clarify your rights and obligations and your neighbour's rights and obligations in respect of the trees. Council will not accept any responsibility of liability in respect of any dispute which may arise between you and your neighbour in this respect as its role is simply to assess and determine the development application you have made pursuant to the provisions of the Development Act, 1993. The attached development authorisation which is granted under the Development Act, 1993 does not and cannot override any rights your neighbour has, or any obligations you may owe to your neighbour, in respect of the trees at common law or under separate legislation.**

CARRIED

ITEM 5

CONFIDENTIALITY MOTION FOR ITEM 6

DEVELOPMENT APPLICATION – 285 GOODWOOD ROAD, KINGS PARK - 090/359/2012/C3

MOVED: Don Palmer

SECONDED: Rufus Salaman

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (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
 - 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 7.51pm.

ITEM 6

DEVELOPMENT APPLICATION – 090/359/2012/C3 – 285 GOODWOOD ROAD, KINGS PARK 5034 (UNLEY PARK)

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 090/359/2012/C3 at 285 Goodwood Road, Kings Park 5034 that the Development Assessment Panel agrees to the compromise subject 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 including the amended plan dated 27th June 2013 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
 - 2. The facility shall accommodate a maximum of 19 students at any one time.
 - 3. The car parking areas as indicated on the approved plans and details shall be maintained at all times to the reasonable satisfaction of Council.
 - 4. That, hazard markers shall be installed to delineate the available width of the access past the existing garage on the north east corner at the cost of the applicant and installed prior to occupation of the facility.
 - 5. That a convex mirror be installed prior to occupation in the south east corner of the structure at the cost of the applicant to alert motorists if pedestrians are approaching the corner from the west.
 - 6. That all existing vegetation and structures that impedes vehicles access along the driveway linking Stanley Street to Goodwood Road shall be removed prior to occupation of the facility.
 - 7. At least one adult supervisor, not being a student occupant must reside on the premises on a full time basis to ensure that no unreasonable noise, anti-social behaviour or other nuisance is caused to residents living near the site.
 - 8. No outdoor portion of the premises will be used for any function at which amplified or live music or entertainment is provided. When amplified or live music or entertainment is provided inside a building on the site, it shall cease no later than 10.00pm.
 - 9. That the two car parks in the south western corner of the property shall be finished in a hard surface (paving or similar) prior to occupation of the development. Further details to be provided to the satisfaction of Council prior to the issue of development approval.

10. That the House Rules document shall form part of the application documents.

CARRIED

ITEM 7

CONFIDENTIALITY MOTION FOR ITEM 6

DEVELOPMENT APPLICATION – 285 GOODWOOD ROAD, KINGS PARK - 090/359/2012/C3

MOVED: Don Palmer

SECONDED: Rufus Salaman

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 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 reviewed by the Development Assessment Panel.

CARRIED

The Chamber doors were opened at 7.54pm.

CLOSURE

The Presiding Member declared the meeting closed at 7.59pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20/8/2013.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 20 August 2013