

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 17 August 2021
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 (Presiding Member)
Ms Colleen Dunn
Mrs Emma Wright
Mr Michael McKeown
Mr Ross Bateup

APOLOGIES:

OFFICERS PRESENT:

Mr Don Donaldson, Team Leader Planning
Mr Andrew Raeburn, Senior Planning Officer
Ms Chelsea Spangler, Planning Officer
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Emma Wright SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Thursday 29 July 2021 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/138/2020/C2 – 26 ESSEX STREET (NORTH), GOODWOOD 5034 (GOODWOOD)

Mr Craig Mills, Mr Wallace McGee, Ms Helen Brown, representors, addressed the Panel regarding the above-mentioned application. Mr Damien Dawson representing Bradford Homes and Mr Stephen Boland, owner, spoke in support of the application.

MOVED: Ross Bateup SECONDED: Michael McKeown

That Development Application 090/138/2020/C2 at 26 Essex Street (North), Goodwood 5034 to demolish existing dwelling and construct single storey dwelling with carport on boundary and associated landscaping is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the 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 landscaping shall be planted in accordance with the approved plan (Landscape Plan, Drawing No. SK10 Rev A dated 12/04/2021). 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.

5. Prior to the issue of development approval, further details of the front facade stone cladding shall be submitted to and approved by Council. Specifically, the details should clarify the stone arrangement/pattern in a traditional form as shown on plan SKO1 revision A.

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.

CARRIED UNANIMOUSLY

ITEM 2

DEVELOPMENT APPLICATION – 090/909/2020/C2 – 42-46 UNLEY ROAD, UNLEY 5061 (UNLEY)

Mr Bill Stefanopoulos from Town Planning Advisors, and Peter Michos, owner, addressed the Panel.

MOVED: Michael McKeown

SECONDED: Ross Bateup

That Development Application 090/909/2020/C2 at 42-46 Unley Road, Unley 5061 for 'Construct a three storey residential flat building' 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:

RESERVED MATTER

The following detailed information shall be submitted for further assessment and approval by Council as reserved matters under Section 33(3) of the Development Act 1993:

- Civil plan reflecting the proposed development, including permeable paving and with paving providing a level of visual interest in the driveway area.
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. Prior to the issue of full Development Approval, a detailed landscaping plan indicating the species and location of proposed trees and shrubs on the site, shall be submitted to and approved by Council. This includes the landscaping adjacent the proposed residential visitor park. Further, that trees used in landscaping of the site be at least 1.5 metres in height at the time of planting.

Once approved, the landscaping must 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.

3. The car parking areas to be maintained at all times to the reasonable satisfaction of Council.
4. 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.
5. 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.
6. 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.
7. A Construction Management Plan is required to be submitted to and approved by Council prior to the issue of Development Approval and shall include details such as:
 - Car parking and access arrangements for tradespersons
 - Siting of materials storage
 - Site offices
 - Work in the Public Realm
 - Hoarding
 - Site amenities
 - Traffic requirements including construction access/egress and heavy vehicle routes
 - Reinstatement of infrastructure
 - Protection measures for regulated trees to be retained

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- Waste Management - the size of the proposed waste and recycle bins (240L and 360L respectively) are subject to Council's endorsement of the Waste Management Plan that is being reviewed. Increased bin sizes are included in the Waste Management Plan and if supported, will be available for shared use at small-medium complexes in the City of Unley. If not supported, the alternative may be a suitable number of 140L and 240L bins for the proposed development. Therefore, approval of the current Waste Management Plan is subject to larger bins being approved by Council in the near future.
- Waste Management - the developers, before the buildings become operational, must liaise with Council to organise:
 - o an inspection by Council's Waste Management Officer to confirm that the approved waste management system has been installed and associated planning conditions are complied with; and
 - o where a Council supplied waste collection service is being provided, to enable Council to supply and set up bins, possibly signage and other infrastructure, and to confirm a suitable location for hard rubbish collection, should tenants choose to book a collection.
- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal

Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

CARRIED UNANIMOUSLY

ITEM 3

DEVELOPMENT APPLICATION – 090/127/2021/C2 – 20 LANOR AVENUE, MILLSWOOD SA 5034 (GOODWOOD)

Ms Natalie Brittain and Mr Tom Hurr, representors, addressed the Panel regarding the above-mentioned application. Marcus Rolfe from URPS, and Sally Keane, owner, spoke in support of the application.

