

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 19 January 2021
at 7.00pm in the Civic Centre, Unley**

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

PRESENT: Ms Shanti Ditter (Presiding Member)
Mrs Jennie Boisvert
Mr Alexander Wilkinson
Mr Brenton Burman
Mr Roger Freeman

APOLOGIES: Nil

OFFICERS PRESENT: Mr Gary Brinkworth, Assessment Manager
Mr Don Donaldson, Team Leader Planning
Mr Andrew Raeburn, Senior Planning Officer
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Jennie Boisvert

SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 22 December 2020 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – DEFERRED ITEM

DEVELOPMENT APPLICATION – 090/406/2020/C2 – 74 KING WILLIAM ROAD, GOODWOOD SA 5034 (UNLEY)

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/406/2020/C2 at 74 King William Road, Goodwood SA 5034 for 'Change of use from shop to office and events space' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application including correspondence from Marc Duncan dated 30 November 2020 and 22 December 2020 and except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the operating hours shall be:
 - 7am to 10pm Monday to Saturday
 - 9am to 10pm Sunday

In addition to the above operating hours up to a maximum six events per year may be held up to 11pm on a Friday or Saturday night.

3. That music levels shall only be played within the building through the inhouse system and must be pre-set on the inhouse sound system by an acoustic consultant for use only during the following activities:
 - Creative Workshop – 65 dB(A) (western rear door can remain open)
 - Functions/Events – 80 dB(A) (western door must remain closed)

Evidence of the pre-set levels shall be provided to Council by the Acoustic Engineer prior to the commencement of the approved use. No music is to be played external to the building.

4. Loading and unloading and waste collection activities can only occur during the following times:
 - 7am to 7pm Monday to Saturday
 - 9am to 7:00pm Sunday and public holidays.

Commercial waste collection shall only occur from King William Road.

5. During loading and unloading activities:
 - Trucks can only move in a forward direction whilst on site and no reversing can occur
 - Truck engines must be switched off and the truck must be located in the northern driveway and positioned past the western edge of the building.
6. That the two shipping containers shall be removed from the subject site within one month of the date of this consent.

CARRIED UNANIMOUSLY

ITEM 2
DEVELOPMENT APPLICATION – 090/554/2020/C2 – 4 ERIC AVENUE, BLACK FOREST 5035 (CLARENCE PARK)

This application was withdrawn from the agenda.

ITEM 3

DEVELOPMENT APPLICATION – 090/721/2020/C2 – 14 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)

Mr Graeme Gibson, applicant, addressed the Panel in support of the above mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/721/2020/C2 at 14 Invergowrie Avenue, Highgate SA 5063 to 'Construct single storey dwelling with fencing and erect habitable outbuilding', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposal does not respect the contextual qualities of the locality, contrary to Objective 1 of the Residential Streetscape Landscape Zone and Council Wide (Residential) PDCs 23, 29 and 33;
- The proposal has a double garage forming part of the main house structure that is sited with a wall hard on the western boundary 7m forward of the adjacent bungalow, contrary to PDC 13 of the Residential Streetscape Landscape Zone and Council Wide (Residential) PDC 6 and 29;
- The garage is not set behind the primary street frontage of the dwelling, contrary to Council Wide (Residential) PDC 8 and PDC 14b;
- The proposed impervious areas cover more than 70 percent of the site, contrary to Council Wide (Residential) PDC 17

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/899/2020/C2 – 52 YOUNG STREET, PARKSIDE SA 5063 (PARKSIDE)

This application was withdrawn from the agenda.

CONFIDENTIAL MOTION FOR ITEM 5 - PLANNING APPEAL – ERD COURT ACTION NO ERD-20-160 – 44 Park Street Hyde Park (DA 224/2020/C2)

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:

* Denotes Change

- Gary Brinkworth, Manager Development and Regulatory
- Don Donaldson, Team Leader Planning
- Andrew Raeburn, Senior Planning Officer
- Lily Francis, Development Administration Officer

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 UNANIMOUSLY

ITEM 5 - APPEAL MATTER
DEVELOPMENT APPLICATION - 224/2020/C2– 44 Park Street, Hyde Park SA 5061 (GOODWOOD)

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

- A. That the report be received and
- B. That the Environment Resources and Development Court be advised that the Council Assessment Panel reaffirms its decision of the 20th of October 2020, as the compromise proposal does not adequately address the grounds for refusal.

CARRIED

CONFIDENTIAL MOTION FOR ITEM 5 - PLANNING APPEAL – ERD COURT ACTION NO ERD-20-160 – 44 Park Street Hyde Park (DA 224/2020/C2)

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended
 - 2.1 The
 - Minutes
 - Report Attachments

For both Items to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-20-160

- 2.2 The report and attachments will be kept confidential until such time as the appeal has been determined.

CARRIED UNANIMOUSLY

OTHER BUSINESS

Nil

MATTERS FOR COUNCIL'S CONSIDERATION

The Presiding Member declared the meeting closed at 7:33pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16 February 2021

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 16 February 2021