

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting held Thursday, 16 December 2010
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:

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Kelley Jaensch, Executive Assistant, City Development
Ms Rachel Theile, Development Administration

CONFIRMATION OF MINUTES

MOVED: Rob Sangster SECONDED: Terry Tysoe

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday, 8 November 2010 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

With the consent of the Panel the Presiding Member deferred consideration of Item 1 until later in the Agenda.

ITEM 2

DEVELOPMENT APPLICATION – 090/674/2010/C2 – 39 YOUNG STREET, PARKSIDE 5063 (PARKSIDE)

Nick Papps, representor, addressed the panel in respect for this Item.

MOVED: Roger Freeman

SECONDED: Don Palmer

That Development Application 090/674/2010/C2 at 39 Young Street, 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.
3. 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.

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 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.
- 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 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.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/834/2010/C2 – 17 HART AVENUE, UNLEY 5061 (UNLEY)

MOVED: Rob Sangster

SECONDED: Brenton Burman

That Development Application 090/834/2010/C2 at 17 Hart Avenue, 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. That the removal of the subject significant Agonis Flexuosa (*Willow Myrtle*) 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 4

DEVELOPMENT APPLICATION – 090/619/2010/C2 – 23 EVERARD TERRACE, FORESTVILLE 5035 (GOODWOOD)

MOVED: Brenton Burman

SECONDED: Lissa Van Camp

That Development Application 090/619/2010/C2 at 23 Everard Terrace, Forestville 5035 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 (*Corymbia citriodora* Lemon Scented Gum) 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).

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 5**DEVELOPMENT APPLICATION – 090/1009/2009/C2/A – 51 FRANCIS STREET, CLARENCE PARK 5034 (GOODWOOD SOUTH)**

MOVED: Lissa Van Camp

SECONDED: Roger Freeman

That Development Application 090/1009/2009/C2/A at 51 Francis Street, Clarence Park 5034 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposal fails to enhance desired character or complement the siting, form or key elements as expressed within the Policy Area.
- The proposal does not respect the streetscape context.
- The proposal does not comply with the relevant Design Technique (CW PDC 70.1) relating to the width of car storage facilities in relation to the sites frontage.
- The garaging does not form a relatively minor streetscape element and adopt a recessive streetscape presence.

CARRIED**ITEM 6****DEVELOPMENT APPLICATION – 090/767/2010/C2 – 130 ROSE TERRACE, WAYVILLE 5034 (GOODWOOD)**

MOVED: Brenton Burman

SECONDED: Don Palmer

That Development Application 090/767/2010/C2 at 130 Rose Terrace, Wayville 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. 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 driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
5. That the carpark immediately adjacent to the Rose Terrace frontage be deleted and replaced with landscaping. The remaining carpark on the Rose Terrace frontage be designed for use as a disabled carpark. Further details to be provided to Council's satisfaction prior to the issue of Building Rules Consent.

NOTES PERTAINING TO PLANNING CONSENT:

- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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.
- 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 7

DEVELOPMENT APPLICATION – 090/309/2010/C3 – 106-108 UNLEY ROAD, UNLEY 5061 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/309/2010/C3 at 106-108 Unley Road, Unley 5061 be DEFERRED to Monday 20 December 2010 meeting to enable the applicant to undertake further investigations in relation to flooding on this site.

CARRIED

ITEM 8

**DEVELOPMENT APPLICATION – 090/681/2010/C2 – 18 WATTLE STREET,
FULLARTON 5063 (PARKSIDE)**

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/681/2010/C2 at 18 Wattle Street, 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. That the removal of the subject significant tree (*Eucalyptus viminalis* Subsp. *Cygnensis*) 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).

