

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 18 April 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 Mark Troncone, Planning Officer
Ms Sandy Beaton, Development Administration Officer

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Dr. Iwanicki

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 21 March 2023 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – 113 LEICESTER STREET, PARKSIDE - 23001745

Cameron McDonald, representor addressed the Panel regarding the above-mentioned application.

Jake Vaccarella from URPS spoke on behalf of the applicant, Scott Salisbury Homes, in support of the application.

MOVED: Will Gormly

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 23001745, by Scott Salisbury Homes 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

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

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

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 3

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 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 UNANIMOUSLY

ITEM 2 – 301 UNLEY ROAD, MALVERN – 22030984

Greg Campbell, on behalf of Kristen Campbell, addressed the Panel regarding the above-mentioned application.

Emma Battams, representor, addressed the Panel regarding the above-mentioned application.

Greg Vincent from Masterplan, on behalf of Timothy Bridgeman, addressed the Panel regarding the above-mentioned application.

Greg Vincent wished it noted that no submission was made by Masterplan in respect to the application. Masterplan has been engaged by the above representors to speak on behalf of their submission.

Greg Vincent from Masterplan, read a statement to the Panel on behalf of Nicole Plant regarding the above-mentioned application.

Barbara Smith, on behalf of R Clements, addressed the Panel regarding the above-mentioned application.

Richard Dwyer from Ekistics together with Anthony Catinari from Catcorp and Thomas Wilson from Cirqua, spoke on behalf of the applicant, Como Apartments (Malvern) Pty Ltd, in support of the application.

MOVED: Terry Sutcliffe

SECONDED: Dr. Iwanicki

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 22030984, by Como Apartments (Malvern) Pty Ltd is GRANTED Planning Consent subject to the following conditions:

RESERVED MATTERS

Planning Consent

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (or select stage of Development Approval):

- *The provision of an external lighting plan designed, directed and shielded so as to cause no adverse light overspill nuisance to nearby properties or distraction to motorists.*

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

CONDITIONS

Planning Consent

Condition 1

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

- Plans and Elevations prepared by Brown Falconer Drawings DA01 (Revision G dated September 2022); DA02 (Revision D dated August 2022); DA03 (Revision K dated August 2022); DA04 (Revision E dated September 2022); DA05 (Revision G dated September 2022); DA06 (Revision C dated August 2022); DA07 (Revision D dated November 2022); and DA08 (Revision B dated February 2023)
- Site Levels and Drainage Layout prepared by PT Designs Drawing 22642-C01 (Revision D dated July 2022)

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

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

- Monday to Saturday 9am to 9pm
- Sunday and Public Holidays 10am to 7pm

Condition 4

The signage, herein approved, must be maintained in good repair with all words and symbols being clearly visible at all times.

Condition 5

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

Condition 6

The planting and landscaping identified on the Landscape Plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the shop. Such planting and landscaping

* Denotes Change

must not be removed and any plants which die must be replaced by the same species or other species to Council's satisfaction.

Condition 7

Waste collection and general delivery vehicles shall only service the development between the hours of 7am and 7pm Monday to Saturday and 9am to 7pm Sunday and public holidays.

Condition 8

The driveway, car parking and manoeuvring areas to be surfaced, drained and line marked in accordance with the approved plans and Australian Standards AS 2890.1:2004, 1742.2:2009 and 2890.6:2009, prior to occupation and commencement of use of the land and shall be maintained in good condition at all times to the satisfaction of Council.

Condition 9

Driveway, manoeuvring areas, car parking spaces and associated landscaping areas shall not be used for the storage or display of any materials or goods.

Condition 10

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 11

Forklifts used on site shall have an electric drive and a broadband reversing device.

Condition 12

Refrigerated vehicles shall not enter the site other than for ice deliveries.

Condition 13

Trucks shall only be loaded and unloaded in the designated loading area, and shall have the engine switched off when parked on site.

Condition 14

Roof top mechanical plant, refrigeration plant, and associated acoustic treatments including solid roof plant screening and acoustic louvres to the plantroom, shall be in accordance with Section 4 of Resonate letter A220413LT1 23 February 2023.

Condition 15

Notification methods, alarms, driveway grates and other similar site features, shall be operated and maintained so as to not unreasonably interfere with the acoustic amenity of dwellings.

Condition 16

The site operations shall comply with Part 5 Clause 20 of the Environment Protection (Noise) Policy 2007.

Condition 17

All fencing to the northern, eastern and southern boundaries shall be "good neighbour" style fencing with no posts and rails.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 18

All vehicular access to the site shall be gained via Unley Road as shown on Brown & Falconer, Floor & Site Plan, Drawing No. 3395 DA03, Revision K dated 13 February 2023 and be consistent with CIRQA Traffic Report, Project No. 20396, Version 1.2 dated 10 March 2023.

Condition 19

The largest vehicle to access the site shall be restricted to a 12.5m Heavy Rigid Vehicle. All egress movements for commercial/delivery vehicles shall be via the northern access point.

Condition 20

The Unley Road access points shall be suitably signed and line marked to reinforce the desired traffic flow. Chevron line-marking shall also be incorporated in the design to reduce the width of the access for passenger vehicles while still enabling delivery vehicle movements.

Condition 21

All vehicles shall enter and exit in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 22

Any landscaping adjacent the access points shall ensure that sightlines can be achieved as per Urban Transport Routes Overlay, 5.1, a) and b).

Condition 23

Any infrastructure within the road reserve (e.g. pit lids and signs) that is demolished, altered, removed or damaged during the construction of the project (including the side entry pit that will be impacted by the south-western access) shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 24

All off-street parking shall be constructed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 with commercial vehicle parking constructed in accordance with AS2890.2:2018. All designated staff parking shall be clearly signed and or line marked to reinforce this operation.

Condition 25

All redundant crossovers shall be permanently closed and reinstated with kerb and gutter prior to the development becoming operational. All costs are to be borne by the applicant.

Condition 26

Stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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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/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 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

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

That the existing crossovers shall be closed and reinstated back to kerb and gutter in accordance with Council requirements and at the applicant's expense, prior to occupation of the development. Refer to the City of Unley website Forms & Applications – Application to Alter Public Roads and Driveway Crossover Specifications.

<https://www.unley.sa.gov.au/Page/Forms-Applications>

Advisory Note 9

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 the City of Unley website Forms & Applications – Driveway Crossover Specifications.

<https://www.unley.sa.gov.au/Page/Forms-Applications>

Advisory Note 10

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 11

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:

Upon the request of the Panel, an update for 114 Kenilworth Road was provided. Updated plans have been received and are awaiting review.

The Assessment Manager sought an indication from the Panel on another training session to complete the induction of members and to address the implications on recent Miscellaneous Technical Code Amendment.

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 17 May 2023.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 17 May 2023