

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting to be held Monday, 12 April 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:

Ms Christine Umapathysivam, Deputy CEO
Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader, Planning
Ms Kelley Jaensch, Executive Assistant

CONFIRMATION OF MINUTES

MOVED Graham Gaston SECONDED Denise Tipper

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday, 9 March 2010 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/889/2009/C2 – 6 AUSTRAL TERRACE, MALVERN 5061 (UNLEY PARK)

Mr Brenton Glaister, representor, and Mr Greg Kalivas, on behalf of the applicant, addressed the panel in respect for this item.

MOVED Graham Gaston SECONDED Rob Sangster

That Development Application 090/889/2009/C2 at 6 Austral Terrace, 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. That the upper floor windows to the north (rear), east (side) and west (side) be treated to avoid overlooking by being fitted with fixed non-openable translucent glazed panels to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
4. That the landscaping, as approved, 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.

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

LOST

Item 1**Development Application – 090/889/2009/C2 – 6 Austral Terrace, Malvern 5061 (Unley Park) - Continued**

MOVED Mike Hudson

SECONDED Don Donaldson

That Development Application 090/889/2009/C2 at 6 Austral Terrace, Malvern 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 property and from the desired future character of the locality having particularly regard to:

- Building mass and proportion
- Presentation to public streets
- External materials, patterns, textures and decorative elements
- Façade articulation and detailing, including window and door proportions
- Verandahs, eaves and parapets

The development is not compatible in form, scale and design with the existing positive elements of the character of the area.

CARRIED**ITEM 2****DEVELOPMENT APPLICATION – 090/1005/2009/C2 – 99 YOUNG STREET, PARKSIDE 5063 (PARKSIDE)**

MOVED Graham Gaston

SECONDED Mike Hudson

That Development Application 090/1005/2009/C2 at 99 Young Street, Parkside 5063 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

The applicant has not demonstrated a sufficient interest in the subject land, reasonable likelihood of obtaining the required permission from the owner of the subject land to remove the tree and the approval of the application would not be orderly.

CARRIED**ITEM 3****DEVELOPMENT APPLICATION – 090/14/2010/C2 – 23 - 25 SCOTT STREET, PARKSIDE SA 5063 (PARKSIDE)**

Mr Lee Brougham and Mrs J Brougham, representors, addressed the Panel in respect for this Item.

MOVED Don Donaldson

SECONDED Graham Gaston

Item 3

Development Application – 090/14/2010/C2 – 23 - 25 Scott Street, Parkside SA 5063 (Parkside) – Continued

That Development Application 090/14/2010/C2 at 23 - 25 Scott Street, Parkside SA 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. 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. That the upper floor windows be treated to avoid overlooking by being fitted with fixed non-openable translucent glazed panels to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
5. 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. Further to this, 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.
6. 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 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.
- 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 4**DEVELOPMENT APPLICATION – 090/1052/2009/C2 – 36 MILLER STREET, UNLEY 5061 (UNLEY)**

MOVED Graham Gaston

SECONDED Rob Sangster

That Development Application 090/1052/2009/C2 at 36 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 privacy screening to a height of 1700mm above floor level shall be installed on the on all sides of the balcony prior to use of the balcony and shall be maintained to the satisfaction of Council.
4. 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 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 5****DEVELOPMENT APPLICATION – 090/432/2009/C2 – 13 SEAVIEW STREET, FULLARTON 5063 (FULLARTON)**

MOVED Graham Gaston

SECONDED Rob Sangster

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

Item 5

Development Application – 090/432/2009/C2 – 13 Seaview Street, Fullarton 5063 (Fullarton) - Continued

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 upper floor windows, except those west facing, be treated to avoid overlooking by being fitted with fixed non-openable translucent glazed panels to a minimum height of 1700mm above floor level prior to occupancy and such translucent glazing to be kept in place at all times.
4. 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.

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 details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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 6

DEVELOPMENT APPLICATION – 090/870/2008/C2 – 123 KENILWORTH ROAD, PARKSIDE 5063 (PARKSIDE)

MOVED Mike Hudson

SECONDED Graham Gaston

That Development Application 090/870/2008/C2 at 123 Kenilworth Road, 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.

