

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 February 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: Alexander Wilkinson

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 19 January 2021 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – DEFERRED ITEM

DEVELOPMENT APPLICATION – 090/777/2018/C2 – 18 ETHEL STREET, FORESTVILLE SA 5035 (GOODWOOD)

Mr John Barrington addressed the Panel regarding the above-mentioned application.

MOVED: Jennie Boisvert

SECONDED: Roger Freeman

That Development Application 090/777/2018/C2 at 18 Ethel Street, Forestville SA 5035 to 'Construct 3 x two storey detached dwellings with associated carports, and decking' 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:

RESERVED MATTER

The following detailed information shall be submitted for further assessment and approval by the Team Leader Planning as delegate of the CAP as reserved matters under Section 33(3) of the Development Act 1993:

- A. A Soil Erosion and Drainage Management Plan (SEDMP) for the site, to the satisfaction of Council. The SEDMP should include:
- A drainage plan
 - A site plan
 - Supporting report
 - Preliminary design sketches with details of erosion control methods that will prevent:
 - i. Soil moving off the site during periods of rainfall and detail installation of sediment collection devices to prevent the export of sediment from the site, and,
 - ii. Erosion and deposition of soil moving into the watercourse.
- B. A detailed Stormwater Management Plan, to the satisfaction of Council, which includes:

- Confirmation that the freeboard to the underside of the floor slab is 500mm above the HGL (Hydraulic Grade Line or Floor Level) of the creek channel;
- Appropriate discharge, retention and detention of stormwater satisfying the City of Unley Stormwater Management Policy; and
- Evidence of discussions held with the Brownhill Keswick Creek Board to ensure a coordinated approach to the upgrade of the channel and construction of the dwelling as recommended by the accompanying FMG report dated 24/09/2018

CONDITIONS:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The applicant shall undertake tree protection measures as prescribed, and in accordance with, Australian Standard 4970-2009 'Protection of trees on development site' to ensure protection of the Regulated Street Tree (Red Ironbark).
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. 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 upper floor windows (excluding windows facing Nicholls Street and Ethel Street) 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.
6. That the deck areas of Dwelling 1 and Dwelling 2 be treated to avoid overlooking prior to occupation by being fitted with permanently fixed screens to the reasonable satisfaction of Council. The screens are to be a minimum height of 1700mm above the associated floor level with such screening to be kept in place at all times.

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.
- Any fence that is situated between the building line of the main face of a building and the road on to which the building faces requires further approvals

and are desired to be 'low and open' as prescribed within the relevant Zone Principles of Development Control.

- 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
- There must be a minimum distance of 20 meters between the watercourse and the fuelling site for machinery used to undertake construction.
- The proposed works shall be kept free at all times of rubbish/debris to minimise their potential entry into the watercourse.

CARRIED UNANIMOUSLY

ITEM 2

DEVELOPMENT APPLICATION – 090/804/2020/C2 – 46 DIXON STREET, CLARENCE PARK SA 5034 (CLARENCE PARK)

Ms Irene Kyprianou from Beach DC and Ms Melanie Meaney, applicant, addressed the Panel regarding the above-mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/804/2020/C2 at 46 Dixon Street, Clarence Park SA 5034 to 'Carry out alterations and construct two storey addition including single storey wall and carport located on southern boundary', be DEFERRED to allow the applicant to

- Clarify the height of the wall on the southern boundary with respect to the height of walls on boundaries PDC 14 that recommends a maximum height of 3.0 metres.

CARRIED

ITEM 3

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

Cr Don Palmer addressed the Panel on behalf of Mr Darren and Mrs Michelle Hancock. Mr Peter Meline, planning consultant and D Jackman, applicant, addressed the Panel in support of the application.

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/554/2020/C2 at 4 Eric Avenue, Black Forest 5035 to 'Erect outbuilding on common boundaries', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent subject to the following reasons:

- The proposed outbuilding has not been sited and designed to be ancillary to the existing dwelling located on site (Council Wide Residential Development PDC 15 & 30);
- The proposed outbuilding will impact upon the visual amenity of the locality by visually dominating other adjacent buildings (Council Wide Residential Development PDC 15 & 30);
- The proposed outbuilding has an overall height and floor area that is excessive for domestic purposes and in comparison, to the associated dwelling (Council Wide Residential Development Objective 1 & 5, PDC 15 & 30);
- The need for an outbuilding of the proposed bulk and scale in a residential zone has not been substantiated (Council Wide Residential Development Objective 5).

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/350/2020/C2 – 15 HIGHGATE STREET, HIGHGATE SA 5063 (FULLARTON)

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/350/2020/C2 at 15 Highgate Street, Highgate SA 5063 to 'Erect garage forward of dwelling (Highgate Street frontage) and on boundary' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED for the following reasons:

- The proposed development does not complement the rhythm of building sitings and setbacks within the locality, contrary to Residential Streetscape Landscape Zone, PDC 1, 5, 7, 10 & 13; and
- The proposed development does not form a minor streetscape element and diminishes the streetscape presence of the associated dwelling, contrary to Council Wide Residential PDCs 8, 9, 15 and 29

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/962/2020/C1 – 11 ADDISON ROAD, BLACK FOREST SA 5035 (CLARENCE PARK)

This item was withdrawn from the Agenda at the request of the applicant.

CONFIDENTIAL MOTION - PLANNING APPEAL

ERD COURT ACTION NO ERD-20-156 – 18 Ethel St Forestville (DA 327/2020/C2) and ERD COURT ACTION NO ERD-21-6 – 60 Opey Ave Hyde Park (DA 459/2020/C2)

MOVED: Jennie Boisvert

SECONDED: Alexander Wilkinson

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 6

DEVELOPMENT APPLICATION – 090/327/2020/DIV – 18 ETHEL STREET, FORESTVILLE SA 5035 (GOODWOOD)

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

- A. That the report be received; and
- B. That the Environment Resource and Development Court be advised that regarding Development Application 090/327/2020/DIV at 18 Ethel Street, Forestville SA 5035 for 'Land Division - Torrens Title - Create 3 allotments from one existing', 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.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

Water and sewer main extensions will be required for this development. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$15232 into the Planning and Development Fund (2 allotment(s) @ \$7616/allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

CARRIED UNANIMOUSLY

ITEM 7

DEVELOPMENT APPLICATION – 090/459/2020/C2 – 60 OPEY AVENUE, HYDE PARK SA 5061

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

C. That the report be received; and

D. That the Environment, Resources and Development Court be advised that the Council Assessment Panel reaffirms its decision of the 15th of December 2020 as the compromise proposal does not adequately address the grounds for refusal.

CARRIED

CONFIDENTIAL MOTION - PLANNING APPEAL
ERD COURT ACTION NO ERD-20-156 – 18 Ethel St Forestville (DA 327/2020/C2)
and ERD COURT ACTION NO ERD-21-6 – 60 Opey Ave Hyde Park (DA
459/2020/C2)

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 both Items to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-20-156 and ERD-21-6

- 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 8:08pm.

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

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 16 March 2021