

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 17 November 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  
Ms Chelsea Spangler, Planning Officer  
Ms Lily Francis, Administration Officer

**CONFLICT OF INTEREST:**

Mr Brenton Burman advised that he has previously had a relationship with the owner of the property for Item 6 – 34 Miller Street Unley but has not had any recent contact with them relating to the application.

**CONFIRMATION OF MINUTES:**

MOVED: Jennie Boisvert

SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 20 October 2020 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/490/2020/C2 – 186A GOODWOOD ROAD, MILLSWOOD SA 5034 (CLARENCE PARK)**

Mr Tim Campbell on behalf of Mr and Mrs Onley, addressed the Panel regarding the above mentioned application. Mrs Lindsay Williams, applicant, spoke in support of the application.

MOVED: Brenton Burman

SECONDED: Roger Freeman

That Development Application 090/490/2020/C2 at 186A Goodwood Road, Millswood SA 5034 to construct a deck and install fencing up to 2.7m in height along existing retaining walls 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 solid fibre cement sheet fence approved herein shall be finished in a colour that is complementary to the existing dwelling on the land.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- 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](http://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.

**CARRIED**

**ITEM 2**

**DEVELOPMENT APPLICATION – 090/509/2020/C2 – 2 THAMES STREET,  
CLARENCE PARK 5034 (CLARENCE PARK)**

The above-mentioned application was removed from the agenda as the representor withdrew their representation.

**ITEM 3**

**DEVELOPMENT APPLICATION – 090/393/2020/C1 – 51 THOMAS STREET,  
UNLEY SA 5061 (UNLEY)**

Mr Esmaili, applicant, addressed the Panel regarding the above-mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/393/2020/C1 at 51 Thomas Street, Unley SA 5061 to 'Remove Significant Tree - *Eucalyptus Camaldulensis* (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons

- The Significant Tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Council Wide Significant Trees Objective 3;
- The Significant 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 and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or private safety, and that it is causing or threatening to cause substantial damage to a substantial building or structure of value, contrary to Regulated and Significant Trees PDC 8.

**CARRIED UNANIMOUSLY**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/558/2020/C2 – 11 REGENT STREET,  
PARKSIDE SA 5063 (UNLEY)**

Mr David Huchison from Access Planning, addressed the Panel on behalf of the applicant, Mr and Mrs Gilbert.

MOVED: Roger Freeman

SECONDED: Alexander Wilkinson

That Development Application 090/558/2020/C2 at 11 Regent Street, Parkside SA 5063 to '*Construct carport on side boundary*' 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 carport structure, being positioned forward of the building line and extending the verandah to the boundary, would disrupt the form and proportions of the dwelling, would unbalance the rhythm and pattern of

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development within the area and notably diminish the positive contribution the dwelling makes to the character and appearance of the area, contrary to PDC 14 of the Residential Streetscape (Built Form) Zone; and

- The internal dimensions of the carport would be less than recommended under Council Wide (Residential) PDC 47.

**CARRIED UNANIMOUSLY**

**ITEM 5**

**DEVELOPMENT APPLICATION – 090/592/2020/C2 – 17 CLARK STREET, WAYVILLE 5034 (GOODWOOD)**

Mr P Ayling spoke to the Panel regarding the above-mentioned application.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/592/2020/C2 at 17 Clark Street, Wayville 5034 to carry out alterations and construct additions including upper storey, verandah, in-ground swimming pool and garage with loft on common boundary 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.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
4. That the upper floor windows on the northern and southern elevations be treated to avoid overlooking prior to occupation of the development by being fitted with either permanently fixed obscure glazing or horizontal screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy screens shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. That the upper level loft of the garage approved herein shall be used for domestic storage only.

## NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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](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**.
- 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.

**CARRIED**

### **ITEM 6**

#### **DEVELOPMENT APPLICATION – 090/647/2020/C2 – 34 MILLER STREET, UNLEY SA 5061 (UNLEY)**

MOVED: Jennie Boisvert

SECONDED: Alexander Wilkinson

That Development Application 090/647/2020/C2 at 34 Miller Street, Unley SA 5061 to 'Carry out alterations and construct ensuite addition on boundary' 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:**

- 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.

