

## CITY OF UNLEY

### DEVELOPMENT ASSESSMENT PANEL

Minutes of the meeting held Monday, 13 September 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 Don Donaldson (Deputy Presiding Member)  
Mr Graham Gaston  
Mr Mike Hudson  
Mr Rob Sangster  
Ms Denise Tipper  
Mr Will Webster

#### APOLOGIES:

Mr Terry Tysoe (Presiding Member)

#### 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

#### CONFIRMATION OF MINUTES

MOVED: Rob Sangster      SECONDED: Will Webster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Thursday, 26 August 2010 as printed and circulated, be taken as read and signed as a correct record.

CARRIED

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 090/501/2010/C3 – 12 BIRKDALE AVENUE, CLARENCE PARK 5034 (GOODWOOD SOUTH)**

Withdrawn at the request of the applicant.

## **ITEM 2**

### **DEVELOPMENT APPLICATION – 090/426/2010/C2 – 78 CAMBRIDGE TERRACE, MALVERN 5061 (UNLEY PARK)**

Gina Pearce and Lisa Spanos, representors (on behalf of the owners of 80 Cambridge), and Mr and Mrs Kotsionis, applicant, addressed the Panel in respect for this Item..

MOVED:Rob Sangster

SECONDED Will Webster

That Development Application 090/426/2010/C2 at 78 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 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:**

1. 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.
2. 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).
3. 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.
4. 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 3**

#### **DEVELOPMENT APPLICATION – 090/187/2010/C2 – 9 / 49 KENILWORTH ROAD, PARKSIDE 5063 (PARKSIDE)**

MOVED: Rob Sangster

SECONDED: Graham Gaston

That Development Application 090/187/2010/C2 at 9 / 49 Kenilworth 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. 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](http://www.lsc.sa.gov.au).
- 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.
- Further approvals are required. This is NOT a development approval, you cannot proceed. Provisional Building Rules Consent (and final Development Approval) and Strata Approval are required prior to any work starting on the site.

**CARRIED**

### **ITEM 4**

#### **DEVELOPMENT APPLICATION – 090/400/2010/C2 – 91 ROBSART STREET, PARKSIDE 5063 (PARKSIDE)**

MOVED: Mike Hudson

SECONDED: Graham Gaston

That Development Application 090/400/2010/C2 at 91 Robsart Street, Parkside 5063 is / 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 (*Cupressus macrocarpa*, Monetrey Cypress) and the pruning of another subject significant tree (*Cupressus macrocarpa*, Monetrey Cypress) shall be undertaken in accordance with the plans

#### **Item 4**

#### **Development Application – 090/400/2010/C2 – 91 Robsart Street, Parkside 5063 (Parkside) – Continued**

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.
- 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).

**CARRIED**

#### **ITEM 5**

#### **DEVELOPMENT APPLICATION – 090/549/2010/C2 – 23 NORTHGATE STREET, UNLEY PARK 5061 (UNLEY PARK)**

William Price, representor, addressed the Panel in respect for this Item.

MOVED: Graham Gaston

SECONDED: Rob Sangster

That Development Application 090/549/2010/C2 at 23 Northgate 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. That the removal of the subject significant tree (Melia azedarach White Cedar) 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**.
- 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 5**

#### **Development Application – 090/549/2010/C2 – 23 Northgate 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](http://www.lsc.sa.gov.au).

**CARRIED**

### **ITEM 6**

#### **DEVELOPMENT APPLICATION – 090/545/2010/C2 – 118 ROBSART STREET, PARKSIDE 5063 (PARKSIDE)**

MOVED :Mike Hudson

SECONDED: Denise Tipper

That Development Application 090/545/2010/C2 at 118 Robsart Street, Parkside 5063 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 Principle 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;
- Does not represent an unacceptable risk to public or private safety;
- Has not been shown to be causing, or threatening to cause, damage to a substantial structure of value; and
- All other reasonable remedial treatments and measures have not been determined to be ineffective

**CARRIED**

### **ITEM 7**

#### **DEVELOPMENT APPLICATION – 090/515/2010/C2 – 10 JOSLIN STREET, WAYVILLE 5034 (GOODWOOD)**

MOVED: Graham Gaston

SECONDED: Rob Sangster

That Development Application 090/515/2010/C2 at 10 Joslin 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.

