

## **CITY OF UNLEY**

### **DEVELOPMENT ASSESSMENT PANEL**

**Meeting held on Monday, 12 July 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

### **APOLOGIES:**

Mr Will Webster

### **OFFICERS PRESENT:**

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

### **CONFIRMATION OF MINUTES**

MOVED: Graham Gaston    SECONDED: Denise Tipper

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Tuesday, 15 June 2010 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED**

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 090/81/2010/C2 – 182 KING WILLIAM ROAD, HYDE PARK 5061 (UNLEY PARK)**

Brygida Minkus, Kathrine Kallinicos, Arthur and Shirley Robertson, representors and Alex and Dianna Rahbar, applicant, addressed the Panel in respect for this Item.

MOVED: Don Donaldson

SECONDED Graham Gaston

That Development Application 090/81/2010/C2 at 182 King William 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 proposal fails to enhance desired character or complement the siting, form or key elements as expressed within the Policy Area
- The development does not respect the streetscape context or contribute positively to the desired character
- The replacement building does not make a comparable or more positive contribution to the desired character than the building it replaces
- The development does not present a single storey built scale to the streetscape
- The double garage is located under the main roof and does not adopt a recessive building presence.

**CARRIED**

## **ITEM 2**

### **DEVELOPMENT APPLICATION – 090/1022/2009/C2 – 286 FULLARTON ROAD, FULLARTON 5063 (PARKSIDE)**

Tom and Melissa McRoe, representor and Julie Blackmore from Master Plan spoke on behalf of the applicant and addressed the Panel in respect for this Item.

MOVED: Rob Sangster

SECONDED Mike Hudson

That Development Application 090/1022/2009/C2 at 286 Fullarton Road, 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. That a detailed landscaping plan which indicates the species, height and location of proposed trees and shrubs on the site, shall be submitted to and approved by Council prior to the issue of Building Rules Consent.
3. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
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.

## **Item 2**

### **Development Application – 090/1022/2009/C2 – 286 Fullarton Road, Fullarton 5063 (Parkside) - Continued**

5. 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.
6. Details of security lighting within the car parking area shall be designed in accordance with the relevant Australian Standard(s) and be submitted to the reasonable satisfaction of Council prior to the issue of Building Rules Consent.
7. The following information shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent:
  - Driver sightlines shall be confirmed for the car parking aisle / access aisle junction immediately adjacent the modified access point on Fullarton Road during detailed design. Should appropriate sight distances not be met for vehicles turning right out of the car parking aisle into the access aisle, the right turn out of the car parking aisle shall be banned. Appropriate line marking and signage will be required to be implemented to reinforce the desired traffic flow.
  - All car parking, vehicle manoeuvring areas and access points shall be designed in accordance with AS/NZS 2890.1 – 2004.
  - The final access design shall minimise the potential conflict between the access point and the adjacent Fullarton Road / Campbell Road junction.
  - The access point shall be clearly line marked and signed to delineate the desired traffic flow.
  - Vehicular and pedestrian sight lines shall be confirmed for the existing pylon sign during detailed design, Should sight line requirements not be met, the pylon sign shall be relocated to a position that does not restrict sight lines.
8. That the proximity of the masonry wall extended to the intersection of Fullarton Road shall be determined in consultation with Council's Manager Traffic and Transport having regard to Australian Standards 1742.2 in relation to sight distance. Details to be provided to Council's satisfaction prior to the issue of Building Rules Consent.

#### **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 developer or owner.

## **Item 2**

### **Development Application – 090/1022/2009/C2 – 286 Fullarton Road, Fullarton 5063 (Parkside) – Continued**

- 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 3**

### **DEVELOPMENT APPLICATION – 090/209/2010/NC – 84 KING WILLIAM ROAD, GOODWOOD 5034 (UNLEY)**

MOVED: Graham Gaston

SECONDED Denise Tipper

That Development Application 090/209/2010/NC at 84 King William Road, Goodwood 5034 is not 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 4**

### **DEVELOPMENT APPLICATION – 090/22/2010/C2 – 5 CLARK STREET, WAYVILLE 5034 (GOODWOOD)**

Mr Zac Tsangari spoke on behalf of Christos Tsangari, representor, and addressed the Panel in respect for this Item.

