

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of meeting held Monday, 8 November 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 Don Donaldson
Mr Graham Gaston
Mr Mike Hudson
Mr Rob Sangster
Ms Denise Tipper
Mr Will Webster

APOLOGIES:

OFFICERS PRESENT:

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

CONFIRMATION OF MINUTES

MOVED: Graham Gaston SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday, 11 October 2010 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

Prior to debate on this Item, Rob Sangster, Denise Tipper and Mike Hudson declared a conflict of interest and left the meeting at 7.03pm.

Don Donaldson declared that he worked with one of the representors but did not see it as a conflict of interest.

ITEM 1

DEVELOPMENT APPLICATION – 090/174/2010/C2 – GOODWOOD ORPHANAGE PARK, 181A GOODWOOD ROAD, MILLSWOOD SA 5034 (UNLEY PARK)

Michael Scobie, representor and Deb Richardson, on behalf of the applicant, addressed the Panel in respect for this item.

MOVED: Graham Gaston

SECONDED: Don Donaldson

That Development Application 090/174/2010/C2 at Goodwood Orphanage Park, 181A Goodwood Road, Millswood SA 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 trees (2x Eucalyptus camaldulensis and 1x Schinus areira) 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

Rob Sangster, Denise Tipper and Mike Hudson returned to the meeting at 7.18pm.

ITEM 2

DEVELOPMENT APPLICATION – 090/386/2010/C2 – 188 GREENHILL ROAD, PARKSIDE 5063 (PARKSIDE)

MOVED: Will Webster

SECONDED: Graham Gaston

That Development Application 090/386/2010/C2 at 188 Greenhill Road, Parkside 5063 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.
3. That all mechanical services be designed and operated so that no nuisance or inconvenience is caused to occupiers of the buildings in the locality.
4. That the approved waste disposal facilities and waste enclosure shall be installed and operative prior to occupation of the development.
6. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

Item 2

Development Application – 090/386/2010/C2 – 188 Greenhill Road, Parkside 5063 (Parkside) - Continued

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**.
- 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.
- 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.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- The existing back of footpath levels must be retained.
- No signs to be erected or displayed without the prior consent of Council.
- No residential parking permits for on street parking will be available from Council for residents of the apartment building.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/321/2010/C2 – 5 LANGHAM TERRACE, UNLEY SA 5061 (UNLEY)

Ron Green spoke on behalf of Felicity Green, representor, addressed the Panel in respect for this item.

MOVED: Graham Gaston

SECONDED: Will Webster

That Development Application 090/321/2010/C2 at 5 Langham Terrace, 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

Item 3

Development Application – 090/321/2010/C2 – 5 Langham Terrace, Unley SA 5061 (Unley) - Continued

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

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- That any 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

Will Webster declared that he knew the Applicant but did not see this as a conflict of interest.

ITEM 4

DEVELOPMENT APPLICATION – 090/528/2010/C2 – 21 GROVE STREET, UNLEY PARK 5061 (UNLEY PARK)

Graham Foord, representor, and Mr Greg Jaunay, applicant, addressed the Panel in respect for this item.

MOVED: Rob Sangster

SECONDED: Graham Gaston

That Development Application 090/528/2010/C2 at 21 Grove 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. 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.

Item 4

Development Application – 090/528/2010/C2 – 21 Grove Street, Unley Park 5061 (Unley Park) - 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.
- 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 – 090/177/2010/C2 – 47 ALFRED STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Denise Tipper

SECONDED: Mike Hudson

That Development Application 090/177/2010/C2 at 47 Alfred 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. 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).

CARRIED

ITEM 6

DEVELOPMENT APPLICATION – 090/456/2010/C2 – 93 CAMBRIDGE TERRACE, MALVERN 5061 (UNLEY PARK)

MOVED: Rob Sangster

SECONDED: Don Donaldson

That Development Application 090/456/2010/C2 at 93 Cambridge Terrace, Malvern 5061 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by

Item 6

Development Application – 090/456/2010/C2 – 93 Cambridge Terrace, Malvern 5061 (Unley Park) - Continued

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

2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the upper floor north and east facing 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.
4. 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.
5. 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**.
- 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 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

ITEM 7**DEVELOPMENT APPLICATION – 090/680/2010/C2 – 44 WILLIAM STREET, CLARENCE PARK 5034 (GOODWOOD SOUTH)**

MOVED: Mike Hudson

SECONDED: Graham Gaston

That Development Application 090/680/2010/C2 at 44 William 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 development does not respect the streetscape context or contribute positively to the desired character.
- The second storey is not integrated sympathetically into the dwelling design.
- The double garage is located under the main roof and does not adopt a recessive building presence.

