

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 16 April 2019
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 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:

Ms Shanti Ditter (Presiding Member),
Mr Brenton Burman
Mr Roger Freeman
Mr Alexander (Sandy) Wilkinson
Mrs Jennie Boisvert

APOLOGIES:

Nil

OFFICERS PRESENT:

Mr Andrew Raeburn, Acting Assessment Manager
Mrs Amy Barratt, Acting Senior Planner
Ms Lily Francis, Development Administration Officer

CONFLICT OF INTEREST:

Shanti Ditter declared a conflict of interest for Item 1 – 9 Jarvis Street Millswood as one of the representors is a close friend of hers.

CONFIRMATION OF MINUTES:

MOVED: Brenton Burman

SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 15 March 2019, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Jennie Boisvert step in as Presiding Member for Item 1 – 9 Jarvis Street Millswood.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/46/2018/C2 – 9 JARVIS STREET, MILLSWOOD 5034 (UNLEY PARK)

At 7:03pm Shanti Ditter left the meeting.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

That Development Application 090/46/2018/C2 at 9 Jarvis Street, Millswood 5034 to construct a two storey detached dwelling with attached alfresco, double garage on boundary, bedroom/en-suite on boundary and front masonry and steel fence should be DEFFERED for the following reasons:

1. Reduce the height of front fence to 1.2m
2. Increase the upper level setback relative to the ground floor, or upper level in roof to achieve an overall single storey height.
3. Provide complementary materials

The motion lapsed for want of a seconder.

The original recommendation was put to the panel:

MOVED: Brenton Burman

SECONDED: Roger Freeman

Mr Dino Vrynios from Das Studio addressed the panel regarding the above mentioned application.

That Development Application 090/46/2018/C2 at 9 Jarvis Street, Millswood 5034 to construct a two storey detached dwelling with attached alfresco, double garage on boundary, bedroom/en-suite on boundary and front masonry and steel 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:

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. An amended Stormwater Management Plan, to the reasonable satisfaction of

Council and which reflects the amended building envelope, shall be submitted to and approved by Council prior to the issue of full Development Approval.

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 southern and western elevations shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy 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 treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. A Tree Protection Zone of 13 metres radius from the centre of the Significant tree at 6 Vardon Terrace, Millswood shall be provided. The activities excluded from the TPZ include but are not limited to:
 - excavation of any kind i.e. trenching;
 - cultivation;
 - storage;
 - preparation of chemicals, including preparation of cement products;
 - parking of vehicles and plant;
 - dumping of waste;
 - placement of fill i.e. soil;
 - soil level/grade changes;
 - installation of utilities and signs; and
 - physical damage to any part of the tree including leaves, branches, stems, trunk or roots.
6. The Tree Protection Zone shall be defined by the installation of chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed **'TREE PROTECTION ZONE' - 'NO ACCESS'**
7. Within the TPZ, the following activities are required to take place within the Tree Protection Zone prior to the commencement of works:
 - mulching of the area to a depth no greater than 100mm with quality organic mulch; and regular (i.e. monthly) watering of the area by way of flood irrigation.

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.

- 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

At 7:15pm Shanti Ditter returned to the meeting.

ITEM 2

DEVELOPMENT APPLICATION – 090/671/2018/C2 – 2 BELGRAVE COURT, PARKSIDE 5063 (UNLEY)

Mr Thomas Dewar, Ms Suzi O'Connor, Ms Darina Hoffman supported by Mr Matt Birkner, representors spoke against the above-mentioned proposal. Mr Mark Kwiatkowski from Adelaide Planning and Development Solution on behalf of the applicant, addressed the panel.

