

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Meeting held Monday, 10 October 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
Mr Rob Sangster
Mr Don Palmer
Mr Rufus Salaman

APOLOGIES:

Dr Lissa Van Camp
Mr Brenton Burman

OFFICERS PRESENT:

Ms Victoria Minenko, Acting General Manager,
Corporate Services
Mr Paul Weymouth, Manager Development
Mr Donny Michel, Team Leader Planning
Ms Rachel Theile, Development Administration

CONFIRMATION OF MINUTES

MOVED: Don Palmer

SECONDED: Roger Freeman

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday 12 September 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/492/2011/C2 – 15 DUNKS STREET, PARKSIDE 5063 (UNLEY)

Mr Grant Higginson, Mr Scott Dalling, Ms Martha Kent, representors, and Mr Eric Pagnozzi on behalf of Medallion Homes, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rufus Salaman

That Development Application 090/492/2011/C2 at 15 Dunks Street, Parkside 5063 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That details of colours, materials and finishes shall be submitted to the satisfaction of Council prior to the issue of Building Rules Consent.
4. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
5. That a dilapidation report be prepared prior to demolition to enable the location and condition of structures on adjoining properties to be documented and protected during the demolition and construction process.
6. The applicant shall ensure that the boundaries are clearly defined, by a Licensed Surveyor, to council's satisfaction prior to the issue of building rules consent.

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 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 2

DEVELOPMENT APPLICATION – 090/44/2011/C3 – 50-54 DUTHY STREET, MALVERN 5061 (UNLEY PARK)

Ms Susan Mitchell, Ms Olivia Muller, representors, and Mr Basil Kyrtzoulis, applicant, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Don Palmer

That Development Application 090/44/2011/C3 at 50-54 Duthy Street, Malvern 5061 should be DEFERRED to enable:

- Actual noise levels from the air conditioning units to be measured during operation and assessed against the provisions of the Environment Protection Act and Regulations 1993.
- The applicant to consider further alternative locations to minimise visual impact of the air conditioning units.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/536/2011/C2 – 3 / 4 DEVON STREET (NORTH), GOODWOOD 5034 (GOODWOOD)

Mr Simeon Finch, representor, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/536/2011/C2 at 3 / 4 Devon Street (North), 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. That the removal of the subject significant tree (Ficus elastica – Rubber Tree) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).

NOTES PERTAINING TO PLANNING CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- 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 4

DEVELOPMENT APPLICATION – 090/118/2011/C2 – 22 RUTLAND AVENUE, UNLEY PARK 5061 (UNLEY PARK)

Mr Eric Pagnozzi on behalf of Medallion Homes Pty Ltd, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/118/2011/C2 at 22 Rutland Avenue, Unley Park 5061 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- 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.

CARRIED

ITEM 5
DEVELOPMENT APPLICATION – 090/525/2011/C2 – 15 ESSEX STREET
(NORTH), GOODWOOD 5034 (GOODWOOD)

Mr John Harper, Ms Christine Koch, representors, and Mr Joe Castello, applicant, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Rob Sangster

That Development Application 090/525/2011/C2 at 15 Essex Street (North), 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 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.
- 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

ITEM 6

DEVELOPMENT APPLICATION – 090/322/2011/C2 – 28 GLEN OSMOND ROAD, PARKSIDE 5063 (PARKSIDE)

MOVED: Don Palmer

SECONDED: Roger Freeman

That Development Application 090/322/2011/C2 at 28 Glen Osmond 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. No stormwater from this development is permitted to discharge on-surface to Glen Osmond Road. In addition, any existing drainage of the road is to be accommodated by the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the developer.
3. All general overhead lighting associated with the landscape design centre shall be turned off by 10:00pm after which time; the only lighting shall be low bollards for security purposes only.
4. All lighting shall be directed and baffled so as to cause no light-spill nuisance to any person living in the vicinity of the subject land or any person using an adjacent public road.
5. The hours of operation of the premises not exceed the following period:
 - 8.30am to 6.00pm Monday to Saturday (excluding Thursday)
 - 8.30am to 9.00pm Thursday
 - 10.00am to 6.00pm Sunday
6. That the area in south-western corner of the proposed carpark be reserved as a 'no parking' zone at all times to allow sufficient space for manoeuvring of vehicles using the car park. A sign indicating 'no parking at all times' must be erected for this space prior to occupation.
7. That the carpark shall be sealed and line marked to the satisfaction of Council prior to occupation.

NOTES PERTAINING TO PLANNING CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- That details of any air-conditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/555/2011/C2 – 59 EDMUND AVENUE, UNLEY 5061 (UNLEY)

MOVED: Roger Freeman

SECONDED: Don Palmer

That Development Application 090/555/2011/C2 at 59 Edmund Avenue, Unley 5061 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. That the removal of the subject significant tree (Rose Gum) 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.
- 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 8

DEVELOPMENT APPLICATION – 090/331/2011/C2 – 2 / 28 ADDISON ROAD, BLACK FOREST SA 5035 (GOODWOOD SOUTH)

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/331/2011/C2 at 2 / 28 Addison Road, Black Forest SA 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. 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.

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

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

CARRIED

ITEM 9

DEVELOPMENT APPLICATION – 090/574/2011/C2 – 2 CHURCH STREET, HIGHGATE SA 5063 (FULLARTON)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/574/2011/C2 at 2 Church Street, Highgate SA 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 10

DEVELOPMENT APPLICATION – 090/59/2011/C2 – 18 BARR-SMITH AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

MOVED: Don Palmer

SECONDED: Roger Freeman

That Development Application 090/59/2011/C2 at 18 Barr-Smith Avenue, 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. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. The landscaping, as indicated in 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. Any dead or diseased plants or trees shall be replaced to the reasonable satisfaction of Council.

