

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 21 March 2023 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Don Donaldson
ASSESSMENT MANAGER

Dated 08/03/2023

KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yailtya, 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

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

21 March 2023

MEMBERS:

Ms Colleen Dunn
Mr Terry Sutcliffe
Mr Will Gormly
Ms Iris Iwanicki
Professor Mads Gaardboe (Deputy)

APOLOGIES:

Mr Brenton Burman

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

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

A G E N D A

Apologies
Conflict of Interest
Confirmation of the minutes

Item No	Planning, Development Infrastructure Act Applications	Page
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- | | | |
|----|--|-------|
| 1. | 3 Railway Terrace South, Goodwood – 22039838 - WITHDRAWN | 4-31 |
| 2. | 114 Kenilworth Road, Parkside – 22034244 - DEFERRED | 32-68 |

Item No	Appeals Against Decision of Assessment Manager (PDI Act)	Page
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Nil

Item No	ERD Court Compromise Reports - CONFIDENTIAL	Page
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Motion to move into confidence

Nil

Motion to move out of confidence

Item No	Council Reports	Page
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- | | | |
|----|--|-------|
| 3. | CAP Meeting Schedule, Meeting Procedure and Policy | 69-83 |
|----|--|-------|

Any Other Business
Matters for Council's consideration

ITEM 1**DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034**

DEVELOPMENT NO.:	22039838
APPLICANT:	Julia Wetherell
ADDRESS:	3 RAILWAY TCE STH GOODWOOD SA 5034
NATURE OF DEVELOPMENT:	Partial demolition and alterations and additions to the existing dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Building Near Airfields • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 5.7m) • Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 15m; row dwelling is 15m) • Minimum Site Area (Minimum site area for a detached dwelling is 550 sqm; semi-detached dwelling is 550 sqm; row dwelling is 550 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	13 Dec 2022
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	8 December 2022 - 2022.23
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Mark Troncone Planning Officer
REFERRALS STATUTORY:	Not Required
REFERRALS NON-STATUTORY:	Not Required

CONTENTS:

ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	Representations
ATTACHMENT 3:	Response to Representations

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the partial demolition and alterations & additions to the existing dwelling.

The new addition will include a boundary wall sited along the shared south-western boundary for a length of approx. 9.85m and a wall height of 3.1m from the top of the parapet to natural ground level.

The partial demolition will include the removal of the existing boundary wall.

BACKGROUND:

- DA 713/1997/DX: Dwelling Addition**

A dwelling addition was approved in 1997 and later constructed. The addition extended upon the existing boundary wall for an additional 3.95m, creating a combined boundary wall length of approx. 8.3m. The height of the addition was slightly below the existing dwelling wall in the realm of 2.6m from natural ground level. An extract of the plans can be seen within **Figure 1** and images of the wall can be seen in **Figure 2 & 3** below.

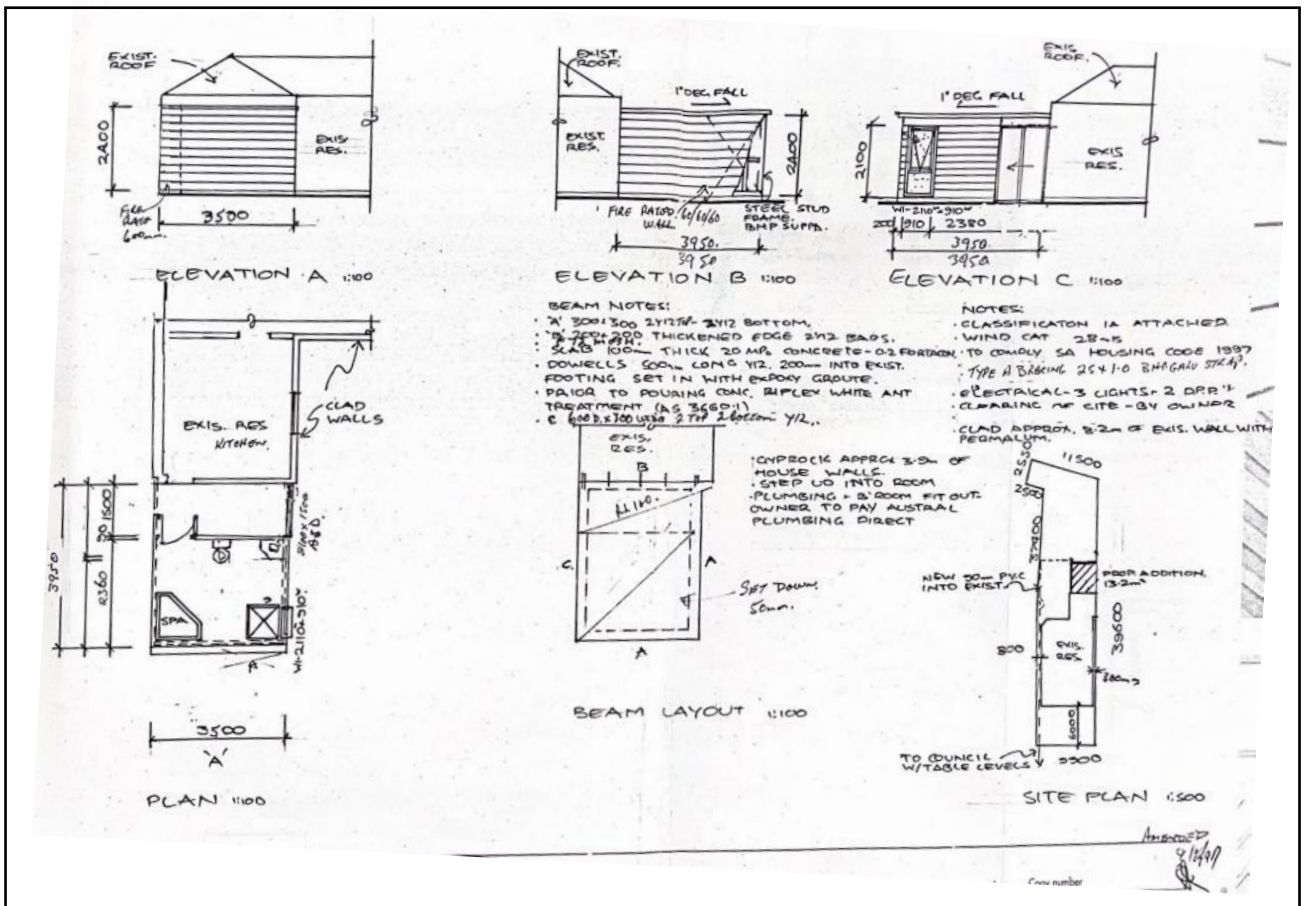


Figure 1: Extract of site plan and elevations – DA 713/1997/DX

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034



Figures 2 & 3: View of the existing boundary wall of 3 Railway Tce S as viewed from the neighbouring property to the south-west (3 Railway Tce S) – Realeaste.com images

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 3 RAILWAY TCE STH GOODWOOD SA 5034

Title ref.: CT 5108/920 **Plan Parcel:** F11094 AL56 **Council:** CITY OF UNLEY

Subject Land

The subject land is an irregular shaped allotment with a frontage to Railway Tce S of approx. 10.7m and a secondary frontage to Musgrave St of approx. 2.9m. The land has an approximate area of 410m².

The site currently contains a single storey detached dwelling circa 1900 (Figure 4). Existing vehicle access is gained from Musgrave St on the eastern side of the allotment.

The subject land is relatively flat and contains no regulated or significant tress.



Figure 4: View of the subject land as taken from Railway Tce S looking south-east

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

Locality

In forming an opinion as to the extent of the locality, I have considered the extent to which the proposed development on the subject land is likely to be evident to the surrounding occupiers and landowners.

The south-western side of Railway Tce South contains a mixture of single storey development, including character dwellings in the form of single storey double fronted cottages including the two adjacent dwellings at 1 Railway Tce South (Figure 5) and 5 Railway Tce South (Figure 6). A number of other double frontage cottages are also located along Musgrave St to the east. The tram line is located to the north of the subject land.



Figure 5: View of the neighbouring property to the north-east (1 Railway Tce S) taken from Railway Tce S looking south-east

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034



Figure 6: View of the neighbouring property to the south-west (5 Railway Tce S) taken from Railway Tce S looking south-east



Figure 7: Locality Plan

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 Dwelling alteration or addition
 Demolition
 Dwelling addition: Code Assessed - Performance Assessed
 Internal building work: Accepted
 Partial demolition of a building or structure: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 Wall along the south-west boundary exceeds 8m in length (9.845m).

• **LIST OF REPRESENTATIONS**

	Representor Name/Address	Support/Support with Concerns/Oppose	Request to be heard	Represented by
1	[REDACTED]	Support development with some concerns <i>Boundary Wall</i>	Yes	Self

A copy of the representation can be found in **Attachment 2**. As outlined within the table above, the representor raised the matter of the boundary wall which included requesting a dilapidation report from a third party and a geotechnical report. Other matters included clarification around the footings, fencing, plumbing and privacy.

The applicant submitted a Response to Representations (**Attachment 3**). The response outlined that a dilapidation report would be undertaken by the builder and a geotechnical report would be undertaken by the structural engineer which would be required to design the slab. The response also addressed the other matters raised above, many of which, would be clarified during the Building Rules Consent stage.

AGENCY REFERRALS

None

INTERNAL REFERRALS

None

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

RULES OF INTERPRETATION

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcome (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, are found within the following link:

[Planning and Design Code Extract](#)

Boundary Wall

Performance Outcome (PO) 7.1 of the **Established Neighbourhood Zone** states

‘Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.’

DTS/DPF 7.1 (Designated Performance Feature) 7.1 identifies that boundary walls should be designed to not exceed the below parameters:

- *‘exceed 3.2m in height from the lower of the natural or finished ground level’*
- *‘exceed 8m in length’*
- *‘when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary’*

In addition, **PO 3.2** of the **Interface between Land Uses** section states

‘Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in

- *a neighbourhood type zone is minimised to maintain access to direct winter sunlight’*

DTS/DPF 3.2 identifies that

‘Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:

- *for ground level private open space....half the existing ground level open space’*

As outlined above, the proposed boundary wall will have a length of approximately 9.85m and an approximate wall height of 3.1m from natural ground level. The proposed wall will therefore exceed the quantitative measure for wall length above by 1.85m. Despite not meeting this quantifiable measure above, the proposed boundary wall is considered to be acceptable for the following reasons:

- The proposed boundary wall is below the quantifiable boundary wall height outlined above (3.2m) and will only exceed the length of the existing boundary wall by approx.1.85m;
- The boundary wall will be the only structure located along the south-west boundary and will account for approx. 24% of the total boundary length (21% less than that outlined within the quantifiable measure above); and
- The visual/overshadowing impacts are not considered to be unreasonable given the comparable level of overshadowing from the existing boundary wall, the boundary wall’s location adjacent to the neighbouring verandah and private open space area and the orientation of the subject land and neighbouring property (5 Railway Tce S) which allows for adequate sunlight into the private open space area on 21st June despite the wall on boundary.

Given the above, the proposed development is considered to meet the intent of **PO 7.1** of the **Established Neighbourhood Zone** and **PO 3.2** of the **Interface between Land Uses** section.

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

CONCLUSION

The matters raised by the representor have been considered in the course of this assessment, many of which will be addressed as part of the Building Rules Consent. Having considered all the relevant assessment provisions, the proposal is considered to be not seriously at variance with the Planning and Design Code and is considered to satisfy the provisions of the Planning and Design Code for the following reasons:

- The proposed development is considered to satisfy the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies;
- The proposed development has been designed to not have an unreasonable impact towards the adjacent properties regarding visual impact and overshadowing; and
- The proposed development will not affect the streetscape context.

RECOMMENDATION

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 22039838, by Julia Wetherell 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

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

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 3

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.

ITEM 1

DEVELOPMENT APPLICATION - 22039838 – 3 RAILWAY TERRACE SOUTH, GOODWOOD SA 5034

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.

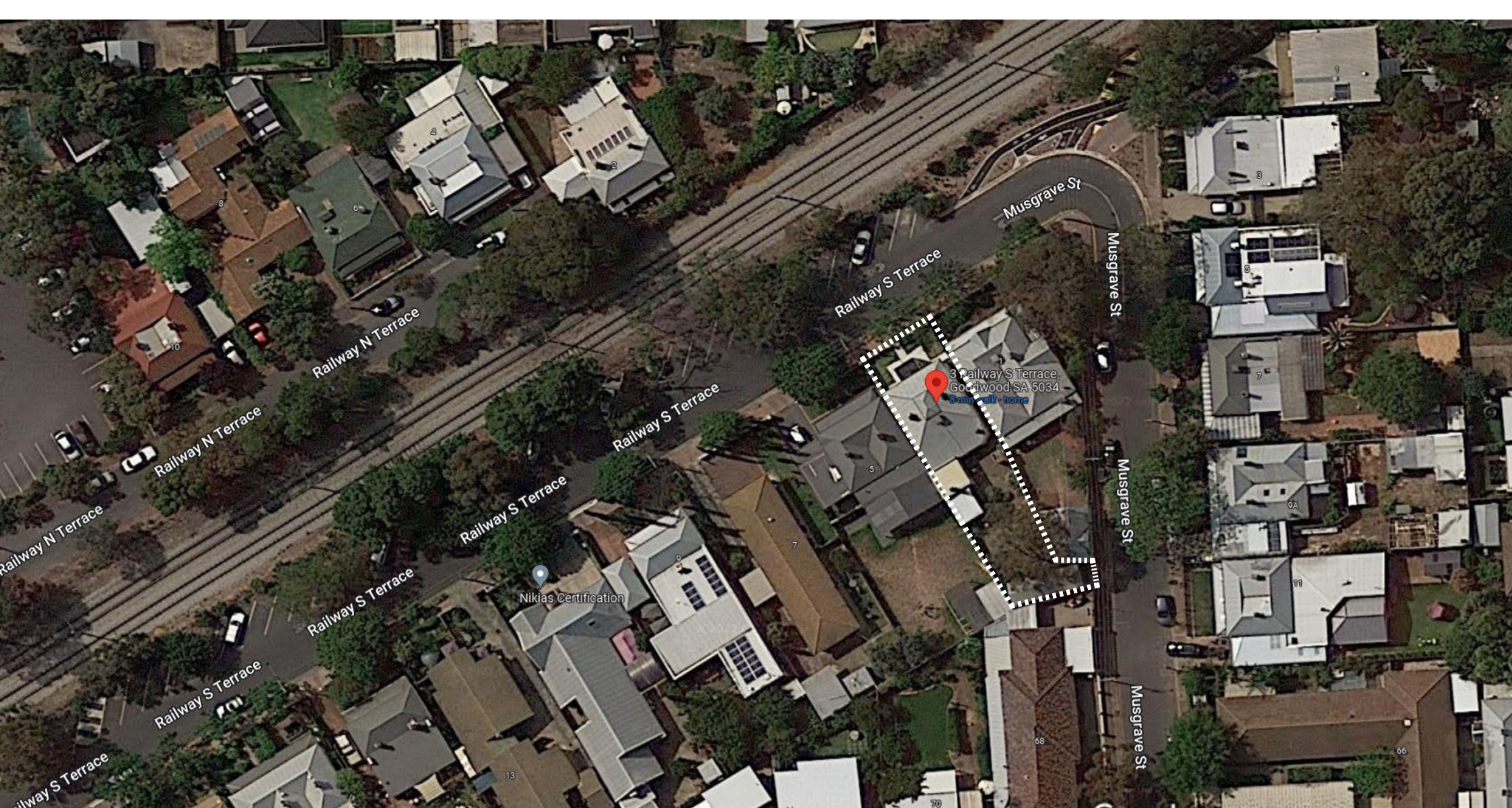
Advisory Note 7

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).

