

CITY OF UNLEY

DEVELOPMENT ASSESSMENT PANEL

**Minutes of Meeting held Monday, 12 September 2011
at 7.00pm in the Civic Centre, Unley**

ACKNOWLEDGEMENT

We acknowledge that the land we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

We also acknowledge that the Aboriginal people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Aboriginal people today.

MEMBERS:

Mr Terry Tysoe (Presiding Member)
Mr Roger Freeman
Dr Lissa van Camp
Mr Brenton Burman
Mr Rob Sangster
Mr Don Palmer
Mr Rufus Salaman

OFFICERS PRESENT:

Mr Paul Weymouth, Manager Development
Ms Fiona Koutsikas, Senior Planning Officer
Ms Rachel Theile, Development Administration

CONFIRMATION OF MINUTES

MOVED: Lissa van Camp

SECONDED: Rob Sangster

That the Minutes of the City of Unley, Development Assessment Panel meeting held on Monday 8 August 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED

ITEM 1

DEVELOPMENT APPLICATION – 090/153/2011/C2 – 80 FAIRFORD STREET, UNLEY SA 5061 (UNLEY)

Mr John Contor and Ms Suzanne Contor, representors, and Mr Jim Diamanto, applicant, and Mr Dorotheos Michael, owner, addressed the Panel regarding the above item.

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/153/2011/C2 at 80 Fairford Street, 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 conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.
4. That the carport shall not be enclosed by a roller door or like structure.
5. That the carport columns shall be designed and constructed to match the existing verandah columns.
6. That the height of the wall for the alfresco area be reduced to 4m and the bbq area be relocated to the western side of the alfresco area. Further details to be provided to the satisfaction of council before 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.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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 2

DEVELOPMENT APPLICATION – 090/488/2011/C2 – 34 ETON STREET, MALVERN 5061 (UNLEY PARK)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/488/2011/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 including correspondence dated 15 August 2011 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:

- 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.
- 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.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/216/2011/C2 – MCLEAY PARK, 13 GEORGE STREET, PARKSIDE SA 5063 (PARKSIDE)

Ms Ann Nelson, representor, addressed the Panel regarding the above item.

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/216/2011/C2 at McLeay Park, 13 George Street, Parkside SA 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 Principles of Development Control 176 and 178, in that the subject tree;

- Makes an important contribution to the character and amenity of the local area;
Forms a notable visual element to the landscape of the local area;
- Contributes to habitat value;

- Is not diseased nor is its life expectancy short;
- Does not represent an unacceptable risk to public or private safety;
- Is not shown to be causing or threatening to cause substantial damage to a substantial structure of value; and
- Reasonable remedial treatments and measures have not been determined to be ineffective

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/203/2011/C2 – 5 WOOLDRIDGE AVENUE, MILLSWOOD 5034 (UNLEY PARK)

Mr James McKeough, representor, and Dr Riaz Esmail-Zadeh, owner, addressed the Panel regarding the above item.

Brenton Burman left the meeting at 7.43pm.

Brenton Burman returned to the meeting at 7.44pm.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/203/2011/C2 at 5 Wooldridge Avenue, Millswood 5034 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the 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.
3. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. 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 necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555 or refer to their web site at www.lsc.sa.gov.au.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- That details of any air-conditioning requiring approval under the Development Act shall be submitted to and approved by Council.
- 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.

CARRIED

ITEM 5

**DEVELOPMENT APPLICATION – 090/817/2010/C2 – 20 OWEN STREET,
GOODWOOD 5034 (GOODWOOD)**

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/817/2010/C2 at 20 Owen 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.
3. That the upper floor windows (except 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.

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 6

**DEVELOPMENT APPLICATION – 090/554/2011/C2 – 7 OMAR PLACE,
UNLEY PARK 5061 (UNLEY PARK)**

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/554/2011/C2 at 7 Omar Place, 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.
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 the recommendations as detailed in the arboricultural report prepared by The Adelaide Tree Surgery (dated 30 August 2011) be undertaken, ensuring that tree protection zones be in place prior to the commencement of any demolition or building works on site. For this purpose, no excavation, construction or storage of materials shall occur within the protection zone. Further to this, tree protection fencing around the trees shall be installed prior to the commencement of any work on site and shall remain until the completion of all building works.
6. Prior to work commencing and once the tree protection zone is established the applicant is to contact Council to enable a full inspection of the Tree Protection Zone by Council officers.
7. Further details of the pier and beam or screw pile footing system within the TPZ be provided to the satisfaction of Council prior to the issue of Building Rules Consent.