An alternative recommendation was put to the panel as follows:

MOVED: Jennie Boisvert

SECONDED: Roger Freeman

That Development Application 090/671/2018/C2 at 2 Belgrave Court, Parkside 5063 to 'Construct 2 x two storey detached dwellings with garages and verandahs on common boundaries and the removal of one (1) street tree', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

1. The proposed development does not adequately minimise building massing at the interface of the adjacent residential zone.
2. The proposed garaging detracts from the associated dwellings and the prevailing built form of the locality.
3. The proposed development does not provide adequate Private Open Space in accordance with Council Wide Residential PDC 20.
4. The proposed development is at variance with the relevant Zone and Council Wide Residential PDC in that the boundary development exceeds recommended height and length.
5. The proposal does not provide adequate vehicle turning area to allow for the safe movement of vehicles and pedestrians
6. The proposed development does not satisfy the minimum frontage width.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 090/975/2018/C2 – 51 JOSLIN STREET, WAYVILLE SA 5034 (GOODWOOD)

Mrs Jeanette Dooley, Ms Virginia Kennett, Mr Malcolm Ling, representors, spoke against the above mentioned proposal. Mr Grant Croft from Masterplan on behalf of the applicant, addressed the panel.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

That Development Application 090/975/2018/C2 at 51 Joslin Street, Wayville SA 5034 to 'Demolish existing dwelling and construct two storey dwelling with garage on common boundary', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

1. The proposed replacement dwelling does not make a comparable or more positive contribution to the desired character than the building to be demolished, contrary to zone PDC 6.

The motion lapsed for want of a seconder.

The original recommendation was put to the panel:

MOVED: Brenton Burman

SECONDED: Roger Freeman

That Development Application 090/975/2018/C2 at 51 Joslin Street, Wayville SA 5034 to 'Demolish existing dwelling and construct two storey dwelling with garage 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:

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 privacy screening be erected along the east and north facing upper floor windows prior to occupation and shall be maintained in reasonable condition at all times. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.
3. No regulated/significant tree on or near the subject site may be damaged in any way (including roots) during demolition and/or construction.
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 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

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.

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 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.
- 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.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/976/2018/C2 – 8 SHEFFIELD STREET, MALVERN 5061 (UNLEY PARK)

Mr W Stacy, representor, spoke against the above-mentioned proposal. Mr Chris Vounasis from Medallion Homes on behalf of the applicant addressed the panel.

MOVED: Jennie Boisvert

SECONDED: Roger Freeman

That Development Application 090/976/2018/C2 at 8 Sheffield Street, Malvern 5061 to 'Demolish existing dwellings and construct single storey dwelling with garage and alfresco on boundary 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:

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. 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#>
5. That the construction of the development shall minimise any disruption to the root system of the associated street tree growing in the verge in front of 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.
- 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 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**.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/873/2018/C2 – 13 EUSTON AVENUE, HIGHGATE 5063 (FULLARTON)

At 8:52pm Jennie Boisvert left the meeting.

At 8:54pm Jennie Boisvert returned to the meeting.

Mrs Surong Ge, representor, spoke against the above mentioned proposal. Mr Garth Heynen from Heynen Planning Consultants addressed the panel on behalf of the applicant.

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/873/2018/C2 at 13 Euston Avenue, Highgate 5063 to 'Erect outbuilding (including spa within)', 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 ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
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. 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. Prior to the issue of Development Approval, details shall be provided to the satisfaction of Council and approved, demonstrating the use of Hardietex Panels (for 2 panels, floor to ceiling) along the northern elevation.

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.
- Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.
- It is recommended that the use of 16mm Hardietex board be considered to improve sound attenuation.

CARRIED UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/656/2018/C2 – 24 HATHERLEY AVENUE, HYDE PARK SA 5061 (UNLEY PARK)

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

That Development Application 090/656/2018/C2 at 24 Hatherley Avenue, Hyde Park SA 5061 to 'Demolish existing dwelling and construct two storey dwelling including garage and verandahs', 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 restricted open windows (to maximum opening of 100mm) 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.
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.
5. That the existing western 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:

- 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**.
- 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.
- 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 that where a regulated tree is located on or near the development site, any development must be carried out in accordance with Australian Standard 4970-2009: Protection of trees on development sites.