CARRIED**ITEM 8****DEVELOPMENT APPLICATION – 090/714/2010/C2 – 16 WOODHURST AVENUE, HYDE PARK 5061 (UNLEY PARK)**

Mr Andrew Hannaford spoke on behalf of Ms Elizabeth Hannaford, representor, and Mr David Santon, applicant, addressed the Panel in respect for this item.

MOVED: Denise Tipper

SECONDED: Don Donaldson

That Development Application 090/714/2010/C2 at 16 Woodhurst 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.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.

CARRIED

Prior to debate on this Item, Denise Tipper declared a conflict of interest and left the meeting at 8.59pm.

ITEM 9

DEVELOPMENT APPLICATION – 090/313/2010/C2 – 40 HARDY STREET, GOODWOOD 5034 (GOODWOOD)

MOVED: Don Donaldson

SECONDED: Rob Sangster

That Development Application 090/313/2010/C2 at 40 Hardy 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:

- That details of any air-conditioning 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
- Your attention is drawn to the requirements of **Development Regulation 76C- Fire Safety Requirements - Brush Fences**.

It is a requirement for the purpose of building rules assessment that brush fences (existing, proposed or altered) must be clearly identified on all documentation to be lodged for building rules consent. Brush fences within 3 metres of any dwelling will require development approval.

CARRIED

Denise Tipper returned to the meeting at 9pm.

The Presiding Member adjourned the meeting at 9pm.
The meeting resumed at 9.04pm.

ITEM 10

DEVELOPMENT APPLICATION – 090/731/2010/C2 – HUGHES STREET, UNLEY (UNLEY)

MOVED: Graham Gaston

SECONDED: Rob Sangster

That Development Application 090/731/2010/C2 at Hughes Street, Unley 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 *Melia Azedarach* (White Cedar) 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.

CARRIED

ITEM 11

DEVELOPMENT APPLICATION – 090/672/2010/C2 – 134 CROSS ROAD, HIGHGATE 5063 (FULLARTON)

MOVED: Don Donaldson

SECONDED: Denise Tipper

That Development Application 090/672/2010/C2 at 134 Cross Road, Highgate 5063 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The subject tree forms a notable visual element to the character and amenity of the local area.
- The subject tree is not diseased and life expectancy not considered short.
- The subject tree is not considered to present an unacceptable risk to public and or private safety.
- The subject tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

CARRIED

ITEM 12

DEVELOPMENT APPLICATION – 090/808/2010/C2 – WATTLE STREET, FULLARTON (PARKSIDE)

MOVED: Graham Gaston

SECONDED: Will Webster

That Development Application 090/808/2010/C2 at Wattle Street, Fullarton 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 two (2) significant trees *Agonis Flexuosa*'s (Willow Myrtle) 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 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 13

DEVELOPMENT APPLICATION – 090/685/2010/C2 – 34 ETON STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Don Donaldson

SECONDED: Rob Sangster

That Development Application 090/685/2010/C2 at 34 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. 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.

Item 13

Development Application – 090/685/2010/C2 – 34 Eton Street, 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.

CARRIED

ITEM 14

DEVELOPMENT APPLICATION – 090/675/2010/C2 – 11 DOVER STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Graham Gaston

SECONDED: Rob Sangster

That Development Application 090/675/2010/C2 at 11 Dover 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 globulus*) 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**.
- 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 15

DEVELOPMENT APPLICATION – 090/368/2010/C2 – 1 HOMER ROAD, CLARENCE PARK 5034 (GOODWOOD SOUTH)

MOVED: Don Donaldson

SECONDED: Graham Gaston

That Development Application 090/368/2010/C2 at 1 Homer Road, 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

Item 15

Development Application – 090/368/2010/C2 – 1 Homer Road, Clarence Park 5034 (Goodwood South) - Continued

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, except those south facing) 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 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.
5. An acoustic report, prepared by a suitably qualified engineer, demonstrating appropriate acoustic attenuation measures, be submitted to the satisfaction of Council prior to the issuing of Development Approval.

