

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 15 June 2021
at 6.30pm in the Civic Centre, Unley**

KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna. **

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

*Kurna Translation provided by Kurna Warra Karrpanthi

PRESENT:

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

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: Colleen Dunn

SECONDED: Emma Wright

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 May 2021 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

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

MOVED: Colleen Dunn

SECONDED: Emma Wright

That Development Application 090/784/2019/C2 at 55 Castle Street, Parkside SA 5063 to 'Demolish existing dwelling and construct a new two storey detached dwelling including verandahs and carport to 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:

- Insufficient design quality of the new dwelling when compared to the existing cottage, at odds with Principles 6 and 10 of the Residential Streetscape (Built Form) Zone and at odds with the desired character of Policy Area 8 Compact.
- The upper level would not be inconspicuous within the streetscape, contrary to PDC 9 of the zone;
- The garage would be overly dominant within the streetscape, contrary to PDC 14
- The site coverage would exceed Council wide Policy 16.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 090/436/2020/C2 – 42 FERGUSON AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

Mrs Katherine Shierlow on behalf of Mrs Dawn Thorpe, Mr Pat Christie, representor, addressed the Panel regarding the above mentioned application. Nick Wilson from Masterplan addressed the Panel in support of the application.

MOVED: Colleen Dunn

SECONDED: Emma Wright

That Development Application 090/436/2020/C2 at 42 Ferguson Avenue, Myrtle Bank SA 5064 for construction of three (3) two storey detached dwellings and associated 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:

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

* Denotes Change

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 all side upper floor windows of Dwellings 1 and 2 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 glazing or screens to be kept in place at all times. Privacy screen along the sides of the balconies shall also be provided in accordance with the approved plans.
5. A Tree Protection Zone of at least 15 metres radius from the centre of the Significant trees on the site shall be provided. Any trenching and earthworks required within the TPZ shall only be undertaken with the supervision of a suitably qualified arborist.
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. That all landscaping shall be planted in accordance with the approved plan (Site Plan / Ground Floor Plans prepared by D'Andrea Architects dated 29/10/2020). The landscaping shall be planted within three (3) months of the occupancy of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.
8. The existing crossover adjacent the eastern boundary shall be closed and the footpath, kerb and gutter shall be returned and full cost of the applicant.
9. Prior to the issue of development approval, plans detailing the front boundary fencing shall be submitted and approved by Council.

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**.

* Denotes Change

- 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.
- New crossovers are to be constructed in accordance with Council's specifications. Driveways and crossovers are not to be constructed from concrete over the footpath area between the kerb to boundary. Driveways and boundary levels at fence line must be between 2% and 2.5% above kerb Height. Crossovers must not to exceed 2.5% or 1:40 cross fall gradient from boundary to kerb invert.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/16/2021/C2 – 184 KING WILLIAM ROAD, HYDE PARK SA 5061 (UNLEY PARK)

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/16/2021/C2 at 184 King William Road, Hyde Park SA 5061 for 'Single storey alterations and additions to dwelling, including a wall on the northern boundary' is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That the total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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 – 090/10/2021/C2 – 27 ANGUS STREET, GOODWOOD SA 5034 (GOODWOOD)

MOVED: Ross Bateup

SECONDED: Michael McKeown

That Development Application 090/10/2021/C2 at 27 Angus Street, Goodwood SA 5034 to carry out alterations and construct additions (to boundary), upper storey addition, install swimming pool, verandah 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 side upper floor windows 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 glazing or screens 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.
- 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 5

DEVELOPMENT APPLICATION – 090/211/2021/C2 – 48 SALISBURY STREET, UNLEY SA 5061 (UNLEY)

Mrs Ali Hammond, owner, addressed the Panel regarding the above mentioned application.

MOVED: Emma Wright

SECONDED: Colleen Dunn

That Development Application 090/211/2021/C2 at 48 Salisbury Street, Unley SA 5061 to 'Erect carport forward of dwelling' is seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The proposed carport is not integrated or recessed with the associated dwelling and therefore does not form a minor streetscape element contrary to Residential Streetscape (Built Form) Zone and PDC's 3 and 14.
- The proposed development does not compliment the rhythm of front setbacks along Salisbury Street nor that within locality contrary to Council Wide Residential PDC's 8 & 9.

CARRIED UNANIMOUSLY

CONFIDENTIAL MOTION FOR ITEM 6 - PLANNING APPEAL – ERD COURT ACTION NO ERD-21-11 – 14 Invergowrie Ave Highgate (DA 721/2020/C2)

MOVED: Michael McKeown

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.

ITEM 6

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

MOVED: Michael McKeown

SECONDED: Emma Wright

- A. That the report be received; and
- B. That the Environment, Resources and Development Court be advised that the Council Assessment Panel reaffirms its decision on the 20th of April 2021.

CARRIED

CONFIDENTIAL MOTION FOR ITEM 6 - PLANNING APPEAL – ERD COURT ACTION NO ERD-21-11 – 14 Invergowrie Ave Highgate (DA 721/2020/C2)

MOVED: Colleen Dunn

SECONDED: Emma Wright

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended

- 2.1 The
 - Minutes
 - Report
 - Attachments

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

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

CARRIED UNANIMOUSLY

OTHER BUSINESS

CITY OF UNLEY COUNCIL ASSESSMENT PANEL DELEGATIONS – AMENDED INSTRUMENT C

MOVED: Ross Bateup

SECONDED: Colleen Dunn

That the Unley Council Assessment Panel (the Panel), in exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, amend its delegations to those contained in the Instrument of Delegation annexed to this report.

CARRIED UNANIMOUSLY

MATTERS FOR COUNCIL’S CONSIDERATION

Nil

The Presiding Member declared the meeting closed at 8:14pm.

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

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 20 July 2021