

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 19 September 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
Dr. Iris Iwanicki
Professor Mads Gaardboe (Deputy)

APOLOGIES:

Mr Terry Sutcliffe
Mr Will Gormly

OFFICERS PRESENT:

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

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Dr. Iwanicki

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 20 June 2023 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1 – 3 MITCHELL STREET, HYDE PARK - 23012676

Brigitte Williams from URPS spoke on behalf of the applicant, Kenneth Wong, in support of the application.

MOVED: Dr. 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 23012676, by Kenneth Wong 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

The colours of the materials specified on the plans for the external surfaces of the building and the pre-coloured steel finishes and 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.

Condition 4

The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

Condition 5

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

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

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 6

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to section 139 of the Planning, Development and Infrastructure Act 2016, you are reminded of your obligations to:

- 20 business days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
- Take precautions as may be prescribed to protect the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the Planning, Development and Infrastructure (General) *Regulations 2017* to require.

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 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 2 – 5 GLENFERRIE AVENUE, MYRTLE BANK – 21011428

Pip Metljak from Botten Levinson Lawyers on behalf of Jennifer Haynes & Mark Hogan, representors, addressed the Panel regarding the above-mentioned application.

Joe Hooper, representor, addressed the Panel regarding the above-mentioned application.

Basia Samcewicz, representor, addressed the Panel regarding the above-mentioned application.

Xiaoming He, representor, addressed the Panel regarding the above-mentioned application.

Nick Wilson from Masterplan together with Andrew Kirkbride, spoke on behalf of the applicant, Kirkbride Architects, in support of the application.

MOVED: Prof Gaardboe

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 21011428, by Kirkbride Architects 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 Kirkbride Architects Drawings SK02 (Issue 2 dated 4 September 2023), SK03 (Issue 2 dated 4 September 2023), SK04 (Issue 5 dated 7 June 2023), SK05 (Issue 5 dated 7 June 2023), SK06 (Issue 5 dated 7 June 2023), SK06A (Issue 5 dated 7 June 2023), SK07 (Issue 5 dated 7 June 2023), SK08 (Issue 5 dated 7 June 2023), SK09 (Issue 6 dated 4 September 2023), SK10 (Issue 5 dated 4 September 2023), SK11 (Issue 5 dated 7 June 2023), SK14 (Issue 6 dated 5 September 2023)
- Stormwater Management Civil Works plan, Issue B prepared by Anson dated 19 May 2023.

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 obscure glazing as shown on the approved plans and elevation drawings forming part of this consent, must be installed prior to the commencement of use of the supported

accommodation additions. The permanently fixed obscure glazing must be maintained in good condition and must be maintained as effective privacy control thereafter.

Condition 4

The Glenferrie Avenue access point and vehicle park shall only be utilised for emergency services. No general parking or access shall be permitted at any time.

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 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

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 8

Temporary debris and sediment control measures shall be installed to ensure that debris, soil, soil sediments and litter are maintained within the construction site. At no time shall debris, soil, soil sediments and litter from the construction site enter Council's drainage system, road network or neighbouring properties.

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

* Denotes Change

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

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to section 139 of the Planning, Development and Infrastructure Act 2016, you are reminded of your obligations to:

- 20 business days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
- Take precautions as may be prescribed to protect the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the Planning, Development and Infrastructure (General) *Regulations 2017* to require.

Advisory Note 8

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 9

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 10

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 11

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 12

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 Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Advisory Note 1

Please note the following requirements of the *Heritage Places Act 1993*.

(a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.

(b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

Advisory Note 2

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

(a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

CARRIED

ITEM 3 - UNLEY COUNCIL ASSESSMENT PANEL – ANNUAL REPORT 2022-2023

MOVED: Colleen Dunn

SECONDED: Dr. Iwanicki

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

CARRIED UNANIMOUSLY

OTHER BUSINESS:

The Senior Planner provided an update on an appeal lodged against the Panel's refusal for the demolition of a dwelling at 7 Thornber Street, Unley Park.

The Presiding Member declared the meeting closed at 7:54PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Wednesday 18 October 2023.

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Wednesday 18 October 2023