### Item 7

#### Development Application – 090/515/2010/C2 – 10 Joslin Street, Wayville 5034 (Goodwood) - Continued

2. 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.
3. 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 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 8

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

Mr and Mrs D'Onofrio, applicants, addressed the Panel in respect for this Item.

MOVED: Graham Gaston

SECONDED: Rob Sangster

- That Development Application 090/245/2010/C2 at 40 Wattle Street, Fullarton 5063 be DEFFERED to enable clarification of submitted plans.

**CARRIED**

### ITEM 9

#### DEVELOPMENT APPLICATION – 090/305/2010/C2 – 73 WATTLE STREET, FULLARTON 5063 (FULLARTON)

MOVED: Graham Gaston

SECONDED: Will Webster

That Development Application 090/305/2010/C2 at 73 Wattle Street, Fullarton 5063 **is not** seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

## **Item 9**

### **Development Application – 090/305/2010/C2 – 73 Wattle Street, Fullarton 5063 (Fullarton) - Continued**

1. That the removal of the subject significant tree (*Eucalyptus maculata*) 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.
- 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 10**

### **DEVELOPMENT APPLICATION – 090/414/2010/C2 – 1 / 24 DOVER STREET, MALVERN 5061 (UNLEY PARK)**

MOVED: Rob Sangster

SECONDED: Graham Gaston

That Development Application 090/414/2010/C2 at 1 / 24 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 (*Fraxinus excelsior*- English Ash) 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:**

- 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**.

## Item 10

### Development Application – 090/414/2010/C2 – 1 / 24 Dover 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](http://www.lsc.sa.gov.au).

**CARRIED**

## ITEM 11

### DEVELOPMENT APPLICATION – 090/446/2010/C2 – 44 HILL STREET, PARKSIDE 5063 (PARKSIDE)

MOVED: Mike Hudson

SECONDED: Rob Sangster

That Development Application 090/446/2010/C2 at 44 Hill Street, Parkside 5063 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 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 all external materials and finishes shall be the same as or complementary to the existing building(s) on the site.

#### **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](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**.

**LOST**



### Item 11

#### Development Application – 090/446/2010/C2 – 44 Hill Street, Parkside 5063 (Parkside) - Continued

MOVED: Will Webster

SECONDED: Denise Tipper

That Development Application 090/446/2010/C2 at 44 Hill Street, Parkside 5063 should be REFUSED for the following reasons:

- The carport is considered to diminish the attractiveness of the streetscape;
- The carport is not considered compatible with the associated dwelling in terms of design and appearance;
- The carport will dominate the appearance of the associated dwelling
- The carport is considered to detract from the visual appearance of neighbouring dwellings.

**CARRIED**

### ITEM 12

#### DEVELOPMENT APPLICATION – 090/535/2010/C2 – 6 JENKINS AVENUE, MYRTLE BANK 5064 (FULLARTON)

MOVED: Rob Sangster

SECONDED: Graham Gaston

That Development Application 090/535/2010/C2 at 6 Jenkins Avenue, Myrtle Bank 5064 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

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

#### **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).

**Item 12**

**Development Application – 090/535/2010/C2 – 6 Jenkins Avenue, Myrtle Bank 5064 (Fullarton) - 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.

**CARRIED**

**DECISION REPORT**

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 14  
PLANNING APPEAL  
GOODWOOD OVAL, 1 CURZON AVENUE,  
MILLSWOOD 5034 – 090/929/2009/C3

**ITEM NUMBER:** 13

**DATE OF MEETING:** 13 September 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 14 be considered in confidence at the 13 September 2010 Development Assessment Panel meeting.

