

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 10 December 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: Mrs Jennie Boisvert
Mr Roger Freeman
Mr Brenton Burman
Mr Alexander (Sandy) Wilkinson
Mr Rufus Salaman

APOLOGIES: Ms Shanti Ditter (Presiding Member)

OFFICERS PRESENT: Mr Gary Brinkworth, Assessment Manager
Mr Andrew Raeburn, Acting Team Leader Planning
Mrs Amy Barratt, Acting Senior Planning
Ms Lily Francis, Administration Officer

Nominations were called for an acting Presiding Member in the absence of Ms Shanti Ditter. Roger Freeman nominated Mrs Jennie Boisvert.

MOVED: Roger Freeman SECONDED: Brenton Burman

CARRIED

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Brenton Burman SECONDED: Alexander Wilkinson

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 11 November 2019, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

Item 4 – 5 Busby Avenue Black Forest was withdrawn from the Agenda at the request of the Applicant.

ITEM 1

DEVELOPMENT APPLICATION – 090/427/2019/C2 – 4A MORNINGTON ROAD, UNLEY SA 5061 (UNLEY)

Mr Bryan Willis and Mr Robert Sobatino on behalf of Mrs Nicolina Sobatino, representors, addressed the panel regarding the above mentioned property.

An alternative recommendation was put to the panel as follows:

That Development Application 090/427/2019/C2 at 4A Mornington Road, Unley SA 5061 to construct a single storey dwelling with associated garage on common boundary, front masonry fence and retaining and fencing along side and rear boundaries is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

MOVED: Alexander Wilkinson

SECONDED:

1. The proposal does not satisfy PDC10 as the proposal does not suitably reference the contextual conditions of the locality and front setbacks are minimal and not consistent with the adjacent setbacks.
2. The proposal does not satisfy PDC14 the garage is (i) not a lightweight design (ie a carport) and (ii) is not a discrete and articulated building element that is, contrary to the is specific provision is integrated under the main roof and (iv) is sited on a side boundary well forward of the adjacent Tudor house to the south.
3. The eaves height and roof pitch is too low relative to the neighbouring buildings.

The motion lapsed for want of a seconder.

The original recommendation was put to the panel:

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/427/2019/C2 at 4A Mornington Road, Unley SA 5061 to construct a single storey dwelling with associated garage on common boundary, front masonry fence and retaining and fencing along side and rear boundaries 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. The vehicle access shall be designed with a minimum clearance of 2.5 metres from the centre of the existing street tree. Prior to the issue of full Development Approval, a final driveway design shall be provided to the satisfaction of Council.
3. Prior to issue of full development approval, an amended Site Works and Drainage plan shall be provided to the satisfaction of Council to demonstrate that all stormwater drainage to the street watertable is to be located along the southern side of the site.
4. 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.
5. The construction of the new crossing place 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#>

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.
- 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 2

DEVELOPMENT APPLICATION – 090/667/2019/C2 – 21 THIRD AVENUE, FORESTVILLE SA 5035 (GOODWOOD)

Mr Michael Carter, representor, addressed the panel regarding the above-mentioned application. Mrs Alice Hicks, supported by Mr James Jordan spoke in support of the above mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Brenton Burman

That Development Application 090/667/2019/C2 at 21 Third Avenue, Forestville SA 5035 to 'Demolish existing carport and lean-to, carry out alterations and construct additions including verandah, cellar and carport on common 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.
(2kL retention and 1kL detention)

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.
- 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 3

DEVELOPMENT APPLICATION – 090/662/2019/C2 – 9 KATHERINE STREET, FULLARTON 5063 (PARKSIDE)

Ms Joanne DeSilva, representor, addressed the panel regarding the above-mentioned application.

MOVED: Brenton Burman

SECONDED: Roger Freeman

That Development Application 090/662/2019/C2 at 9 Katherine Street, Fullarton 5063 to 'Carry out alterations and construct single storey addition on common boundary, erect verandah' 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.
- 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 – 090/640/2019/C2 – 5 BUSBY AVENUE, BLACK FOREST SA 5035 (CLARENCE PARK)

This application was withdrawn at the request of the applicant.

