

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 21 January 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 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:

Mrs Jennie Boisvert
Mr Roger Freeman
Mr Alexander (Sandy) Wilkinson
Mr Rufus Salaman
Ms Shanti Ditter (Presiding Member)

APOLOGIES:

Mr Brenton Burman

OFFICERS PRESENT:

Mr Gary Brinkworth, Assessment Manager
Mrs Amy Barratt, Acting Team Leader Planning
Ms Chelsea Spangler, Acting Senior Planning
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST:

Mrs Jennie Boisvert declared a conflict of interest for Item 5 - 090/753/2019/C2 – Langdon Avenue, Clarence Park because she had put the motion to Council to have the tree assessed for removal.

Ms Shanti Ditter declared a conflict of interest for Item 2 - 090/398/2019/C2 – 102 East Avenue, Clarence Park Sa 5034 due to one of the representors being a personal friend.

Mr Rufus Salaman declared a perceived conflict of interest for Item 3 - 090/631/2019/C2 – 11 Lambeth Walk, Kings Park Sa 5034 due to Herriot Consulting the same firm with Rufus works at being involved in the application. Rufus chose to remain in the meeting as he did not have any direct involvement.

CONFIRMATION OF MINUTES:

MOVED: Sandy Wilkinson

SECONDED: Jennie Boisvert

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 10 December 2019, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Ms Suzanne Harrison the application for Item 7 on the agenda requested that the item be moved forward. It was agreed upon to do so by all members.

ITEM 1

DEVELOPMENT APPLICATION – 090/715/2019/C1 – 114 LEICESTER STREET, PARKSIDE SA 5063 (UNLEY)

Ms Suzanne Harrison, applicant, addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Alexander Wilkinson

That Development Application 090/715/2019/C1 at 114 Leicester Street, Parkside to 'Remove significant tree – *Eucalyptus cladocalyx* (Sugar Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
2. The significant tree makes an important contribution to the amenity of the local area, and forms a notable visual element to the landscape of the local area, and contributes to habitat value of the area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
3. No conclusive evidence has been provided to demonstrate that the significant tree is diseased, and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value with all other reasonable remedial treatments and measures being determined to be ineffective, contrary to Regulated and Significant Trees PDC 8.

CARRIED

Nominations were called for an acting Presiding Member as Ms Shanti Ditter declared a conflict of interest. Mr Roger Freeman nominated Mrs Jennie Boisvert and this was accepted by all members.

At 7:27pm Ms Shanti Ditter left the meeting

ITEM 2

DEVELOPMENT APPLICATION – 090/398/2019/C2 – 102 EAST AVENUE, CLARENCE PARK SA 5034 (CLARENCE PARK)

Mr Paul Bradley supported by Cr Don Palmer and Mr Tim Ballard, representor, addressed the panel regarding the above-mentioned application. Mr Lou Fantasia, on behalf of the applicant Lemon Tree Construction Pty Ltd, spoke in support of the application.

An alternative motion was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED:

That Development Application at 102 East Avenue Clarence Park (090/398/2019/C2) 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 development does not reflect the character and improve the amenity of the immediate area, contrary to the Residential B350 Zone Desired Character statement;
- The proposed development is not compatible in form, scale and design with the existing positive elements of the character of the area, contrary to Residential B350 Zone, Principle of Development Control 1;
- The proposed garage of Dwelling 3 will visually dominate the locality particularly the adjoining dwelling; contrary to Residential Council Wide Principle of Development Control 15;
- The proposed garaging demonstrates a shortfall in internal dimensions and exceeds the recommended maximum width relative to the site as recommended in Residential Council Wide Principle of Development Control 29; and
- The proposed development compromises existing street trees, contrary to Residential Council Wide Principle of Development Control 43

The motion lapsed for want of a seconder.

