

## **CITY OF UNLEY**

### **COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 19 March 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  
Mr Roger Freeman  
Mr Alexander (Sandy) Wilkinson  
Mrs Jennie Boisvert

#### **APOLOGIES:**

#### **OFFICERS PRESENT:**

Mr Paul Weymouth, Assessment Manager  
Mrs Amy Barratt, Acting Team Leader Planning  
Ms Chelsea Spangler, Acting Senior Planning Officer  
Ms Lily Francis, Development Administration Officer

#### **CONFLICT OF INTEREST:**

Shanti Ditter declared a conflict of interest for item 5 – 9 Jarvis Street Millswood as a representor is a close friend of hers.

Roger Freeman declared a conflict of interest for item 6 - Gray Street Black Forest as a representor is a personal friend of his.

Jennie Boisvert declared a (perceived) conflict of interest for item 6 – Gray Street Black Forest and a (pecuniary) conflict of interest for items 11-16 – 66 Anzac Highway Everard Park

**CONFIRMATION OF MINUTES:**

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 26 February 2019, as printed and circulated with the amendment to Item 4, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

## **ITEM 1**

### **DEVELOPMENT APPLICATION – 090/674/2018/C2 – 10A URRBRAE AVENUE, MYRTLE BANK 5064 (FULLARTON)**

Prof Richard Burns, representor, spoke against the above mentioned application. Mr Marcus Rolf of URPS spoke on behalf of the application D'Andrea Architects regarding the above mentioned application.

An alternative recommendation was put to the panel as follows:

MOVED: Alexander Wilkinson

SECONDED: Jennie Boisvert

That Development Application 090/674/2018/C2 at 10A Urrbrae Avenue, Myrtle Bank 5064 to construct two (2) two-storey semi-detached dwellings with garages and verandahs under main roof and associated retaining walls and fencing is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The upper level is not integrated sympathetically into the dwelling and the overall building design is not complimentary to contextual design considerations within the locality.
- The development does not minimise overshadowing of the adjacent dwelling
- The development does not satisfy upper level side setback requirements of 3m
- The development exceeds the 20% site width requirements for garaging or carports
- The upper level floor area exceeds 50% of the ground floor
- The proposed allotment frontage is less than 8m minimum frontage.

**CARRIED**

## **ITEM 2**

### **DEVELOPMENT APPLICATION – 090/753/2018/C3 – WALFORD ANGLICAN SCHOOL FOR GIRLS, 8 COMMERCIAL ROAD & 316-320 UNLEY ROAD, HYDE PARK SA 5061 (UNLEY PARK)**

Mr Phillip Brunning and Gerald Matthews spoke on behalf of the applicant in regards to the above mentioned application.

MOVED: Brenton Burman

SECONDED: Alexander Wilkinson

That Development Application 090/753/2018/C3 at Walford Anglican School for Girls, 8 Commercial Road, Hyde Park SA 5061 to 'Carry out alterations and additions to existing educational establishment, associated landscaping; removal of street trees (including a Regulated Sugar Gum); and amend conditions of previous approval (551/1987/DS & 575/1993/DF)', 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. A detailed stormwater management plan shall be submitted to and approved by Council prior to issue of full Development Approval. Stormwater design must be discussed with and to the reasonable satisfaction of Council's Stormwater Engineers.
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. 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.
5. Air conditioning plant must be positioned, enclosed or attenuated such that noise levels measured at the property boundary of neighbouring properties does not exceed 50 dB(A) between 7am and 10pm, and 43 dB(A) between 10pm and 7am the following day.
6. All pedestrian and vehicle access gates on Woodlyn Avenue must be kept closed except when loading, maintenance or emergency access is required and shall not be used for student arrival or departures

