

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 7 February 2023
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: Nil

OFFICERS PRESENT: Mr Don Donaldson, Assessment Manager
Mr Tim Bourner, Senior Planning Officer
Mr Mark Troncone, Planning Officer
Ms Amelia ReRuvo, Planning Officer
Mr Nicholas Bolton, Cadet Planning Officer

CONFLICT OF INTEREST:

Michael McKeown declared a perceived conflict of interest for Item 3, 114 Kenilworth Road as the applicant and representor are known to him.

CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Ross Bateup

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 13 December 2022 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – 18 GILBERT STREET, GOODWOOD - 22035060

Anthony Kirkman, representor, addressed the Panel regarding the above-mentioned application.

Blake Scholz, the applicant, addressed the Panel in support of the application.

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; but
2. Development Application Number 22035060, by Blake Scholz is REFUSED as the proposal does not satisfy Historic Area Overlay Desired Outcome 1 and PO 7.1 b) for demolition noting that the existing dwelling contributes to the existing streetscape and is consistent with the Historic Area Statement.

REFUSED

ITEM 2 – 19 SEAVIEW STREET, FULLARTON - 22033131

Luke Errington, representor, addressed the Panel regarding the above-mentioned application.

Jason Cattonar, of Future Urban spoke on behalf of the applicant, Rick D'Andrea, in support of the application.

MOVED: Ross Bateup

SECONDED: Brenton Burman

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 22033131, by RICK D'ANDREA 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. Revised plans be provided demonstrating a light toned roof colour at the lower level

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

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

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.

Condition 4

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 5

The approved landscaping shall 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.

Condition 6

That the upper floor windows (excluding western elevation) be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1500mm above floor level with such translucent glazing to be kept in place at all times.

Condition 7

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.

Condition 8

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.

ADVISORY NOTES

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.

Advisory Note 3

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 4

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 5

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 6

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 7

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

ITEM 3 – 114 KENILWORTH ROAD, PARKSIDE – 22034244

Michael McKeown left the meeting due to his perceived conflict of interest at 7:45pm.

Bradley McNeil, representor, addressed the Panel regarding the above-mentioned application.

Linda and Chris Holmwood, the applicants, addressed the Panel in support of the application.

MOVED: Colleen Dunn

SECONDED: Ross Bateup

That the Council Assessment Panel resolve to DEFER Development Application Number 22034244 to enable the applicant to supply the following further information:

1. 3D renders from both street frontages;
2. Cross Section drawings for the loft area and lean-to;
3. Greater clarity for measurements for setbacks and adjacent wall heights
4. Roof Plan

CARRIED UNANIMOUSLY

Michael McKeown returned to the meeting at 8:06pm.

ITEM 4 – 8 EVERARD TERRACE, FORESTVILLE (DEFERRED) – 22031128

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 22031128, by MICHELLE POH 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

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.

Condition 3

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 4

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 5

That the existing crossover(s) 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.

Condition 6

The construction of the 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 advisory note below or council web site for the City of Unley Driveway Crossover specifications.

Land Division Consent

Conditions imposed by SPC Planning Services under Section 122 of the Act

Condition 1

Payment of \$8066.00 into the Planning and Development Fund (1 allotment/s @ \$8066.00 /allotment). This payment will not become payable until the Certificate of Approval application under Section 138 has been lodged. At that time the Land Division Registration fee (currently \$1069.00), will also become payable. The total of the two fees must be paid in a single payment. Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7109 7018, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001

Condition 2

A final plan complying with the requirements for plans 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 Planning Commission for Land Division Certificate purposes.

Conditions imposed by South Australian Water Corporation under Section 122 of the Act

Condition 3

SA Water's water and sewer network is available for connection in this area. An investigation will need to be undertaken to determine infrastructure needs, appropriate fees and charges.

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

Condition 4

if a connection/s off an existing main is required, an investigation will need to be carried out to determine if the connection/s to your development will be standard or non-standard costs.

Condition 5

Please note for Torrens Title developments that it is the developers responsibility to ensure that all internal pipework, water and wastewater, is contained within the new allotment boundaries.

Condition 6

The builder/developer will need to determine and verify if the depth of the existing sewer connection(s) is suitable for the development.

ADVISORY NOTES

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.

Advisory Note 3

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 4

The removal of the street tree located on the Council verge adjacent to the subject site has been approved as part of this application (Pyrus Ussuriensis - Everard Terrace) subject to payment of \$3255.00 to Council. The fee paid to Council is to cover the cost of a new street tree (to be selected and planted by Council) and three (3) years maintenance costs to ensure establishment. The applicant shall contact Council's Infrastructure Section on 8372 5460 to arrange for the payment and removal of the street tree by Council.

Advisory Note 5

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

Advisory Note 6

Crossover driveways should be designed to meet the following:

Driveways Crossovers are not to be constructed from concrete over the footpath area between the kerb to boundary. Driveways and boundary levels at fence line must be between 2% and 2.5% above kerb height Crossover not to exceed 2.5% or 1:40 cross fall gradient from boundary to kerb invert If a driveway crossover or portion of a driveway crossover is no longer required due to the relocation of a new crossover or alteration to an existing crossover

The redundant driveway crossover or part of, is required to be closed and returned back to kerb and gutter, also raising the footpath level to match the existing paved footpath levels at either side of the crossover being closed.

Council's assets team should be contacted should be contacted on 8372 5460 to inspect the excavation of the crossovers. Excavation for the width of the proposed crossover should be hand-dug (or utilise other non-destructive methods).

Advisory Note 7

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 8

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 9

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 10

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

OTHER BUSINESS:

The Presiding Member declared the meeting closed at 8:15pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21 February 2023.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday 21 February 2023