Item 6

Development Application – 090/870/2008/C2 – 123 Kenilworth Road, Parkside 5063 (Parkside) - Continued

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. That landscaping as approved by 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. Further that trees used in the landscaping of the site be at least 1.0m in height at the time of planting.

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 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 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 7

DEVELOPMENT APPLICATION – 090/1058/2009/C2 – 92A CROSS ROAD, MYRTLE BANK SA 5064 (FULLARTON)

MOVED Rob Sangster

SECONDED Graham Gaston

That Development Application 090/1058/2009/C2 at 92A Cross Road, 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 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 all requirements for the retention of trees shall be undertaken in accordance with the Tree Report by Australian Heritage Tree Works dated 15th September 2008 and shall be complied with to the satisfaction of Council.
3. That person or company making use of this consent shall ensure the installation of the Tree Protection Zone as per Tree Report dated 15th September 2008.

Item 7**Development Application – 090/1058/2009/C2 – 92A Cross Road, Myrtle Bank SA 5064 (Fullarton) - Continued**

4. That person or company making use of this consent shall engage a qualified arborist to inspect the Tree Protection Zone regularly to ensure compliance with the Tree Report dated 15th September 2008
5. The person or company making use of this consent shall contact Council to enable a full inspection of the Tree Protection Zone by Council officers prior to work commencing and once the tree protection zones are established.
6. 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.
7. That double glazing be installed on all windows facing Cross Road and Fullarton Road.

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 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 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 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. Application to install or amend a crossing place must be made on the enclosed 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.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/562/2008/C2 – 4 WILGENA AVENUE, MYRTLE BANK 5064 (FULLARTON)

Prior to debate on Item 8

It is recommended to the Development Assessment Panel that the following resolution be adopted:

MOVED Mike Hudson

SECONDED Rob Sangster

That:

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 Elected Members of the City of Unley, Council

Administration and their advisor on the basis that it will receive and consider a report on the planning appeal (Item 8) in relation to 4 Wilgena Avenue, Myrtle Bank 5064 and that the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

Information relating to actual litigation, or litigation that the Panel believes are reasonable grounds will take place.

CARRIED

CONFIDENTIAL

ITEM 8

DEVELOPMENT APPLICATION – 090/562/2008/C2 – 4 WILGENA AVENUE, MYRTLE
BANK 5064 (FULLARTON)

Item 8

Development Application – 090/562/2008/C2 – 4 Wilgena Avenue, Myrtle Bank 5064 (Fullarton) - Continued

At the conclusion of the debate the Panel is asked to consider the retaining of confidentiality of the Attachments (with the exception of the report by Colin Thornton dated 29th March 2010) and Resolutions relating to the appeal in accordance with the following motion:

MOVED Denise Tipper

SECONDED Rob Sangster

1. Pursuant to Section 56A(16) of the Development Act 1993, as amended, the Development Assessment Panel orders:

1.1 that the documentation referring to ERD Court Action No. ERD-09-83

is to remain confidential on the basis that the disclosure of the information may prejudice Council's position (with the exception of the report by Colin Thornton dated 29 March 2010)

1.1.2 that the documentation referring to ERD Court Action No. ERD-09-83

will not be available for public inspection until such time as the appeal has been determined and the confidentiality order has been revoked by the Chief Executive Officer.

CARRIED

It is recommended to the Development Assessment Panel that the following resolution be adopted:

MOVED Denise Tipper

SECONDED Don Donaldson

That:

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 Elected Members of the City of Unley, Council Administration and their advisor on the basis that it will receive and consider a report on the planning appeal in relation to 170-182 Unley Road, Unley and that the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

Information relating to actual litigation, or litigation that the Panel believes are reasonable grounds will take place.

CARRIED

MOVED Don Donaldson, SECONDED Graham Gaston that the Ordinary Meeting of the Development Assessment Panel resume in public.

CARRIED

The Chamber doors were opened at 9.27pm

CLOSURE

The Presiding Member declared the meeting closed at 9.27pm.

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PRESIDING MEMBER

NEXT MEETING
Monday, 10 May 2010