7. The extension to the Helen Reid Hall shall be constructed such that the following music noise level criteria are achieved at the property boundary of adjacent residences: Less than 8dB above the level of background noise (L90, 15min) in any octave band of the sound spectrum; and less than 5dB(A) above the background noise (LA90, 15min) for the overall (sum of all octave bands) A-weighted level. All external windows addressing Woodlyn Avenue that form part of the extension to the Helen Reid Hall shall have fixed glazing. All external doors addressing or adjacent to Woodlyn Avenue (other than emergency egress doors) shall be fitted with automatic closers and are to be kept closed, other than when in use to permit the passage of people when the Hall and/or Chapel is in use.
8. No amplified sound within the Hall or Chapel shall exceed 100 dB(A). Such level shall be measured at a point situated approximately in the centre of the western wall of the hall, at a point not less than 0.5m below ceiling level. A sound limiting device that monitors and controls the volume of the system shall be installed and maintained such that the maximum internal noise level is not exceeded.
9. Detailed landscaping plans of the Woodlyn Avenue road reserve shall be submitted to and approved by Council prior to the issue of full Development Approval. Any landscaping treatments, plant species and locations etc. shall be discussed with and be to the reasonable satisfaction of Council's Natural Assets Lead. The implementation of the approved landscaping plan shall be at the full cost of the applicant and maintained by the applicant for one (1) year prior to handing over responsibility of the ongoing maintenance to Council, if satisfied with the condition of the road reserve landscaping.
10. The hall/chapel shall not be used for any function that is unrelated to school, educational or community purposes, and in any event is not used as a venue for a private party or wedding reception.
11. The driveway of the Fashoda Street car park shall be available to cars to set down and pick up students between 8.00am and 9.00am and 3.00pm and 4.00pm on all school days.
12. 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.
13. All gates providing either access to or egress from the Fashoda Street car parks shall be closed and securely locked no later than 11:30pm on Sunday to Thursday inclusive of each week and no later than 12:30am on Friday night (Saturday AM) and Saturday night (Sunday AM) of each week, and shall not be either unlocked or reopened earlier than 6:30am on any day.
14. Except for the purposes of cleaning or maintenance, or for emergency purposes, the hours of use of the hall/chapel shall be restricted to the following hours:
  - Sunday to Thursday inclusive – 8:00am to 11:00pm

\* Denotes Change

- Friday and Saturday – 8:00am to 12 midnight
15. That the removal of the subject regulated tree (Sugar Gum) shall take place in accordance with the documents and details accompanying the application to the satisfaction of Council except where varied by conditions below (if any).
  16. A Tree Protection Zone (TPZ) of no less than 2.0 metres be applied to the subject Willow Myrtle. This distance includes the tree's Structural Root Zone (SRZ), which is an area critical to the tree standing upright.

Activities excluded from this TPZ include but are not limited to-

- a) excavation of any kind i.e. trenching;
- b) cultivation;
- c) storage;
- d) preparation of chemicals, including preparation of cement products;
- e) parking of vehicles and plant;
- f) dumping of waste;
- g) placement of fill i.e. soil;
- h) soil level/grade changes;
- i) installation of utilities and signs;
- j) physical damage to any part of the tree including leaves, branches, stems, trunk or roots.

The TPZ must be defined by the installation of a chain wire mesh fence or the like, held in place with concrete feet so as not to enter the ground. The chain wire mesh fence should be clearly signed 'TREE PROTECTION ZONE' - 'NO ACCESS'

Within the TPZ, the following activities are required, prior to the commencement of works-

- a) mulching of the area to a depth no greater than 100mm with a quality organic mulch.
- b) regular (approx.. monthly) watering of the area by way of flood irrigation.

Further, the continued understanding and referral to the Australian Standard 4970-2009 Protection of trees on development sites is required.

17. This Development Plan Consent will lapse after expiration of 3 years from the operative date of the consent.
18. Waste disposal vehicles only service the waste area between the hours of 7am and 7pm Monday to Friday
19. All waste disposal vehicles collecting waste from the subject area shall access the site via Fashoda Street.

