

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 15 October 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),
Mrs Jennie Boisvert
Mr Roger Freeman
Mr Rufus Salaman
Mr Alexander (Sandy) Wilkinson

APOLOGIES: Mr Brenton Burman

OFFICERS PRESENT: Mr Gary Brinkworth, Assessment Manager
Mr Andrew Raeburn, Acting Team Leader Planning
Mrs Amy Barratt, Acting Senior Planning

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

MOVED: Roger Freeman SECONDED: Rufus Salaman

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Alexander Wilkinson SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 24 September 2019, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/573/2019/C2 – 2 BELGRAVE COURT, PARKSIDE 5063 (UNLEY)

Mr Thomas Dewar, and Ms Darina Hoffman representors spoke against the above-mentioned proposal. Mr Mark Kwiatkowski from Adelaide Planning and Development Solution on behalf of the applicant, addressed the panel.

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/573/2019/C2 at 2 Belgrave Court, Parkside 5063 to 'Construct two, two storey dwellings including garages and verandahs', 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 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.
3. That the upper floor windows (except for those along the southern 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.
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. 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.
6. That a 1.7m high privacy screen be erected along the eastern side of the balcony prior to occupation. Further details to be provided to Council's satisfaction prior to the issue of Development Approval.

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 granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations. The applicant is reminded that unless specifically stated, conditions in previous relevant development approvals remain active.
- 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.
- 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 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.

LOST

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Rufus Salaman

That Development Application 090/573/2019/C2 at 2 Belgrave Court, Parkside 5063 to 'Construct two, two storey dwellings including garages and verandahs', 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 proposed development does not adequately minimise building massing at the interface of the adjacent residential zone.
2. The proposed garaging detracts from the associated dwellings and the prevailing built form of the locality.
3. The proposed development does not provide adequate Private Open Space in accordance with Council Wide Residential PDC 20.
4. The proposed development is at variance with the relevant Zone and Council Wide Residential PDC in that the boundary development exceeds recommended height and length.
5. The proposal does not provide adequate vehicle turning area to allow for the safe movement of vehicles and pedestrians
6. The proposed development does not satisfy the minimum frontage width.

CARRIED

Ms Shanti Ditter entered the meeting at 7:36pm.

ITEM 2

**DEVELOPMENT APPLICATION – 090/20/2019/C2 – 499 & 94 CROSS
FULLARTON ROADS, HIGHGATE SA 5063 (FULLARTON)**

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/20/2019/C2 at 499 & 94 Cross Fullarton Roads, Highgate SA 5063 to 'Construct four residential flat buildings (2 & 3 storey) comprising 20 dwellings, common driveway and visitor parking and landscaping and remove a street tree.', 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 access points shall be located and constructed in general accordance with the site plan provided by Alexander Brown Architects, Drawing No. 18-025.PL02.G, dated June 2019.
3. All vehicles must enter and exit the site in a forward direction.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
5. The obsolete crossovers on both Cross Road and Fullarton Road shall be reinstated to the Council's kerb and gutter standards, at the applicant's expense prior to occupation of the dwellings.
6. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of either Cross Road or Fullarton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
7. The relocated of the bus stop on Cross Road, including the stop pole and DDA footpath tactiles shall be undertaken to the satisfaction of DPTI and Council. The applicant shall contact Mr Wayne Stewart, Senior Project Officer, Operational Planning and Standards on telephone 7109 7240 to progress the above matters.
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. Prior to the issue of full development approval, an amended siteworks and drainage plan that reflects the amended number of dwellings (20) shall be submitted to and approved by Council. The development shall then be constructed in accordance with the approved plan.
10. That a detailed landscaping plan be submitted to and approved by Council prior to full Development Approval being issued, which indicates the species

and location of proposed trees and shrubs on the site, and details of all new fencing, lighting and boundary treatments.

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 Demolition and Construction Management Plan to the reasonable satisfaction of Council shall be submitted to and approved by Council prior to the issue of Development Approval and shall include details such as:
 - Siting of materials storage;
 - Site offices;
 - Work in the Public Realm;
 - Hoarding;
 - Site amenities;
 - Reinstatement of infrastructure; and
 - Protection measures for significant landscape elements.
13. A Traffic Management Plan to the reasonable satisfaction of Council shall be submitted to and approved by Council prior to the commencement of construction and shall include such details:
 - Car parking and access arrangements for tradespersons;
 - Traffic requirements including construction access/egress and heavy vehicle routes; and
 - Proposed alterations to a public road requiring hoarding.
14. 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 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 IndustryIn 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.
15. Prior to commencement of works, the developer shall nominate a Construction Manager or Site Supervisor who is available to receive calls from any resident within the adjacent area regarding any complaint the resident may have in relation to construction practices. The developer shall provide signage on-site, providing contact details for the Construction Manager or Site Supervisor.
16. 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#>

17. Prior to the issue of Development Approval, the following information must be submitted to and approved by Council;
 - A Waste Management Plan
 - Details of the vehicle entry gates to the property, including consideration of residents, visitors and waste collection requirements.
 - Amended plans showing the width of the visitor car parking spaces increased to 2.8 metres.
18. That the upper floor windows and balconies (excluding the internally facing windows and balconies) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) or screening to a minimum height of 1700mm above floor level with such translucent glazing or screening to be kept in place at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- This site is affected by a possible requirement show on MARWP for a strip of land up to 2.13 metres in width from the Cross Road frontage for future road purposes. Additionally, the Plan makes provision for a further requirement of up to 4.5 metres in width from both the Fullarton Road and Cross Road frontages of this site for future upgrading of the CrossRoad/Fullarton Road intersection.

