

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 20 October 2020
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 Roger Freeman
Mr Brenton Burman
Mr Alexander (Sandy) Wilkinson

APOLOGIES: Nil

OFFICERS PRESENT: Mr Gary Brinkworth, Assessment Manager
Mr Don Donaldson, Team Leader Planning
Mrs Amy Barratt, Planning Officer
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST:

Alexander Wilkinson declared a conflict of interest for item 6 as he has had previous conversation with the applicant.

CONFIRMATION OF MINUTES:

MOVED: Jennie Boisvert

SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 29 September 2020 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/224/2020/C2 – 44 PARK STREET, HYDE PARK SA 5061 (UNLEY)

Mrs Rebecca Gosling from URPS addressed the Panel on behalf of the applicant regarding the above mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/224/2020/C2 at 44 Park Street, Hyde Park SA 5061 to 'Demolish existing dwelling and construct two storey dwelling including verandah, front fencing, in-ground swimming pool and garage on common boundaries' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed dwelling does not make a comparable or more positive contribution to the desired character than the building to be demolished, contrary to Residential Streetscape Built Form Zone, Principle of Development Control 6; and
- The proposed development does not complement the siting, form and key elements as expressed in the Residential Streetscape Built Form Zone, Policy Area 8.5

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/461/2020/C2 – 69 UNLEY ROAD, PARKSIDE SA 5063 (UNLEY)

Mr Fabian Barone from Future Urban addressed the Panel on behalf of the applicant.

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

That Development Application 090/461/2020/C2 at 69 Unley Road, Parkside SA 5063 to 'Remove existing verandah and erect new verandah (at rear)' 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 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/268/2020/C2 – 53 AUSTRAL TERRACE, MALVERN SA 5061 (UNLEY PARK)

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/268/2020/C2 at 53 Austral Terrace, Malvern SA 5061 to 'Erect screen to southern and eastern boundary (retrospective)' 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 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The development shall be completed, in accordance with the approval, no later than three (3) months from the date of the Development Approval.

NOTES PERTAINING TO DEVELOPMENT PLAN 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.

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/472/2020/C2 – 11 PARK STREET, HYDE PARK SA 5061 (UNLEY PARK)

Ms Denise Stokes, on behalf of Mrs Sarah McMillan, representor, addressed the Panel regarding the above-mentioned property. Mr Chris Mroley from Echelon Studio addressed the Panel in support of the application.

MOVED: Alexander Wilkinson

SECONDED:

That Development Application 090/472/2020/C2 at 11 Park Street, Hyde Park SA 5061 to 'Carry out alterations and construct addition including verandah on common boundaries' be DEFERRED:

To enable the applicant to provide further information in relation to the ceiling and gutter heights of the existing dwelling and consideration of lowering the wall height on the boundary.

The motion lapsed for want of a seconder.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/472/2020/C2 at 11 Park Street, Hyde Park SA 5061 to 'Carry out alterations and construct addition including verandah on common boundaries' 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 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 DEVELOPMENT PLAN 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 1300 366 424 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**.
- 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 8

APPEAL MATTER – 293 FULLARTON ROAD, PARKSIDE 5063 (PARKSIDE)

The Presiding Member brought forwarding consideration of Item 8 and invited Mr James Levinson on behalf of the applicant to address the Panel.

CONFIDENTIAL MOTIONS FOR ITEM 5 - 5A Blackett St Goodwood – 602/2019/C2 – ERD-20-75, ITEM 6 - 70 Cheltenham St Malvern – 228/2020/C2 – ERD-20-129, ITEM 7- 43 Rose Tce Wayville – 391/2020/C2 – ERD-20-138, ITEM 8 - 293 Fullarton Road Parkside – 835/2019/C2 – ERD-20-139.

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

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

CARRIED UNANIMOUSLY

ITEM 8

APPEAL MATTER – 293 FULLARTON ROAD, PARKSIDE 5063 (PARKSIDE)

MOVED: Brenton Burman

SECONDED: Roger Freeman

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/835/2019/C2 for 293 Fullarton Road, Parkside, that the Council Assessment Panel supports the compromise 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 except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

2. All fencing and landscaping (other than paving at footpath level) shall be located outside of a 2.0 metres x 2.0 metres corner cut-off at the Fullarton Road/Olive Street corner and a 2.0 metres x 3.3 metres corner cut-off at the Fullarton Road/Birks Street corner. Any fencing or vegetation located along the Fullarton Road frontage between the Fullarton Road/Birks Street corner cut-off and the fence to the south shall be either of an open nature or no taller than 1.0m.
3. All vehicular access to the site shall be via Olive Street and Birks Street only and located in accordance with the approved plans.
4. Sight lines between the first access on Birks Street and the Fullarton Road/Birks Street junction shall be maximised in order to minimise vehicular conflict. Accordingly, any fencing/vegetation along the Fullarton Road and Birks Street frontages of the front yard associated with the first row dwelling (including the corner cut-off) shall be of an open nature or no taller than 1.0m.
5. A Traffic Management Plan for the construction period of the development shall be produced to the satisfaction of DPTI and Council prior to the commencement of construction. This plan shall detail the types, volumes and distributions of traffic and how they will be managed. All traffic movements shall be in accordance with this plan.
6. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
7. All stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to drainage infrastructure required to facilitate this shall be at the applicant's cost.
8. 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.
9. The landscaping details approved by Council shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any diseased or dying plants being replaced.
10. The development shall be undertaken in accordance with the tree protection measures set out in the approved Tree Environs report dated 17 December 2019.
11. Waste collection shall be undertaken in accordance with the Approved Waste Management Plan prepared by Colby Phillips and dated 6 May 2020.
12. Any waste collection services shall only occur Monday to Friday between the hours of 7am and 10pm.
13. 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. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>