OFFICER MAKING RECOMMENDATION

Name: Mark Troncone
Title: Planning Officer
Date: 27/02/2023

ATTACHMENT 1



01 LOCATION PLAN

NTS



STREET VIEW

LEGEND

- R1 - CORRUGATED H.D. GALVANISHED ROOF SHEETING
- DP- COLORBOND DOWNPIPES. FINISH: BASALT
- PC - COLORBOND PARAPET CAPPING. FINISH: BASALT
- BG - COLORBOND BOX GUTTER
- EG1- CUSTOM COLORBOND EAVES GUTTER BASALT
- EG2- HALFLINE EAVES GUTTER. FINISH: BASALT
- C1 - RENDERED WALL. COLOUR: OFF WHITE
- C2 - BAGGED BRICK MASONRY WALL FINISH: OFF WHITE
- C3 - CORRUGATED H.D. GALVANISHED SHEETING.
- C4 - PAINTED TIMBER BATTEN SCREEN
- C5 - PAINTED "V" GROOVE CLADDING.
- P1 - PAINTED TIMBER FRAMING. COLOUR: CHARCOAL
- ED- EXISTING DOOR TO REMAIN - REPAINT
- EW - EXISTING WINDOW TO REMAIN - REPAINT
- D1/D3 - TIMBER FRAMED SLIDING DOORS
- D2/ D4 - TIMBER FRAMED GLAZED HINGED DOOR
- W1- TIMBER AWNING WINDOW
- W2 - TIMBER FRAMED COMBINATION AWNING AND FIXED WINDOWS
- W3 - TIMBER FRAMED SLIDING GLAZED WINDOW
- W4/W5/W6 - HIGH LVL TIMBER FRAMED FIXED GLAZED WINDOW

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 E julia@weavearchitects.com.au
 ABN 43 984 329 423

DO NOT SCALE DRAWINGS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK.
FOR PLANNING APPROVAL ONLY

PROJECT
 3 RAILWAY TCE SOUTH
 GOODWOOD SA 5034

3 RAIL

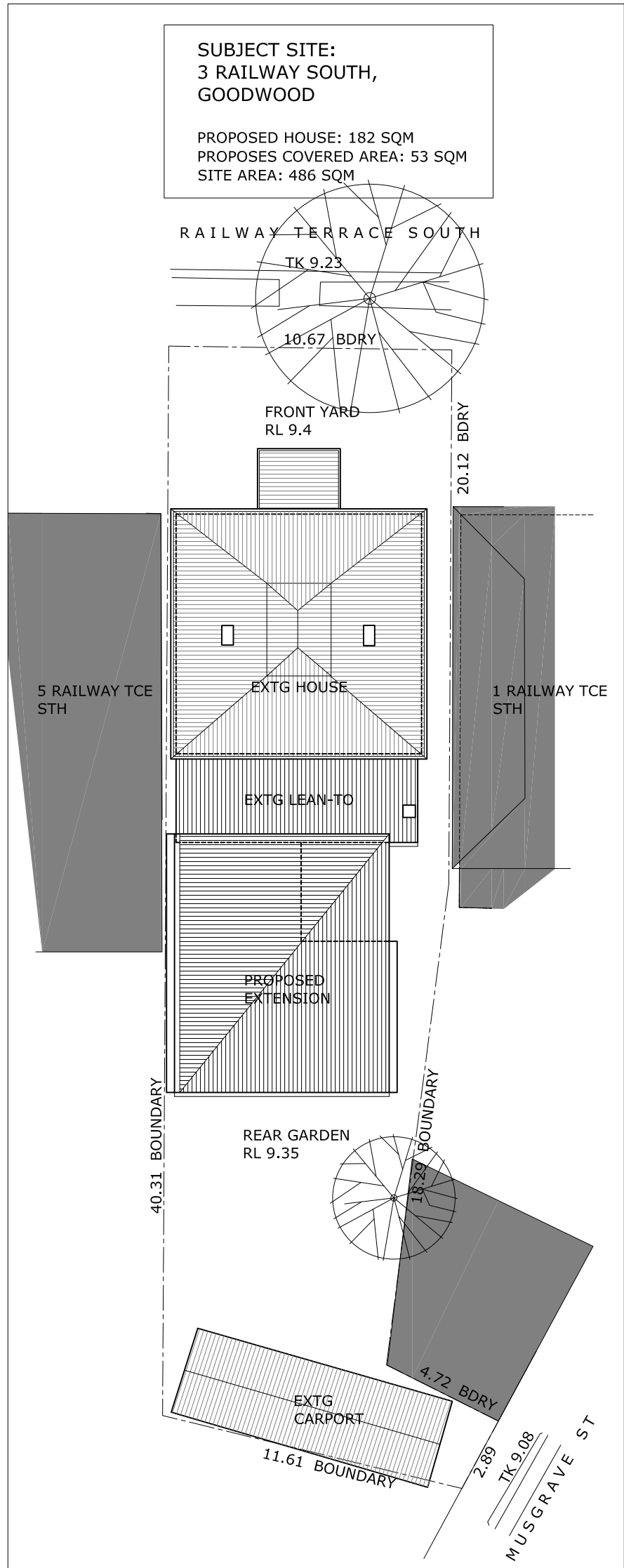
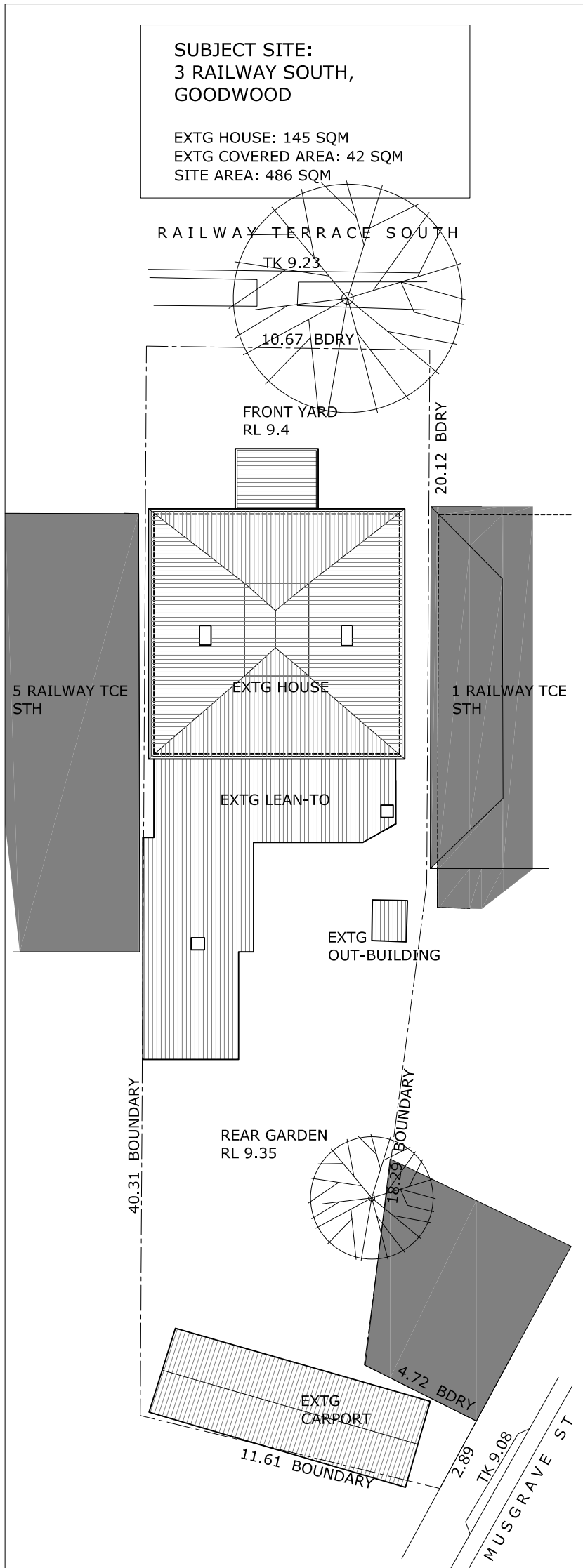
LEGEND/ LOCATION PLAN
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DA000 -

SCALE @ A3

DRAWING NO. REV

16



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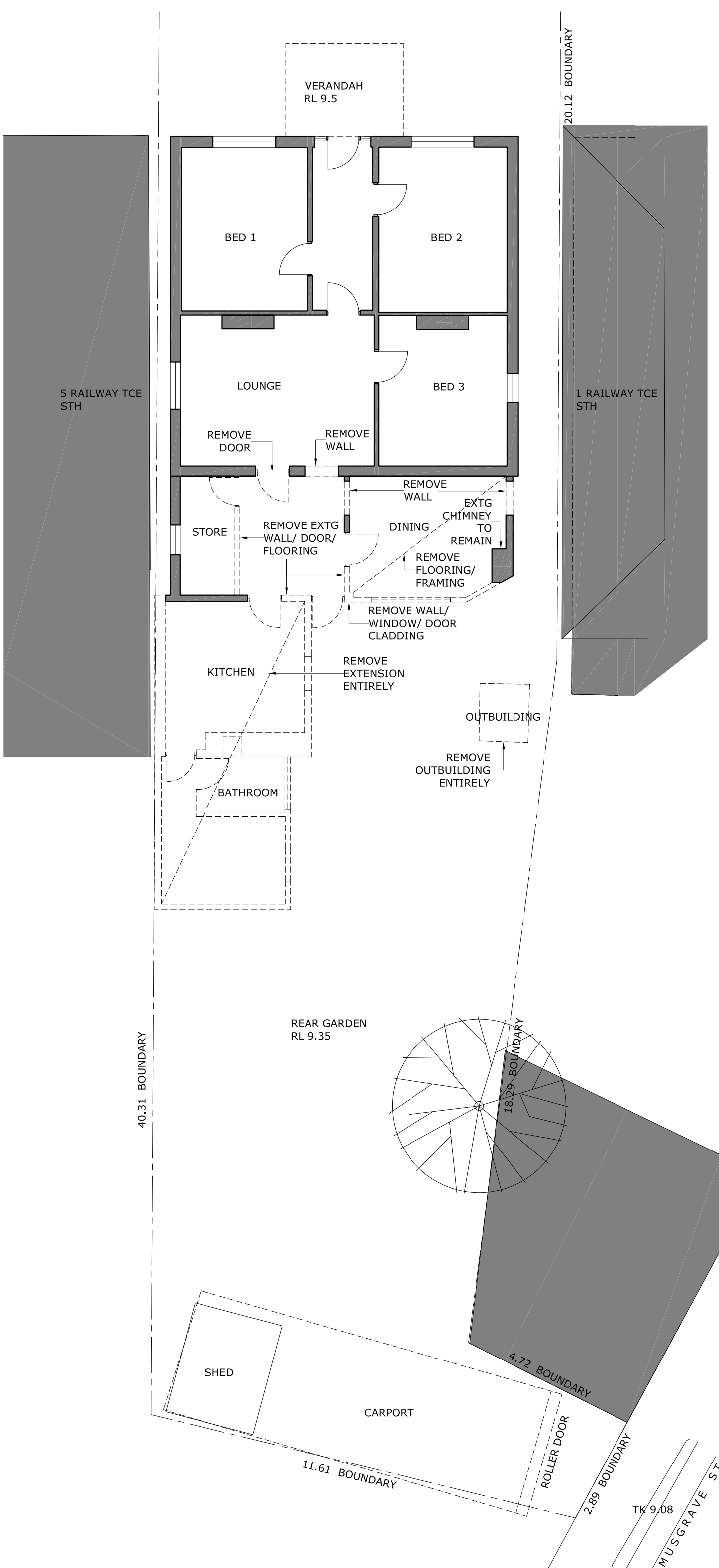
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3 RAIL