**Proposed Planning Notes:**

- 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 shall contact Council's Infrastructure Section on 8372 5460 to arrange for the removal of the street trees. The work shall be carried out by Council at full cost to the applicant.
- 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 issue of Development Approval must occur within 3 years of the Date of Decision (or date of any Appeal is determined) on the earliest consent decision date, or that Consent will LAPSE and become void.

**CARRIED UNANIMOUSLY**

**ITEM 3**

**DEVELOPMENT APPLICATION – 090/256/2018/DIV – 70 WATTLE STREET, FULLARTON SA 5063 (PARKSIDE)**

Mr Nick Edwards from State Surveys spoke on behalf of the applicant regarding the above-mentioned application

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/256/2018/DIV at 70 Wattle Street, Fullarton SA 5063 for 'Land Division - Torrens Title - Create two allotments from one existing', 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.

## LAND DIVISION CONSENT CONDITIONS:

2. That any existing structures located over the proposed boundaries be demolished prior to the issue of the Section 51 Certificate by the SA Planning Commission. (All demolition is subject to separate Development Approval.)
3. That a carport or garage be constructed to provide undercover vehicle parking for the existing dwelling. This structure shall be approved and constructed prior to issue of section 51 certificate by SCAP.

**NOTE:** Pursuant to Section 51 of the Development Act 1993, all outstanding requirements and conditions in relation to this approval must be met to the reasonable satisfaction of Council before the required Certificate is issued by the Development Assessment Commission.

## STATE COMMISSION ASSESSMENT PANEL CONDITIONS are as follows:

- The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0070742). The alteration of internal drains to the satisfaction of SA Water is required.  
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.  
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/ owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
- Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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.
- 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 State Commission Assessment Panel for Land Division Certification purposes.

**CARRIED UNANIMOUSLY**

**ITEM 4**

**DEVELOPMENT APPLICATION – 090/258/2018/DIV – 70 WATTLE STREET, FULLARTON SA 5063 (PARKSIDE)**

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/258/2018/DIV at 70 Wattle Street, Fullarton SA 5063 for 'Land Division - Community Title - Create two allotments from one existing', 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 LAND DIVISION CONSENT:**

**STATE COMMISSION ASSESSMENT PANEL CONDITIONS** are as follows:

- The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0070741).

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

- Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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.
- 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 State Commission Assessment Panel (SCAP) for Land Division Certificate purposes.

**CARRIED UNANIMOUSLY**

**ITEM 5**

**DEVELOPMENT APPLICATION – 090/46/2018/C2 – 9 JARVIS STREET, MILLSWOOD 5034 (UNLEY PARK)**

Shanti Ditter left the meeting at 8:06pm

Mr Anthony Faure and Ms Lisa Pisano, representors, spoke against the proposal. Mr Dino Vrynios supported by Bill Sardelis, on behalf of Das Studio, applicant, spoke in support of the above-mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

That Development Application 090/46/2018/C2 at 9 Jarvis Street, Millswood 5034 to “construct a two storey detached dwelling with attached alfresco, double garage on boundary, bedroom/en-suite on boundary and front masonry and steel fence” be DEFFERED to allow the applicant an opportunity to provide further information in relation to the following:

- An increase in the front setback of the dwelling
- An increase in the setback of the upper level (relative to the dwelling façade)
- A reduction in the height of the dwelling
- A reduction in the height of the front fence
- Maintenance of a suitable tree protection zone

**CARRIED UNANIMOUSLY**

Shanti Ditter returned to the meeting at 8:42pm.

At 8:43pm Roger Freeman and Jennie Boisvert left the meeting.

**ITEM 6**

**DEVELOPMENT APPLICATION – 090/683/2018/C2 – GRAY STREET, BLACK FOREST (STREET TREE )**

Mr Dennis Howie, representor, spoke in support of the above mentioned application.

