

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday, 20 November 2018
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 Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PRESENT: Mr Brenton Burman (Presiding Member)
Ms Nicole Dent
Mr Roger Freeman

APOLOGIES: Mrs Ann Nelson

OFFICERS PRESENT: Mr Paul Weymouth, Assessment Manager
Mr Andrew Raeburn, Acting Team Leader Planning
Mrs Amy Barratt, Acting Senior Planner
Ms Lily Francis, Development Administration

CONFLICT OF INTEREST:

Nil

CONFIRMATION OF MINUTES:

MOVED: Nicole Dent SECONDED: Roger Freeman

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 16 October 2018, as printed and circulated be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/83/2018/C2 – 70 MITCHELL STREET, MILLSWOOD SA 5034 (GOODWOOD)

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/83/2018/C2 at 70 Mitchell Street, Millswood SA 5034 to 'Demolish existing leanto, carryout alterations and construct two storey addition and associated 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.
3. That the upper floor windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

CARRIED UNANIMOUSLY

ITEM 2

DEVELOPMENT APPLICATION – 090/573/2018/C2 – 103 YOUNG STREET, PARKSIDE SA 5063

Mr Marcus Latta, Ms Lillianna Mitrovic on behalf of Barbara Andreasen, representors, and Garth Heynen on behalf of the applicant, addressed the panel in relation to the above application.

MOVED: Nicole Dent

SECONDED: Roger Freeman

That Development Application 090/573/2018/C2 at 103 Young Street, Parkside SA 5063 for 'Dwelling alterations and additions to common boundary, up to two storey's with garage', 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. That the upper floor windows and balcony be treated to avoid overlooking prior to occupation as per Studio-Gram Elevation Drawings DA07, DA08, DA09 and DA11, and Studio-Gram Detail Window Drawings (Rev. C, dated 22-October-2018) and is to be kept in place at all times. Further detail on timber spacing and dimensions be provided to the reasonable satisfaction of Council prior to issue of development approval.
3. That all external materials and finishes shall be the same as or complementary to the existing building(s) on 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.

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 damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant 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.
- 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.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/380/2018/C2 – 13 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)

Mr David Miels, representor, addressed the panel in relation to the above mentioned application.

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/380/2018/C2 at 13 Invergowrie Avenue, Highgate SA 5063 to 'Erect carport 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.
- 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.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/613/2018/C2 – 6 HART AVENUE, UNLEY SA 5061 (UNLEY)

Mr Alex Long, representor and Mr Sean Humphries from Black Rabbit Architecture and Interiors, addressed the panel in relation to the above mentioned application.

MOVED: Nicole Dent

SECONDED: Roger Freeman

That Development Application 090/613/2018/C2 at 6 Hart Avenue, Unley SA 5061 to 'Carry out alterations and construct single storey addition on common boundary including 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. The external materials and finishes of the proposal shall blend with those of the existing dwelling and be low-light reflective to preserve the amenity of the locality.

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.

CARRIED UNANIMOUSLY

ITEM 5

DEVELOPMENT APPLICATION – 090/469/2018/C2 – 72 WINCHESTER STREET, MALVERN SA 5061 (UNLEY PARK)

Mr Aaron Bell, representor, and Mr Damian De Luca supported by Nic Salvati, applicant, addressed the panel in relation to the above mentioned application.

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/469/2018/C2 at 72 Winchester Street, Malvern SA 5061 to 'Carry out alterations and construct upper storey additions, verandah on common boundary, inground swimming pool, pool equipment shed and extend existing carport' 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 the upper floor windows 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.
5. That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure which is at least 5 metres from a habitable room window on an adjoining property 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:

- 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.
- 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 UNANIMOUSLY

ITEM 6

**CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-18-118 – Goodwood Oval, 1 Curzon Avenue, Millswood 5034 (D.A.
090/845/2017/C3)**

MOVED: Nicole Dent

SECONDED: Roger Freeman

That:

1. The report be received.
2. Pursuant to Section 56A(12)(a) (viii) and (ix) of the Development Act 1993, as amended, the Development Assessment Panel orders the public be excluded with the exception of the following:
 - Megan Berghuis, General Manager Community
 - Paul Weymouth, Manager Development and Regulatory
 - Andrew Raeburn, Acting Team Leader Planning
 - Amy Barratt, 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 7

DEVELOPMENT APPLICATION – 090/845/2017/C3 – GOODWOOD OVAL, 1 CURZON AVENUE, MILLSWOOD 5034 (CLARENCE PARK)

MOVED: Brenton Burman

SECONDED: Roger Freeman

- A. That the report be received; and
- B. That the Environment Resources and Development Court be advised that regarding Development Application 090/845/2017/C3 – Goodwood Oval, 1 Curzon Avenue, Millswood that the Council Assessment Panel supports the compromise subject 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 conditions, where pertinent, of any development decisions in respect to the original overall development (Development Application No 090/1011/2007/NC) shall be complied with to the reasonable satisfaction of Council at all times.
 3. The use of the lighting system shall be restricted to the following hours:
 - 5:00pm to 8.30pm Tuesday for training sessions only;
 - 5:00pm to 8:00pm Wednesday for training sessions only;
 - 5:00pm to 8:30pm Thursday for training sessions only;
 - 5:00pm to 8:00pm Friday for training sessions and 5.00pm to 9.00pm on game nights; and
 - 5.00pm to 9.00pm on Saturdays on game nights only.
 - That a maximum of seven (7) games per annum shall be played at the Oval on Friday nights, with the games to be concluded and the lights to be turned off no later than 9:00pm.
 - That a maximum of five (5) games per annum shall be played at the Oval on Saturday nights, with the games to be concluded and the lights to be turned off no later than 9:00pm.
 - Of the twelve (12) games per annum to be held on Friday or Saturday nights, eight (8) of these games must be played by junior or C7 (being players with integration difficulties).
 - Senior sides can train on a Wednesday night on three (3) occasions per annum only.

CARRIED UNANIMOUSLY

ITEM 8

**CONFIDENTIAL MOTION FOR ITEM 7 - PLANNING APPEAL – ERD COURT ACTION
NO ERD-18-118 – Goodwood Oval, 1 Curzon Avenue, Millswood 5034 (D.A.
090/845/2017/C3)**

MOVED: Nicole Dent

SECONDED: Roger Freeman

That:

3. The report be received.

4. Pursuant to section 56A(16) of the Development Act 1993, 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-18-118

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

CARRIED UNANIMOUSLY

CLOSURE

The Presiding Member declared the meeting closed at 8:23pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 11 December 2018

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday, 11 December 2018