

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Thursday, 29 July 2021
at 6.30pm via Zoom**

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

APOLOGIES:

Mr Ross Bateup

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:

Michael McKeown declared a conflict of interest for Item 5 - 631 South Road Everard Park and Item 6 - Millswood Croquet Club due to his company Jensen Plus, being involved in these applications.

CONFIRMATION OF MINUTES:

MOVED: Emma Wright

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 16 June 2021 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

**DEVELOPMENT APPLICATION – 090/206/2021/C2 – 207 WATTLE STREET,
MALVERN 5061 (UNLEY PARK)**

Mrs Leanne Hollis, and Mr Neale Hollis, representors, addressed the Panel regarding the above-mentioned application. Mr Simon Channon form URPS and Ms Lisa Martin, applicant, spoke in support of the application.

MOVED: Michael McKeown

SECONDED: Colleen Dunn

That Development Application 090/206/2021/C2 at 207 Wattle Street, Malvern 5061 to Demolish rear addition, carport and sheds, carry out alterations and construct two storey dwelling additions including a garage, deck, pergola, outbuilding and retaining and 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:

RESERVED MATTER

- Further details, including dimensions, materials and sight lines of the proposed upper level privacy screening shall be submitted to demonstrate the extent of overlooking into neighbouring properties.
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 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.

* Denotes Change

Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.

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 UNANIMOUSLY

ITEM 2

DEVELOPMENT APPLICATION – 090/669/2020/C2/A – 170 FISHER STREET, MALVERN SA 5061 (UNLEY PARK)

Ms Tanja Cvijetic, representor, addressed the Panel regarding the above-mentioned application.

MOVED: Colleen Dunn

SECONDED: Emma Wright

That Development Application 090/669/2020/C2/A at 170 Fisher Street, Malvern SA 5061 to 'Demolish verandah and carport, carry out alterations and construct additions on common boundaries including verandah carport, outbuilding and in-ground swimming pool

Variation to 090/669/2020/C2 - Demolish existing outbuilding (rumpus room), relocate pool to western side of site, relocate outbuilding to eastern common boundary, increase floor area of outbuilding and alter the dwelling addition including extending the roof form', 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 ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.
4. That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.

Variation to 090/669/2020/C2 - Demolish existing outbuilding (rumpus room), relocate pool to western side of site, relocate outbuilding to eastern common boundary, increase floor area of outbuilding and alter the dwelling addition including extending the roof form

1. That the development herein approved shall be undertaken in accordance with the amended plans and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
2. The conditions, where pertinent, of the Planning Consent Development Application Number 090/669/2020/C2 in respect to the original overall development shall be complied with to the reasonable satisfaction of Council at all times.

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.
- 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.
- 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**.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/218/2021/C2 – 30 YOUNG STREET, PARKSIDE SA 5063 (PARKSIDE)

Mr David Nettle, representor, addressed the Panel regarding the above mentioned application. Mr Sandy Wilkinson, on behalf of the applicant, spoke in support of the application.

MOVED: Emma Wright

SECONDED: Brenton Burman

That Development Application 090/218/2021/C2 at 30 Young Street, Parkside SA 5063 for 'Carry out alterations to existing dwelling and construct new 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.
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. A final colour schedule of the proposed materials shall be provided to the satisfaction of Council.
5. That the upper floor windows along the eastern elevation (between the passage (hall) and bedroom 3) 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.

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 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 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

* Denotes Change

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**.
- The applicant should seek land division approval for the proposed easement as shown on the approved plans.

CARRIED

ITEM 4

DEVELOPMENT APPLICATION – 090/853/2020/C2 – 18A ANGUS STREET, GOODWOOD SA 5034 (GOODWOOD)

Mr Graham Burns from Master Plan, addressed the Panel on behalf of the applicant in support of the above-mentioned application.

MOVED: Michael McKeown

SECONDED: Colleen Dunn

That Development Application 090/853/2020/C2 at 18A Angus Street, Goodwood SA 5034 to Construct single storey dwelling including front fencing and a garage on common boundary be DEFERRED to allow the applicant to address concerns relating to the front façade, setbacks, double garage, form and colour of the roof, front entry treatment and general streetscape appearance.

CARRIED UNANIMOUSLY

AT 8:54pm Michael McKeown left the meeting.

ITEM 5

DEVELOPMENT APPLICATION – 090/142/2021/C1 – 631 SOUTH ROAD, EVERARD PARK SA 5035 (GOODWOOD)

MOVED: Emma Wright

SECONDED: Colleen Dunn

That Development Application 090/142/2021/C1 at 631 South Road, Everard Park SA 5035 to 'Remove regulated tree - Eucalyptus Leucoxydon', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The regulated tree makes an important contribution to the visual amenity of the locality and therefore should be retained in accordance with Regulated and Significant Trees Objective 2(a);
- The regulated tree is indigenous to the locality and therefore should be retained in accordance with Regulated and Significant Trees Objective 2(b);
- No evidence has been provided to demonstrate that the regulated tree is diseased, and its life expectancy is short, nor represents a material risk to public or private

safety, nor is causing damage to a building contrary to Regulated and Significant Trees PDC 2.

CARRIED UNANIMOUSLY

ITEM 6

PDI ACT APPLICATION – 21008127 – LOT 604 MILLSWOOD CR MILLSWOOD SA 5034

Mr David Brown from The City of Unley spoke in support of the application.

MOVED: Colleen Dunn

SECONDED: Emma Wright

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21008127, by the City of Unley is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

1. All stormwater from the building and site shall be disposed of so as not to 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.
2. The approved landscaping shall be established prior to the use of the development and shall be irrigated, maintained and nurtured with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
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.
4. That the section of the existing crossover(s) to be closed must be reinstated with kerb and water table in accordance with Council requirements and at the applicant's expense, prior to occupation of the development.

5. Tree Protection Zones shall be provided for the regulated and significant trees on the site that are to be retained. The development must be undertaken in accordance with the recommendations of the approved arborist report and any pruning and/or ground disturbance within Tree Protection Zone of regulated or significant trees should be undertaken under the guidance of a qualified arborist.

Additionally:

- No major trenching shall occur with-in the Structural Root Zone and services shall traverse the eastern most side of the Tree Protection Zone and be undertaken by appropriate sensitive means (eg. hyrovac) to avoid any major or inappropriate root damage.
- 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 no live wood is to be removed.

ADVISORY NOTES

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

CARRIED UNANIMOUSLY

At 9:07pm Michael McKeown returned to the meeting.

OTHER BUSINESS

Nil

MATTERS FOR COUNCIL'S CONSIDERATION

Nil

**CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-21-80 – 31A Fisher St Myrle Bank (DA 14/2021/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, 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 7

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

MOVED: Colleen Dunn

SECONDED: Michael McKeown

- 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 of 20th April 2021 as the compromise proposal does not adequately address the grounds for refusal.

CARRIED UNANIMOUSLY

CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING APPEAL – ERD COURT ACTION NO ERD-21-80 – 31A Fisher St Myrtle Bank (DA 14/2021/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-21-80

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

CARRIED UNANIMOUSLY

The Presiding Member declared the meeting closed at 9:13pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 17 August 2021

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* Denotes Change

[Note: These minutes are unconfirmed until 17 August 2021]

PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 17 August 2021

* Denotes Change