

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 28 September 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:

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: Emma Wright

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Thursday 21 September 2021 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/193/2021/C2 – 13 ROSE TERRACE, WAYVILLE SA 5034 (GOODWOOD)

This application was withdrawn at the request of the applicant.

ITEM 2

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

This application was withdrawn at the request of the applicant and representor.

ITEM 3

DEVELOPMENT APPLICATION – 090/82/2021/C1 – 2C ALMA ROAD, FULLARTON SA 5063 (FULLARTON)

Mr Luigi De Rosa, applicant, addressed the Panel regarding the above-mentioned application.

MOVED: Emma Wright

SECONDED: Michael McKeown

That Development Application 090/82/2021/C1 at 2C Alma Road, Fullarton SA 5063 for 'Variation to 187/2017/C2 - condition 5 and associated LMA, is not seriously at variance with the provisions of the City of Unley Development Plan but should be REFUSED Planning Consent as it is contrary to the intent of the Land Management Agreement to protect the Corymbia Citriodora which is considered to be in good health with no notable defects to justify removal at this stage.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/195/2021/C2 – 308-310 FULLARTON ROAD, FULLARTON SA 5063 (PARKSIDE)

Fabian Barone from Future Urban addressed the Panel

MOVED: Ross Bateup

SECONDED: Colleen Dunn

That Development Application 090/195/2021/C2 at 308-310 Fullarton Road, Fullarton SA 5063 to 'Construct two, three-storey residential flat buildings contains a total of 13 dwellings.' 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:

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:

- Details of communal onsite bicycle parking facilities

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. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
3. A Demolition and Construction Management Plan is required to the satisfaction of Council prior to the issue of Development Approval and shall include details such as:
 - Car parking and access arrangements for tradespersons
 - Siting of materials storage
 - Site offices
 - Work in the Public Realm
 - Hoarding
 - Site amenities
 - Traffic requirements including construction access/egress and heavy vehicle routes
 - Reinstatement of infrastructure
 - Protection measures for regulated trees to be retained
4. Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter

* Denotes Change

Council's drainage system, road network or neighbouring properties. Pollution prevention measures shall be in accordance with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":

- For the Community
- For the Local, State and Federal Government
- For the Building and Construction Industry

In the event that soil, dust or construction debris enter Council's road network, it shall be removed by the end of the next business day.

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. A 'no entry' traffic sign must be erected adjacent the southern crossover to the reasonable satisfaction of Council prior to the occupation of the development.
7. That the upper floor windows and balcony areas be treated to avoid overlooking, as per the approved plans, prior to occupation of the dwellings.

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

ITEM 5

DEVELOPMENT APPLICATION – 090/139/2021/C2 – 38 TREVELYAN STREET, WAYVILLE SA 5034 (UNLEY)

Ms Fiona Watson, applicant, addressed the Panel regarding the above-mentioned application.

MOVED: Emma Wright

SECONDED: Colleen Dunn

That Development Application 090/139/2021/C2 at 38 Trevelyan Street, Wayville SA 5034 to 'Erect freestanding screen up to 3.9m in height (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.

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.

CARRIED UNANIMOUSLY

**CONFIDENTIAL MOTION FOR ITEM 6 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-20-105 – 55-65 DUTHY ST MALVERN – 19/2019/C3**

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, 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.

CARRIED UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/19/2019/C3 – 55-65 DUTHY STREET, MALVERN SA 5061 (UNLEY PARK)

MOVED: Colleen Dunn

SECONDED: Ross Bateup

That the Environment Resources and Development Court be advised that the Council Assessment Panel supports the compromise reached by the applicant and appellants.

CARRIED UNANIMOUSLY

CONFIDENTIAL MOTION FOR ITEM 6 - PLANNING APPEAL – ERD COURT ACTION NO ERD-20-105 – 55-65 Duthy St Malvern – 19/2019/C3

MOVED: Michael McKeown

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 Item 6 to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-20-105

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

CARRIED UNANIMOUSLY

CHANGE TO COMMENCEMENT TIME OF PANEL MEETINGS

MOVED: Colleen Dunn

SECONDED: Michael McKeown

That Clause 8 of the Meeting Procedures of the City of Unley Council Assessment Panel be amended to read:

The Panel will meet at the Unley Civic Centre at Oxford Terrace, Unley on the third Tuesday of each month (unless a meeting is not required, or a special meeting is called) commencing at 6.00pm.

CARRIED UNANIMOUSLY

OTHER BUSINESS

Nil

MATTERS FOR COUNCIL CONSIDERATION

The Panel wishes to bring to the attention of Council the decision for 2C Alma Road and that the Panel resolved to maintain the LMA. The Panel positively supports Council's initiatives for financial assistance for the maintenance of significant, regulated, and other important trees, and encourages Council to proactively communicate this initiative.

The Presiding Member declared the meeting closed at 8:07pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 19 October 2021

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 19 October 2021