EXISTING AND PROPOSED
SITE PLANS 1:200

DA001 -
17
DRAWING NO. REV

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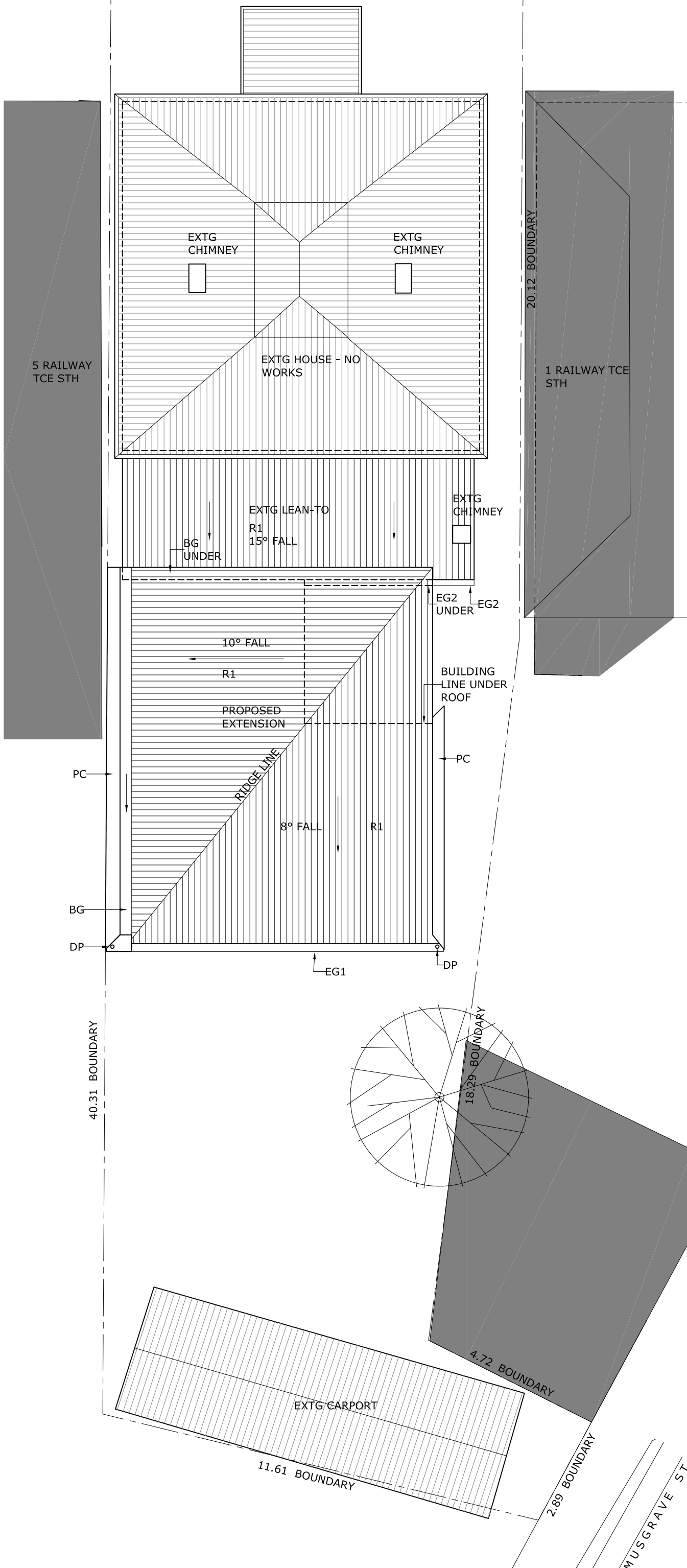
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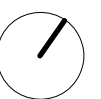
EXISTING CONDITIONS
 AND DEMO PLAN 1:100

DA002	18	-

SCALE @ A3



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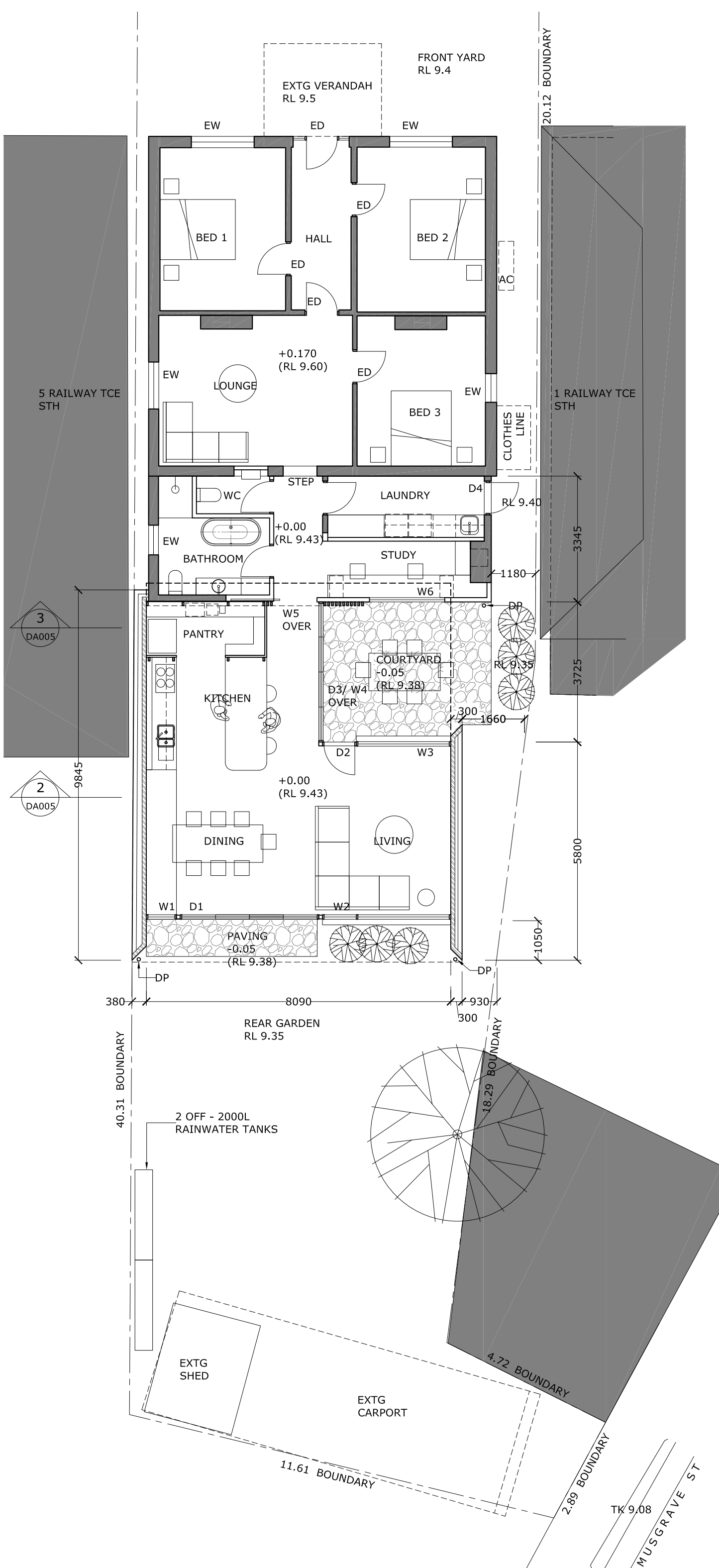
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3 RAIL

PROPOSED ROOF PLAN
 1:100

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 19
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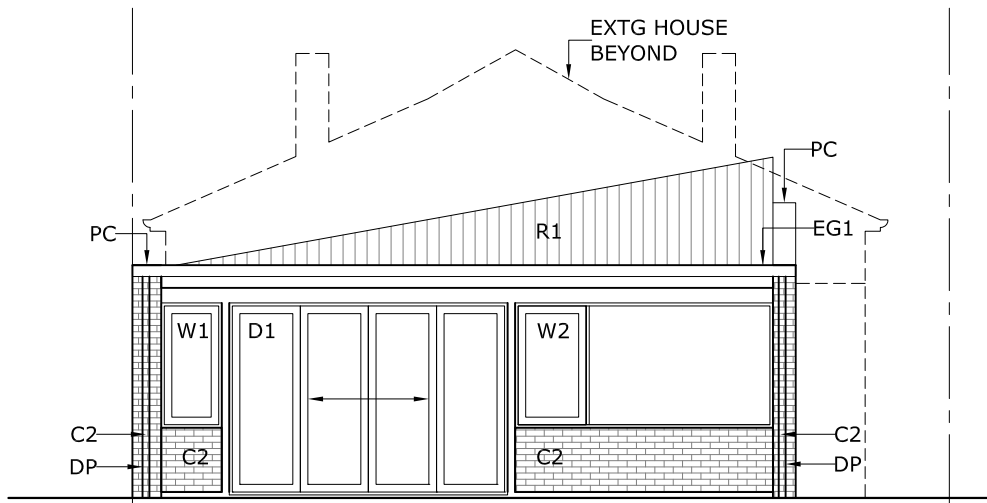
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 GOODWOOD SA 5034

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**PROPOSED GR FLOOR
 PLAN 1:100**

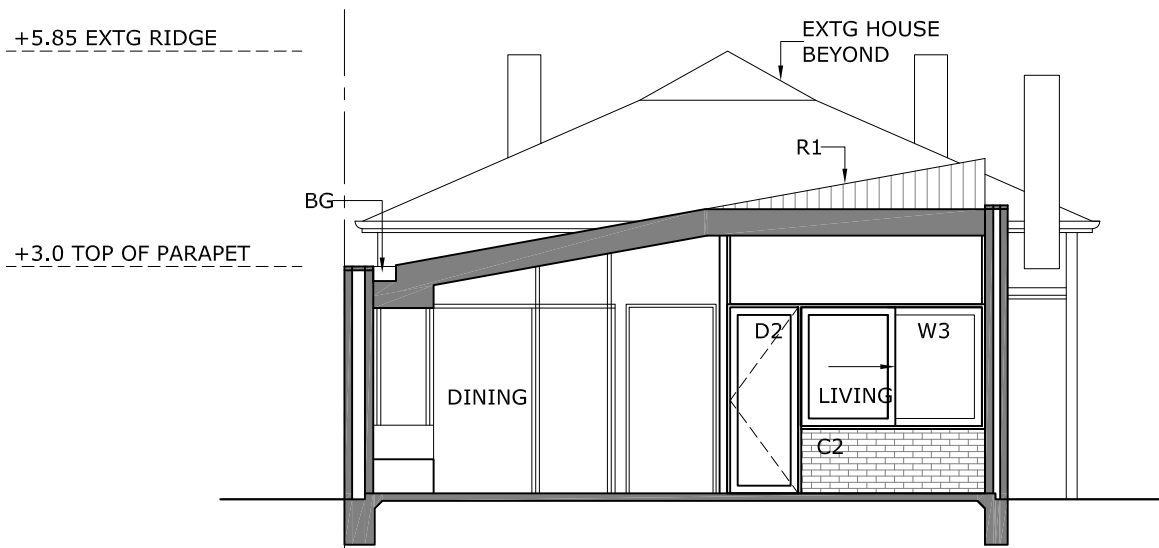
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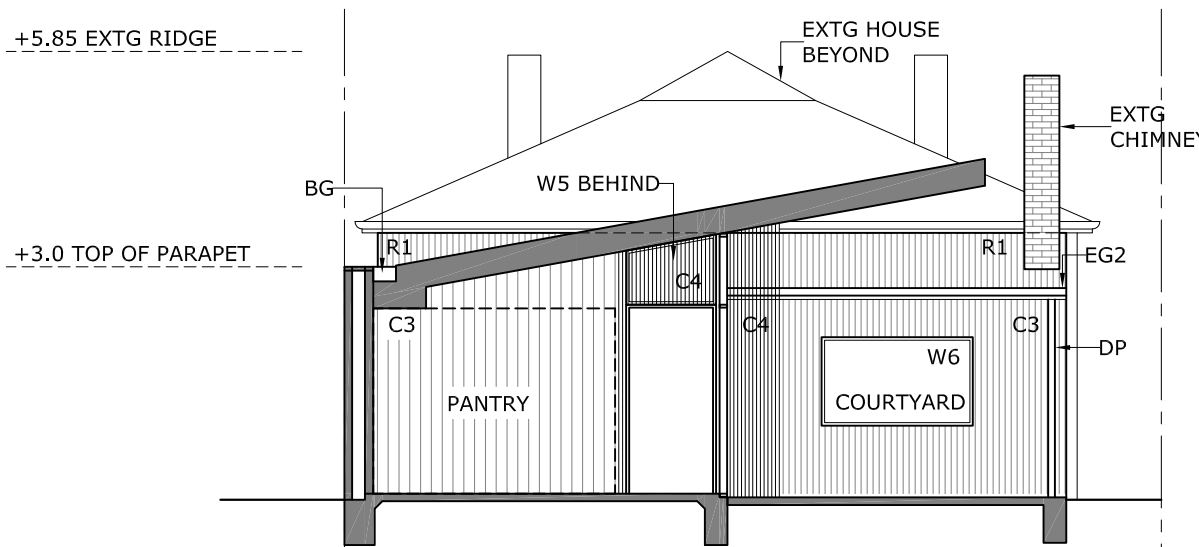
+4.40 PROPOSED ROOF
 +3.825 TOP OF PARAPET
 +3.0 TOP OF PARAPET
 +2.5 TOP OF DOOR
 +0.0 GROUND FL