**RECOMMENDATION**

MOVED: Mike Hudson  
SECONDED: Will Webster

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

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**

**ITEM 14**

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

MOVED: Graham Gaston

SECONDED: Denise Tipper

- A. That the report be received; and
- B. That the Environment, Resources and Development Court be advised that the Development Assessment Panel accepts the compromise proposal as detailed in the correspondence received by Council on 16 June 2010 subject to the following conditions of consent:

That Development Application 090/929/2009/C3 at Goodwood Oval, 1 Curzon Avenue, Millswood 5034 be GRANTED planning consent subject to the following conditions:

1. That the development herein approved shall be undertaken in accordance with the amended proposal to the satisfaction of Council except where varied by conditions below (if any).
2. The conditions, where pertinent, of any Development Decisions in respect to the original overall development shall be complied with the reasonable satisfaction of Council at all times.
3. The use of the lighting system shall be restricted to the following hours:
  - 5:00pm to 9:30pm on Tuesdays;
  - 5:00pm to 9:30pm on Thursdays; and
  - 5:00pm to 8:30pm on Fridays.

Note: Except where varied by Condition 4.
4. That a maximum of four (4) night games per annum shall be played at the Oval. These games can only be played on Friday or Saturday nights and must conclude by 9:00pm and the Oval lights shall be turned off no later than 9:30pm.

**NOTES PERTAINING TO PLANNING CONSENT:**

Nil.

**CARRIED**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 14  
DEVELOPMENT APPLICATION – GOODWOOD  
OVAL, 1 CURZON AVENUE, MILLSWOOD 5034  
– 090/929/2009/C3

**ITEM NUMBER:** 15

**DATE OF MEETING:** 13 September 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: Mike Hudson

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 1 Curzon Avenue, Millswood 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**

Prior to debate on this item, Mike Hudson declared a conflict of interest and left the meeting at 8.34pm.

## **DECISION REPORT**

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 17  
PLANNING APPEAL  
34A OXFORD TERRACE, UNLEY 5061 –  
090/993/2009/C2

**ITEM NUMBER:** 16

**DATE OF MEETING:** 13 September 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 13 September 2010 Development Assessment Panel meeting.

## **RECOMMENDATION**

MOVED: Graham Gaston  
SECONDED: Will Webster

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

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**

**ITEM 17**

**DEVELOPMENT APPLICATION – 090/993/2009/C2 – 34A OXFORD TERRACE, UNLEY 5061 (UNLEY)**

MOVED: Will Webster

SECONDED: Rob Sangster

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/993/2009/C2 at 34A Oxford Terrace, Unley that the Development Assessment Panel concedes the appeal, subject to the following condition;
  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**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIALITY MOTION FOR ITEM 17  
DEVELOPMENT APPLICATION – 34A OXFORD  
TERRACE, UNLEY – 090/993/2009/C2

**ITEM NUMBER:** 18

**DATE OF MEETING:** 13 September 2010

**AUTHOR:** KELLEY JAENSCH

**JOB TITLE:** EXECUTIVE ASSISTANT CITY DEVELOPMENT

**RESPONSIBLE OFFICER:** CHRISTINE UMAPHYSIVAM

**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: Will Webster  
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

- Minutes
- Report
- Attachments

- 2.2 For this Item remain confidential on the basis that the documentation referring to 34A Oxford Terrace, Unley is to remain confidential on the basis that the disclosure of the information may prejudice Council's position. The report will be kept confidential until such time as the appeal has been determined and the order is reviewed by the Chief Executive Officer in December 2010.

**CARRIED**



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

The Chamber doors were opened at 8.43pm.

Mike Hudson returned to the meeting at 8.43pm.

**ITEM 19**

**DEVELOPMENT ASSESSMENT PANEL – ANNUAL REPORT TO COUNCIL**

MOVED: Graham Gaston

SECONDED: Mike Hudson

That it be recommended to Council that:

1. The Draft Annual Report of the Development Assessment Panel as enclosed (Attachment 1) be endorsed and provided to Council for consideration at the next available meeting.

**CARRIED**

**CLOSURE**

The Presiding Member declared the meeting closed at 8.57pm.

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**PRESIDING MEMBER**

NEXT MEETING  
Monday, 11 October 2010