ITEM 5

DEVELOPMENT APPLICATION – 090/475/2019/C2 – 400 FULLARTON ROAD, MYRTLE BANK SA 5064 (FULLARTON)

Mr Fabian Barone from Future Urban, supported by Mr Yong Guo from YOGO Design and Consulting, addressed the panel on behalf of the applicant.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED:

That Development Application 090/475/2019/C2 at 400 Fullarton Road, Myrtle Bank SA 5064 to 'Construct a three storey residential flat building containing thirteen (13) dwellings, and remove Significant tree (Fiddlewood)' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

1. The first floor does not satisfy PDC 41 & 42 as the side set back of this level is only 2.29m in lieu of 3.0m
2. The second floor does not satisfy PDC 41 & 42 as the side set back of this level is only 2.29m in lieu of 4.0m minimum required by the PDC, which is intended to

enable a second storey on larger amalgamated sites rather than just large single sites as this.

3. The rear boundary does not satisfy PDC 41 & 42 as the side set back of this level is only 7.3m in lieu of 8.0m
4. The significant Fiddlewood tree is proposed to be removed contrary to PDC 4-8
5. The development should be set back further from Fullarton Road to enable the retention of this tree.
6. The car parking is deficient based on the number of bedrooms contrary to PDC20. It is imperative that parking for development of this nature provide at least the minimum requirement given the limited opportunity for visitor on street parking.

The motion lapsed for want of a seconder.

The original recommendation was put to the panel:

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/475/2019/C2 at 400 Fullarton Road, Myrtle Bank SA 5064 to 'Construct a three storey residential flat building containing thirteen (13) dwellings, and remove Significant tree (Fiddlewood)' is not seriously at variance with the provisions of the City of Unley Development Plan and should be 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. The access shall be designed and constructed in general accordance with the site plan produced by Yogo Design & Consulting Pty Ltd, Drawing No. A002, Amendment E, dated 3 June 2019.
3. All vehicles must enter and exit Fullarton Road in a forward direction.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. The relocation of the road sign shall be undertaken at the applicant's expense and to the satisfaction of DPTI and Council. The applicant shall contact Ms Teresa Xavier, Network Planning Engineer, Traffic Services Section, DPTI on telephone 8226 8389 or via email at Teresa.Xavier@sa.gov.au, to discuss any sign relocation prior to undertaking any work.
6. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

7. Payment of \$268.50 for Significant Tree removal is required to be paid into the Council's Urban Trees Fund within 30 days of the date of the development approval (an invoice will be attached to the development approval).
8. 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.
9. That the upper floor windows and balconies (excluding western elevation) 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.
10. 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#>
11. 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.
12. A minimum clearance of 1.5 metres between the driveway crossover and the existing street tree is to be provided.

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.
- 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

ITEM 6

DEVELOPMENT APPLICATION – 090/700/2018/C1 – 40 MARLBOROUGH STREET, MALVERN 5061 (UNLEY PARK)

Mrs S Kaldis and Mr G Theodorakaos, applicant, addressed the panel regarding the above mentioned application.

An alternative motion was put to the panel as follows:

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/700/2018/C1 at 40 Marlborough Street, Malvern 5061 to remove one significant tree - *Ginko biloba* (Maidenhair) is not seriously at variance with the provisions of the City of Unley Development Plan. The application should be GRANTED Planning Consent subject to the following conditions:

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. That 3 replacement trees must be planted to replace the Significant tree within twelve (12) months of the date of the development approval. The replacement trees shall be selected from the attached list. The applicant shall advise Council in writing when the replacement trees are planted. The replacement trees shall not be planted within 10 metres of a dwelling or in ground swimming pool. The owner of the land the subject of this authorisation shall maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

CARRIED

ITEM 7

DEVELOPMENT APPLICATION – 090/483/2019/C1 – 59 GEORGE STREET, CLARENCE PARK SA 5034 (CLARENCE PARK)

Mrs Judy Campbell, applicant, addressed the panel regarding the above mentioned property.

An alternative recommendation was put to the panel as follows:

MOVED: Rufus Salaman

SECONDED: Brenton Burman

That Development Application 090/483/2019/C1 at 59 George Street, Clarence Park SA 5034 to 'Remove regulated tree - *Corymbia citriodora* (Lemon-Scented Gum)', 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:

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. That 2 replacement trees must be planted to replace the Regulated tree within twelve (12) months of the date of the development approval. The replacement trees shall be selected from the attached list. The applicant shall advise Council in writing when the replacement trees are planted. The replacement trees shall not be planted within 10 metres of a dwelling or in ground swimming pool. The owner of the land the subject of this authorisation shall maintain the replacement trees in good health and condition at all times and shall replace any such tree if it dies forthwith.