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 7

DEVELOPMENT APPLICATION – 090/814/2010/C2 – 122 CROSS ROAD, HIGHGATE SA 5063 (FULLARTON)

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/814/2010/C2 at 122 Cross Road, 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.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a 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 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 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.
- 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**.
- That details of any airconditioning requiring approval under the Development Act shall be submitted to and approved by Council.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/584/2011/C2 – 42 MALVERN AVENUE, MALVERN 5061 (UNLEY PARK)

MOVED: Don Palmer

SECONDED: Lissa van Camp

That Development Application 090/584/2011/C2 at 42 Malvern Avenue, Malvern 5061 is at variance with the provisions of the Development Plan and should be REFUSED Planning Consent for the following reasons:

- The subject tree is considered to contribute to the character and amenity of the area and form a notable visual element;
- The tree is not showing signs of disease and its life expectancy is not short;
- The tree is not considered to represent an unacceptable risk to public or private safety;
- It has not been demonstrated that the subject tree is causing or threatening to cause substantial damage to a substantial building or structure; and
- Remedial actions have not been determined to be ineffective.

CARRIED

Prior to debate on this item, Lissa van Camp declared a conflict of interest and left the meeting at 8.08pm.

ITEM 9

DEVELOPMENT APPLICATION – 090/348/2011/C2 – 45 FISHER STREET, MYRTLE BANK 5064 (FULLARTON)

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/348/2011/C2 at 45 Fisher Street, 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 the removal of the subject significant trees (*Pittosporum undulatum* (Sweet Pittosporum) and *Ficus rubiginosa* (Port Jackson Fig)) 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 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

Lissa van Camp returned to the meeting at 8.09pm.

ITEM 10

**DEVELOPMENT APPLICATION – 090/478/2011/C2 – 21 OWEN STREET,
GOODWOOD 5034 (GOODWOOD)**

MOVED: Brenton Burman

SECONDED: Lissa van Camp

That Development Application 090/478/2011/C2 at 21 Owen 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. That the removal of the subject significant tree (*Eucalyptus saligna* (Sydney Blue 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).

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 11

**DEVELOPMENT APPLICATION – 090/591/2011/C2 – 1 GROVE STREET,
UNLEY PARK 5061 (UNLEY PARK)**

MOVED: Rob Sangster

SECONDED: Don Palmer

That Development Application 090/591/2011/C2 at 1 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.
2. That the removal of the subject significant tree (*Agonis flexuosa* – Willow Myrtle) 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.
- 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 – 090/359/2011/C2 – 12 NORMAN TERRACE, FORESTVILLE 5035 (GOODWOOD)

Mr Mark Hancock, owner, addressed the Panel regarding the above item.

MOVED: Brenton Burman

SECONDED: Rufus Salaman

That Development Application 090/359/2011/C2 at 12 Norman Terrace, Forestville 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. That the solid fence shall be amended to have a maximum height above natural ground level of 2.1m. Further details to be supplied to the satisfaction of council prior to the issue of building rules consent.

CARRIED

ITEM 13

**DEVELOPMENT APPLICATION – 090/340/2011/C2 – 52 THIRD AVENUE,
FORESTVILLE 5035 (GOODWOOD)**

MOVED: Don Palmer

SECONDED: Brenton Burman

That Development Application 090/340/2011/C2 at 52 Third Avenue, Forestville 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. That the removal of the subject significant tree (*Erythrina x sykesii* - Coral Tree) 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.
- 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 14

**DEVELOPMENT APPLICATION – 090/66/2011/C2 – 23 MITCHELL STREET,
MILLSWOOD 5034 (UNLEY PARK)**

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/66/2011/C2 at 23 Mitchell Street, Millswood 5034 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. That the removal of the subject significant tree (White Cedar) and pruning of another significant tree (Lemon Scented 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.
- 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 15

**DEVELOPMENT APPLICATION – 090/472/2011/C2 – 182 CROSS ROAD,
MALVERN 5061 (UNLEY PARK)**

MOVED: Roger Freeman

SECONDED: Rob Sangster

That Development Application 090/472/2011/C2 at 182 Cross Road, 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. 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. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
4. That the west facing 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.

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

CARRIED

ITEM 16

**DEVELOPMENT APPLICATION – 090/662/2011/NC – 186 GLEN OSMOND
ROAD, FULLARTON 5063 (PARKSIDE)**

MOVED: Roger Freeman

SECONDED: Brenton Burman

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

CARRIED

CLOSURE

The Presiding Member declared the meeting closed at 8.36pm.

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PRESIDING MEMBER

NEXT MEETING
Monday, 10 October 2011