

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 20 April 2021
at 6.30pm in the Civic Centre, Unley**

ACKNOWLEDGEMENT

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

PRESENT:

Mr Brenton Burman (Presiding Member)
Ms Colleen Dunn
Mr Michael McKeown
Mr Ross Bateup
Mrs Emma Wright

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: Emma Wright

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 20 March 2021, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/958/2020/C2 – 4 FOREST AVENUE, BLACK FOREST SA 5035 (CLARENCE PARK)

The representor withdrew their representation prior to the meeting allowing the application to be assessed under delegation.

ITEM 2

DEVELOPMENT APPLICATION – 090/957/2020/C2 – 5B ROBERTS STREET, UNLEY SA 5061 (UNLEY)

Ellie Calligeros addressed the Panel on behalf of the applicants Mrs Alison Carpenter and Mr Darryl Carpenter

MOVED: Colleen Dunn

SECONDED: Emma Wright

That Development Application 090/957/2020/C2 at 5B Roberts Street, Unley SA 5061 to 'Erect carport and elevated deck adjacent southern 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. That screening treatment be added to the boundary fence with 1/5 Roberts Street prior to the occupation of the deck to the reasonable satisfaction of Council, and that such screening treatment 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.
- 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.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/784/2019/C2 – 55 CASTLE STREET, PARKSIDE SA 5063 (PARKSIDE)

Mr Geoff Greenow from Rossdale Homes, addressed the Panel in support of the application.

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/784/2019/C2 at 55 Castle Street, Parkside SA 5063 to 'Demolish existing dwelling and construct a new two storey detached dwelling including carport to common boundary and verandahs', be DEFERRED to allow the applicant to provide additional information and address concerns raised by Administration and the Panel.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/977/2020/C2 – 11 YEO AVENUE, HIGHGATE SA 5063 (FULLARTON)

Myron Mann and Victoria Lewis, representors, addressed the Panel regarding the above-mentioned application. Sam Lucia from Archaea Architects and Andrew Eitel spoke in support of the application.

MOVED: Ross Bateup

SECONDED: Emma Wright

That Development Application 090/977/2020/C2 at 11 Yeo Avenue, Highgate SA 5063 to 'Construct alterations and additions to a single storey detached dwelling, construct carport on western boundary and an inground swimming pool near southern 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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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.
- 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 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.

CARRIED UNANIMOUSLY

ITEM 5

**DEVELOPMENT APPLICATION – 090/890/2020/C2 – 177 WATTLE STREET,
MALVERN SA 5061 (UNLEY PARK)**

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/890/2020/C2 at 177 Wattle Street, Malvern SA 5061 to remove existing outbuilding and construct habitable building with mezzanine and carport to 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:

- 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.

CARRIED UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/14/2021/C2 – 31A FISHER STREET, MYRTLE BANK 5064 (FULLARTON)

MOVED: Colleen Dunn

SECONDED: Emma Wright

That Development Application 090/14/2021/C2 at 31A Fisher Street, Myrtle Bank 5064 to demolish existing dwelling and construct a two storey dwelling (on approved Lot 10 of DA 090/180/2019) with associated landscaping is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The bulk and scale of the proposed two storey dwelling would not complement the desired character of area, contrary to objectives 1, 3 & 4 and PDC 6, 9 & 10 of the Residential Streetscape (Landscape) Zone.
- The proposed double width garage would not be a minor streetscape element, or subservient in appearance to the dwelling component and would thereby detract from the character and appearance of the area and be contrary to PDC 13 of the Residential Streetscape (Landscape) Zone
- The proposed private open space is not sited to receive direct winter sunlight, contrary to Council Wide (Residential) PDC 20

CARRIED

**CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-21-11 – 14 Invergowrie Avenue Highgate (DA 721/2020/C2)**

MOVED: Colleen Dunn

SECONDED: Ross Bateup

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

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 7

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

MOVED: Michael McKeown

SECONDED: Ross Bateup

- 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 19th of January 2021 as the compromise proposal does not adequately address the grounds for refusal and the amendment to include basement level garaging and associated driveway is contrary to PDC 13 of the Residential Streetscape (Landscape) Zone and Council Wide (Transportation) PDC 30.

CARRIED UNANIMOUSLY

**CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-21-11 – 14 Invergowrie Avenue Highgate (DA 721/2020/C2)**

MOVED: Colleen Dunn SECONDED: Emma Wright

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 Item 7 to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-21-11

- 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

Nil

The Presiding Member declared the meeting closed at 8:17pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 18 May 2021

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 18 May 2021