CARRIED

ITEM 8

DEVELOPMENT APPLICATION – 090/46/2019/NC – 262B-264 GLEN OSMOND ROAD, FULLARTON SA 5063 (PARKSIDE)

MOVED: Brenton Burman

SECONDED: Rufus Salaman

That Development Application 090/46/2019/NC at 262B-264 Glen Osmond Road, Fullarton SA 5063 to demolish existing buildings and construct new motor repair station with mezzanine level and associated signage, car parking and 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 CONCURRENCE of the State Commission Assessment Panel and 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. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements and at the applicant's expense, prior to occupation of the development.
3. The landscaping approved herein shall be planted prior to occupation/operation 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 within the next available planting season.
4. The hours of operation of the premises shall be between 8.00am and 5.00pm Monday to Friday and between 8.00am and 1.00pm on Saturdays;

5. That the approved waste management facilities outlined in the Waste Management Plan prepared by Colby Phillips Advisory dated 20 June 2019 shall be installed and operative prior to occupation/operation of the development.
6. Waste collection and general delivery vehicles shall only access the site between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am and 7.00pm on Sunday;
7. No goods, materials or equipment associated with the approved development shall be stored outside of the workshop building or designated storage areas.
8. The development approved herein shall incorporate the recommendations outlined in the Environmental Noise Assessment (June 2019) prepared by Sonus to the satisfaction of Council prior to occupation/operation of the development.
9. Floodlighting within car park and around the building shall be restricted to that necessary for access and security purposes only and be directed and shielded in such a manner as to cause no light overspill nuisance of nearby properties.
10. All car parking areas shall be line marked to delineate the parking spaces prior to the occupation of the development.
11. The advertising displays shall not contain any elements that flash, scroll or move.
12. 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.
13. All surface water from carparking and hardstand areas is to be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants to Council and EPA satisfaction prior to discharge to Council stormwater system or street water table.

Department of Planning, Transport and Infrastructure Conditions:

14. All vehicular access shall be gained via in general accordance with the Proposed Site Plan produced by D'Andrea Architects, Sheet 01, Rev E, dated 16 September 2019.
15. All vehicular access shall enter and exit the site via Aragon Street only.
16. Access to/from the proposed development along Aragon Street shall comply with AS/NZS 2890.1:2004, Figure 3.1 'Prohibited Locations of Access Driveways'.

17. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2001 and AS/NZA 2890.6:2009.
18. Signage shall be consistent with DPTI's 'Advertising Signs Assessment Guidelines for Road Safety' publication.
19. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Glen Osmond Road. Any alterations to the road drainage infrastructure required to facilitate this site shall be at the applicant's cost.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- The Metropolitan Adelaide Road Widening Plan currently shows that a strip of land up to 2.13 metres in width may be required from the Glen Osmond Road frontage of this site, together with a possible 4.5 x 4.5 metre cut-off at the Glen Osmond Road/Aragon Street corner, for future road purposes. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all building works on or within 6.0 metres of the possible requirements.
- The department has identified that some improvements may be required along Glen Osmond in the vicinity of this site, however the exact timing and nature of any improvements is currently unknown and currently unfunded. In view of this and that the proposed building works do not encroach within the existing requirements, no objection is raised.
- The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street tree. The work shall be carried out 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

ITEM 9

COUNCIL ASSESSMENT PANEL PROPOSED MEETING DATES FOR 2020

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That the Council Assessment Panel (CAP) in 2020 meet on the third Tuesday of every month at 7.00pm in the Council Chambers, 181 Unley Road, Unley, in accordance with the meeting schedule outlined below (with the exception of January and December 2020):

Tuesday 21 January 2020 (fourth Tuesday)

Tuesday 18 February 2020

Tuesday 17 March 2020

Tuesday 21 April 2020

Tuesday 19 May 2020

Tuesday 16 June 2020

* Denotes Change

Tuesday 21 July 2020
Tuesday 18 August 2020
Tuesday 15 September 2020
Tuesday 20 October 2020
Tuesday 17 November 2020
Tuesday 15 December 2020 (second Tuesday)

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 8:47PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21 January 2020

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 21 January 2020