- 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](http://www.lsc.sa.gov.au).

**CARRIED UNANIMOUSLY**

**ITEM 7**

**DEVELOPMENT APPLICATION – 090/415/2020/NC – 647 SOUTH ROAD, BLACK FOREST SA 5035 (CLARENCE PARK)**

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/415/2020/NC at 647 South Road, Black Forest SA 5035 to construct a storage shed in associated with existing consulting rooms (Non-Complying) 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 not to 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 landscaping and fencing to the South Road frontage, as approved by the Council, be established prior to the completion of the development and that the landscaping and site be generally maintained to the reasonable satisfaction of Council at all times.

**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](http://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 UNANIMOUSLY**

**CONFIDENTIAL MOTIONS FOR ITEM 8 – 60 Park Street Hyde Park – ERD – 20-104 – 263/2020/C2**

MOVED: Brenton Burman 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, the Council Assessment Panel orders the public be excluded with the exception of the following:
  - Gary Brinkworth, Assessment Manager
  - Chelsea Spangler, 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 8**

**DEVELOPMENT APPLICATION – 090/263/2020/C2 – 60 PARK STREET, HYDE PARK SA 5061 (UNLEY)**

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

That the Environment Resources and Development Court be advised that regarding Development Application 090/263/2020/C2 for 60 Park Street Hyde Park that the Council Assessment Panel supports the compromise subject to the following:

**RESERVE 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 detailed demolition and restoration works plan reflecting the nature and scope of work necessary and the materials and methods to be used in retaining and refurbishing the existing building; and
- b) A refined and detailed materials and finishes schedule which is clearly cross-referenced with the drawings. The proposed materials and finishes schedule should include subtle differentiation between old and new fabric along with a subtle (low contrasting) colour scheme

**CONDITIONS:**

- 1 That the development shall be undertaken, to the Council's reasonable satisfaction, in accordance with the plans and details listed below, unless varied by the conditions that are listed herein:
  - 1.1 Three Six Five Studio demolition plan, Job No. 18-03-020/DD 01, issue A, dated 28.10.20
  - 1.2 Three Six Five Studio site plan, Job No. 18-03-020/PD 02, Issue X
  - 1.3 Three Six Five Studio lower floor plan, Job No. 18-03-020/PD 03, Issue X
  - 1.4 Three Six Five Studio upper floor plan, Job No. 18-03-020-PD 04, Issue X
  - 1.5 Three Six Five Studio elevations, Job No. 18-03-020/PD 06, Issue X
  - 1.6 Pyper Leaker surveying services, Proposed Plan of Division, Ref PL8566, dated 02-11-2020
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 shall 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. The upper level balconies shall be treated to avoid overlooking prior to occupation by being fitted with permanently fixed screening up to 1700mm above floor level (maximum 10mm gap between slats) and be kept in place at all times.
5. The finished floor level of the garage/carport hereby approved shall be no greater than 75mm above the paved footpath at the kerb alignment.
6. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
7. 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#>
8. A stormwater management plan shall be provided demonstrating that the total stormwater volume requirement (detention and retention) for the development herein approved satisfies the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.

#### **LAND DIVISION CONDITIONS:**

9. The structures as depicted Three Six Five Studio demolition plan, Job No. 18-03-020/DD 01, issue A, dated 28.10.20 be demolished prior to the issue of the Section 51 Certificate by the State Commission Assessment Panel.

**NOTE:** Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the State Commission Assessment Panel.

#### **STATE COMMISSION ASSESSMENT PANEL CONDITIONS** are as follows:

10. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0097243)  
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.
11. SA Water advises 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.

Payment of \$7,616.00 into the Planning and Development Fund (1 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable"

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and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

12. 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**

**CONFIDENTIAL MOTIONS FOR ITEM 8 – 60 Park Street Hyde Park – ERD – 20-104 – 263/2020/C2**

MOVED: Jennie Boisvert                      SECONDED: Roger Freeman

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 Item 8 to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-20-104

- 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 8:22pm.

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**

[Note: These minutes are unconfirmed until 15 December 2020]

**DATED**     /     /

NEXT MEETING

Tuesday, 15 December 2020

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