01 SOUTH EAST ELEVATION
 1:100



+4.40 PROPOSED ROOF
 +3.825 TOP OF PARAPET
 +3.0 TOP OF PARAPET
 +2.5 TOP OF DOOR
 +0.0 GROUND FL

02 SECTION A-A
 1:100



+4.40 PROPOSED ROOF
 +3.60 EXTG GUTTER
 +2.72 EAVES GUTTER
 +2.0 TOP OF WINDOW
 +0.0 GROUND FL

03 SECTION B-B
 1:100



04 NORTH WEST ELEVATION
 1:100

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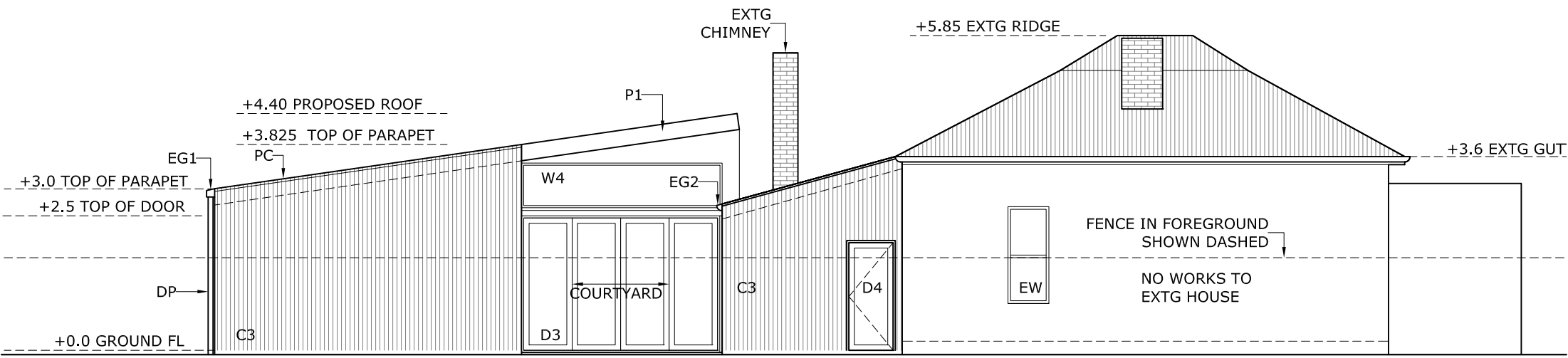
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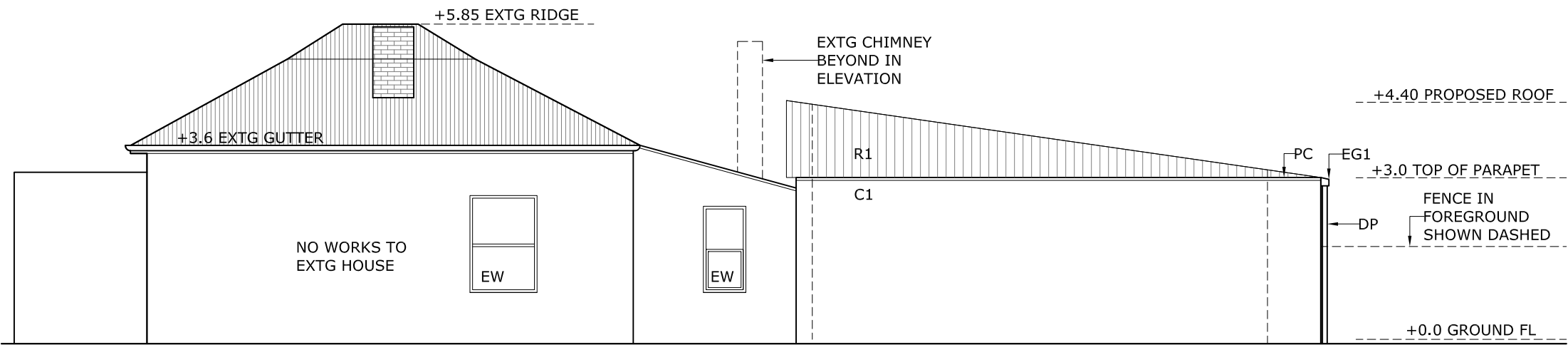
PROPOSED ELEVATIONS/
 SECTIONS 1:100

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01 NORTH EAST ELEVATION
1:100



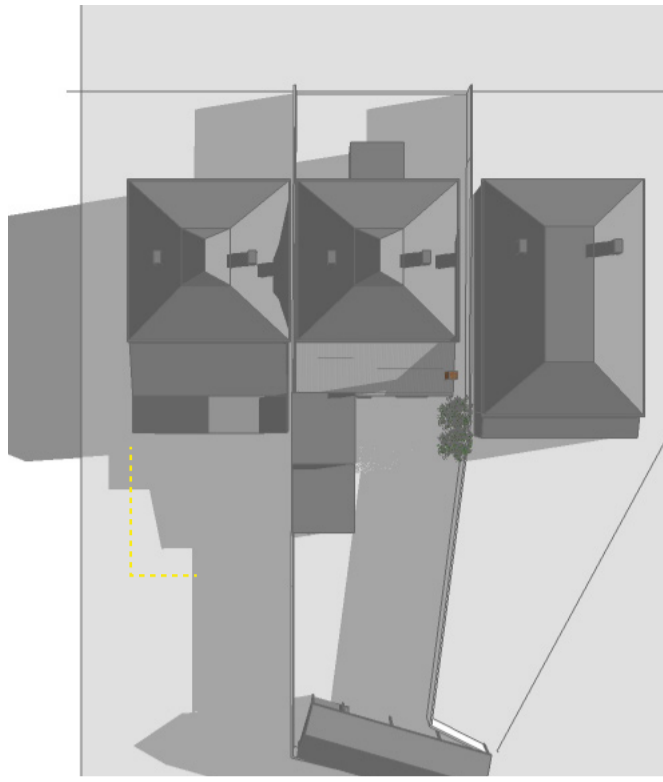
02 SOUTH WEST ELEVATION
1:100

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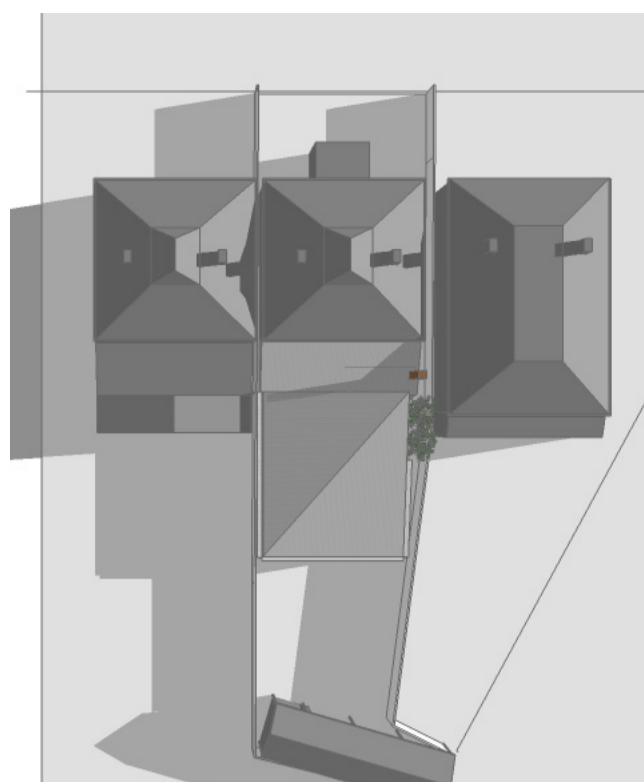
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GOODWOOD SA 5034 **3 RAIL**

PROPOSED ELEVATIONS 1:100	DA006 - 22	REV
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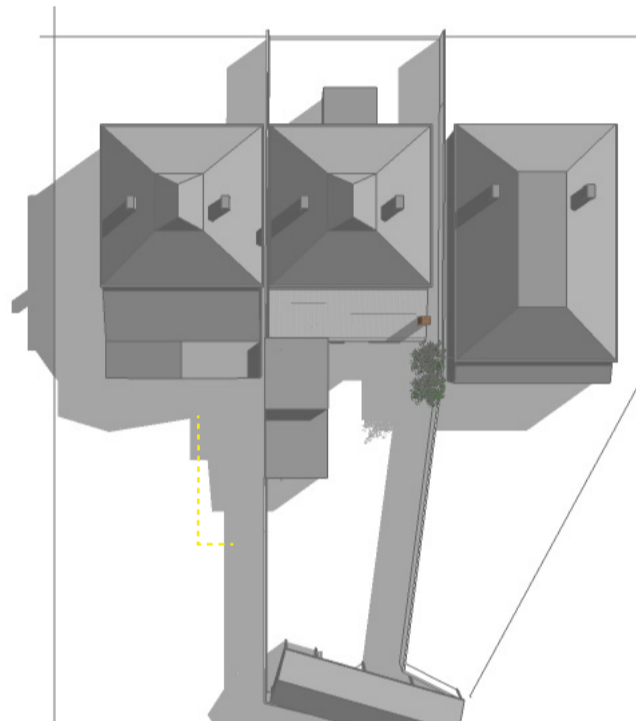
EXTG SITE PLAN - 21 JUNE 9AM

1:100



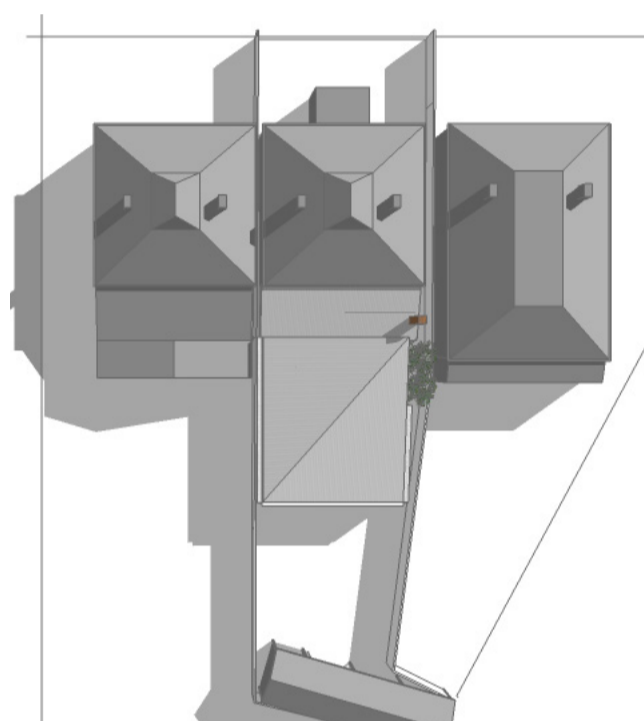
PROPOSED SITE PLAN - 21 JUNE 9AM

1:100



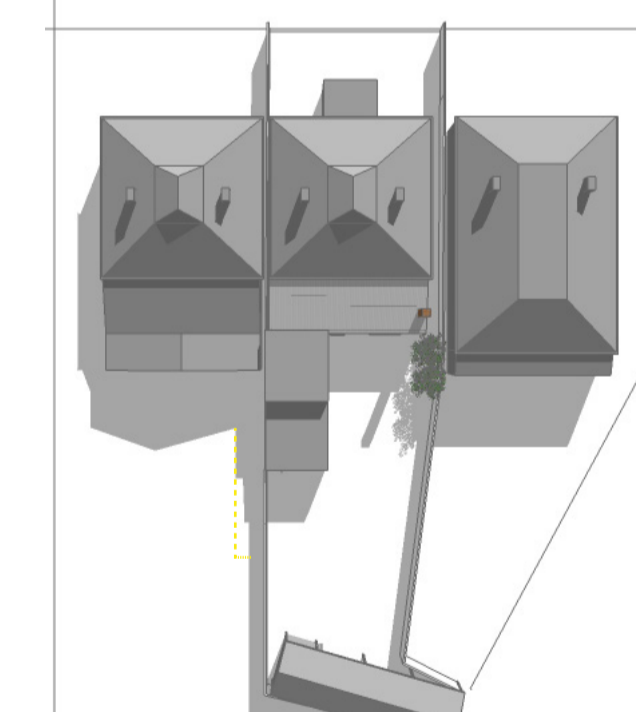
EXTG SITE PLAN - 21 JUNE 11AM

NTS



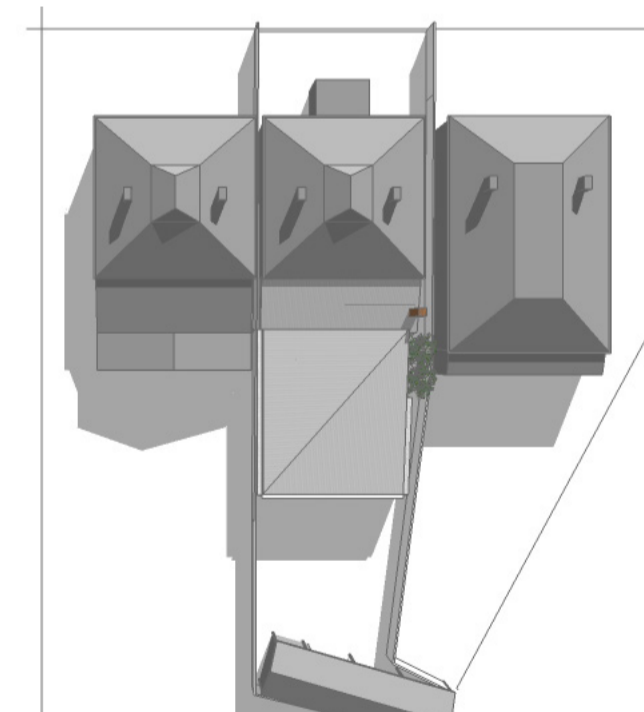
PROPOSED SITE PLAN - 21 JUNE 11AM

NTS



EXTG SITE PLAN - 21 JUNE 1PM

NTS



PROPOSED SITE PLAN - 21 JUNE 1PM

NTS

After extensive modelling of the proposed built form revealed the following observations (in relation to shadows to 5 Railway Terrace);

- No change to shadow diagrams from October through to late March.
- No change to shadows diagrams from 1pm to remaining daylight hours throughout the year.
- Only minor changes to shadows diagrams between 9 -1pm April - Sept from the existing to the proposed (as indicated with yellow line dashed on existing plans).
- Over 70% of rear yard in full sun from 10am - 3pm throughout the year.

