

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 March 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 16 February 2021, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Acknowledgment of Australia Post Issues

The Presiding Member took the opportunity to acknowledge some representors had delays in received invitations to the meeting. The Presiding Member noted that invitations had been posted on 4 March and the delays were beyond the control of Council.

ITEM 1

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

MOVED: Ross Bateup

SECONDED: Emma Wright

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', 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 the upper floor windows 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.
3. 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.
4. 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.

* Denotes Change

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 2

DEVELOPMENT APPLICATION – 090/244/2020/NC – 38 ANZAC HIGHWAY, EVERARD PARK SA 5035 (GOODWOOD)

Mr Brian Stacey on behalf of himself and Janice Ritchie, Mr Matthew Mitchell, representor, Ms Sarah Henderson on behalf of Annie Mitchell, representors, addressed the Panel regarding their representations on the above application.

Mr Rob Gagetti from Ekistics and Mr Gerald Matthews from Matthews Architect addressed the Panel in support of the application.

MOVED: Ross Bateup

SECONDED: Colleen Dunn

That Development Application 090/244/2020/NC at 38 Anzac Highway, Everard Park SA 5035 for 'Demolition of existing buildings and the construction of a four (4) storey mixed use development comprising ground and first floor office tenancies, associated façade signage, third and fourth floor residential development (7 dwellings), at-grade parking, and landscaping, 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:

RESERVED MATTER:

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

- A. A detailed landscaping plan that increases the extent of landscaping on the whole site with particular attention to tree planting on the southern boundary

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. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
4. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with

* Denotes Change

any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

5. That the overlooking treatments to upper levels be installed prior to occupation of the building.
6. All works detailed in the approved plans and required by conditions of approval being completed prior to occupation of the development.
7. The height and type of fencing (including material, profile, finish and colour) on the shared boundary between the development and the local heritage place at 40 Anzac Highway shall be to the satisfaction of Council prior to the granting of Development Approval.
8. The driveway and car parking areas to be surfaced, drained and marked to the reasonable satisfaction of Council prior to the development being occupied.

Department of Infrastructure and Transport Conditions:

1. All vehicular access shall be gained in accordance with the Site Plan produced by Matthews Architects, Drawing No. 19070 SK040A, dated 15 September 2020.
2. All required road works associated with the relocation of the pedestrian refuge shall be designed and constructed in accordance with Austroads Guides/Australian Standards and to DIT's satisfaction. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. These road works shall be completed prior to the development becoming operational.
3. All vehicles shall enter and exit the site in a forward direction.
4. The obsolete crossover on Anzac Highway shall be closed and reinstated to Council's kerb and gutter standards.
5. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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.

Department of Infrastructure and Transport Notes:

- Prior to undertaking detailed design, the applicant shall contact DIT Network Management Services, Mr Narendra Patel, Senior Network Integrity Engineer, on telephone (08) 8226 8244 or via email narendra.patel@sa.gov.au to progress this. The applicant shall enter into a Developer Agreement with DIT to undertake and complete this work.

Adelaide Airport Limited Notes:

The Owner/Developer need to be advised of the following:

- a) The development as described at a height of RL 44.55m Australian Height Datum (AHD) does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
- b) Crane operations associated with construction shall be the subject of separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
- c) Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

Council Arborist Notes:

The large and mature 'Claret Ash' street trees located within the Anzac Highway streetscape are of great importance as a contributor to the 'avenue' of 'Claret Ash' that line Anzac Highway from Adelaide to Glenelg. Regarding the two (2) 'Claret Ash' trees adjacent the proposed development:

- Works must not have a detrimental impact upon the health or structure of any Council tree.
- Council trees must not be removed, pruned, lopped or damaged by machinery in any way shape or form. This includes the removal of the trunk, stems, branches, bark, twigs, leaves, fruit, nuts or any natural material attached to the tree.
- Tree roots from a Council street tree greater than 50mm in diameter should be protected and retained. Appropriate arboricultural advice must be sought if any roots greater than 50mm are proposed for removal/damage.
- The Council nature strips support street tree root zones. Therefore, nature strips are to be kept clear at all times with the one (1) exception below. These areas are not work site thoroughfares and are critical to the survival of street trees.
- One (1) entry and exit path should be identified as a crossover between the road reserve and development site. This will ensure only one (1) area suffers soil compaction and thus limits the negative impact upon the subject trees. Soil compaction causes decreased porosity and permeability and increased soil strength then limits root growth and function.

* Denotes Change

- A proposed vehicle crossover accessing Anzac Highway is noted. This vehicle crossover must not be constructed within 3.0 metres of any adjacent street trees. Constructing within this distance will breach the trees structural root zone and may cause stability issues, possibly resulting in whole tree failure.

Council Traffic and Parking Section Note:

That the Applicant be advised that subject to it, or property managers advising the day and time of commercial waste collection, and payment of the relevant installation fee, Council will consider the installation of a 10- metre long Loading Zone in Grove Avenue immediately north of the Development carpark entrance operating for a period of 4-hours on the day of collection. This Loading Zone will be available for all drivers in accordance with Australian Road Rule 179.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/918/2020/C2 – 36 RIPON ROAD, CLARENCE PARK SA 5034 (CLARENCE PARK)

Mr Marcus Rolfe from URPS supported by Mr John Papaemanouil addressed the Panel in support of the application.