The original motion was put to the panel as follows:

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/398/2019/C2 at 102 East Avenue, Clarence Park SA 5034 to 'Construct three, two storey dwellings including garages and verandahs and removal of two street trees (Lorraine Avenue)', 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 existing crossover to East Avenue 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.
3. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
4. That the upper floor windows (excluding all north facing elevations and the east facing elevation of Dwelling 1) 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.
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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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 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**.
- 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 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.

LOST

An alternative motion was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/398/2019/C2 at 102 East Avenue, Clarence Park SA 5034 to 'Construct three, two storey dwellings including garages and verandahs and removal of two street trees (Lorraine Avenue)', is not seriously at variance with the provisions of the City of Unley Development Plan and should be DEFFERED for the following reasons:

- To seek further information from council administration relevant to the retention and/or relocation of the street trees

CARRIED UNANIMOUSLY

Ms Shanti Ditter returned to the meeting at 8:03pm.

ITEM 3

DEVELOPMENT APPLICATION – 090/631/2019/C2 – 11 LAMBETH WALK, KINGS PARK SA 5034 (UNLEY PARK)

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/631/2019/C2 at 11 Lambeth Walk, Kings Park SA 5034 to 'Demolish existing outbuilding and erect new outbuilding (shed/carport)', 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.

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/640/2019/C2 – 5 BUSBY AVENUE, BLACK FOREST SA 5035 (CLARENCE PARK)

Mr Phil Brunning on behalf of Mr Stephen Parr, spoke in support of the application.

MOVED: Rufus Salman

SECONDED:

That Development Application 090/640/2019/C2 at 5 Busby Avenue, Black Forest SA 5035 to 'Erect carport forward of dwelling', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

Reasons for refusal:

1. The design and appearance of the building is inconsistent with the desired character for the zone and does not have adequate regard to the existing contextual qualities of the locality including siting, front and side setbacks and open landscaped setting, contrary to Council Wide, Residential Development, PDC 1, and Residential B350 Zone, PDC 1;
2. The carport would be located forward of the dwelling, and is not setback no less than half the setback of the nearest adjacent dwelling, contrary to Residential B350 Zone, PDCs 8, 9;
3. The carport would be unreasonably prominently located and would visually dominate the locality, contrary to Residential B350 Zone, PDC 15;
4. The carport has not been sited and designed to minimise negative visual impacts on the locality, contrary to Residential B350 Zone, PDC 24;
5. The carport is not required to provide for the required minimum number of covered car parking spaces, contrary to Residential B350 Zone, PDC 9, 45 and Table Un/5.

The motion lapsed for want of a seconder.

An alternative recommendation was put to the panel as follows:

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 640/2019/C2 at 5 Busby Avenue, Black Forest to 'Erect carport forward of dwelling', 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.
- 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.

CARRIED UNANIMOUSLY

At 8:26PM Mrs Jennie Boisvert left the meeting

ITEM 5

DEVELOPMENT APPLICATION – 090/753/2019/C2 – LANGDON AVENUE, CLARENCE PARK

Mrs Patricia Leigh, representor, addressed the panel regarding the above-mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Rufus Salaman

SECONDED: Roger Freeman

That Development Application 090/753/2019/C1 at Langdon Avenue Clarence Park SA 5034 to 'Remove Significant street tree - *Phoenix canariensis* (Canary Island Date Palm)', 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. That the removal of the subject significant tree (*Phoenix canariensis* - Canary Island Date Palm) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).

2. That three (3) replacement trees must be planted to replace the Significant tree within twelve (12) months of the date of the development approval. The replacement trees shall be selected from the attached list. The applicant shall advise Council in writing when the replacement trees are planted. The replacement trees shall not be planted within 10 metres of a dwelling or in ground swimming pool. The owner of the land the subject of this authorisation shall maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

LOST

MOVED: Alexander Wilkinson

SECONDED: Shanti Ditter

The original recommendation was put to the panel:

