

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 21 June 2022  
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 (Presiding Member)  
Ms Colleen Dunn  
Mr Ross Bateup (from 6:12)  
Ms Carol Muzyk  
Ms Emma Wright

**APOLOGIES:**

Mr Michael McKeown

**OFFICERS PRESENT:**

Mr Don Donaldson, Assessment Manager  
Mr Mark Troncone, Planning Officer  
Mr Nicholas Bolton, Cadet Planning Officer  
Mr Timothy Bourner, Senior Planning Officer

**CONFLICT OF INTEREST: Nil**

**CONFIRMATION OF MINUTES:**

MOVED: Colleen Dunn

SECONDED: Emma Wright

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 10 May 2022 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/904/2020/C2 – 66 ANZAC HIGHWAY, EVERARD PARK SA 5035**

No representor present took the opportunity to be heard by the Panel. There were no questions of the applicant by the Panel.

Ross Bateup entered the meeting at 6:12 pm.

MOVED: Carol Muzyk

SECONDED: Ross Bateup

That Development Application 090/904/2020/C2 at 66 Anzac Highway, Everard Park 5035 to construct a three-storey residential flat comprising five dwellings with associated garages, landscaping, fencing and retaining is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**RESERVED MATTERS:**

The following information shall be submitted for further assessment and approval by the City of Unley as reserved matters under Section 33(3) of the Development Act 1993:

- An engineered site drainage plan shall be provided to Council for consideration prior to issue of Development Approval

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
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.
3. That all upper floor windows aside from those windows presenting to the street (western elevation) be treated to avoid overlooking prior to the occupation being

fitted with permanently fixed non-openable (other than up 125mm) translucent glazed panels to a minimum height of 1700mm above floor level with such translucent glazing to be kept in place at all times.

### **Conditions of Department of Infrastructure and Transport**

4. All access shall be in accordance with the Site Plan by Vallco Design (Project 476-0720, dated 27/08/2021). The crossover shall be flared at the eastern end to provide easy entrance movements from Anzac Highway.
5. Any portion of obsolete crossover shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense.
6. All vehicles must enter and exit the site in a forward direction.
7. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
8. The access point shall comply with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety', as defined in AS/NZ 2890.1:2004.
9. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Anzac Highway. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**CARRIED**

### **ITEM 2 52-54 SHEFFIELD STREET, MALVERN SA 5061 – 22011713**

Alan Reid, representor, addressed the Panel regarding the abovementioned application. John Mason spoke on behalf of representor Colleen O'Hare, regarding the abovementioned application.

Jake Vaccarella from URPS spoke on behalf of the applicant with assistance from Mark Beesley from Proske Architects, spoke in support of the application.

MOVED: Colleen Dunn

SECONDED: Ross Bateup

It is recommended that the Council Assessment Panel/SCAP 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 22011713, by Luminaire Pty Ltd 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

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 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

That the side and rear upper storey windows be treated to avoid overlooking prior to occupation by being fitted with permanently fixed non-openable translucent glazed panels to a minimum height of 1800mm above floor level with such translucent glazing to be kept in place at all times.

#### Condition 5

The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

#### Condition 6

That waste water 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.

#### Condition 7

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 the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall 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.

### ADVISORY NOTES

#### General Notes

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.
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.

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.
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).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

#### Planning Consent

##### Advisory Note 1

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 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

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**

#### **OTHER BUSINESS:**

Nil

#### **MATTERS FOR COUNCIL CONSIDERATION**

Nil

The Presiding Member declared the meeting closed at 7:12pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 19 July 2022.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 19 July 2022