

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 19 October 2021  
at Civic Centre, Council Chambers**

**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  
Mrs Emma Wright  
Mr Michael McKeown  
Mr Ross Bateup

**APOLOGIES:**

Nil

**OFFICERS PRESENT:**

Mr Gary Brinkworth, Assessment Manager  
Mr Andrew Raeburn, Senior Planning Officer  
Ms Chelsea Spangler, 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 Thursday 28 September 2021 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/223/2021/C2 – 80-94 GOODWOOD ROAD, GOODWOOD SA 5034 (GOODWOOD)**

Jenny Panagaris on behalf of Anh Ty Duong, Susan Skinner, Simon Jackson, Emma Northey, Elissa Downey addressed the Panel regarding the above mentioned application. Mr Marc Duncan from Future Urban Pty Ltd spoke on behalf of the applicant.

MOVED: Emma Wright

SECONDED

That Development Application 090/223/2021/C2 at 80-94 Goodwood Road, Goodwood SA 5034 for 'Integrated service station comprising ancillary convenience store with drive through; 12 fuel dispensers; fencing; and signage' is contrary to the provisions of the City of Unley Development Plan and should be Refused Planning Consent subject to the following reasons:

- Traffic generation and highway safety
- Inappropriate land use
- Unreasonable impacts upon the amenity of neighbouring residents

**The motion lapsed for want of a seconder**

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/223/2021/C2 at 80-94 Goodwood Road, Goodwood SA 5034 for 'Integrated service station comprising ancillary convenience store with drive through; 12 fuel dispensers; fencing; and signage' be DEFERRED to allow the applicant to address interface and design concerns, particularly:

- western boundary fencing details including acoustic and aesthetic design details
- pedestrian access from Leader Street
- bicycle parking
- northern façade treatment
- bin location and design
- landscaping, including additional trees along the boundary fences and all street frontages
- clarification of ingress and egress arrangement for Leader Street

\* Denotes Change

- extent and details of the driveway crossovers
- lighting design
- onsite fuel delivery times

**CARRIED**

**ITEM 2**

**DEVELOPMENT APPLICATION – 090/181/2021/C2 – 93 NORTHGATE STREET, UNLEY PARK SA 5061 (UNLEY PARK)**

Mark Baade from SAQ addressed the Panel on behalf of the representors G and F Weir. Richard Dwyer of Ekistics and Joe Walker, applicant, addressed the Panel in support of the application.

MOVED: Ross Bateup

SECONDED: Michael McKeown

That Development Application 090/181/2021/C2 at 93 Northgate Street, Unley Park SA 5061 to 'Erect garage on common boundaries (retrospective)', 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](http://www.lsc.sa.gov.au).

**CARRIED**

**MOTION TO MOVE INTO CONFIDENCE**  
**DEVELOPMENT APPLICATION – 090/14/2021/C2 – 31A FISHER STREET, MYRTLE BANK 5064 (FULLARTON)**

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
  - 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 3**  
**DEVELOPMENT APPLICATION – 090/14/2021/C2 – 31A FISHER STREET, MYRTLE BANK 5064 (FULLARTON)**

MOVED: Michael McKeown

SECONDED: Ross Bateup

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/14/2021/C2 for 31A Fisher Street, Myrtle Bank 5064 that the Council Assessment Panel supports the compromise subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

**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:

- An updated Site and Drainage Plan to reflect the dwelling configuration (dated 4-

9-21) and stormwater management volume requirements (1500L detention and 2500L retention) be provided to the satisfaction of Council prior to the issue of Development Approval

1. That the development shall be undertaken, to the Council's reasonable satisfaction, in accordance with the plans and details listed below, unless varied by the conditions that are listed herein:
  - 1.1. Built Impressions ground floor plan job no. BI-2008-1, amendment dated 4-9-21
  - 1.2. Built Impressions front elevation and upper floor plan job no. BI-2008-1, amendment dated 4-9-21
  - 1.3. Built Impressions side elevations and rear elevation job no. BI-2008, amendment dated 4-9-21
  - 1.4. Built Impressions site plan job no. BI-2008-1, amendment dated 4-9-21
  - 1.5. Built Impressions roof plan job no. BI-2008-1, amendment dated 4-9-21
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 all upper floor windows on the southern elevations shall be treated to avoid overlooking prior to occupation by being fitted with either raised sills or permanently fixed non-openable obscure glazed panels to a minimum height of 1700mm above floor level with such glazing to be kept in place at all times.
4. That all landscaping shall be planted in accordance with the approved plan (Site Plan prepared by Built Impressions dated 10/5/2021). 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.
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.

**CARRIED**

**MOTION TO MOVE OUT OF CONFIDENCE**  
**DEVELOPMENT APPLICATION – 090/14/2021/C2 – 31A FISHER STREET, MYRTLE**  
**BANK 5064 (FULLARTON)**

MOVED: Colleen Dunn

SECONDED: Ross Bateup

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 Item 3 to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-21-80

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

**OTHER BUSINESS**

**MATTERS FOR COUNCIL CONSIDERATION**

The Presiding Member declared the meeting closed at 8:28pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16 November 2021

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday, 16 November 2021