MOVED: Denise Tipper

SECONDED Mike Hudson

That Development Application 090/22/2010/C2 at 5 Clark Street, 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.

#### **NOTES PERTAINING TO PLANNING CONSENT:**

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

#### **Item 4**

#### **Development Application – 090/22/2010/C2 – 5 Clark Street, Wayville 5034 (Goodwood) - Continued**

- 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](http://www.lsc.sa.gov.au).
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

**CARRIED**

#### **ITEM 5**

#### **DEVELOPMENT APPLICATION – 090/143/2010/C2 – 9 FAIRFORD STREET, UNLEY 5061 (PARKSIDE)**

Lorraine Securo, representor, addressed the Panel in respect for this Item.

MOVED: Don Donaldson

SECONDED Rob Sangster

That Development Application 090/143/2010/C2 at 9 Fairford 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 (*including correspondence from Marlene Bennett dated 11 May 2010*) 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 developer or owner.

### **Item 5**

#### **Development Application – 090/143/2010/C2 – 9 Fairford Street, Unley 5061 (Parkside) – Continued**

- 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](http://www.lsc.sa.gov.au)

**CARRIED**

### **ITEM 6**

#### **DEVELOPMENT APPLICATION – 090/434/2010/C2 – 15 DOVER STREET, MALVERN 5061 (UNLEY PARK)**

MOVED: Graham Gaston

SECONDED Don Donaldson

That Development Application 090/434/2010/C2 at 15 Dover Street, Malvern 5061 is not 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.

#### **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**.

**CARRIED**

### **ITEM 7**

#### **DEVELOPMENT APPLICATION – 090/184/2010/C2 – 42 ESMOND STREET, HYDE PARK 5061 (UNLEY PARK)**

Robert Bourman, representor and Margaret Lemmey and Kiha Bastian, applicants, addressed the Panel in respect for this Item.

MOVED: Denise Tipper

SECONDED: Rob Sangster

**Item 7**

**Development Application – 090/184/2010/C2 – 42 Esmond Street, Hyde Park 5061 (Unley Park) – Continued**

That Development Application 090/184/2010/C2 at 42 Esmond Street, Hyde Park 5061 is not at variance with the provisions of the Development Plan and should be Refused Planning Consent.

**LOST**

MOVED: Don Donaldson

SECONDED Graham Gaston

That Development Application 090/184/2010/C2 at 42 Esmond Street, Hyde Park 5061 is not at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application including correspondence from Freedom Pools dated 4 June 2010 and 5 July 2010 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.

**NOTES PERTAINING TO PLANNING CONSENT:**

- Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.
- 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.

**CARRIED**

Denise Tipper left the chambers at 8.45pm and returned at 8.46pm.

**ITEM 8**

**DEVELOPMENT APPLICATION – 090/285/2010/C2 – 5 MIEGUNYAH AVENUE, UNLEY PARK 5061 (UNLEY PARK)**

Chris Vounasis spoke on behalf of John and Vera Nardelli, representors and David Hutchinson from Access planning spoke on behalf of the applicant and addressed the Panel in respect for this Item.

MOVED: Denise Tipper

SECONDED Terry Tysoe

**Item 8****Development Application – 090/285/2010/C2 – 5 Miegunyah Avenue, Unley Park 5061 (Unley Park) - Continued**

That Development Application 090/285/2010/C2 at 5 Miegunyah Avenue, Unley Park 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent the following reasons:

- The proposal fails to satisfy Council Wide Principles of Development Control 19 in that the proposal overlooks the adjoining properties; and
- The proposal fails to satisfy Council Wide Principles of Development Control 97 in that direct overlooking occurs to habitable room windows and useable private open spaces of other dwellings.

**CARRIED**

**ITEM 9****DEVELOPMENT APPLICATION – 090/138/2010/C2 – 10 JARVIS STREET, MILLSWOOD 5034 (UNLEY PARK)**

Jack Costello spoke on behalf of Sonja and Michael Scobie, representors and Rob Williams spoke on behalf of the applicant in respect for this Item.