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ABN 43 984 329 423



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FOR PLANNING APPROVAL ONLY

PROJECT
3 RAILWAY TCE SOUTH
GOODWOOD SA 5034

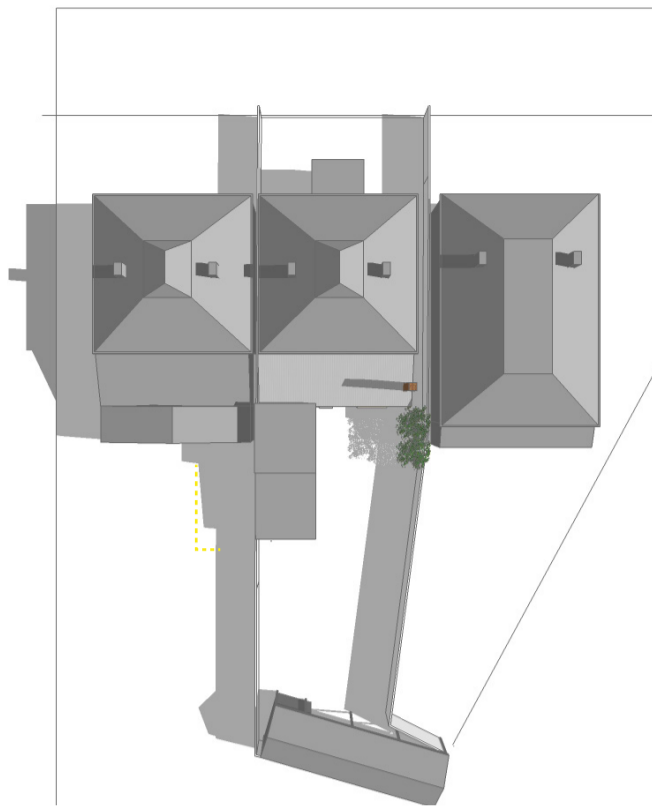
3 RAIL

EXTG AND PROPOSED
SHADOW DIAGRAM NTS

DA007 -

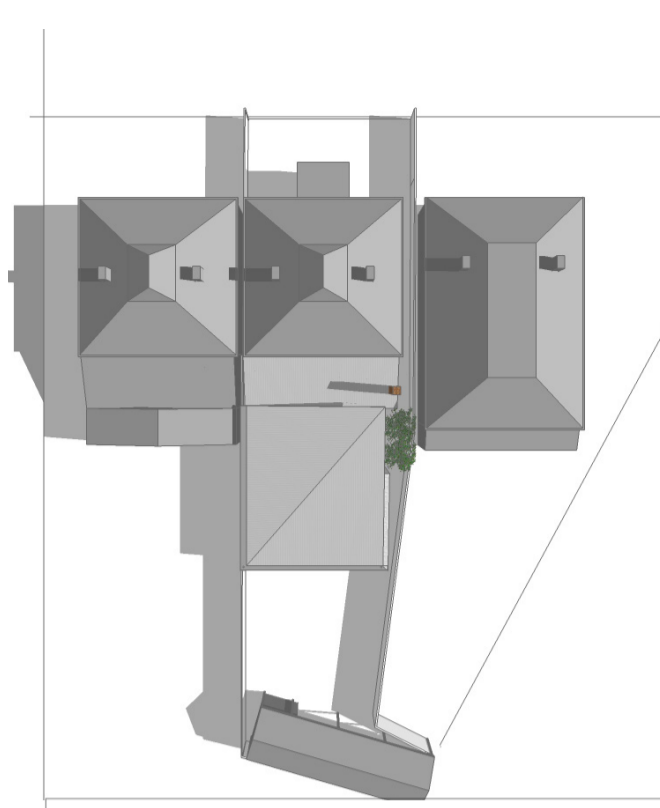
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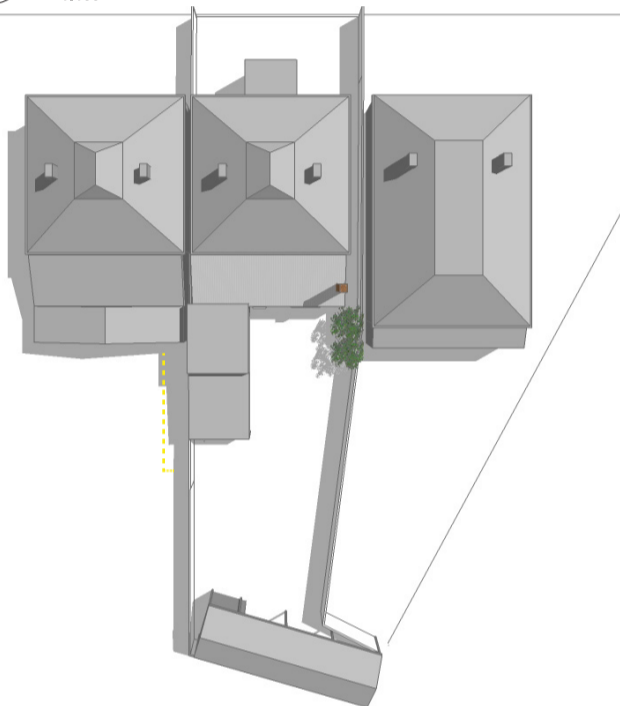
EXTG SITE PLAN - 21 SEPT 9AM

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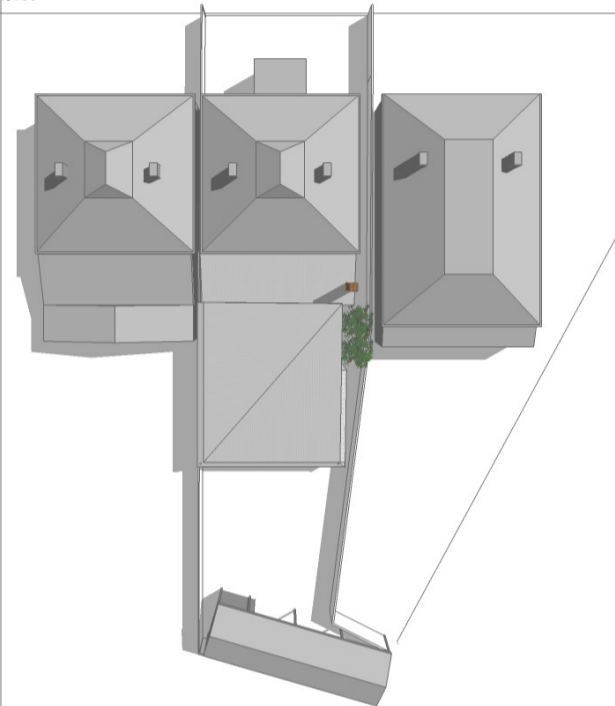
PROPOSED SITE PLAN - 21 SEPT 9AM

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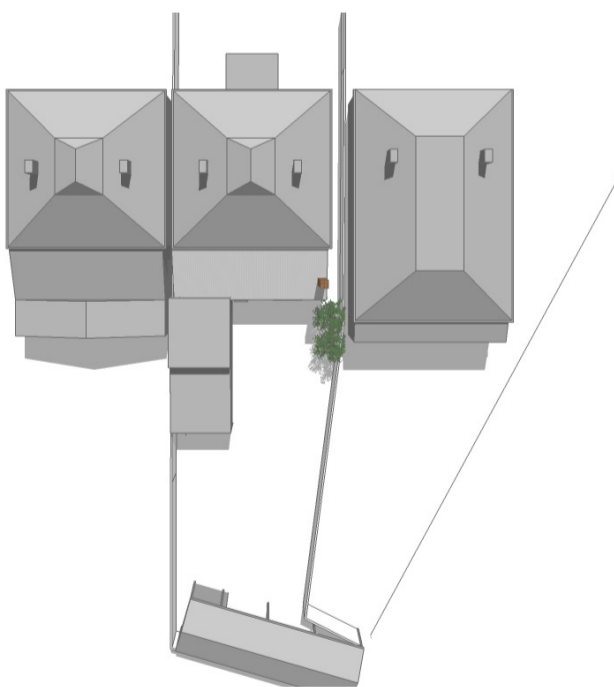
EXTG SITE PLAN - 21 SEPT 11AM

NTS



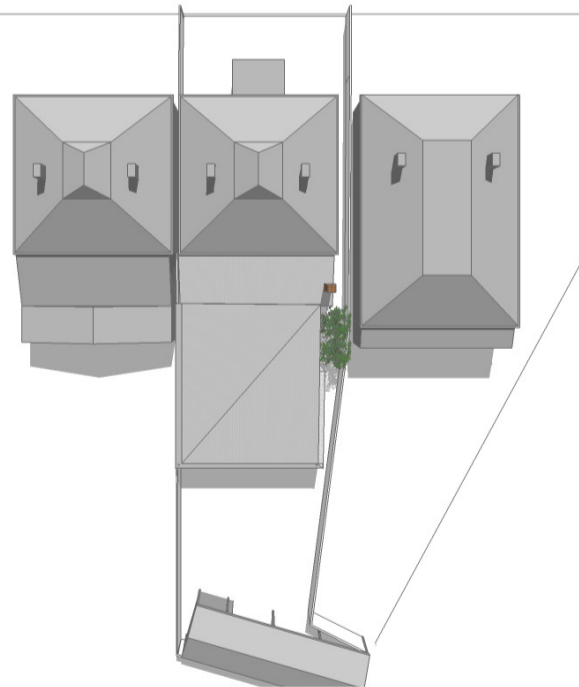
PROPOSED SITE PLAN - 21 SEPT 11AM

NTS



EXTG SITE PLAN - 21 SEPT 1PM

NTS



PROPOSED SITE PLAN - 21 SEPT 1PM

NTS

WEAVE ARCHITECTS
 19 Essex Street North
 Goodwood SA 5034
 M 0424240743
 E julia@weavearchitects.com.au
 ABN 43 984 329 423



DO NOT SCALE DRAWINGS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK.
FOR PLANNING APPROVAL ONLY

PROJECT
 3 RAILWAY TCE SOUTH
 GOODWOOD SA 5034

3 RAIL

EXTG AND PROPOSED
 SHADOW DIAGRAM NTS

DA008 -

SCALE @ A3

DRAWING 24 REV

ATTACHMENT 2

Details of Representations

Application Summary

Application ID	22039838
Proposal	Partial demolition and alterations and additions to the existing dwelling
Location	3 RAILWAY TCE S GOODWOOD SA 5034

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	19/01/2023 03:24 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns
Reasons see attached	

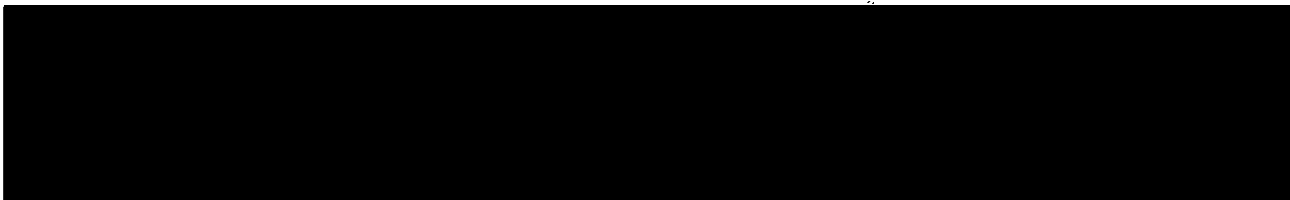
Attached Documents

19012023151100-0001-4705501.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	Julia Wetherell <i>[applicant name]</i>
Development Number:	22039838 <i>[development application number]</i>
Nature of Development:	Dwelling addition, Part demolition and alterations and additions to the existing dwelling <i>[development description of performance assessed elements]</i>
Zone/Sub-zone/Overlay:	Click here to enter text. <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	3 RAILWAY TCE S GOODWOOD SA 5034 Title CT5108/920 Plan parcel F11094AL56 <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	Click here to enter text. <i>[relevant authority name]</i>
Phone Number:	Click here to enter text. <i>[authority phone]</i>
Close Date:	Friday, 20 January 2023 at 11:59 pm Australia/Adelaide <i>[closing date for submissions]</i>



My position is:	<input type="checkbox"/> I support the development
	<input checked="" type="checkbox"/> I support the development with some concerns (detail below)
	<input type="checkbox"/> I oppose the development



South Australia is a bluestone external with red brick internal walled house built in the early 1880s. Considerable work has been performed in maintaining the walls to its original standing including re-pointing the original stonework replacing quoining where required and also adding tessellating tiles to the verandah and maintaining to original specifications. Due to the extremely close proximity of the proposed development works and the disturbance that could occur with the excavation of new footings I have received advice that the following reports should be obtained.

A Survey of the common Border.

If the new structure were to be in line with the original House then the survey would not be required.

- A Dilapidation report by a third party prior to and after development.
- A Geotechnical report to be undertaken of existing ground conditions on the boundary.
- In-ground service report - confirm that no incoming or outgoing services will be affected to neighbouring residence during development.

Also

- Confirmation of the size of structural footing on the boundary, will there be any over excavation to the neighbouring residence.
- Is the development beside the boundary as per existing or astride the boundary?
- The existing plumbing to what will be the new bathroom is extremely unsightly from our side and is partially visible from under our verandah and backyard. It is practically on the border even now. What visible plumbing is going in this area. Is there an outside spa motor or any other device anticipated which would be almost on the border. Also what other activity is likely to be performed down this narrow divide.
- As the architect was unavailable I was told that the length of the new structure along the boundary is the same as the old structure. The plans show a nib at the end. Please confirm the length of the new extension is the same as the existing structure. I have a concern re the height of the nib impacting the already restricted sunlight to the back yard.
- Please provide detail of existing neighbour fence to new extension.
- There is an concrete plinth along the existing wall which is to be removed is this going to be made good as damage may occur when removing the old structure.
- Confirm the finish of brickwork face on the side of the neighbouring residence
- Confirm down pipe from box gutter catchment will be connected to a suitable drainage system - i.e. stormwater drain or rainwater tanks. This is raised in order to prevent surface water runoff / flooding to neighbouring residence
- Confirm no access is required from the neighbouring residence for the duration of the proposed development.
- If there is an issue re privacy as once the existing structure is down and the access to 3 Railway Terrace is open at the rear then privacy becomes an issue for the tenants. Scaffolding and trades will also need to work from this side whilst the work on the boundary is commenced. What is being offered to mitigate this situation?
- Expected commencement date of proposed development along with expected program duration / completion date.

