

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 18 June 2019
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 Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

PRESENT: Ms Shanti Ditter (Presiding Member),
Mr Brenton Burman
Ms Emma Wright
Mr Alexander (Sandy) Wilkinson
Mr Rufus Salaman

APOLOGIES: Mr Roger Freeman
Mrs Jennie Boisvert

OFFICERS PRESENT: Mr Paul Weymouth, Assessment Manager
Mrs Amy Barrat, Acting Team Leader Planning
Ms Lily Francis, Development Administration Officer

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED: Brenton Burman SECONDED: Alexander Wilkinson

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 21 May 2019, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/833/2018/C2 – 9 PALMERSTON ROAD, UNLEY 5061 (UNLEY)

Mr Brent Dowsett, applicant and Mr Alexander Neil, owner, addressed the panel regarding the above-mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Rufus Salaman

That Development Application at 9 Palmerston Road Unley (090/833/2018/C2) is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The relevant Zone Principles of Development Control (RSBF Zone PDC 6) relating to the demolition of the existing dwelling has not been satisfied
 - The existing dwelling contributes positively to the existing streetscape and Desired Character of the Residential Streetscape Built Form Zone
 - The proposed replacement dwelling does not make a comparable or more positive contribution to the desired character than the building to be demolished
 - It has not been demonstrated that the building to be demolished;
 - a) Is structurally unsafe or so unsound as to be unreasonably economically rehabilitated or;
 - b) Is so compromised or altered that there is no reasonable prospect of its original contribution; or
 - c) Adds little value to the desired character due to its discordant form and poor streetscape contribution; or
 - d) Is incongruous with, and makes a poor contribution to the particular character of its streetscape.

LOST

The original recommendation was put to the panel:

MOVED: Brenton Burman

SECONDED: Emma Wright

That Development Application 090/833/2018/C2 at 9 Palmerston Road, Unley 5061 to demolish existing dwelling and construct two storey dwelling with garage wall and side walls on boundary, basement, verandah and associated in-ground swimming pool 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 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 and rear upper floor windows and the front balcony shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or horizontal screens (as detailed on Screening Plan, Drawing No. PL SCRNs dated 10/12/18 prepared by C4 Architects) to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times.
5. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
6. 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.

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

REPORT TITLE: CONFIDENTIAL MOTION FOR ITEM 3 - PLANNING APPEAL –
ERD COURT ACTION NO ERD-19-79 – 17 Ophir Street
Goodwood (DA 090/739/18/C2)

ITEM NUMBER: 2

RECOMMENDATION

MOVED: Emma Wright

SECONDED: Alexander Wilkinson

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:
 - Megan Berghuis, General Manager Community
 - Paul Weymouth, Manager Development and Regulatory
 - Amy Barratt, Acting Team Leader Planning Officer
 - Mr Harry Stryker, 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 – 090/739/2018/C2 – 17 OPHIR STREET,
GOODWOOD SA 5034 (GOODWOOD)**

MOVED: Alexander Wilkinson

SECONDED: Emma Wright

- C. That the report be received; and
- D. That the Environment Resources and Development Court be advised that the Council Assessment Panel reaffirms its decision of 16 April 2019 as the compromise proposal does not adequately address the grounds for refusal.

CARRIED UNANIMOUSLY

REPORT TITLE: CONFIDENTIAL MOTION FOR ITEM 3 -
PLANNING APPEAL – ERD COURT ACTION NO
ERD-19-79 – 17 Ophir Street Goodwood (DA
090/739/18/C2)

ITEM NUMBER: 3

RECOMMENDATION

MOVED: Rufus Salaman

SECONDED: Brenton Burman

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 this Item to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD -19-79

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

CARRIED UNANIMOUSLY

ADOPTION OF MEETING PROCEDURES

MOVED: Brenton Burman SECONDED: Rufus Salaman

That the tabled Council Assessment Panel Procedures be adopted.

CARRIED UNANIMOUSLY

OTHER BUSINESS

CLOSURE

The Presiding Member declared the meeting closed at 7:59pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16 July 2019

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 16 July 2019