MOVED: Rob Sangster

SECONDED Terry Tysoe

That Development Application 090/138/2010/C2 at 10 Jarvis Street, Millswood 5034 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application including correspondence from Williams Burton dated 17 June 2010 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.

**NOTES PERTAINING TO PLANNING CONENT:**

NIL

**CARRIED**

The Presiding Member adjourned the meeting at 9.44pm.

The meeting resumed at 9.48pm.



#### **ITEM 10**

#### **DEVELOPMENT APPLICATION – 090/276/2010/C2 – 14 MARION STREET, UNLEY 5061 (PARKSIDE)**

MOVED: Rob Sangster

SECONDED Mike Hudson

That Development Application 090/276/2010/C2 at 14 Marion Street, Unley 5061 is not 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.

#### **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](http://www.lsc.sa.gov.au).

**CARRIED**

#### **ITEM 11**

#### **DEVELOPMENT APPLICATION – 090/213/2010/C2 – 2-4 CASTLE STREET, PARKSIDE 5063 (PARKSIDE)**

MOVED: Mike Hudson

SECONDED Rob Sangster

That Development Application 090/213/2010/C2 at 2 Castle 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.

### **Item 11**

#### **Development Application – 090/213/2010/C2 – 2-4 castle street, 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. The landscaping, as approved by the Council, be established prior top 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 planning.

#### **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**

### **ITEM 12**

#### **DEVELOPMENT APPLICATION – 090/87/2010/C2 – 1 ARUNDEL AVENUE, MILLSWOOD 5034 (GOODWOOD SOUTH)**

MOVED: Graham Gaston

SECONDED Don Donaldson

That Development Application 090/87/2010/C2 at 1 Arundel Avenue, Millswood 5034 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent as it is at variance with Council Wide Objective 60 and Principles of Development Control 176 and 178 in that the subject tree;

- Makes an important contribution to the character and amenity of the local area;
- Forms a notable visual element to the landscape of the local area;
- Contributes to habitat value of an area;
- Is not diseased or has a short life expectancy;
- Does not represent an unacceptable risk to private or public safety;
- Has not been shown 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 not been determined to be ineffective.

**CARRIED**

**ITEM 13****DEVELOPMENT APPLICATION – 090/381/2010/C2 – 284 YOUNG STREET, WAYVILLE 5034 (GOODWOOD)**

MOVED: Don Donaldson

SECONDED Graham Gaston

That Development Application 090/381/2010/C2 at 284 Young Street, Wayville 5034 is seriously 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 not short.
- The tree is not considered to present an unacceptable risk to either private and/or public safety.
- Remedial treatments and pruning options have not been properly explored.

**CARRIED****ITEM 14****DEVELOPMENT APPLICATION – 090/54/2010/C2 – 17 MAUD STREET, UNLEY 5061 (PARKSIDE)**

MOVED: Rob Sangster

SECONDED Mike Hudson

That Development Application 090/54/2010/C2 at 17 Maud Street, Unley 5061 is seriously 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 is not considered to present an unacceptable risk to either private and/or public safety.
- The tree is not shown to be causing or threatening substantial damage to a substantial building or structure of value.

**CARRIED****ITEM 15****DEVELOPMENT APPLICATION – 090/940/2009/C2 – 152 CROSS ROAD, MALVERN 5061 (UNLEY PARK)**

MOVED: Don Donaldson

SECONDED Graham Gaston

That Development Application 090/940/2009/C2 at 152 Cross Road, Malvern 5061 is not considered to be 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

## **Item 15**

### **Development Application – 090/940/2009/C2 – 152 Cross Road, Malvern 5061 (Unley Park) - Continued**

conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

2. That the upper floor windows to the north, east and west 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.
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. All associated costs relating to the creation of a new vehicle crossover shall be met by the applicant (including line marking).
5. That the landscaping, as indicated on the approved plans and details, shall be established within three (3) months of the completion of the development and thereafter shall be maintained in good health and condition to the satisfaction of Council.

