

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 20 June 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  
Ms Amelia DeRuvo, Planning Officer  
Mr Mark Troncone, Planning Officer  
Ms Sandy Beaton, Development Administration Officer

**CONFLICT OF INTEREST: Nil**

**CONFIRMATION OF MINUTES:**

MOVED: Will Gormly

SECONDED: Dr. Iwanicki

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Wednesday 17 May 2023 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1 – 91 KENILWORTH ROAD, PARKSIDE - 22039582**

Margaret Jackson on behalf of Maureen Ruciak, representor, addressed the Panel regarding the above-mentioned application.

Patricia DeGiovanniello spoke on behalf of the applicant, Livio DeGiovanniello, 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 22039582, by Livio DeGiovanniello 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).

**ADVISORY NOTES**

**Planning Consent**

Advisory Note 1

No work can commence on this development unless a Development Approval has been

\* Denotes Change

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

Please ensure that the burning of wood is in accordance with the Environmental Protection Agency 'Burn Better for Good' booklet, see the link below.

[https://www.epa.sa.gov.au/files/11030\\_bbfgbrochureweb.pdf](https://www.epa.sa.gov.au/files/11030_bbfgbrochureweb.pdf)

**CARRIED UNANIMOUSLY**

**ITEM 2 – 6 KING WILLIAM ROAD, WAYVILLE – 23002756**

Phillip Bruning on behalf of Bill Oberdan, representor, addressed the Panel regarding the above-mentioned application.

Marcus Rolfe from URPS spoke on behalf of the applicant, All Good Property Options, in support of the application.

MOVED: Terry Sutcliffe

SECONDED: Will Gormly

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 23002756, by All Good Property Options Pty Ltd 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 approved planting and landscaping must be completed in the first planting season concurrent with or following commencement of the use of the dwellings. 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 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

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 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 5

That wastewater 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.

## Reserved Matters

1. Prior to Development Approval, the dwelling upon proposed Lot 2 must implement treatments that satisfy MBS 010 (*Construction requirements for the control of external sound*) with such examples identified within the approved SONUS acoustic report.
2. Prior to Development Approval, a site works and drainage plan be provided which demonstrates the appropriate stormwater detail to the satisfaction of Council.

## 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](http://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

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

<https://www.sawater.com.au/building,-developing-and-plumbing/new-connections-and-alterations/connection-fees>

#### Condition 5

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 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

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 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](http://www.lsc.sa.gov.au).

#### 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

Any redundant crossovers must be reinstated to Council satisfaction.

Any proposed crossovers must be installed to Council satisfaction.

Any costs associated with changes to on-street parking signage and/or line marking is to be covered wholly by the applicant.

#### Advisory Note 5

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 6

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 7

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 8

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:**

Amelia DeRuvo updated the Panel regarding DA 22034244 (114 Kenilworth Road, Parkside) and advised that planning consent had been issued for the development on 9 June 2023 under delegation from the Panel.

Tim Bourner delivered a presentation to the Panel regarding the Miscellaneous Technical Code Amendment which came into effect on 1 June 2023.

The Presiding Member thanked Mark Troncone on behalf of the Panel for his efforts and contribution over the last two years and wished him well for his new role as a planning consultant.

The Presiding Member declared the meeting closed at 7:23pm

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

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 18 July 2023