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 9

**DEVELOPMENT APPLICATION – 090/427/2010/C2 – 27 ETON STREET, MALVERN
5061 (UNLEY PARK)**

MOVED: Brenton Burman

SECONDED: Rob Sangster

That Development Application 090/427/2010/C2 at 27 Eton 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 (*Eucalyptus viminalis*- Manna Gum) 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 10

DEVELOPMENT APPLICATION – 090/796/2010/C1 – 224B CROSS ROAD, UNLEY PARK 5061 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/796/2010/C1 at 224B Cross Road, 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. 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 construction of the deck shall minimise any disruption to the root system of the adjacent significant tree with no severing of roots with a diameter greater than 50 mm.

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 11

DEVELOPMENT APPLICATION – 090/923/2010/C2 – 16 CROSS ROAD, MYRTLE BANK 5064 (FULLARTON)

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application 090/923/2010/C2 at 16 Cross Road, Myrtle Bank 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. That the removal of the subject significant tree (*Cypress 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**.

CARRIED

The Presiding Member adjourned the meeting At 7.55pm.
The meeting resumed at 7.56pm.

ITEM 1

DEVELOPMENT APPLICATION – 090/522/2010/C2 – 498 FULLARTON ROAD, MYRTLE BANK 5064 (FULLARTON)

Mr Viney, representor, and Phill Brunning on behalf of Ms Anthea Greig, applicant, addressed the panel in respect for this item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/522/2010/C2 at 498 Fullarton Road, Myrtle Bank 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. 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 (rear and side 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.
4. The access point to Dwelling 1 shall be located in accordance with DWG No FUL-498-10.dwg Amended 22.10.10.
5. The south-western corner of the subject land shall be kept free of all solid fencing, and all vegetation within 3m of this corner shall be low growing (maximum height of 1 metre) so as to ensure that sight lines for motorists exiting Ringarooma Avenue are not restricted.

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**.
- 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 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.

CARRIED

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 13
92 ROSE TERRACE WAYVILLE –
090/322/2010/C2

ITEM NUMBER: 12

DATE OF MEETING: 16 December 2010

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT CITY
DEVELOPMENT

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 13 be considered in confidence at the
16 December 2010 Development Assessment Panel meeting.

RECOMMENDATION

MOVED: Rufus Salaman
SECONDED: Don Palmer

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:
 - Christine Umapathysivam, Deputy Chief Executive Officer
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning
 - Terry Tysoe
 - Don Palmer
 - Rufus Salaman
 - Rob Sangster
 - Roger Freeman
 - Lissa Van Camp

- Brenton Burman
- Mayor Lachlan Clyne
- Kelley Jaensch, Executive Assistant City Development
- 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

ITEM 13

DEVELOPMENT APPLICATION – 090/322/2010/C2 – 92 ROSE TERRACE, WAYVILLE 5034 (GOODWOOD)

MOVED: Lissa Van Camp

SECONDED: Rob Sangster

- A. That the report be received.
- B. That the Environment, Resource and Development Court be advised that the Development Assessment Panel reaffirms its decision of October 2010 as the compromise does not adequately address the grounds of refusal.

CARRIED

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 13
DEVELOPMENT APPLICATION – 92 ROSE
TERRACE WAYVILLE – 090/322/2010/C2

ITEM NUMBER: 14

DATE OF MEETING: 16 December 2010

AUTHOR: KELLEY JAENSCH

JOB TITLE: EXECUTIVE ASSISTANT CITY DEVELOPMENT

RESPONSIBLE OFFICER: CHRISTINE UMAPTHYSIVAM

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: Rufus Salaman
SECONDED: Don Palmer

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 92 Rose Terrace, Wayville 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 2010.

CARRIED

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

The Chamber doors were opened at 8.35PM

OTHER BUSINESS

Matters For Council Consideration

Council to consider planning policies to deal with the appearance of dwellings fronting arterial roads on corner sites.

Council to consider planning policies to encourage provision of bicycle parking.

CLOSURE

The Presiding Member declared the meeting closed at 8:39 PM

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PRESIDING MEMBER

NEXT MEETING

Monday, 20 December 2010