MOVED: Alexander Wilkinson

SECONDED: Brenton Burman

That Development Application 090/683/2018/C2 at Gray Street, Black Forest to ‘Remove regulated street tree - Eucalyptus sideroxylon (Red Ironbark)(Alongside 40 Forest Avenue Black Forest)’, is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The tree provides aesthetic benefit;
- The tree is not diseased and does not have a short life expectancy;
- The tree does not represent a material risk to public or private safety;
- The tree is not considered to be causing damage to a building;

- It has not been proven that development that is reasonable and expected would not otherwise be possible

**CARRIED UNANIMOUSLY**

At 8:58pm Roger Freeman and Jennie Boisvert returned to the meeting.

**ITEM 7**

**DEVELOPMENT APPLICATION – 090/855/2018/C2 – 36 CROMER PARADE, MILLSWOOD SA 5034 (CLARENCE PARK)**

Mr Geoffrey Barnett, representor, spoke against the above-mentioned application. Mr Ronald Western, applicant, spoke in support of the above mentioned application.

MOVED: Roger Freeman

SECONDED: Jennie Boisvert

That Development Application 090/855/2018/C2 at 36 Cromer Parade, Millswood SA 5034 to 'Extend existing pergola forward of dwelling facade (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:

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.

**CARRIED**

**ITEM 8**

**DEVELOPMENT APPLICATION – 090/591/2018/C2 – 6 BLACKETT STREET, GOODWOOD SA 5034 (GOODWOOD)**

Mrs Amber Friebe, representor, and Ms Maryke Daniel, application, addressed the panel regarding the above-mentioned application.

MOVED: Brenton Burman

SECONDED: Jennie Boisvert

That Development Application 090/591/2018/C2 at 6 Blackett Street, Goodwood SA 5034 to 'Construct ensuite addition 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

\* Denotes Change

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.
- 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 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](http://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 UNANIMOUSLY**

At 9:20pm Alexander Wilkinson left the meeting.

**ITEM 9**

**DEVELOPMENT APPLICATION – 090/697/2018/C2 – 14 ELLA STREET, PARKSIDE SA 5063 (UNLEY)**

MOVED: Jennie Boisvert

SECONDED: Brenton Burman

That Development Application 090/697/2018/C2 at 14 Ella Street, Parkside SA 5063 to 'Carry out alterations and construct single storey addition to boundary, verandah and swimming pool' 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.

\* Denotes Change

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 ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment.
5. 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:

- 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 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](http://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**.
- 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.

**CARRIED**

At 9:22pm Alexander Wilkinson returned to the meeting.

**ITEM 10**

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

MOVED:

SECONDED:

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” be DEFFERED to allow the applicant an opportunity to provide further information in relation to:

- The reasonable economic costs of rehabilitation of the existing dwelling
- Consideration of an alternative design that retains the front façade of the existing dwelling.

In addition Council staff to:

- Undertake a review of the economic costs of rehabilitation of the existing dwelling (as provided by the applicant)
- Seek advice from the Council’s Heritage Advisor in relation to the streetscape contribution of the proposed dwelling.

**CARRIED UNANIMOUSLY**

At 9:45pm Jennie Boisvert left the meeting and did not return.

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIAL MOTION FOR ITEM 12 - PLANNING APPEAL – ERD COURT ACTION NO ERD-18-198 - 66 ANZAC HIGHWAY EVERARD PARK (DA 090/201/2017/C2)

**ITEM NUMBER:** 11

**DATE OF MEETING:** 19 March 2019

**AUTHOR:** AMY BARRATT  
ACTING TEAM LEADER

**RESPONSIBLE OFFICER:** MEGAN BERGHUIS  
GENERAL MANAGER COMMUNITY

**COMMUNITY GOAL:** GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of Government and social equity.

---

## PURPOSE

To recommend that Item 12 be consider in confidence at 19 March 2019 Council Assessment Panel Meeting

## RECOMMENDATION

MOVED: Brenton Burman

SECONDED: Roger Freeman

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
  - Chelsea Spangler, Acting 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 12**

**DEVELOPMENT APPLICATION – 090/201/2017/C2 – 66 ANZAC HIGHWAY, EVERARD PARK SA 5035 (GOODWOOD)**

MOVED: Brenton Burman

SECONDED: Roger Freeman

- 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 August 2018 as the compromise proposal does not adequately address the grounds for refusal.