E & O E

[attach additional pages as needed]

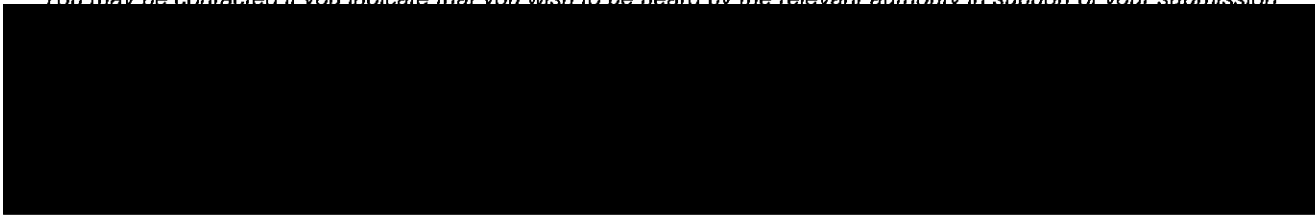
Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development].*

I: wish to be heard in support of my submission*
 do not wish to be heard in support of my submission

By: appearing personally
 being represented by the following person: [Click here to enter text.](#)

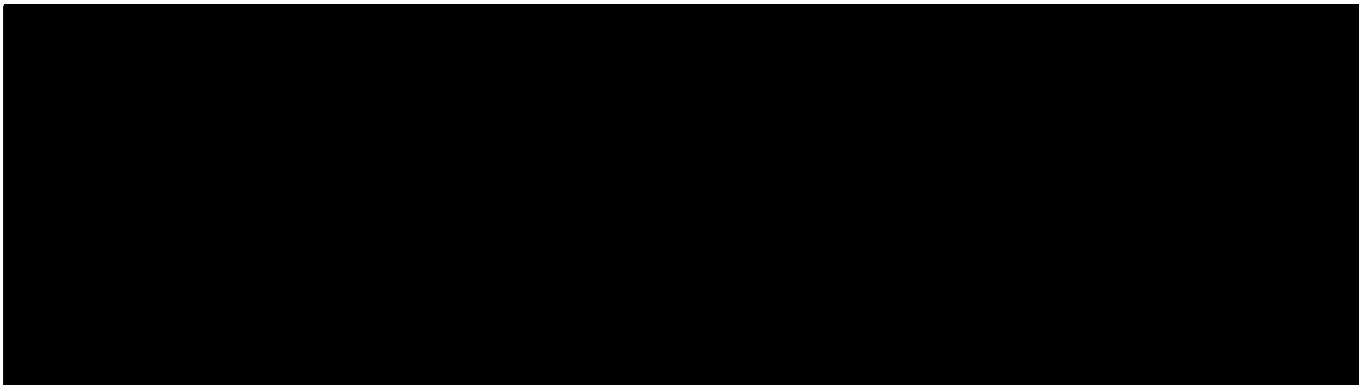
**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*



Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/



ATTACHMENT 3

Please find my response to the representations queries [REDACTED]

- Yes, a survey has been completed and uploaded with the planning submission
- Yes, a Dilapidation report will be conducted by the builder prior to construction works commencing, and photos of the existing conditions will be compiled and then issued to relevant parties. Any construction works along the boundary need to reinstate/ preserved to what was there before the works commenced.
- Yes, a geotechnical report will be conducted so the structural engineer can design the slab/ footings. This will be submitted with the Building Rules Consent application (not required as part of the planning submission).
- Yes, a stormwater layout will be designed by an engineer and submitted with the Building Rules Consent application (not required as part of the planning submission). The Builder will be required to build to that layout and there will be in-ground services within the neighbouring properties.
- The structural footing design will be submitted with the Building Rules Consent application (not required for the planning submission) but we confirm no excavation in neighbouring properties.
- The boundary wall doesn't straddle the boundary line, rather it sits on the 3 Railway Terrace side following the title boundary, refer to the planning drawings for details.
- There will be no plumbing works visible from the [REDACTED] side from the proposed bathroom or any other parts of the proposed works. No other works proposed along the western side of the property (adj. existing house).
- 1.4m increase in length to boundary wall which has minimal impact on loss to rear yard sunlight.
- The existing fence will be fixed with the new boundary wall – therefore no gaps between the 2 properties. The existing fence will remain – same height/colour/ details.
- The builder must reinstate the existing concrete plinth if it gets damaged during construction. The dilapidation survey will address this concern.
- It's noted on the drawings (C1) as rendered off-white masonry wall.
- As noted above the stormwater layout will be designed by an engineer and submitted with the Building Rules Consent application. The Builder will be required to build to that layout and the downpipes will be connected to a suitably designed stormwater system.
- All construction works will be conducted from the 3 Railway Terrace side with hoarding along the boundary line.
- The existing boundary wall will come down during the demolition stage, and a secure hoarding with shade cloth will go up for approx. the month will they excavate footings, pour the slab, and erect the boundary wall. The properties will be sealed after the new boundary wall is built.
- The expected commencement date is at my client's discretion and build time will be subject to builder advice (approx. 9-12 months), and it will be as per the conditions of planning approval. I'm sure my client will keep you well-informed ahead of any work starting on-site.

ITEM 2**DEVELOPMENT APPLICATION - 22034244 – 114 KENILWORTH ROAD, PARKSIDE SA 5063**

DEVELOPMENT NO.:	22034244 (Deferred Item)
APPLICANT:	Linda Holmwood
ADDRESS:	114 KENILWORTH RD PARKSIDE SA 5063
NATURE OF DEVELOPMENT:	Alterations and additions (including an upper storey) to the existing dwelling and construction of a verandah
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 5.7m) • Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 15m; row dwelling is 15m) • Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 500 sqm; row dwelling is 500 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	7 Oct 2022
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	29 September 2022 – 2022.18
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes (Representor heard on 7 th February 2023)
RECOMMENDING OFFICER:	Amelia De Ruvo Planning Officer
REFERRALS STATUTORY:	Not required
REFERRALS NON-STATUTORY:	Not required

CONTENTS:

ATTACHMENT 1: Revised application plans

ATTACHMENT 2: Assessment Report submitted to the February 7th CAP report.

ITEM 2

DEVELOPMENT APPLICATION - 22034244 – 114 KENILWORTH ROAD, PARKSIDE SA 5063

BACKGROUND

At the Council Assessment Panel (CAP) meeting held of 7 February 2022, the CAP deferred the application to enable to applicant to provide further information on the following:

1. 3D renders from both street frontages;
2. Cross Section drawings for the loft area and lean-to;
3. Greater clarity for measurements for setbacks and adjacent wall heights; and
4. Roof Plan

The original assessment of the proposal is contained in **Attachment 2**.

One representor was heard by the CAP members at the previous meeting. The matters raised by the representor reiterated their concerns with the proposal which is as detailed in their representation submissions and relates to the following matters:

- Siting of boundary walls;
- Offset from southern boundary from both the ground and upper level of the additions;
- Separation of dwelling from adjoining properties;
- Overall height of the dwelling and its proximity to the southern boundary;
- Excavation work required and the stability of land between the common boundary of 114 and 116 Kenilworth Road, Parkside;
- Overshadowing of 116 Kenilworth Road, Parkside;
- Visual bulk and scale when viewed from the adjoining property; and
- The plans are not drawn to scale.

DISCUSSION

The applicant has now submitted additional information for the Panel's consideration including:

1. Site Plan
2. Floor Plan of the ground level and second level;
3. Elevation plans;
4. Roof Plan;
5. Stormwater management plan;
6. Cross Section drawings of the lower level to the upper storey;
7. 2D renders of the Streetscape when viewed from Kenilworth Road; and

It is of note that the applicant did not make alterations to the plans, instead provided updated plans which provide greater clarity on the siting, location, and design, particularly of the second level. A copy of the updated plans provided by the applicant are contained in **Attachment 1**.

As part of the updated plans the applicant did not provide 3D renders regarding the proposed dwelling addition. The applicant was not in a position and has chosen not to produce the 3D renders due to cost. The applicant instead provided a 2D streetscape elevation showing 114 and 116 Kenilworth Road (both with and without vegetation), to understand how the proposal will fit into the streetscape.

As part of the updated plan set, the applicant has made the following amendments to clarify the concerns raised by the CAP members regarding the quality of the plans, this includes the following:

- Site Plan
The applicant has provided a singular plan showing two separate site plans (Sheet 1 of 5, prepared

ITEM 2

DEVELOPMENT APPLICATION - 22034244 – 114 KENILWORTH ROAD, PARKSIDE SA 5063

by NME P/L). The Plan shows both the existing / current site and the proposed dwelling additions (outlining the upper storey). This has since removed the overlay of the existing built form over the proposed dwelling additions, instead having a comparison on the same page;

- **Floor Plan**
A full floor plan has now been provided (Sheet 1 of 3, prepared by YM Drafting Services), which also shows the existing dwelling's floor plan and with the dwelling additions (including the second level).
- **Elevation Plans**
The updated elevation plans now show location of the chimney on the north, south, east, and west elevations. No further alterations to the plans have been made. The roof form to the existing dwelling, when viewed on the West Elevation, is obscured by the proposed dormer windows to the second level. The chimney of the front elevation has been shown on the West Elevation which adds depth and perspective to how the roof form of the second level interacts with the existing dwelling.
- **Roof Plan**
A roof plan indicating how the upper storey dwelling addition will interact with the roof line and form of the existing dwelling was provided.
- **Stormwater Management Plan**
The stormwater management plan has been drawn by the draftsperson program rather than hand drawn over the Site Plan.
- **Cross Section Drawings**
Cross Section drawings showing the interaction between the ground level and second level.
- **2D renders of the Streetscape**
The 2D streetscape elevations have been provided to show the relationship the dwelling additions will have with the adjoining dwelling at 116 Kenilworth Road as well as the extent to which the dwelling additions will be viewed from the primary road frontage.

As stated in the original assessment report, the upper storey addition is predominantly located to the rear of the existing dwelling behind the main hip of the existing roof line. The upper storey will be recessed from the primary and secondary street facades and mostly contained within the roof space of the building. The dwelling additions have been designed and are of a scale that are sympathetic and compatible with the predominant single storey built form seen along Kenilworth Road.

CONCLUSION

Whilst the development does not satisfy some of the Designated Performance Features set out in the relevant Performance Outcomes, these shortfalls are not considered to be detrimental to the locality or the historic characteristics of the area.

The matters raised by the representors have been considered in the original assessment report. Having considered all the relevant assessment provisions, the proposal is considered to be not seriously at variance with the Planning and Design Code and is considered to satisfy the provisions of the Planning and Design Code for the following reasons:

- On balance the proposed development is considered to satisfy the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies;
- The proposed dwelling has been designed to respect and complement the streetscape context and is not considered to unreasonably impact upon the adjacent properties in regards to bulk and scale and overshadowing; and
- Direct overlooking from upper-level habitable rooms windows is appropriately mitigated.

ITEM 2

DEVELOPMENT APPLICATION - 22034244 – 114 KENILWORTH ROAD, PARKSIDE SA 5063

RECOMMENDATION

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 22034244, by Linda Holmwood 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.

Condition 3

The external materials and finishes of the dwelling addition shall match/be complementary to those of the associated dwelling and must be maintained in good condition at all times to the satisfaction of Council. All external paintwork must be completed within 2 months of the erection of the dwelling addition.

Condition 4

The fence, approved herein, must be finished in a colour to complement the existing dwelling. The pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council. All external paintwork must be completed within two (2) months of the erection of the fence.

Condition 5

The upper-level south facing windows to habitable rooms of the dwelling shall be provided with fixed obscured glass to a minimum height of 1.5m from the FFL of the upper floor level, to minimise the potential for direct overlooking to adjoining properties and shall be installed upon substantial completion of the dwelling additions. The glazing in these windows will be maintained in a reasonable condition at all times to the satisfaction of the relevant authority.

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

ITEM 2

DEVELOPMENT APPLICATION - 22034244 – 114 KENILWORTH ROAD, PARKSIDE SA 5063

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**.

OFFICER MAKING RECOMMENDATION

Name: Amelia De Ruvo

Title: Planning Officer

Date: 21/03/2023

ATTACHMENT 1

STORMWATER NOTE:
REFER TO ENGINEER'S DRAINAGE PLAN FOR ALL LEVEL, RETAINING WALLS & STORMWATER DRAINAGE DESIGN

BOUNDARY/SURVEY NOTE:
THIS DRAWING IS INTENDED FOR INDICATIVE BUILDING SETOUT PURPOSES ONLY. REFER TO CIVIL ENGINEER / SURVEYOR DRAWINGS FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS, & EARTHWORK DESIGN. FINAL BOUNDARY & BUILDING SETOUT SHALL BE CONFIRMED & CERTIFIED BY LICENSED SURVEYOR PRIOR TO ANY CONSTRUCTION.

