

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Monday, 14 February 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 Rob Sangster
Mr Don Palmer
Mr Rufus Salaman

APOLOGIES:

Mr Brenton Burman

OFFICERS PRESENT:

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

CONFIRMATION OF MINUTES

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday, 24 January 2011 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

Prior to debate on this Item, Roger Freeman declared a conflict of interest as he is an acquaintance of one the representors and left the meeting at 7.05pm.

ITEM 1

**DEVELOPMENT APPLICATION – 090/55/2010/C2 – 48 WATTLE STREET,
FULLARTON 5063 (PARKSIDE)**

David and Christine Taeuber, representors and Greg Kallivis, applicant addressed the Panel in respect for this Item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/55/2010/C2 at 48 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. 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. 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.
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 landscaping, as approved by the 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 landscaping of the site be at least 1.0 metre in height at the time of planting.
5. That the pool pump equipment and shed be located abutting the internal boundary. Further details to be supplied prior to issue of development approval.
6. That the upper floor windows (northern/eastern and western) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a maximum height of 1700mm above floor level with such translucent glass to be kept in place at all times.

NOTES PERTAINING TO PLANNING CONSENT

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

CARRIED

Roger Freeman returned to the meeting at 7.25pm.

ITEM 2

DEVELOPMENT APPLICATION – 090/1124/2010/C2 – 52 WALLIS STREET, PARKSIDE 5063 (PARKSIDE)

Mr Hugh Kneebone, representor, and Nikolai Jakube, applicant, addressed the Panel in respect for this Item.

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application 090/1124/2010/C2 at 52 Wallis 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. That a semi-mature replacement tree (minimum height of 1.5m) be replanted of a suitable species as determined in consultation with Council's arborist. The tree shall be replanted within 6 months of the removal of the existing tree. Should the tree die or be removed for any reason a replacement tree of the same species to be replanted.

CARRIED

ITEM 3

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

Mr Shane Jurjevic, representor, addressed the Panel in respect for this Item.

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/651/2010/C2 at 333-343 Goodwood Road, Kings Park 5034 be DEFERRED to enable Council administration to commission an acoustic report to evaluate noise impacts of the proposed additional drive through lane.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/853/2010/C2 – 15 GLEN AVENUE, UNLEY PARK 5061 (UNLEY PARK)

This item was withdrawn prior to the meeting by Administration.

ITEM 5

DEVELOPMENT APPLICATION – 090/1039/2010/C2 – 12 CLINTON AVENUE, MYRTLE BANK 5064 (FULLARTON)

Mr Paul Lloyd, Mr Andrew Harris, representors, and Mr Andrew Akkermans, applicant, addressed the Panel in respect for this Item.

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/1039/2010/C2 at 12 Clinton Avenue, Myrtle Bank 5064 is at variance with the provisions of the Development Plan and should be REFUSED planning consent for the following reason:

- The variation does not sufficiently address overlooking from upper level windows.

CARRIED

ITEM 6

DEVELOPMENT APPLICATION – 090/1118/2010/C2 – 12 COMMERCIAL ROAD, HYDE PARK 5061 (UNLEY PARK)

Mr G Campbell, representor, addressed the Panel in respect for this Item.

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/1118/2010/C2 at 12 Commercial Road, Hyde Park 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree makes an important contribution to the character and amenity of the local area.
- The tree forms a notable visual element to the landscape of the local area.
- The tree is not diseased and its life expectancy is not short.
- The tree does not represent an unacceptable risk to public or private safety.
- The tree is not showing to be causing or threatening to cause substantial damage to a substantial building or structure of value and all other reasonable remedial treatments and measures have been determined to be ineffective.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/860/2009/C2 – 17 & 17A GEORGE STREET, PARKSIDE (PARKSIDE)

This item was WITHDRAWN prior to the meeting by Administration.

ITEM 8

DEVELOPMENT APPLICATION – 090/916/2010/C2 – 21 OPEY AVENUE, HYDE PARK 5061 (UNLEY)

MOVED: Don Palmer

SECONDED: Lissa Van Camp

That Development Application 090/916/2010/C2 at 21 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. 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 maximum height of 1700mm above floor level with such translucent glass to be kept in place 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.
- 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 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 – 090/938/2010/C2 – 30 CLIFTON STREET, MALVERN 5061 (UNLEY PARK)

Pat Furlan-Frasca, representor, and Andrew Lonie, applicant, addressed the Panel in respect for this Item.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/938/2010/C2 at 30 Clifton Street, Malvern 5061 is 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 upper floor windows (eastern and northern) 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. Further details to be provided prior to issue of building rules consent.

