

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Wednesday 17 May 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
Ms Colleen Dunn
Mr Terry Sutcliffe
Mr Will Gormly
Dr. Iris Iwanicki

APOLOGIES: Nil

OFFICERS PRESENT: Mr Don Donaldson, Assessment Manager
Mr Tim Bourner, Senior Planning Officer
Mr Nicholas Bolton, Graduate Planning Officer

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Dr. Iris Iwanicki

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 April 2023 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – 7 THORNBUR STREET, UNLEY PARK - 22040422

Peter Meline spoke on behalf of representors Neville Roberts, Kaye Smith, and Kate & Kerrie Campbell regarding the above-mentioned application.

Fabian Barone, from Future Urban, and Bruce Harry spoke on behalf of the applicant in support of the application.

MOVED: Dr. Iris Iwanicki

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 22040422, by Genworth Group C-/ Future Urban Pty Ltd is REFUSED Planning Consent subject to the following reasons:
 - a. The subject dwelling conforms with the values described in the Historic Area Statement and does not satisfy Historic Area Overlay PO 1.1.
 - b. The subject dwelling's front elevation has not been substantially altered such that it cannot be reasonably restored in a manner consistent with the building's original style, nor has the subject dwelling's structural integrity or safe condition been demonstrated to be beyond reasonable repair and therefore does not satisfy Historic Area Overlay PO 7.1.
 - c. The subject dwelling conforms with the values described in the Historic Area Statement and does not satisfy the Historic Area Overlay PO 7.3.

CONDITIONS

Not required

ADVISORY NOTES

Planning Consent

Advisory Note 1

The applicant has the right of review and appeal pursuant to section 202 of the PDI Act 2016. An appeal to the Court against a decision by the Council Assessment Panel must be made directly to the Environment, Resources and Development Court within 2 months of the applicant receiving this notice of decision. The Court is located at the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

CARRIED UNANIMOUSLY

ITEM 2 – 30 ARTHUR STREET, UNLEY - 22036815

Giovanni Maraia, representor, addressed the panel regarding the above-mentioned application.

Xin Onn Lai, the applicant, addressed the Panel in support of the application.

MOVED: Terry Sutcliffe

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 22036815, by Xin Onn Lai is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

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 building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council.

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

Planning Consent

Advisory Note 1

* Denotes Change

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

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 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.

Advisory Note 7

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 8

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

OTHER BUSINESS:

The Presiding Member declared the meeting closed at 6:48pm

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

.....

PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 20 June 2023