CARRIED UNANIMOUSLY

ITEM 7

**DEVELOPMENT APPLICATION – 090/739/2018/C2 – 17 OPHIR STREET,
GOODWOOD SA 5034 (GOODWOOD)**

Mr Matt Falconer from Urban Planning and Design supported by Mr Gerry Kallinicos addressed the panel.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/739/2018/C2 at 17 Ophir Street, Goodwood 5032 to demolish existing dwelling and construct single storey dwelling with verandah and carport on 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 existing dwelling contributes positively to the existing streetscape and Desired Character of the Residential Streetscape Built Form Zone.
- The proposed replacement dwelling does not make a comparable or more positive contribution to the desired character than the building to be demolished, contrary to PDC 6 of the Zone.

CARRIED

ITEM 8

**DEVELOPMENT APPLICATION – 090/973/2018/C2 – 32 WELLINGTON
TERRACE, FULLARTON SA 5063 (PARKSIDE)**

Mr Phil Brunning from Phil Brunning and Associates and Mr Kurtis Dry, applicant, addressed the panel.

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

That Development Application 090/973/2018/C2 at 32 Wellington Terrace, Fullarton SA 5063 to 'Construct two storey dwelling including garage on boundary; swimming pool; rear masonry wall; fencing and pedestrian gateway' 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 privacy screening be erected to the upper level windows (western elevation) prior to occupation. Further details to be provided to Council's satisfaction prior to the 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 prior to the operation of said equipment.

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 9

DEVELOPMENT APPLICATION – 090/46/2019/NC – 262B-264 GLEN OSMOND ROAD, FULLARTON SA 5063 (PARKSIDE)

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/46/2019/NC at 262B-264 Glen Osmond Road, Fullarton SA 5063 for the demolition of existing buildings and construction of a new single storey motor repair station with associated car parking and landscaping is not seriously at variance with the provisions of the City of Unley Development Plan and that Council should PROCEED with a full assessment of the non-complying application.

CARRIED UNANIMOUSLY

ITEM 10

**CONFIDENTIAL MOTION FOR ITEM 11 - PLANNING APPEAL – ERD COURT
ACTION NO ERD-19-51 – 10A URRBRAE AVENUE MYRTLE BANK (DA
090/674/2018/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, the Council Assessment Panel orders the public be excluded with the exception of the following:
 - Andrew Raeburn, Acting Assessment Manager
 - Amy Barratt, Acting Senior Planning Officer
 - Lily Francis, Development Administration Officer
 - Harry Stryker, Planning 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 11

**DEVELOPMENT APPLICATION – 090/674/2018/C2 – 10A URRBRAE AVENUE,
MYRTLE BANK 5064 (FULLARTON)**

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/674/2018/C2 at 10A Urrbrae Avenue, Myrtle Bank 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. 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

* Denotes Change

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 all side and rear upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy 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 treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
5. The existing driveway paving for Dwelling 1 shall be retained or, if relayed or replaced, the paving shall not involve surface/grade changes, the use of machinery or the removal of tree roots except for the removal of surface roots and minor earthworks.
6. A Tree Protection Zone of at least 8 metres radius from the centre of the Regulated tree on the site shall be provided. The activities excluded from the TPZ include but are not limited to:
 - Trenching (unless necessary for services);
 - cultivation;
 - storage;
 - preparation of chemicals, including preparation of cement products;
 - parking of vehicles and plant;
 - dumping of waste;
 - placement of fill i.e. soil;
 - soil level/grade changes (apart from that required for the relaying of paving);
 - installation of utilities and signs; and
 - physical damage to any part of the tree including leaves, branches, stems, trunk or roots (apart from removing surface roots for the relaying of paving).

Note: Any trenching required within the TPZ for service infrastructure shall only be undertaken with the supervision of a suitably qualified arborist.

7. The Tree Protection Zone shall be defined by the installation of chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed **'TREE PROTECTION ZONE' - 'NO ACCESS'**

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.

- 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 UNANIMOUSLY

ITEM 12

**CONFIDENTIAL MOTION FOR ITEM 11 -PLANNING APPEAL – ERD COURT
ACTION NO ERD-19-51 – 10A URRBRAE AVENUE MYRTLE BANK (DA
090/674/2018/C2)**

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

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 this Item to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-19-51

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

CARRIED UNANIMOUSLY

OTHER BUSINESS

Nil

CLOSURE

The Presiding Member declared the meeting closed at 9:34pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21 May 2019

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 21 May 2019