CARRIED

Rufus Salaman left the meeting at 8.53pm and returned at 8.53pm

ITEM 10

DEVELOPMENT APPLICATION – 090/1035/2010/C2 – 8 FERGUSON AVENUE, MYRTLE BANK 5064 (FULLARTON)

MOVED: Don Palmer

SECONDED: Roger Freeman

That Development Application 090/1035/2010/C2 at 8 Ferguson Avenue, 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.

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.
- 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.

CARRIED

ITEM 11

DEVELOPMENT APPLICATION – 090/846/2010/C2 – 2A MALCOLM STREET, MILLSWOOD 5034 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/846/2010/C2 at 2A Malcolm 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 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 proposed dwelling and alfresco shall minimise any disruption to the root system of the affected significant tree growing in the adjoining property directly to the north with no severing of roots with a diameter greater than 50 mm.

CARRIED

ITEM 12

DEVELOPMENT APPLICATION – 090/544/2010/C2 – 432 FULLARTON ROAD, MYRTLE BANK SA 5064 (FULLARTON)

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/544/2010/C2 at 432 Fullarton 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. Any advertisements erected on the subject land only being erected in the locations defined for advertisements on the approved plans and those exempt from Development Approval pursuant to the Development Regulation 2008 and Local Government Act 1999.

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 13

DEVELOPMENT APPLICATION – 090/1034/2010/C2 – 12 WHITTAM STREET, PARKSIDE 5063 (UNLEY)

MOVED: Rob Sangster

SECONDED: Roger Freeman

That Development Application 090/1034/2010/C2 at 12 Whittam 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.

CARRIED

ITEM 14

**DEVELOPMENT APPLICATION – 090/891/2010/C2 – 62 FISHER STREET,
FULLARTON 5063 (FULLARTON)**

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/891/2010/C2 at 62 Fisher 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. 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.

CARRIED

ITEM 15

**DEVELOPMENT APPLICATION – 090/953/2010/C2 – 2 CHURCH STREET,
HIGHGATE 5063 (FULLARTON)**

MOVED: Don Palmer

SECONDED: Roger Freeman

That Development Application 090/953/2010/C2 at 2 Church Street, Highgate 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 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.
3. 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.
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.
5. The Tree Management Plan in accordance with Page 5 and 6 of the Tree Report dated 7 September 2010 shall be complied with to the satisfaction of Council.
6. That person or company making use of this consent shall ensure the installation of the Tree Protection Zone as per the Tree Report dated 7 September 2010.

7. 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 7 September 2010.
8. 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 construction work commencing once the tree protection zones are established.

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.
- 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 17
PLANNING APPEAL
284 YOUNG STREET, WAYVILLE –
090/708/2010/C2

ITEM NUMBER: 16

DATE OF MEETING: 14 February 2011

AUTHOR: RUTH DAY

JOB TITLE: TEAM LEADER, 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 17 be considered in confidence at the
14 February 2011 Development Assessment Panel meeting.

RECOMMENDATION

MOVED: Roger Freeman
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:
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning

- Terry Tysoe
- Roger Freeman
- Lissa Van Camp
- Rob Sangster
- Don Palmer
- Rufus Salaman
- Kelley Jaensch, Executive Assistant City Development

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, and there is likely to be discussion about the legal advice Council has received in respect of this Item.

CARRIED

With the consent of the Panel, the meeting was adjourned at 9.03pm.

The meeting resumed at 9.05pm.

ITEM 17

DEVELOPMENT APPLICATION – 090/708/2010/C2 – 284 YOUNG STREET, WAYVILLE 5034 (GOODWOOD)

MOVED: Lissa Van Camp

SECONDED: Roger Freeman

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/708/2010/C2 at 284 Young Street, Wayville 5034 that the Development Assessment Panel concedes the appeal, subject to the following condition;
 1. That the REMOVAL of the subject significant tree *Eucalyptus Nicholii* (Narrow Leaved Black Peppermint) 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. That the applicant undertake to replant a suitable replacement tree with species and location to be determined in consultation with Council arborist.

CARRIED

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 17
DEVELOPMENT APPLICATION – 284 YOUNG
STREET, WAYVILLE – 090/708/2010/C2

ITEM NUMBER: 18

DATE OF MEETING: 14 FEBRUARY 2011

AUTHOR: RUTH DAY

JOB TITLE: TEAM LEADER, DEVELOPMENT
ADMINISTRATION

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: Lissa Van Camp
SECONDED: Rob Sangster

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 284 Young Street, 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 February 2011.

CARRIED

MOVED: Lissa Van Camp

SECONDED: Roger Freeman

That the Ordinary Meeting of the Development Assessment Panel resume in Public.

CARRIED

CLOSURE

The Presiding Member declared the meeting closed at 9.18pm.

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PRESIDING MEMBER

NEXT MEETING
Thursday, 3 March 2011