That pursuant to Section 33 of the Development Act, 1993, Development Approval be **REFUSED** to Development Application 090/753/2019/C2 at Langdon Avenue, Clarence Park to 'Remove significant street tree - Phoenix canariensis (Canary Island Date Palm) (Outside 9A Landon Avenue, Clarence Park)', for the following reasons:

- The significant tree provides important aesthetic and environmental benefit, and therefore should be retained in accordance with Regulated and Significant Trees Objective 3;
- The significant tree makes an important contribution to the character or amenity of the local area, and forms a notable visual element to the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Trees PDC 6;
- No evidence has been provided to demonstrate that the significant tree is diseased, and its life expectancy is short, nor represents an unacceptable risk to public or private safety, nor is causing or threatening to cause substantial damage to a substantial building or structure of value, contrary to Regulated and Significant Trees PDC 8.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- Council shall maintain the tree to a suitable standard so that the tree is not used as a nesting location for pigeons.

CARRIED

Mrs Jennie Boisvert returned to the meeting at 8:52PM.

ITEM 6

DEVELOPMENT APPLICATION – 090/557/2019/C2 – 29 WOOD STREET, MILLSWOOD SA 5034 (UNLEY PARK)

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/557/2019/C2 at 29 Wood Street, Millswood SA 5034 to 'Extend garage on boundary (Commercial Road frontage)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

* Denotes Change

- The siting and form of the proposed garage does not enhance the desired character of the area, contrary to Residential Streetscape (Built Form) Zone, Objective 1 and Desired Character;
- The proposed garage does not form a relatively minor streetscape element and will thereby harm the character and appearance of the area, contrary to Residential Streetscape (Built Form Zone), PDC 3 and 14;
- The proposed garage does not reinforce the prominence of the associated dwelling and is not compatible with the prevailing built form within the locality, contrary to Residential Development, PDC 29 and 30

CARRIED UNANIMOUSLY

ITEM 7

DEVELOPMENT APPLICATION – 090/691/2019/C1 – 4 THORNBUR STREET, UNLEY PARK SA 5061 (UNLEY PARK)

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 691/2019/C1 at 4 Thornbur Street, Unley Park to 'Remove significant tree - *Agonis flexuosa* (Willow Myrtle)', 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. That the removal of the subject significant tree (*Agonis flexuosa* (Willow Myrtle)) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. Payment of \$282.00 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).

CARRIED UNANIMOUSLY

ITEM 8

CONFIDENTIALITY MOTION FOR ITEM 9 - PLANNING APPEAL – ERD COURT ACTION NO ERD-19-202 (DA 411/2019/C2) 12 LANOR AVENUE, MILLSWOOD

MOVED: Rufus Salaman

SECONDED: Alexander Wilkinson

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:

- Megan Berghuis, General Manager Community
- Gary Brinkworth, Manager Development and Regulatory
- Amy Barratt, Acting Senior Planning Officer
- 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 9

DEVELOPMENT APPLICATION — 090/411/2019/C2 – 12 LANOR AVENUE, MILLSWOOD SA 5034 (GOODWOOD)

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

C. That the report be received; and

D. That the Environment Resources and Development Court be advised that the Council Assessment Panel does not agree to the compromise

CARRIED UNANIMOUSLY

ITEM 10

CONFIDENTIALITY MOTION FOR ITEM 9 - PLANNING APPEAL – ERD COURT ACTION NO ERD-19-202 (DA 411/2019/C2) 12 LANOR AVENUE, MILLSWOOD

MOVED: Alexander Wilkinson

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:

- FOR ITEM 9 – PLANNING APPEAL – ERD COURT ACTION NO ERD-19-202 (DA 411/2019/C2) 12 LANOR AVENUE, MILLSWOOD

remain confidential on the basis that the information contained therein concerns actual litigation being the appeals in ERD-19-202.

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

CARRIED UNANIMOUSLY

OTHER BUSINESS

Reminder for all members that accreditation to a level 2 must be sought under the new scheme from 1 July 2020.

The Presiding Member declared the meeting closed at 9:20PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21 January 2020

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 18 February 2020