

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Monday 11 April 2011
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 Roger Freeman
Dr Lissa Van Camp
Mr Brenton Burman
Mr Rob Sangster
Mr Don Palmer
Mr Rufus Salaman

APOLOGIES:

Nil

OFFICERS PRESENT:

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

CONFIRMATION OF MINUTES

MOVED: Rufus Salaman

SECONDED: Brenton Burman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday 15 March 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

Item 1

DEVELOPMENT APPLICATION – 090/651/2010/C2 – 333-343 GOODWOOD ROAD, KINGS PARK 5034 (UNLEY PARK)

Shelley Rowett and Toni MonteLeone, representors, and Cheryl Vandenberg, Matthew Dunwoodie, and Matthew Dewhirst, on behalf of the applicant, addressed the panel in respect for this item.

MOVED: Don Palmer

SECONDED: Lissa Van Camp

That Development Application 090/651/2010/C2 at 333-343 Goodwood Road, Kings Park 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. The landscaping, as approved by the Council, be established prior to the use of the additional drive through lane, and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times. Further, that trees used in landscaping of the site be at least 1.0 metre in height at the time of planting.
3. The timber paling fencing constructed along the eastern boundary shall be air tight at all junctions and the ground at the time of construction, and maintained thereafter. Any warped timber shall be replaced in an air tight manner to the satisfaction of Council.
4. That within 3 months of commencement of the operation of the additional drive through lane, a professional acoustic report be provided to Council which considers and determines whether the drive through lane does comply with the Environment Protection (Noise) Policy 2007("EPP 2007"). In the event of a failure to comply with EPP 2007, immediate remedial measures shall be undertaken to the satisfaction of Council to ensure compliance with EPP 2007.

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**.

- 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 2

DEVELOPMENT APPLICATION – 090/856/2010/C3 – 41 OPEY AVENUE, HYDE PARK 5061 (UNLEY)

Jo Crichton, representor, and Adrian Cavanagh and Dennis Collins, applicant, addressed the panel in respect for this item.

MOVED: Lissa Van Camp

SECONDED: Brenton Burman

That Development Application 090/856/2010/C3 at 41 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. 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.
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 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 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 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 **applicant**.

CARRIED

Item 3

DEVELOPMENT APPLICATION – 090/30/2011/C2 – 15 GURR STREET, GOODWOOD 5034 (GOODWOOD)

Paul Gaetjens, representor, and David Brown on behalf of the Victor Temnoff, applicant, addressed the panel in respect for this item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/30/2011/C2 at 15 Gurr 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. 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:

- 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

Prior to debate on this item, Rob Sangster stated that he knew the representor but that he does not see it as a conflict of interest.

Item 4

DEVELOPMENT APPLICATION – 090/1037/2010/C2 – 4 CLELAND AVENUE, UNLEY SA 5061 (UNLEY)

Ramon Carter, representor, and Patricia Harous and Metta Kalogerinis, applicants, addressed the panel in respect for this item.

MOVED: Brenton Burman

SECONDED: Roger Freeman

That Development Application 090/1037/2010/C2 at 4 Cleland Avenue, Unley 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. 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 (except eastern elevation) 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:

- 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.
- 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 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 – 090/837/2010/C2 – 54 MILLER STREET, UNLEY 5061 (UNLEY)

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/837/2010/C2 at 54 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.

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

CARRIED

Item 6

DEVELOPMENT APPLICATION – 090/33/2011/C2 – 5 WOOLDRIDGE AVENUE, MILLSWOOD 5034 (UNLEY PARK)

MOVED: Lissa Van Camp

SECONDED: Roger Freeman

That Development Application 090/33/2011/C2 at 5 Wooldridge 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 removal of the subject significant tree (*Erythrina coralloides*- Naked Coral 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).

CARRIED

Item 7

DEVELOPMENT APPLICATION – 090/52/2011/C2 – 3 RESTORMAL AVENUE, FULLARTON 5063 (PARKSIDE)

Betty and John Raptis, representors, addressed the panel in respect for this item.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/52/2011/C2 at 3 Restormal Avenue, 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. 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:

- 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 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 8463 3555 or refer to their web site at www.lsc.sa.gov.au.