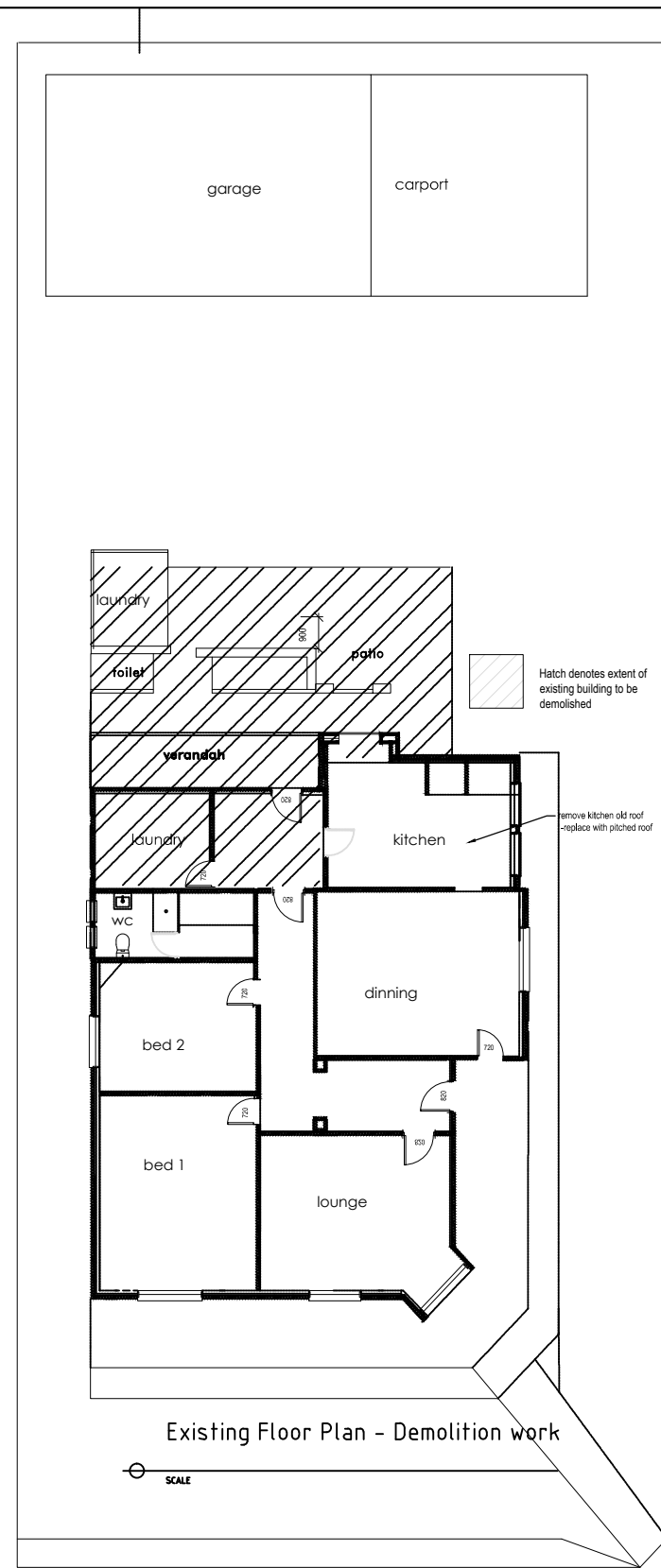
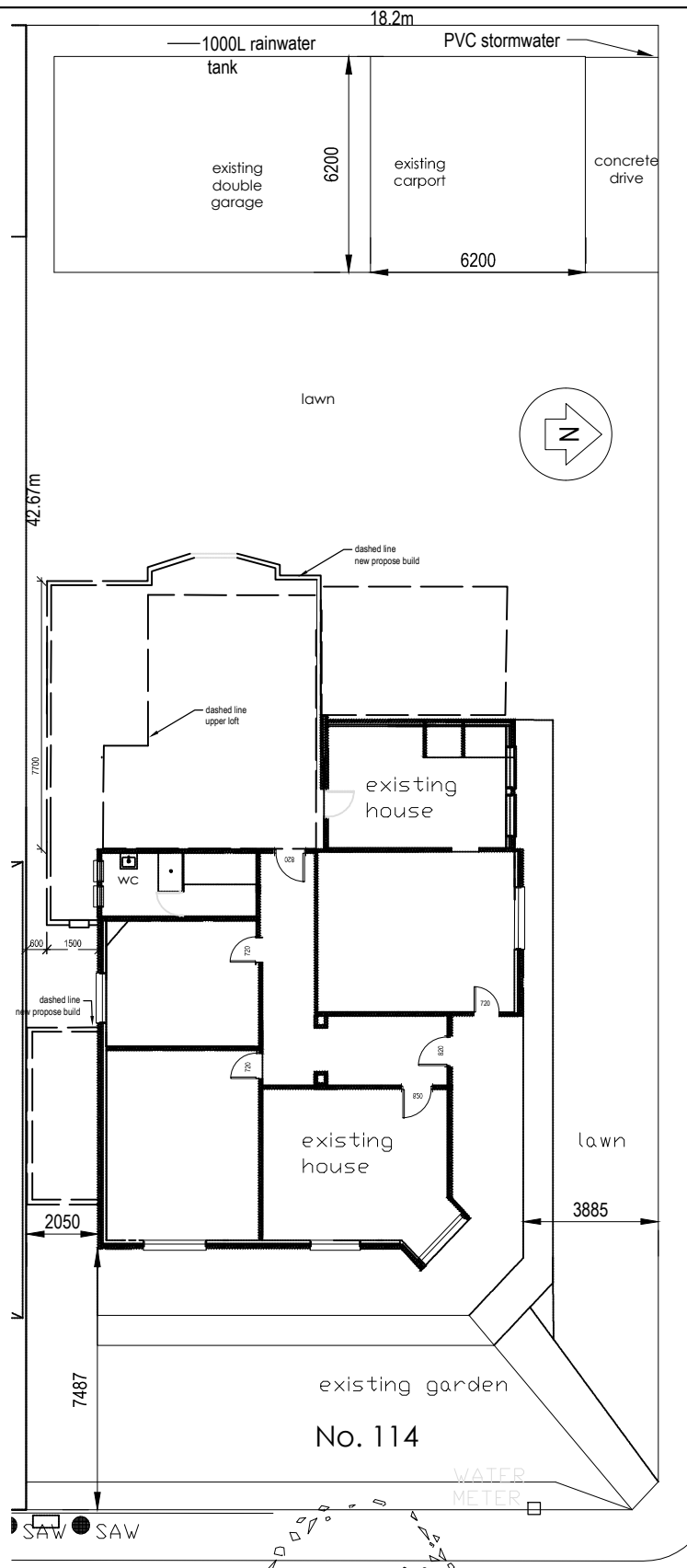
RAINWATER TANK DETAILS:
1000 LITS (MIN) RWT COLLECTING 50M² ROOF CATCHMENT AREA. PLUMBED TO EITHER TOILET, HOT WATER SYSTEM OR ALL LAUNDRY COLD WATER OUTLETS. RWT MUST BE FITTED WITH OVERFLOW DEVICE. INLET & OVERFLOW MUST BE FITTED WITH MOSQUITO-PROOF SCREENS. MUST COMPLY WITH BCA REQUIREMENTS.

- LANDSCAPE DETAILS**
Ground Cover Throughout all Garden Areas
1. Atriplex Semibaccata - 1.5m diameter
 2. Encycliaena Tomentosa - 1.0m diameter 1m height
 3. Dianella Revuluta - 900 diameter 1.0m height
 4. Doodonaea Viscosa - 1.2m diameter 2.0m height
 5. Scaevola Albida - 400 diameter 2.0m height
 6. Westinga Fruticosa - 2.0m height
 7. Acacia Melatoxydon - 10m height
 8. Lotus Austratis - 0.6m height
 9. Poa Poliformis - 1m height
 10. Pittosporum Phylliraeoides - 0.8m high
 11. Rose Bush
- Items are subject to change as per owners request.

LANDSCAPE NOTE:
ALL LANDSCAPE SHOWN INDICATIVE ONLY. TO BE DETERMINED AS PER CLIENTS SELECTION.

BRUSH FENCE NOTE:
THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3MTRS OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES WITHIN 3 METRES OF THE DWELLING ARE TO BE REMOVED (BY OWNER) & REPLACED WITH NON-COMBUSTIBLE MATERIAL. MUST COMPLY WITH BCA REQUIREMENTS.

SITE COVERAGE	
AREA	m ²
SITE AREA -	774.1m ²
LIVING AREA -	211m ²
PRIVATE OPEN SPACE -	340m ²
Garage	62m ²
TOTAL FOOTPRINT -	273.2m ²
SITE COVERAGE %	31.62%



★
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COMPANY
BUILDING AND DESIGN
ABN 52 089 237 785
★★★★★★★★★★

GENERAL BUILDING NOTES

#WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA 2013

THIS GARAGE TO BE CONSTRUCTED IN ACCORDANCE WITH THE B.C.A.2013

WINDOW SIZES HEIGHT x WIDTH ALL WINDOWS SET TO 2400 W.H.H
114 Kenilworth rd
PARKSIDE 5063 COLORBOND
ROOF PITCH varies
CEILING HEIGHT varies
EAVES WIDTH varies
BRICK ON EDGE WINDOW SILLS
STANDARD BRICK 230x110x76
CEILING INSULATION R5.0
EXTERNAL WALLS INSULATION R2.0

Demolition, Existing @ Proposed Plan

CLIENT
Dr and Mrs Holmwood

ADDRESS
114 Kenilworth rd
Parkside

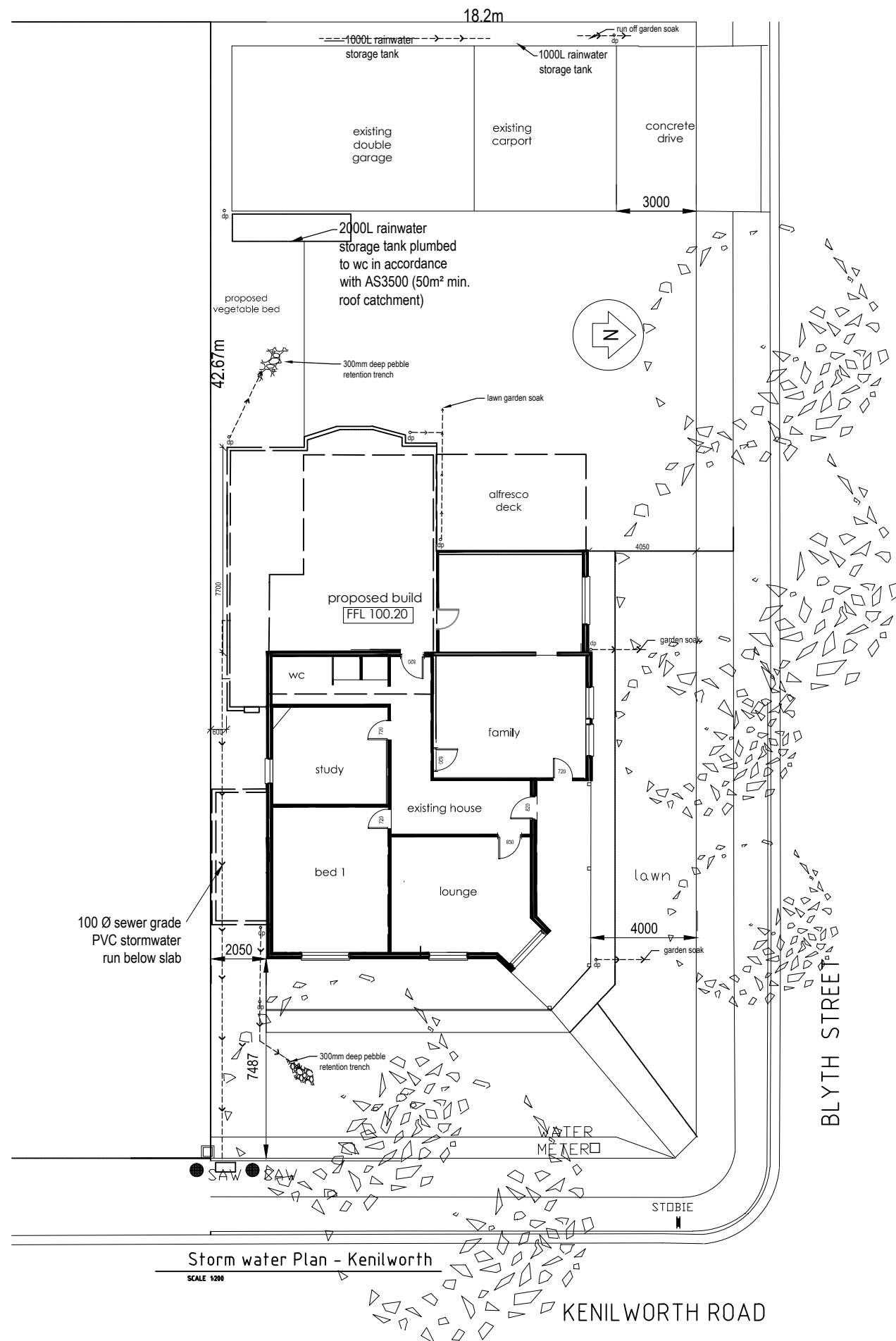
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	29.11.2022	1 of 5

AMENDMENTS
1. Alteration--b 5.12.22
west gable height increase to 7000m
south ldry/kitchen wall increase 700mm
2. Amendment roof 9.2.23

Do not scale drawings, dimensions take preference over scale. Contractors to verify dimensions prior to commencement of any building work.
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114 Kenilworth rd
 Parkside 5063

GENERAL BUILDING NOTES

#WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA 2013

THIS GARAGE TO BE CONSTRUCTED IN ACCORDANCE WITH THE B.C.A.2013

WINDOW SIZES HEIGHT x WIDTH ALL WINDOWS SET TO 2400 W.H.H

ROOF MATERIAL **COLORBOND**
 ROOF PITCH **varies**
 CEILING HEIGHT **varies**
 EAVES WIDTH **varies**
 BRICK ON EDGE WINDOW SILLS
 STANDARD BRICK 230x110x76
 CEILING INSULATION R5.0
 EXTERNAL WALLS INSULATION R2.0