#### **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 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.
- 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.
- 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](http://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**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 16  
PLANNING APPEAL – ERD COURT ACTION  
NO.  
GOODWOOD OVAL 1 CURZON AVENUE  
MILLSWOOD (D.A. 090/929/2009C3)

**ITEM NUMBER:** 16A

**DATE OF MEETING:** 12 July 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

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### **PURPOSE**

To recommend that Item 16 be considered in confidence at the 12 July 2010 Development Assessment Panel meeting.

MOVED: Graham Gaston  
SECONDED: Rob Sangster

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
  - Denise Tipper
  - Michael Hudson
  - Rob Sangster
  - Graham Gaston

- Don Donaldson
- Mayor Richard Thorne
- 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**

Prior to debate on this Item, Terry Tysoe declared a conflict of interest and left the meeting at 10.15pm.

Don Donaldson took over as Presiding Member for this Item.

**ITEM 16**

**DEVELOPMENT APPLICATION – 090/929/2009/C3 – GOODWOOD OVAL, 1 CURZON AVENUE, MILLSWOOD 5034 (GOODWOOD SOUTH)**

MOVED: Mike Hudson

SECONDED: Rob Sangster

- C. That the report be received; and
- D. That the Environment, Resources and Development Court be advised that the Development Assessment Panel reaffirms its decision of 9 March 2010 as the compromise proposal does not adequately address the grounds for refusal.

**CARRIED**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 16  
DEVELOPMENT APPLICATION –  
090/929/2009/C3 – GOODWOOD OVAL, 1  
CURZON AVENUE MILLSWOOD

**ITEM NUMBER:** 16B

**DATE OF MEETING:** 12 July 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

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## RECOMMENDATION

MOVED: Rob Sangster  
SECONDED: Graham Gaston

That:

1. The report be received.
2. Pursuant to section 56A(16) of the Development Act 1993, as amended:

2.1 The

- ☒ Report
- ☒ Attachments

For this Item remain confidential on the basis that the documentation referring to ERD Action No. 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**

Terry Tysoe returned to the meeting at the conclusion of the debate at 10.28pm.

## **DECISION REPORT**

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 17  
PLANNING APPEAL – ERD COURT ACTION  
NO. 10-127  
6 AUSTRAL TERRACE MALVERN (D.A.  
090/889/2009/C2)

**ITEM NUMBER:** 17A

**DATE OF MEETING:** 12 July 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

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## **PURPOSE**

To recommend that Item 17 be considered in confidence at the  
12 July 2010 Development Assessment Panel meeting.

## **RECOMMENDATION**

MOVED: Graham Gaston  
SECONDED: Don Donaldson

That:

3. The report be received.
4. 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
- Denise Tipper
- Michael Hudson
- Rob Sangster
- Graham Gaston
- Don Donaldson
- Mayor Richard Thorne
- 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.

**CARRIED**

**ITEM 17**

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

MOVED: Rob Sangster

SECONDED Graham Gaston

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/889/2009/C2 at 6 Austral Terrace, Malvern 5061, that the Development Assessment Panel concedes the appeal based on compromise plans identified as *Drawing # ML-092-PA02 & PA03 Revision J* 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.

**Item 17**

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

- 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](http://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.

**CARRIED**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 17  
DEVELOPMENT APPLICATION –  
090/899/2009/C2 – 6 AUSTRAL TERRACE  
MALVERN

**ITEM NUMBER:** 17B

**DATE OF MEETING:** 12 July 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

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## RECOMMENDATION

MOVED: Mike Hudson  
SECONDED: Rob Sangster

That:

1. The report be received.
2. Pursuant to section 56A(16) of the Development Act 1993, as amended:

2.3 The

- ☒ Report
- ☒ Attachments

For this Item remain confidential on the basis that the documentation referring to ERD Action No. 10-127 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**

MOVED: Mike Hudson,     SECONDED: Rob Sangster that the Ordinary Meeting of the Development Assessment Panel resume in Public.

**CARRIED**

The Chamber doors were opened at 10.36pm.

**CLOSURE**

The Presiding Member declared the meeting closed at 10.42pm.

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**PRESIDING MEMBER**

NEXT MEETING  
Monday, 9 August 2010