

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 19 December 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:

OFFICERS PRESENT:

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

CONFLICT OF INTEREST:

Will Gormly declared a perceived conflict of interest for item 3, 36 Le Hunte Street as the applicant's consultant is known to him.

CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Dr. Iwanicki

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

CARRIED UNANIMOUSLY

ITEM 1 – 131 YOUNG STREET, PARKSIDE - 23005883

Michael Smith, representor, addressed the Panel regarding the above-mentioned application.

Denis Camporeale, from Arcon Consulting, spoke on behalf of the applicant in support of the application.

MOVED: Will Gormly

SECONDED: Terry Sutcliffe

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 23005883 by P and S Papathanasopoulos is REFUSED Planning Consent subject to the following reasons:

REFUSAL REASONS

Planning Consent

- The proposed dwelling has not demonstrated that the structural integrity or safe condition of the original building is beyond reasonable repair and does not satisfy **Historic Area Overlay - Performance Outcome 7.1(b)**.

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 Assessment Manger or 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 – 8 NORTHGATE STREET, UNLEY PARK - 23010105

Adam Williams, from Masterplan, spoke on behalf of the applicant in support of the application.

MOVED: Will Gormly

SECONDED: Terry Sutcliffe

That Development Application number 23010105 by Dennis Collins is DEFERRED Planning Consent to allow further design consideration of the following:

- height of signage

The motion was LOST

MOVED: Colleen Dunn

SECONDED: Terry Sutcliffe

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 23010105, by Dennis Collins is GRANTED Planning Consent subject to the following reasons:

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

Condition 3

The content of the signage approved herein, shall relate to the legitimate use of the land at all times and shall not be used for third party advertising.

Condition 4

The illumination of the signage must be kept to a level which ensures, that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

Condition 5

The LED screen shall not operate outside 9am to 10pm on any day.

Condition 6

The operational system for the LED digital display shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

Condition 7

The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device

CARRIED

ITEM 3 – 36 LE HUNTE STREET, WAYVILLE - 23025035

Will Gormly left the meeting due to his perceived conflict of interest at 7:03pm

Daniel Weekley, representor, addressed the Panel regarding the above-mentioned application.

Marcus Rolfe, from URPS, spoke on behalf of the applicant in support of the application.

MOVED: Terry Sutcliffe

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel resolve that:

3. 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
4. Development Application Number 23025035, by Michael Fogarty 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 as listed below, except where varied by conditions below (if any):

- Plans and Elevations prepared by Michael Fogarty Building Design Drawings A01, A10, A11, A20, A21 (Dated 7 November 2023)
- Site Drainage Plan prepared by Bentley Consulting Dated 13 September 2023 Issue A

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

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 4

The planting and landscaping identified on the Site Plan submitted with the application must be completed in the first planting season concurrent with or following occupation of the approved works. Such planting and landscaping must not be removed, nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.

Condition 5

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 6

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

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

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 8

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.

CARRIED UNANIMOUSLY

Will Gormly returned to the meeting at 7:23pm

ITEM 4 – APPLICATIONS BEFORE THE ERD COURT – SUMMARY OF COURT APPEALS

The Acting Team Leader Planning provided an update on the appeal lodged against the Panel’s refusal for the demolition of a dwelling at 7 Thornber Street, Unley Park.

MOVED: Colleen Dunn

SECONDED: Dr. Iwanicki

That the report be noted and received.

CARRIED UNANIMOUSLY

OTHER BUSINESS:

The Presiding Member declared the meeting closed at 7:26PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 23 January 2024.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 23 January 2023