The consent of the CoH under *the Metropolitan Adelaide Widening Plan Act 1972* is required to all building works on or within 6 meters of the possible requirements.

Planning is currently underway to determine the exact widening requirements as part of the Cross Road/Fullarton Road upgrade, and it is anticipated that land in excess of that shown on the MARWP may be required from the Fullarton Road frontage of this site together with some land from the Cross Road frontage. It is anticipated that land requirements will be known by 2019.

Information on Fullarton Road and Cross Road Intersection Upgrade can be obtained at dpti.sa.gov.au/infrastructure/road_projects/fullarton_road or by calling 1300 951 145.

- 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 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 3

DEVELOPMENT APPLICATION – 090/495/2019/C2 – 2A URRBRAE AVENUE, MYRTLE BANK SA 5064 (FULLARTON)

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/495/2019/C2 at 2A Urrbrae Avenue, Myrtle Bank SA 5064 to 'Construct single storey detached dwelling including garage 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. 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. Further, that trees used in landscaping of the site be at least 1.5 metres in height at the time of planting.
3. 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.
4. 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.

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

ITEM 4

DEVELOPMENT APPLICATION – 090/447/2019/C2 – 67 THIRD AVENUE, FORESTVILLE SA 5035 (GOODWOOD)

Mr Roger and Mrs Heather Pratt addressed the panel regarding the above mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Roger Freeman

SECONDED: Rufus Salaman

That Development Application 090/447/2019/C2 at 67 Third Avenue, Forestville SA 5035 to 'Carryout alterations and construct additions on boundary including carport forwards of dwelling', should be DEFERRED to allow the applicant to consider:

- Retention of the original front verandah of the existing dwelling; and
- Altering the design of the proposed carport such that it presents as a more subservient element in the streetscape, and improves consistency with the relevant setback requirements and design techniques for the Zone and Council Wide Principles of Development Control.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/349/2019/C1 – 30 CASTLE STREET, PARKSIDE SA 5063 (PARKSIDE)

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/349/2019/C1 at 30 Castle Street, Parkside SA 5063 to 'Remove significant tree - Eucalyptus camaldulensis (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The tree is considered to make an important contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
2. The tree is considered to form a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
3. The tree is considered to contribute to habitat value of the area and provide a link to other vegetation as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (c) and therefore should be preserved.
4. No conclusive evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy, therefore removal cannot be

justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).

5. No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
6. No conclusive evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
7. The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

CARRIED UNANIMOUSLY

ITEM 6

DEVELOPMENT APPLICATION – 090/180/2019/DIV – 31A FISHER STREET, MYRTLE BANK 5064 (FULLARTON)

MOVED: Jennie Boisvert

SECONDED: Rufus Salaman

That Development Application 090/180/2019/DIV at 31A Fisher Street, Myrtle Bank 5064 for Land Division - Torrens Title - Create two allotments from one existing, carry out demolition and alterations to existing dwelling including carport to boundary; and construct two storey dwelling presenting to Sedgeford Road is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent and Land Division 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 upper floor windows 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.

5. That all landscaping shall be planted in accordance with the approved plan (Site Plan prepared by TK Building Design dated 29/04/2019). 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.

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.

LAND DIVISION CONSENT CONDITIONS:

6. All existing buildings on proposed Allotment 11 approved herein shall be removed prior to the issue of clearance to this land division.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

7. The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

8. Payment of \$7253.00 into the Planning and Development Fund (1 allotment @ \$7253/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.

9. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

CARRIED UNANIMOUSLY

ITEM 7

DEVELOPMENT APPLICATION – 090/22/2019/C1 – 23 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)

Mr David Hill, supported by Mr Bob Schultz, arborist, addressed the panel regarding the above mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Rufus Salaman

That Development Application 090/22/2019/C1 at 23 Invergowrie Avenue, Highgate SA 5063 to 'Remove significant tree - Eucalyptus camaldulensis (River Red Gum)', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The tree is considered to make a contribution to the character or amenity of the local area as per Council Wide Regulated and Significant Trees Objective 3 and Principle of Development Control 6 (a) and therefore should be preserved.
2. The significant tree is considered to be a notable visual element to the landscape of the local area as per Council Wide Regulated and Significant Trees Principle of Development Control 6 (b) and therefore should be preserved.
3. No conclusive evidence has been provided to demonstrate that the tree is diseased and has a short life expectancy, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (i).
4. No conclusive evidence has been provided to demonstrate that the tree represents a material or unacceptable risk to public or private safety, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (ii).
5. No evidence has been provided to demonstrate that the tree is causing or threatening to cause substantial damage to a building or structure of value, therefore removal cannot be justified under Council Wide Regulated and Significant Trees Principles of Development Control 8 (a) (iii).
6. The tree does not demonstrate any of the criteria for removal under Council Wide Regulated and Significant Trees Principles of Development Control 6 and 8 and therefore the tree should not be removed.

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 9:00PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 12 November 2019

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 12 November 2019