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 16

DEVELOPMENT APPLICATION – 090/245/2010/C2 – 40 WATTLE STREET, FULLARTON 5063 (PARKSIDE)

MOVED: Denise Tipper

SECONDED: Graham Gaston

That Development Application 090/245/2010/C2 at 40 Wattle Street, Fullarton 5063 is at variance with the provisions of the Development Plan (PDC 175, 177, 178 and 179) and should be REFUSED Planning Consent for the following reasons:

- The development has not been designed and undertaken to retain and protect a significant tree.
- The proposed works would adversely affect the structural integrity and health of the tree.
- It has not been demonstrated that reasonable alternative development options and design solutions have been considered.

CARRIED

ITEM 17

DEVELOPMENT APPLICATION – 090/274/2010/C2 – 5 ALLEN GROVE, UNLEY 5061 (UNLEY)

MOVED: Rob Sangster

SECONDED: Mike Hudson

That Development Application 090/274/2010/C2 at 5& 5A Allen Grove, Unley 5061 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That 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 applicant shall ensure that a tree protection zone of minimum 8m radius around the significant tree is created prior to the commencement of any building work on site. For this purpose, no excavation, construction or storage of materials shall occur within the protection zone. Further to this, tree protection fencing a minimum radius of 3m around the tree shall be installed prior to the commencement of any work on site and shall remain until the completion of all building works.

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.

Item 17

Development Application – 090/274/2010/C2 – 5 Allen Grove, Unley 5061 (Unley) – Continued

- 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

ITEM 18

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

MOVED:Graham Gaston

SECONDEDWill Webster

1. That the removal of the subject significant tree (*Eucalyptus Nicholii*) 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.

LOST

MOVED: Mike Hudson

SECONDED: Rob Sangster

That Development Application 090/708/2010/C2 at 284 Young Street, Wayville 5034 (Goodwood) 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 contributes to the habitat value to the area individually.
- The tree is not diseased and the life expectancy is not short.

Item 18**Development Application – 090/708/2010/C2 – 284 Young Street, Wayville 5034 (Goodwood) - Continued**

- The tree does not represent an unacceptable risk to public or private safety.
- The tree is not shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

CARRIED

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 20
26 BYRON ROAD, BLACK FOREST 5035 –
090/428/2010/C2

ITEM NUMBER: 19

DATE OF MEETING: 8 November 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 20 be considered in confidence at the
8 November 2010 Development Assessment Panel meeting.

RECOMMENDATION

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:

- 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
- Will Webster
- Don Donaldson
- Mayor Richard Thorne
- Kelley Jaensch, Executive Assistant City Development
- Rachel Thiele

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 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

ITEM 20

DEVELOPMENT APPLICATION – 090/428/2010/C2 – 26 BYRON ROAD, BLACK FOREST 5035 (GOODWOOD SOUTH)

MOVED: Graham Gaston

SECONDED: Don Donaldson

That Development Application 090/428/2010/C2 at 26 Byron Road, Black Forest 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 (Narrow Leaved Black Peppermint (*Eucalyptus nicholii*)) 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. A replacement tree, species and location to be approved in writing by Council, shall be planted on the subject land within three (3) months of the date of removal of the Narrow Leaved Black Peppermint (*Eucalyptus nicholii*) tree subject of this application. Furthermore, at the time of planting, the replacement tree shall be at least 2 metres in height.
3. The replacement tree shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Should the replacement tree become dead or diseased, it must be replaced forthwith with a tree of the same species and height.

Item 20

**Development Application – 090/428/2010/C2 – 26 Byron Road, Black Forest 5035
(Goodwood South) - Continued**

4. In the event of any development work on the subject land, measures to protect the replacement tree must be undertaken to the reasonable 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**.

CARRIED

MOVED: Graham Gaston

SECONDED: Rob Sangster

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

CARRIED

The Chamber doors were opened at 10.01pm.

CLOSURE

The Presiding Member declared the meeting closed at 10.08pm.

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PRESIDING MEMBER

NEXT MEETING

Thursday, 16 December 2010