MOVED: Ross Bateup

SECONDED: Colleen Dunn

That Development Application 090/918/2020/C2 at 36 Ripon Road, Clarence Park SA 5034 to 'Construct three, two storey dwellings including garages and combined retaining walls and fencing up to 2.25m in height, 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 the upper floor windows 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.
3. 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.
4. That the landscaping be established prior to occupation 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:

- 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.
- 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#>
- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.
- 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
- 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

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/653/2020/C2 – 50 CAMBRIDGE TERRACE, MALVERN SA 5061 (UNLEY PARK)

Mr Philip Moody on behalf of June Moody, Gina Pearce and Strata Corp 10050 and Mr Hamid Masoumi, representor addressed the Panel regarding the above-mentioned application. Mr Robert Caprile, owner, spoke in support of the application.

MOVED: Michael McKeown

SECONDED: Emma Wright

That Development Application 090/653/2020/C2 at 50 Cambridge Terrace, Malvern SA 5061 to 'Carry out alterations and construct additions including upper storey addition' 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 the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed 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. Such windows can open no more than 150mm at the bottom.
3. 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.
4. That the quoin work surrounding the upper level windows shall be finished in a smooth render to complement the existing building.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The applicant is reminded to seek any necessary consents related to the Strata and any other civil related matters.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/836/2020/C2 – 4 COOTRA AVENUE, FULLARTON 5063 (PARKSIDE)

Mr Mark Kwiatkowski from Adelaide Planning and Development Solutions addressed the Panel in support of the above mentioned application.

MOVED: Colleen Dunn

SECONDED: Michael McKeown

That Development Application 090/836/2020/C2 at 4 Cootra Avenue, Fullarton 5063 to 'Demolish existing garage and erect new garage with habitable loft above 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:

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 ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure which is at least 5 metres from a habitable room window on an adjoining property prior to the operation of said equipment.
3. 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.

CARRIED UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/858/2020/C2 – 28 CREMORNE STREET, FULLARTON SA 5063 (PARKSIDE)

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/858/2020/C2 at 28 Cremorne Street, Fullarton SA 5063 to 'Demolish existing dwelling and construct two storey dwelling including verandah, garage and front fence', 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:

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 detailed Siteworks and Drainage Plan, to the satisfaction of Council, which includes:
 - o stormwater detention and retention 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.

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 the upper floor windows of habitable rooms 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.
3. 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.
- 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

* Denotes Change

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

ITEM 7

DEVELOPMENT APPLICATION – 090/364/2020/C2 – 71-73 PALMERSTON ROAD, UNLEY, 5061 (UNLEY)

Mr Chris Vounasis from Future Urban Pty Ltd addressed the Panel in support of the application.

MOVED: Ross Bateup

SECONDED: Colleen Dunn

That Development Application 090/364/2020/C2 at 71-73 Palmerston Road, Unley, 5061 for 'Demolition of existing dwellings and construction of detached dwelling and swimming pool' 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:

RESERVED MATTERS

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. that the colour and finish of the external façade be subject to further assessment, seeking for the colour to reference dominant colours and finishes in the locality in order to sit comfortably in context.
- B. that the approach to the front yard area, including the design, siting, extent, materials, colours and opening of the front fence, be subject to further assessment, including increasing the open character of the fence, and to better define the public/private boundary.

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 finished floor level of the garage adjacent Palmerston Place be the same height as the top of kerb. Amended plans be provided showing this to the reasonable satisfaction of Council prior to the granting of 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.
- 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 8

DEVELOPMENT APPLICATION – 090/902/2020/C2 – 114 LEICESTER STREET, PARKSIDE SA 5063 (UNLEY)

Mr Drew Edwards on behalf of Ms Susan Harrison, applicant, addressed the Panel regarding the above-mentioned application.

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/902/2020/C2 at 114 Leicester Street, Parkside SA 5063 to 'Carry out alterations and construct two storey addition with wall on western 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:

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. Provide details of shading solutions for the proposed windows and doors to improve energy efficiency.

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:

- 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 application should consider the need for a high level of insulation due to the colours and materials associated with the proposed development.

CARRIED UNANIMOUSLY

ITEM 9

DEVELOPMENT APPLICATION – 090/921/2020/C2 – 15 ELM STREET, UNLEY PARK SA 5061 (UNLEY PARK)

Matthew King from URPS supported by Damien Jenke from Genworth Group, addressed the Panel in support of the application.