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

ITEM 11

DEVELOPMENT APPLICATION – 090/544/2011/C2 – 14 SHORT STREET, WAYVILLE SA 5034 (GOODWOOD)

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/544/2011/C2 at 14 Short 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.
3. That the finished floor levels of garaging match the existing footpath levels at the property boundary, further details to be provided prior to the issuing of Building Rules Consent.

NOTES PERTAINING TO PLANNING CONSENT:

- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out by Council at full cost to the **applicant**.
- 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.
- 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.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

CARRIED

ITEM 12

DEVELOPMENT APPLICATION – 090/511/2010/C2/A – 26 WELLER STREET, GOODWOOD SA 5034 (GOODWOOD)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/511/2010/C2/A at 26 Weller 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. That the removal of the subject significant tree Persian Walnut (*Juglans Regia*) 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).
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.

Variation to 090/511/2010/C2 - change to finished floor level, windows

4. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
5. That the southern (rear) upper floor windows to be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.

NOTES PERTAINING TO PLANNING CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- 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 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 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 – 090/469/2011/C2 – 3 ST. HELEN STREET, PARKSIDE SA 5063 (PARKSIDE)

Mr James Hafner, applicant, addressed the Panel regarding the above item.

MOVED: Don Palmer

That Development Application 090/469/2011/C2 at 3 St. Helen Street, Parkside 5063 is at variance with the provisions of the Development Plan and should be REFUSED.

The motion of Don Palmer **LAPSED** for want of a SECONDER.

MOVED: Rob Sangster

SECONDED: Terry Tysoe

That Development Application 090/469/2011/C2 at 3 St. Helen 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 (River Red Gum) 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 14

DEVELOPMENT APPLICATION – 090/315/2011/NC – 75 FAIRFORD STREET AND 199 UNLEY ROAD, UNLEY SA 5061 (UNLEY)

MOVED: Rufus Salaman

SECONDED: Don Palmer

That Development Application 090/315/2011/NC at 75 Fairford Street, Unley 5061 be GRANTED Planning Consent subject to the CONCURRENCE of the Development Assessment Commission and 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 hours of operation of the premises shall be restricted to the following times:
 - 8.30 am to 5.30 pm Monday to Friday;
 - 9.00 am to 12.30pm Saturday.

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 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.

CARRIED

ITEM 15**DEVELOPMENT APPLICATION – 090/609/2011/C2 – 11 MYRTLE AVENUE,
MYRTLE BANK SA 5064 (FULLARTON)**

MOVED: Don Palmer

SECONDED: Rob Sangster

That Development Application 090/609/2011/C2 at 11 Myrtle 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. That the removal of the subject significant tree (*Eucalyptus viminalis* subsp. Manna Gum) 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:

- 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 16****DEVELOPMENT APPLICATION – 090/697/2011/C2 – DORA GILD PLAY PARK,
CHURCHILL AVENUE, CLARENCE PARK SA 5034 (GOODWOOD SOUTH)**

MOVED: Rob Sangster

SECONDED: Rufus Salaman

That Development Application 090/697/2011/C2 at Dora Gild Play Park, Churchill Avenue, Clarence Park 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 tree (*Lagunaria patersonii* (Norfolk Island Hibiscus)) 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 a semi-mature replacement tree (minimum height of 1.5m) be replanted a suitable species. 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.

NOTES PERTAINING TO PLANNING CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

CARRIED

ITEM 17

DEVELOPMENT APPLICATION – 090/700/2011/NC – 94-98 ANZAC HIGHWAY, EVERARD PARK 5035 (GOODWOOD)

MOVED: Don Palmer

SECONDED: Rufus Salaman

That pursuant to Development Regulation 17(3)(b) of the Development Regulations the Development Assessment Panel proceed with an assessment of the application.

CARRIED

ITEM 18

CONFIDENTIALITY MOTION FOR ITEM 19

DEVELOPMENT APPLICATION – 20 ETHEL STREET, FORESTVILLE – 090/34/2011/C2

MOVED: Don Palmer

SECONDED: Roger Freeman

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:
 - Victoria Minenko, Acting General Manager, Corporate Services
 - Paul Weymouth, Manager Development
 - Donny Michel, Team Leader Planning
 - Rachel Theile, Development Administration

on the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believes on reasonable grounds will take place.

CARRIED

The chamber doors were closed at 8.42pm.

ITEM 20
CONFIDENTIALITY MOTION FOR ITEM 19
DEVELOPMENT APPLICATION – 20 ETHEL STREET, FORESTVILLE –
090/34/2011/C2

MOVED: Rob Sangster
SECONDED: Rufus Salaman

That:

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

2.1 The

- ☒ Minutes
- ☒ Report
- ☒ Attachments

For this Item remain confidential on the basis that the documentation referring to 20 Ethel Street, Forestville is to remain confidential on the basis that the disclosure of the information may prejudice Council's position.

- 2.2 The report will be kept confidential until such time as the appeal has been determined and the order is reviewed by the Chief Executive Officer in December 2011.

CARRIED

The chamber doors were opened at 8.46pm.

CLOSURE

The Presiding Member declared the meeting closed at 8.59pm.

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PRESIDING MEMBER

NEXT MEETING

Monday, 14 November 2011