

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 13 December 2022
at Civic Centre, Council Chambers**

KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna.**

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 traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

*Kurna Translation provided by Kurna Warra Karrpanthi

PRESENT:

Mr Brenton Burman
Mr Michael McKeown
Ms Colleen Dunn
Mr Ross Bateup

APOLOGIES:

Mr Don Donaldson, Planning Team Leader

OFFICERS PRESENT:

Mr Gary Brinkworth, Assessment Manager
Mr Tim Bourner, Senior Planning Officer
Mr Mark Troncone, Planning Officer
Ms Sandy Beaton, Development Administration Officer

CONFLICT OF INTEREST:

Michael McKeown declared a perceived conflict of interest for Item 2, 62 Kenilworth Road as the owner is known to him.

Brenton Burman advised that due to his absence from the November meeting he will not partake in the discussion or recommendation of item 4, 51 Frederick Street. However, he will continue to chair the meeting as advised by Norman Waterhouse Lawyers.

CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Ross Bateup

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 15 November 2022 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – 48 FERGUSON AVENUE, MYRTLE BANK SA 5064 – 22031705

Tony Wilson spoke on behalf of Joy Wilson, representor, addressed the panel regarding the above-mentioned application.

Robert Hart, applicant, spoke in support of the application.

MOVED: Ross Bateup

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22031705, by Steven Fakkas, Robert Parker and Ann Parker is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The materials used on the external surfaces of the fencing and retaining walls and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to

the satisfaction of Council. All external paintwork must be completed within 2 months of the erection of the fencing and retaining walls.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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.

Advisory Note 2

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.

Advisory Note 3

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.

Advisory Note 4

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.

Advisory Note 5

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 6

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 7

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 8

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date

of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

CARRIED UNANIMOUSLY

Michael McKeown left the meeting due to his perceived conflict of interest at 6:50PM.

ITEM 2 – 62 KENILWORTH ROAD, PARKSIDE SA 5063 – 22021523

Dr Chen Au Peh, representor and Jason Schulz from Dash Architects addressed the panel regarding the above-mentioned application.

Scott Meek and Sarah Swincer from Stallard Meek Flightpath architects on behalf of the applicant Chervil Lee, addressed the panel regarding the above-mentioned application.

MOVED: Colleen Dunn

SECONDED: Ross Bateup

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22021523, by Chervil Lee is GRANTED Planning Consent subject to the following reserve matters being resolved to the satisfaction of administration:

RESERVED MATTER

The following matters are reserved:

1. A site plan showing the accurate finished floor and finished ground levels are provided and;
2. Confirmation of the details of the roof material to the carport.

CONDITIONS

Planning Consent

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from

* Denotes Change

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.

Condition 3

The obscure fixed glazing as shown on the approved plans and elevation drawings forming part of this consent, must be installed prior to the occupation of the dwelling. The obscure fixed glazing must be maintained in good condition and must be maintained as effective privacy control thereafter.

Condition 4

The fence topper screening as shown on the approved plans and elevation drawings forming part of this consent, must be erected prior to the occupation of the upper level dwelling additions. The permanently fixed privacy screens must be maintained in good condition and must be maintained as effective privacy screens thereafter.

Condition 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.

Condition 6

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council. All external paintwork must be completed within 2 months of the erection of the dwelling additions, garage and verandahs.

Condition 7

All stormwater from the building and site shall be disposed of so as not to 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.

ADVISORY NOTES

Planning Consent

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 4

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 5

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.

Advisory Note 6

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.

Advisory Note 7

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.

Advisory Note 8

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

Michael McKeown returned to the meeting at 7:30pm.

ITEM 3 – 8 EVERARD TERRACE, FORESTVILLE SA 5035 – 22031128

Brenton Burman noted for the record that he is a resident of Forestville but not in the locality of this site and does not declare a perceived conflict of interest.

Fiona Whelan, representor, addressed the panel regarding the above-mentioned application.

Jake Vaccarella of URPS spoke on behalf of the applicant, Michelle Poh in support of the application.

MOVED: Michael McKeown

SECONDED: Ross Bateup

That the Council Assessment Panel resolve to DEFER Development Application Number 22031128, by Michelle Poh to enable the applicant to supply the following further information:

1. front fencing details
2. shadow analysis
3. streetscape elevations showing the relationship between the proposed dwellings and adjacent dwelling
4. consideration of the design for the upper level in relation to the Historic Area Overlay
5. Consideration of the colours materials and finishes proposed.

CARRIED UNANIMOUSLY

ITEM 4 – 51 FREDERICK STREET, CLARENCE PARK SA 5034 – 22023994

MOVED: Michael McKeown

SECONDED: Ross Bateup

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22023994, by Carisma Dance and Fitness is GRANTED Planning Consent subject to the following conditions and reserved matter being resolved to the satisfaction of administration:

RESERVED MATTER

The following matters are reserved:

1. A final schedule of classes being provided.

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The hours of operation of the premises shall not exceed the following period:

- Monday to Friday – 3:45pm to 9:15pm
- Tuesday (Only) – 1:00pm to 1:30pm
- Saturday – 9:00am to 5:30pm
- Five (5) Sunday rehearsal sessions to occur within the calendar year.

Condition 3

The premises will not cater for, nor accommodate, more than 26 persons in total at any one time.

Condition 4

Noise levels from the indoor recreation facility shall not exceed 47 dB(A) over an assessment period of 15 minutes when measured from the property boundary of the subject site.

Condition 5

The following acoustic measures listed in the conclusion section on page 12 of the Echo Acoustic Consulting report dated 5 August 2022 (Reference ID:37-2), shall be undertaken prior to the commencement of classes:

- Upgrading the doors and glazing within the masonry hall and entries to ensure they are solid, sealed and kept normally closed
- Using a vinyl floor covering such as Tarkett over the wooden floors during all dance classes
- Sealing the openings at the junctions between the walls and roof, and along the ridge line
- Upgrading the existing evaporative cooling system ductwork
- Sealing all wall vents in the masonry hall
- Ensuring the music levels are maintained as measured (background music), noting this will occur inherently due to the need to provide clear instruction without the instructor raising their voice

ADVISORY NOTES

Planning Consent

Advisory Note 1

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

Advisory Note 2

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the Environmental (Noise) Policy 2007.

Advisory Note 3

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 4

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 5

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 6

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

CARRIED

OTHER BUSINESS:

Brenton thanked the City of Unley Staff for their efforts throughout 2022 along with the Panel and Members and Emma Wright for their contribution to the panel.

The Presiding Member declared the meeting closed at 8:25pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 17 January 2023.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 17 January 2023