MOVED: Ross Bateup

SECONDED: Michael McKeown

That Development Application 090/127/2021/C2 at 20 Lanor Avenue, Millswood SA 5034 for the 'Demolish existing dwelling and construct two storey dwelling including verandahs, in-ground swimming pool and garage is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED 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 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 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.
4. 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.
5. 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#>
6. 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.

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.

CARRIED UNANIMOUSLY

ITEM 4

DEVELOPMENT APPLICATION – 090/202/2021/C2 – 29 DOVER STREET, MALVERN SA 5061 (UNLEY PARK)

Mrs Eilish Gigney, representor, addressed the Panel regarding the above mentioned application. Marco Piteo, owner, addressed the Panel in support of the application.

MOVED: Michael McKeown

SECONDED: Colleen Dunn

That Development Application 090/202/2021/C2 at 29 Dover Street, Malvern SA 5061 for 'Construct habitable outbuilding and inground 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.
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 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 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.
4. 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.
5. Prior to the issue of development approval an amended plan shall be provided that shows the fence adjacent the pool equipment replaced with a solid wall to match remaining boundary wall.

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.

CARRIED UNANIMOUSLY

ITEM 5

**DEVELOPMENT APPLICATION – 090/181/2021/C2 – 93 NORTHGATE STREET,
UNLEY PARK SA 5061 (UNLEY PARK)**

The application was withdrawn from this month's agenda.

ITEM 6

**DEVELOPMENT APPLICATION – 090/824/2020/C2 – 15 AVENUE STREET,
MILLSWOOD SA 5034 (UNLEY PARK)**

The application was withdrawn from this month's agenda.

ITEM 7

**DEVELOPMENT APPLICATION – 090/949/2020/C2 – 52 WINCHESTER STREET,
MALVERN SA 5061 (UNLEY PARK)**

MOVED: Ross Bateup

SECONDED: Emma Wright

That Development Application 090/949/2020/C2 at 52 Winchester Street, Malvern SA 5061 to 'Carry out alterations and construct additions 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. 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**.

* Denotes Change

- 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 8

21004989 - 52 COMMERCIAL RD HYDE PARK SA 5061

Mrs Betty Sweetapple, representor, addressed the Panel regarding the above-mentioned application. Greg Vincent from Masterplan spoke in support of the application on behalf of Kevin and Susan Nicolle.

MOVED: Michael McKeown

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 21004989, by Kevin Nicolle and Susan Nicolle is GRANTED Planning Consent subject to the following conditions:

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

Details of on-site stormwater detention and retention shall be provided to the satisfaction of Council prior to issue of Development Approval. The details shall accord with the recommendations of Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.

Condition 3

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

General Notes

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.
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.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

Advisory Note 1

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 2

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

CARRIED UNANIMOUSLY

ITEM 9

21009734 - 13 TREVELYAN ST WAYVILLE SA 5034

Mr Sandy Wilkinson, representor, addressed the Panel regarding above mentioned application. Matt King from URPS and Lachlan Rose of Proske Architects, spoke on behalf of the application Robert and Louise Young.

MOVED: Colleen Dunn

SECONDED: Michael McKeown

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 21009734, by Robert Young and Louise Young is GRANTED Planning Consent subject to the following conditions and reserved matters (if any):

CONDITIONS:

- a. Prior to the issue of full Development Approval, a detailed landscaping plan indicating the species and location of proposed trees and shrubs on the site, shall be submitted to and approved by Council.
Once approved, the landscaping must be established prior to the occupation of the development and shall be irrigated, maintained and nurtured with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
- b. 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 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.
- c. 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.
- d. 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

General Notes

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.

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.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).
4. 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.
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**.
6. 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

UNLEY COUNCIL ASSESSMENT PANEL – ANNUAL REPORT 2020-2021

MOVED: Michael McKeown

SECONDED: Emma Wright

That the report be received and confirmed at the next Council meeting.

CARRIED UNANIMOUSLY

OTHER BUSINESS

A briefing be arranged for the Panel on policy changes regarding demolition under the Planning Development and Infrastructure Act. Such briefing to coincide with a site inspection of 12 Marion Street, Unley, by members.

The Presiding Member declared the meeting closed at 9:31pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21 September 2021

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 21 September 2021