MOVED: Emma Wright

SECONDED:

That Development Application 090/921/2020/C2 at 15 Elm Street, Unley Park SA 5061 to 'Demolish existing dwelling and construct single storey dwelling (to boundary), cellar, garage (to boundary), verandah, fencing and remove street tree (Elm Street frontage)' 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 adequately relate to the proportions associated with Interwar architectural styles with regards to siting, form and key elements, contrary to Residential Streetscape Built Form (RSBF) Zone, Policy Area 9.11, Desired Character
- The proposed dwelling does not make a comparable or more positive contribution to the Desired Character than the building to be demolished, contrary to RSBF Zone, PDC 6
- The proposed dwelling does not suitably reference the contextual conditions of the locality and contribute positively to the desired character in terms of scale or spaces between buildings, contrary to RSBF Zone, PDC 10 & 13
- The proposed garaging and access are not appropriately located and will compromise an established street tree, contrary to RSBF Zone, PDC 14 & 15 and Council Wide Residential PDC 43

The motion lapsed for want of a seconder

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/921/2020/C2 at 15 Elm Street, Unley Park SA 5061 to 'Demolish existing dwelling and construct single storey dwelling (to boundary), cellar, garage (to boundary), verandah, fencing and remove street tree (Elm Street frontage)' 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:

CONDITIONS PERTAINING TO DEVELOPMENT PLAN CONSENT

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.
- 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.
- 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

CONFIDENTIAL MOTION FOR ITEM 11 - 44 Park Street Hyde Park (DA 224/2020/C2) and ITEM 12 - 60 Opey Avenue Hyde Park (DA 459/2020/C2)

MOVED: Emma Wright

SECONDED: Colleen Dunn

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 10

APPEAL MATTER – 44 Park Street, Hyde Park SA 5061 (GOODWOOD)

MOVED: Colleen Dunn

SECONDED: Michael McKeown

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:

- Think Architects 01 of 9 Rev 4/12/2020,
- Think Architects 02 of 9 Rev 4/12/2020,
- Think Architects 03 of 9 Rev 4/12/2020,
- Think Architects 04 of 9 Rev 4/09/2020,
- Think Architects 05 of 9 Rev 4/12/2020,
- Think Architects 06 of 9 Rev 4/12/2020,
- Think Architects 07 of 9 Rev 4/12/2020,
- Think Architects 08 of 9 Rev 16/03/2020,
- Think Architects 09 of 9 Rev 4/12/2020.

except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

2. That the upper floor windows to bedroom 3 and 4 be treated to avoid overlooking prior to occupation by being fitted 900mm steel surround to block views to the neighbouring property to the east (42 Park Street). Further details to be provided to the satisfaction of Council prior to issue of development approval.
3. 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.
4. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure located at least 5 metres from any habitable room window on any adjoining property prior to the operation of said equipment.
5. 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.
6. 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

7. 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.
8. A stormwater management plan detailing the total stormwater volume requirements (detention and retention) for the development being 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. (2.5kL retention and 2kL detention)
9. That the changes to driveway crossovers shall minimise any disruption to the root system of Council street trees growing in the verge adjoining the property, with no severing of roots with a diameter greater than 50 mm.

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

ITEM 11

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

MOVED: Michael McKeown

SECONDED: Ross Bateup

- A. That the report be received; and
- B. That the Panel delegate to the Team Leader Planning authority for an alternative compromise based on a symmetrical façade, with an additional habitable room (rather than garage) and a carport.

CARRIED UNANIMOUSLY

CONFIDENTIAL MOTION FOR ITEM 11 - 44 Park Street Hyde Park (DA 224/2020/C2) and ITEM 12 - 60 Opey Avenue Hyde Park (DA 459/2020/C2)

MOVED: Emma Wright

SECONDED: Colleen Dunn

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 and ERD-21-06

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

CARRIED UNANIMOUSLY

City of Unley Council Assessment Panel – Meeting Time and Dates, Meeting Procedures, and Policy for the Review of Assessment Manager Decisions.

MOVED: Emma Wright

SECONDED: Ross Bateup

That:

1. The meetings of the Unley Council Assessment Panel (the Panel) for 2021 be held on the third Tuesday of the month, commencing at 6.30pm.
2. The Panel adopt Meeting Procedures as contained in Attachment 1 of this Report for the term of the Panel.
3. The Panel adopt the Policy: Review of Decisions of the Assessment Manager contained in Attachment 2 of this Report.

CARRIED UNANIMOUSLY

City of Unley Council Assessment Panel Delegations

MOVED: Michael McKeown

SECONDED: Colleen Dunn

That the City of Unley Assessment Panel (the Panel):

1. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 (the Act) the powers and functions

under the Act and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 16 March 2021 and entitled City of Unley Assessment Panel - Delegations and marked Attachment A) are hereby delegated this 16 March 2021 to the City of Unley Assessment Manager (the Assessment Manager) subject to the limitations, if any, specified in the proposed Instrument of Delegation.

2. Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the Act as the Assessment Manager sees fit.
3. Determines to act under Section 99(1)(b) of the Act in relation to all development applications received by it that involve the performance of building work.
4. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the Panel refers the assessment of the development in respect of the Building Rules to the Corporation of the City of Unley

CARRIED UNANIMOUSLY

OTHER BUSINESS

Nil

MATTERS FOR COUNCIL'S CONSIDERATION

Nil

The Presiding Member declared the meeting closed at 9.58pm .

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20 April 2021

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 20 April 2021