14. A Demolition and Construction Management Plan is required to the satisfaction of Council prior to the issue of Development Approval and shall include details such as:
 - Car parking and access arrangements for tradespersons
 - Siting of materials storage
 - Site offices
 - Work in the Public Realm
 - Hoarding
 - Site amenities
 - Traffic requirements including construction access/egress and heavy vehicle routes
 - Reinstatement of infrastructure
 - Protection measures for regulated trees to be retained

15. Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties. Pollution prevention measures shall be in accordance with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
 - For the Community
 - For the Local, State and Federal Government
 - For the Building and Construction Industry

In the event that soil, dust or construction debris enter Council's road network, it shall be removed by the end of the next business day.

16. Prior to commencement of works, the developer shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
17. That full details of external colours, finishes and materials to be used (samples provided if necessary) be submitted to and approved by the Council, prior to commencement of construction.
18. The applicant shall meet all costs associated with the removal of the street tree on Birks Street.
19. Amended plans showing the following details shall be provided to the satisfaction of the Council prior to full Development Approval being issued:
 - Screening and obscured glazing of the west facing upper floor balconies and windows of the detached dwelling
 - Screening and obscured glazing of the south facing upper floor balconies and windows of the residential flat buildings fronting Olive Street.
 - The disabled car parking bay moved from the at-grade car parking area to the under-croft car parking area of the four storey building. The bay should be located near to the internal lobby entrance.

CARRIED

ITEM 5

**APPEAL MATTER – 5A BLACKETT STREET, GOODWOOD SA 5034
(GOODWOOD)**

MOVED: Jennie Boisvert

SECONDED: Alexander Wilkinson

- A. That the report be received and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/602/2019/C2 at 5A Blackett Street, Goodwood, that the Council Assessment Panel supports the compromise 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. A Tree Protection Zone of 12.3m shall be maintained from the base of the Regulated tree growing at the adjoining property to the south east. For this purpose, other than as herein granted development approval:
 - No major trenching shall occur within the Tree Protection Zone and no services shall traverse the Tree Protection Zone.
 - The development shall minimise any disruption to the root system of the affected regulated tree, with no severing of roots with a diameter greater than 50 mm without the permission of the Council Lead Arborist.
 - Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
 - Nothing shall be attached to the canopy of the trees by any means.
 - It is recommended that the dead wood in the canopy be removed prior to construction and absolutely no live wood is to be removed.
 3. Tree protection fencing a minimum radius of 12.3m from the tree shall be installed along the common boundary between 5 and 5A Blackett Street prior to the commencement of any work on site, and shall remain until the completion of all building works.
 - Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
 4. 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.

5. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.

NOTES PERTAINING TO DEVELOPMENT PLAN 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**.
- 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 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- 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.
- 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**.

CARRIED UNANIMOUSLY

ITEM 6

APPEAL MATTER – 70 CHELTENHAM STREET, MALVERN 5061 (UNLEY PARK)

Mr Alexander Wilkinson left the meeting at 8:26pm due to a declared conflict of interest.

MOVED: Brenton Burman SECONDED: Jennie Boisvert

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/228/2020/C2 at 70 Cheltenham Street, Malvern, that the Council Assessment Panel supports the compromise 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 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. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
4. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with restricted opening windows (to maximum opening of 125mm) translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing and restricted opening to be kept in place at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN 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**.
- 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 1300 366 424 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 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

Mr Alexander Wilkinson returned to the meeting at 8:28pm.

ITEM 7

APPEAL MATTER – 43 ROSE TERRACE, WAYVILLE SA 5034 (GOODWOOD)

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

A. That the report be received and

B. That the Environment Resources and Development Court be advised that regarding Development Application 090/391/2020/C2 at 43 Rose Terrace, Wayville, that the Council Assessment Panel supports the compromise subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

NOTES PERTAINING TO DEVELOPMENT PLAN 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 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- 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 UNANIMOUSLY

CONFIDENTIAL MOTIONS FOR ITEM 5 - 5A Blackett St Goodwood – 602/2019/C2 – ERD-20-75, ITEM 6 - 70 Cheltenham St Malvern – 228/2020/C2 – ERD-20-129, ITEM 7- 43 Rose Tce Wayville – 391/2020/C2 – ERD-20-138, ITEM 8 - 293 Fullarton Road Parkside – 835/2019/C2 – ERD-20-139.

MOVED: Jennie Boisvert SECONDED: Roger Freeman

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 4 Items to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-20-75, ERD-20-129, ERD-20138, ERD-20-139.

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

OTHER BUSINESS

Nil

MATTERS FOR COUNCIL'S CONSIDERATION

The Presiding Member declared the meeting closed at 8:30pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 17 November 2020

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 17 November 2020