- That details of any air-conditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

Item 8

DEVELOPMENT APPLICATION – 090/98/2011/C2 – 5 KING STREET, UNLEY PARK 5061 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application 090/98/2011/C2 at 5 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. That the removal of the subject significant tree (Monterey 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).

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 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 9

DEVELOPMENT APPLICATION – 090/63/2011/C2 – 224 WATTLE STREET, MALVERN 5061 (UNLEY)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/63/2011/C2 at 224 Wattle 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. That the removal of the subject significant tree (Schinus molle Pepper Tree) 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).

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**.

CARRIED

Item 10

DEVELOPMENT APPLICATION – 090/1089/2010/C2 – 7 KELVIN AVENUE, CLARENCE PARK 5034 (GOODWOOD SOUTH)

MOVED: Roger Freeman

SECONDED: Lissa Van Camp

That Development Application 090/1089/2010/C2 at 7 Kelvin Avenue, Clarence Park 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 ancillary spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.

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 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.
- 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.
- 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.
- 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.
- 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

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 12
123 KING WILLIAM ROAD, UNLEY –
090/393/2010/C2

ITEM NUMBER: 11

DATE OF MEETING: 11 APRIL 2011

AUTHOR: RACHEL THEILE

JOB TITLE: DEVELOPMENT ADMINISTRATION

RESPONSIBLE OFFICER: CHRISTINE UMAPATHYSIVAM

JOB TITLE: DEPUTY CHIEF EXECUTIVE OFFICER

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

ATTACHMENTS: NIL

PURPOSE

To recommend that Item 12 be considered in confidence at the 11 April 2011 Development Assessment Panel meeting.

RECOMMENDATION

MOVED: Roger Freeman
SECONDED: Brenton Burman

That:

1. The report be received.
2. 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 the following:
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning

- Terry Tysoe
- Don Palmer
- Rufus Salaman
- Rob Sangster
- Roger Freeman
- Lissa Van Camp
- Brenton Burman
- 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 8.59pm.

Item 12

DEVELOPMENT APPLICATION – 090/393/2010/C2 – 123 KING WILLIAM ROAD, UNLEY 5061 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Rob Sangster

- C. That the report be received; and
- D. That the appellant and the Environment Resources and Development Court be advised that the Development Assessment Panel reaffirms its previous decision of December 2010.
- E. That the appellant and the Environment Resources and Development Court be advised that the Development Assessment Panel would agree to compromise the appeal subject to the following conditions:
 - 1 That seating be limited to 50 seats
 - 2 That the driveways be maintained and kept clear of vegetation to enable ease of access to the rear carpark
 - 3 That identification signage be provided to indicate carparking to the rear be clearly displayed to the front of the premises to the satisfaction of Council.
- F. That the Manager, Development be authorised to do on behalf of the Development Assessment Panel all things necessary to carry these resolutions into effect.

CARRIED

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 12
DEVELOPMENT APPLICATION – 123 KING
WILLIAM ROAD, UNLEY – 090/393/2010/C2

ITEM NUMBER: 13

DATE OF MEETING: 11 April 2011

AUTHOR: RACHEL THEILE

JOB TITLE: DEVELOPMENT ADMINISTRATION

RESPONSIBLE OFFICER: CHRISTINE UMAPATHYSIVAM

JOB TITLE: DEPUTY CHIEF EXECUTIVE OFFICER

COMMUNITY GOAL: GOE/2 Generate an approach to all Council
operations which maintains the principles of good
governance such as public accountability,
transparency, integrity, leadership, cooperation
with other levels of government and social equity.

REPRESENTORS: NIL

ATTACHMENTS: NIL

RECOMMENDATION

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
 - ☐ Minutes
 - ☒ Report
 - ☒ Attachments

For this Item remain confidential on the basis that the
documentation referring to 123 King William Road, Unley is to
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 Chief Executive Officer in December 2011.

CARRIED

The Ordinary Meeting of the Development Assessment Panel resumed in Public.

The Chamber doors were opened at 9.26PM

CLOSURE

The Presiding Member declared the meeting closed at 9.27pm.

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PRESIDING MEMBER

NEXT MEETING
Monday, 9 May 2011