**CARRIED UNANIMOUSLY**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIAL MOTION FOR ITEM 12 -  
PLANNING APPEAL – ERD COURT ACTION NO  
ERD-18-198 - 66 ANZAC HIGHWAY EVERARD  
PARK (DA 090/201/2017/C2)

**ITEM NUMBER:** 13

**DATE OF MEETING:** 19 March 2019

**AUTHOR:** AMY BARRATT

**JOB TITLE:** ACTING TEAM LEADER PLANNING

**RESPONSIBLE OFFICER:** MEGAN BERGHUIS

**JOB TITLE:** GENERAL MANAGER COMMUNITY

**COMMUNITY GOAL:** GOE/2 Generate an approach to all Council  
operations which maintains the principles of good  
governance such as public accountability,  
transparency, integrity, leadership, cooperation  
with other levels of government and social equity.

**REPRESENTORS:** NIL

**ATTACHMENTS:** NIL

---

## **RECOMMENDATION**

MOVED: Brenton Burman

SECONDED: Roger Freeman

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-18-  
198

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

**CARRIED UNANIMOUSLY**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIAL MOTION FOR ITEM 15 - PLANNING APPEAL – ERD COURT ACTION NO ERD-18-197 - 66 ANZAC HIGHWAY EVERARD PARK (DA 090/568/2017/C2)

**ITEM NUMBER:** 14

**DATE OF MEETING:** 19 March 2019

**AUTHOR:** AMY BARRATT  
ACTING TEAM LEADER

**RESPONSIBLE OFFICER:** MEGAN BERGHUIS  
GENERAL MANAGER COMMUNITY

**COMMUNITY GOAL:** GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of Government and social equity.

---

## PURPOSE

To recommend that Item 14 be consider in confidence at 19 March 2019 Council Assessment Panel Meeting

## RECOMMENDATION

MOVED: Alexander Wilkinson

SECONDED: Roger Freeman

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
- Chelsea Spangler, Acting 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 15**

**DEVELOPMENT APPLICATION – 090/568/2017/C2 – 66 ANZAC HIGHWAY, EVERARD PARK SA 5035 (GOODWOOD)**

MOVED: Roger Freeman

SECONDED: Alexander Wilkinson

- 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 August 2018 as the compromise proposal does not adequately address the grounds for refusal.

**CARRIED UNANIMOUSLY**

## DECISION REPORT

**REPORT TITLE:** CONFIDENTIAL MOTION FOR ITEM 15 -  
PLANNING APPEAL – ERD COURT ACTION NO  
ERD-18-197 - 66 ANZAC HIGHWAY EVERARD  
PARK (DA 090/568/2017/C2)

**ITEM NUMBER:** 16

**DATE OF MEETING:** 19 March 2019

**AUTHOR:** AMY BARRATT

**JOB TITLE:** ACTING TEAM LEADER PLANNING

**RESPONSIBLE OFFICER:** MEGAN BERGHUIS

**JOB TITLE:** GENERAL MANAGER COMMUNITY

**COMMUNITY GOAL:** GOE/2 Generate an approach to all Council  
operations which maintains the principles of good  
governance such as public accountability,  
transparency, integrity, leadership, cooperation  
with other levels of government and social equity.

**REPRESENTORS:** NIL

**ATTACHMENTS:** NIL

---

## **RECOMMENDATION**

MOVED: Roger Freeman

SECONDED: Alexander Wilkinson

That:

3. The report be received.
4. 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-18-  
197

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

**CARRIED UNANIMOUSLY**

## **OTHER BUSINESS**

That Council staff investigate possible options for Mr Howie regarding the street tree relating to item 6 – Gray Street Black Forest.

## **CLOSURE**

The Presiding Member declared the meeting closed at 9.59pm.

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

.....

## **PRESIDING MEMBER**

**DATED**       /       /

NEXT MEETING  
Tuesday, 16 April 2019