

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 17 March 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: Ms Shanti Ditter (Presiding Member)
Mrs Jennie Boisvert
Mr Roger Freeman
Mr Alexander (Sandy) Wilkinson
Mr Brenton Burman

APOLOGIES: Nil

OFFICERS PRESENT: Mr Gary Brinkworth, Assessment Manager
Mr Andrew Raeburn, Acting Team Leader Planner
Ms Chelsea Spangler, Planning Officer
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST:

Nil

CONFIRMATION OF MINUTES:

MOVED: Jennie Boisvert SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 February 2020, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/817/2019/C2 – 29 OXENBOULD STREET, PARKSIDE SA 5063 (PARKSIDE)

Mr Sean Williams and Ms Amanda Nettelbeck, representors, addressed the panel regarding the above mentioned application. Mr Greg Vincent of Masterplan, on behalf of the applicant, spoke in support of the application.

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/817/2019/C2 at 29 Oxenbould Street, Parkside SA for 'Partial demolition of existing rear additions and carry out alterations and construct single storey additions on common boundary, erect deck, front fence and rear 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:

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 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 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.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention'

must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/792/2019/C2 – 38 AUSTRAL TERRACE, MALVERN SA 5061 (UNLEY PARK)

Phil Brunning addressed the panel regarding the above-mentioned application.

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/792/2019/C2 at 38 Austral Terrace, Malvern SA 5061 to carry out demolition and alterations, construct additions including second storey, garage to common boundary, swimming pool and front fencing 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 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 raised sills to a minimum height of 1700mm above floor level with such measures to be kept in place at all times.

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.

* Denotes Change

- 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 3

DEVELOPMENT APPLICATION – 090/732/2019/C2 – 35 CLIFTON STREET, MALVERN SA 5061 (UNLEY PARK)

Mr David Hutchison spoke on behalf of Ian and Judith Brooks, representors. Mr Vasili, applicant, addressed the panel regarding the above-mentioned application.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/732/2019/C2 at 35 Clifton Street, Malvern SA 5061 to 'Demolish existing carport and rear lean-to structures, carry out alterations and construct additions including roof attic, verandah, outbuilding and carport/wall on side boundaries', 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 all external materials and finishes shall be the same as or complementary to the existing dwelling on the site.
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.

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 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.
(2kL retention and 1kL detention)

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/602/2019/C2 – 5A BLACKETT STREET, GOODWOOD SA 5034 (GOODWOOD)

Kylie Steene, applicant, addressed the panel regarding the above-mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Jennie Boisvert

SECONDED: Alexander Wilkinson

That Development Application 090/602/2019/C2 at 5A Blackett Street, Goodwood SA to 'Construct new single storey dwelling including verandahs on common boundaries', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

The development is contrary to Residential Development PDC 45 for following reasons:

- Provision for 2 on-site car parking spaces has not been provided in accordance with Table Un/5 of the Unley Development Plan;
- Provision for 1 covered on-site car parking space has not provided in accordance with Table Un/5 of the Unley Development Plan.

LOST

The original recommendation was put to the panel as follows:

MOVED: Brenton Burman

SECONDED: Roger Freeman

That Development Application 090/602/2019/C2 at 5A Blackett Street, Goodwood SA to 'Construct new single storey dwelling including verandahs on common boundaries', 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. A Tree Protection Zone of 12.3m shall be maintained from the base of the Regulated tree growing at the adjoining property to the south east. For this purpose, other than as herein granted development approval:
 - No major trenching shall occur within the Tree Protection Zone and no services shall traverse the Tree Protection Zone.
 - The development shall minimise any disruption to the root system of the affected regulated tree, with no severing of roots with a diameter greater than 50 mm without the permission of the Council Lead Arborist.
 - Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
 - Nothing shall be attached to the canopy of the trees by any means.
 - It is recommended that the dead wood in the canopy be removed prior to construction and absolutely no live wood is to be removed.
3. Tree protection fencing a minimum radius of 12.3m from the tree shall be installed along the common boundary between 5 and 5A Blackett Street prior to the commencement of any work on site, and shall remain until the completion of all building works.
 - Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
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. 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#>
6. 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.

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 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.
(2kL retention and 1kL detention)

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.
- 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**.

LOST

An alternative recommendation was put to the panel as follows:

MOVED: Jennie Boisvert

SECONDED: Alexander Wilkinson

That Development Application 090/602/2019/C2 at 5A Blackett Street, Goodwood SA to/ 'Construct new single storey dwelling including verandahs on common boundaries', be DEFFERED Planning Consent to allow the applicant to:

- Consider alternative undercover carparking design onsite.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/56/2019/C2 – 8 / 35 COMMERCIAL ROAD, HYDE PARK SA 5061 (UNLEY PARK)

The application was withdrawn at the request of the applicant.

ITEM 6

**PLANNING APPEAL – ERD COURT ACTION NO ERD-19-177 (DA 89/2018/C1)
27 THORNER STREET UNLEY PARK**

MOVED: Roger Freeman

SECONDED: Brenton Burman

That:

- A. The report be received.
- B. 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
 - Andrew Raeburn, Acting Team Leader Planning
 - Amy Barratt, Acting Senior Planning Officer
 - Lily Francis, Development Administration Officer

on the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believes on reasonable grounds will take place.

CARRIED UNANIMOUSLY

ITEM 7

**DEVELOPMENT APPLICATION – 090/789/2018/C1 – 27 THORNER STREET,
UNLEY PARK SA 5061 (UNLEY PARK)**

MOVED: Brenton Burman

SECONDED:

- C. That the report be received; and
- D. That the Environment Resources and Development Court be advised that regarding Development Application 090/789/2018/C1 at 27 Thornber Street, Unley Park 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. That 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

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maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

The motion lapsed for want of a seconder.

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

- A. That the report be received and
- B. That the Environment Resources and Development Court be advised that the Council Assessment Panel does not agree to the compromise.

CARRIED

ITEM 8

**PLANNING APPEAL – ERD COURT ACTION NO ERD-19-177 (DA 789/2018/C1)
27 THORNBUR STREET UNLEY PARK**

MOVED: Roger Freeman

SECONDED: Brenton Burman

That:

- A. 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 7 – PLANNING APPEAL – ERD COURT ACTION NO ERD-19-177 (DA 789/2018/C1) 27 THORNBUR STREET UNLEY PARK

remain confidential on the basis that the information contained therein concerns actual litigation being the appeals in ERD-19-26

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

CARRIED UNANIMOUSLY

OTHER BUSINESS

Nil

MATTERS FOR COUNCIL'S CONSIDERATION

Nil

[Note: These minutes are unconfirmed until 21 April 2020]

The Presiding Member declared the meeting closed at 8:31pm.

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

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 21 April 2020

* Denotes Change