Stormwater Plan

CLIENT
 Dr and Mrs Holmwood

ADDRESS
 114 Kenilworth rd
 Parkside

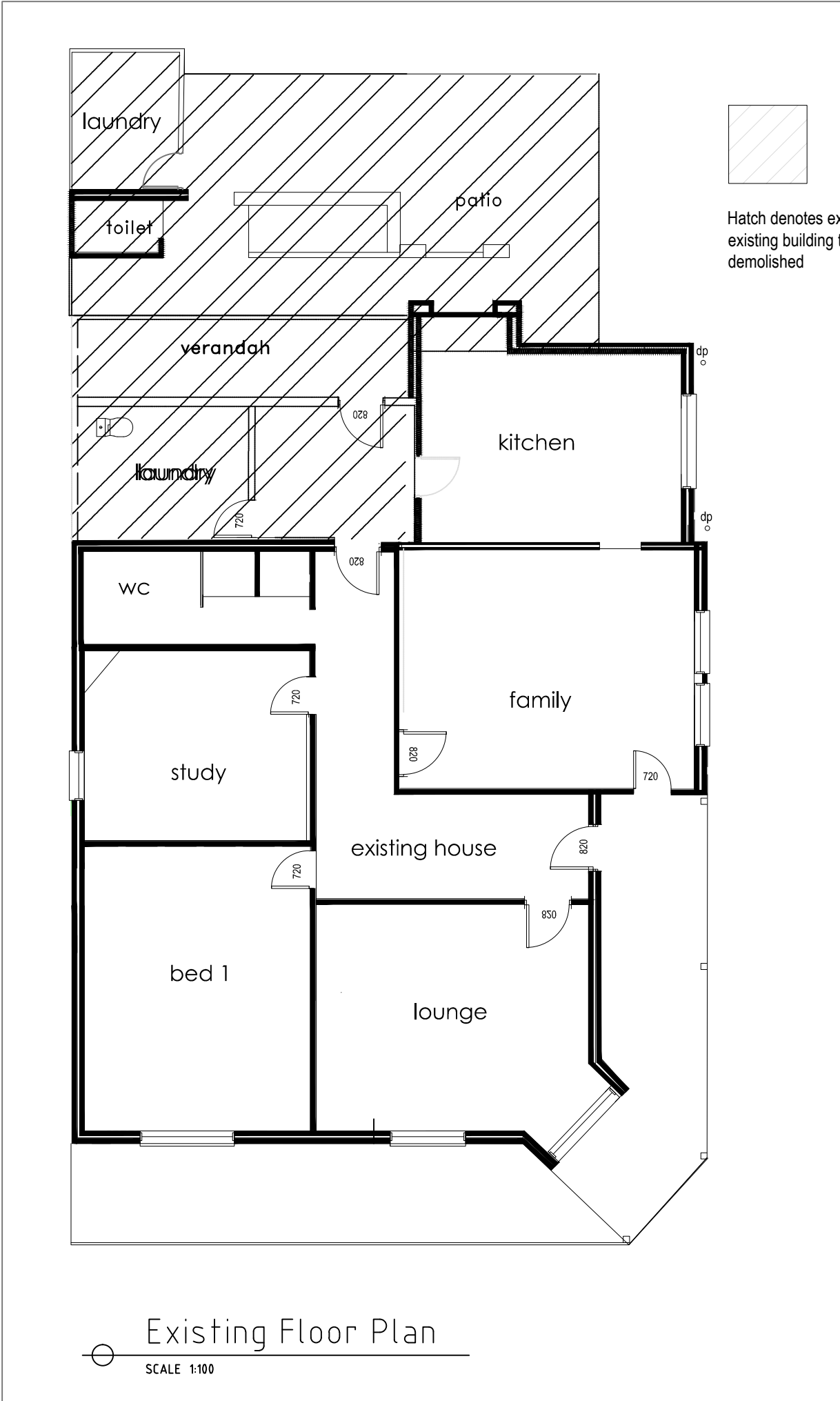
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1:100	29.11.2022	3 of 8

AMENDMENTS

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DEMOLITION NOTES

- Any removal of asbestos to be carried out by an approved contractor.
- All demolished items are generally shown hatched.
- If demolition or removal of any item relates to having possible structural implications consult designer and/ or structural engineer for advise prior to carrying out the work
- Locate all services and associated pipework, ducting, cabling, fixtures etc. verify their removal and/ or their relocation before commencement of any building work.
- All demolition work to comply with AS2601.

☆

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COMPANY

BUILDING AND DESIGN

ABN 52 089 237 785

☆☆☆☆☆☆☆☆☆☆

114 Kenilworth rd
Parkside 5063

GENERAL BUILDING NOTES

#WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA 2013

THIS GARAGE TO BE CONSTRUCTED IN ACCORDANCE WITH THE B.C.A.2013

WINDOW SIZES HEIGHT x WIDTH ALL WINDOWS SET TO 2400 W.H.H

ROOF MATERIAL	COLORBOND
ROOF PITCH	varies
CEILING HEIGHT	varies
EAVES WIDTH	varies
BRICK ON EDGE WINDOW SILLS	
STANDARD BRICK	230x110x76
CEILING INSULATION	R5.0
EXTERNAL WALLS INSULATION	R2.0

EXISTING FLOOR PLAN

CLIENT
Dr and Mrs Holmwood

ADDRESS
114 Kenilworth rd
Parkside

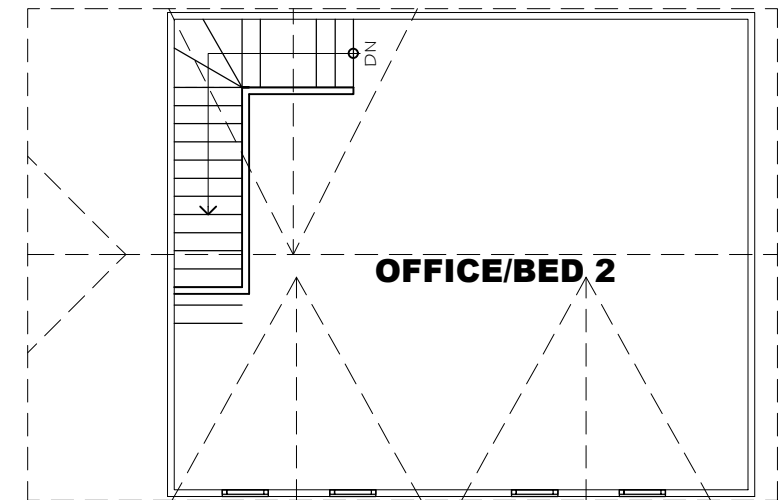
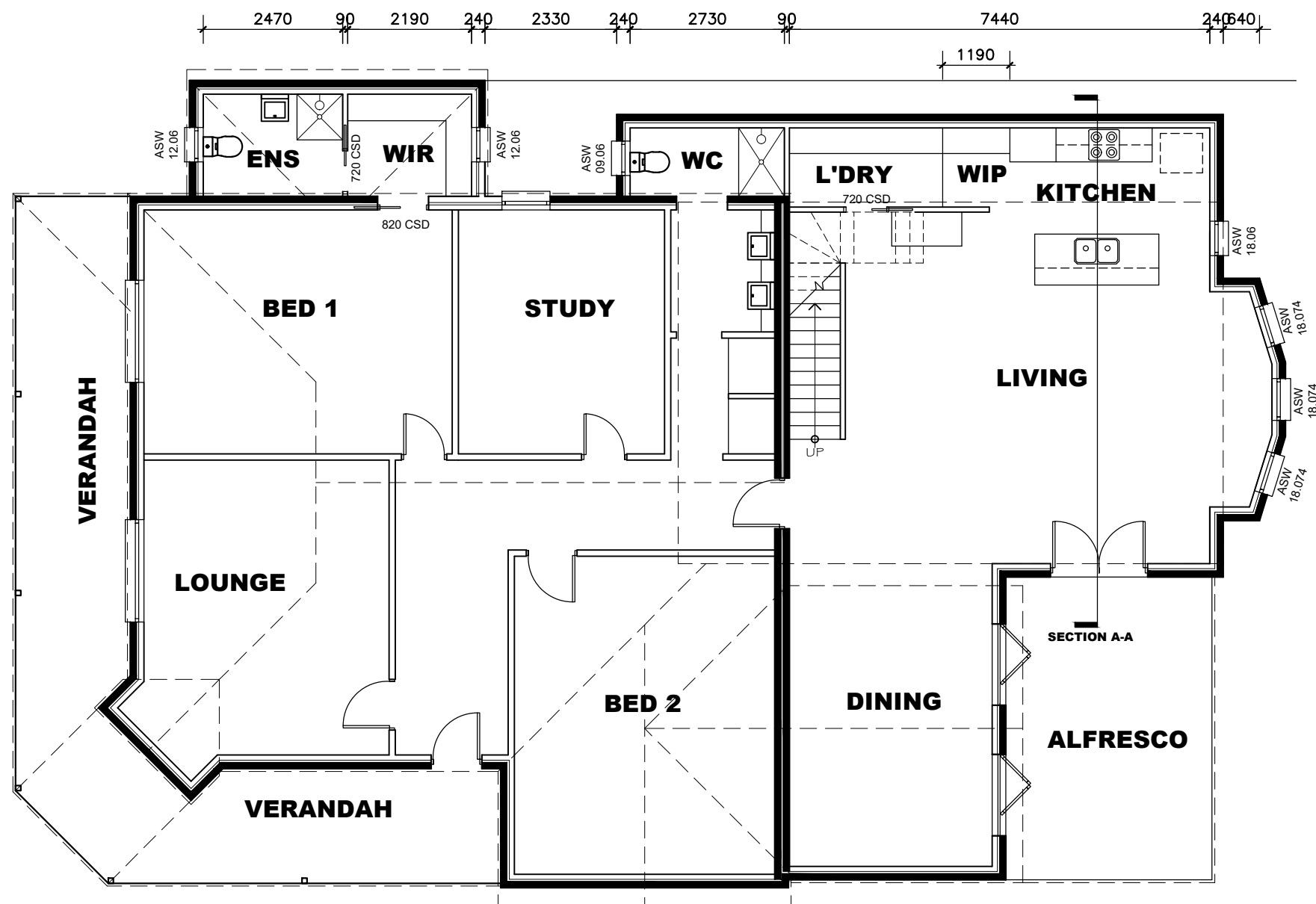
SCALE	DATE	SHEET
1:100	29.11. 2022	3 of 8

AMENDMENTS
1.Alteration--b 5.12.22
west gable height increase to 7000m
south ldry/kitchen wall increase 700mm
2. Amendment roof 9.2.23

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DRAWN	REV
LH	40



PROPOSED EXTENSION

SCALE 1:100

CONTROL JOINTS AS PER ENGINEERS REPORT
 . SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH NCC VOL 2BCA 2019 PART 3.7.5 & AS 3786
 . GLAZING TO BE INSTALLED IN ACCORDANCE WITH NCC VOL 2 BCA 2019 PART 3.6 & AS 1288-2006
 . TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS 3660
 . WET AREAS TO BE CONSTRUCTED IN ACCORDANCE WITH TABLE 3.8.1.1 & CLAUSE 3.8.1.2 OF THE NCC VOL 2 BCA 2019 & AS 3740
 . WINDOW OPENING RESTRICTORS TO COMPLY WITH CLAUSE 3.9.2.6 OF THE NCC VOL 2 BCA 2019
 . WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS

DRAWING STAGE
 DATE DESCRIPTION
 13/02/2023 PLANNING APPROVAL

SITE ADDRESS
 114
 KENILWORTH ROAD
 PARKSIDE, SA

CLIENT
 DR AND MRS
 HOLMWOOD

DRAWN BY:
 YOHANA KIDIA

PROJECT NUMBER
 #1026

SHEET: 1 OF 3

SCALE: 1:100

BUILDING DESIGNER

YOHANA G. KIDIA

A: 14 POOLE STREET, GAWLER EAST
 Ph : 0422 398 648
 E: Yohana@ymdraftingservices.com



114 Kenilworth rd
 Parkside 5063

GENERAL BUILDING NOTES

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- ROOF PITCH **varies**
- CEILING HEIGHT **varies**
- EAVES WIDTH **varies**
- BRICK ON EDGE WINDOW SILLS
- STANDARD BRICK 230x110x76
- CEILING INSULATION R5.0
- EXTERNAL WALLS INSULATION R2.0

Elevation West

CLIENT
 Dr and Mrs Holmwood

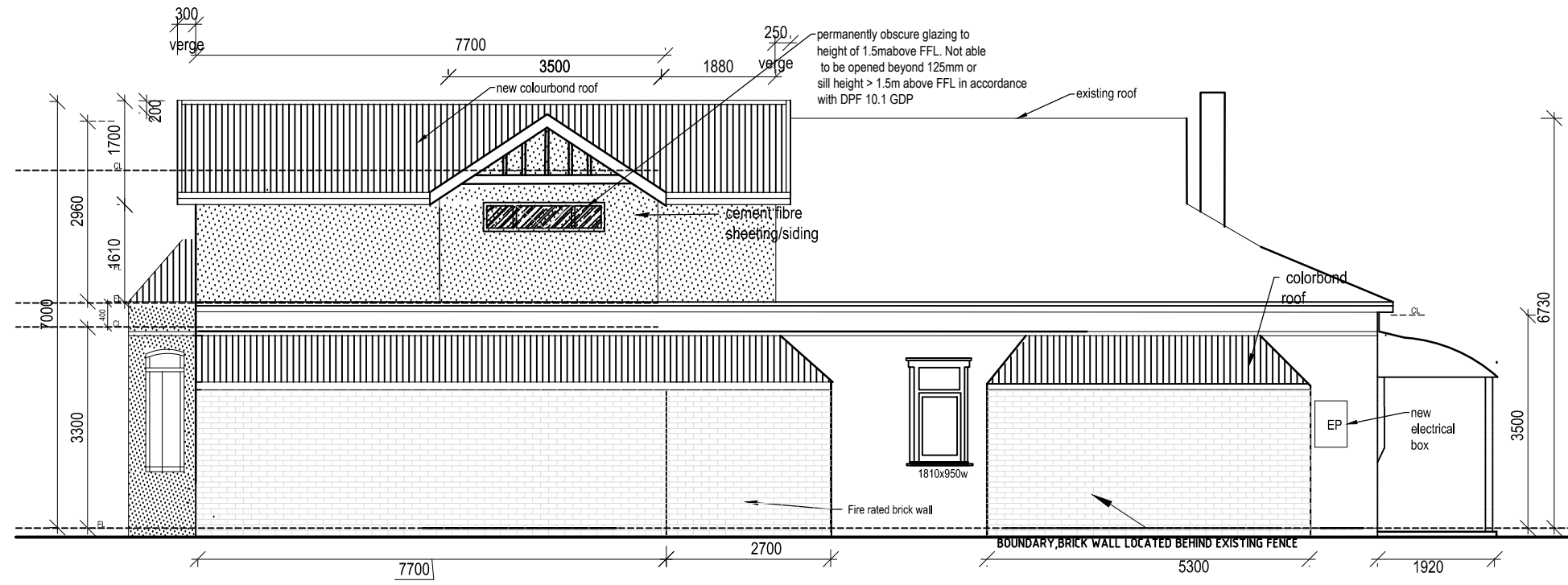
ADDRESS
 114 Kenilworth rd
 Parkside

SCALE	DATE	SHEET
1:100	29.11.2022	4 of 5

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DRAWN LH	CHECKED 42
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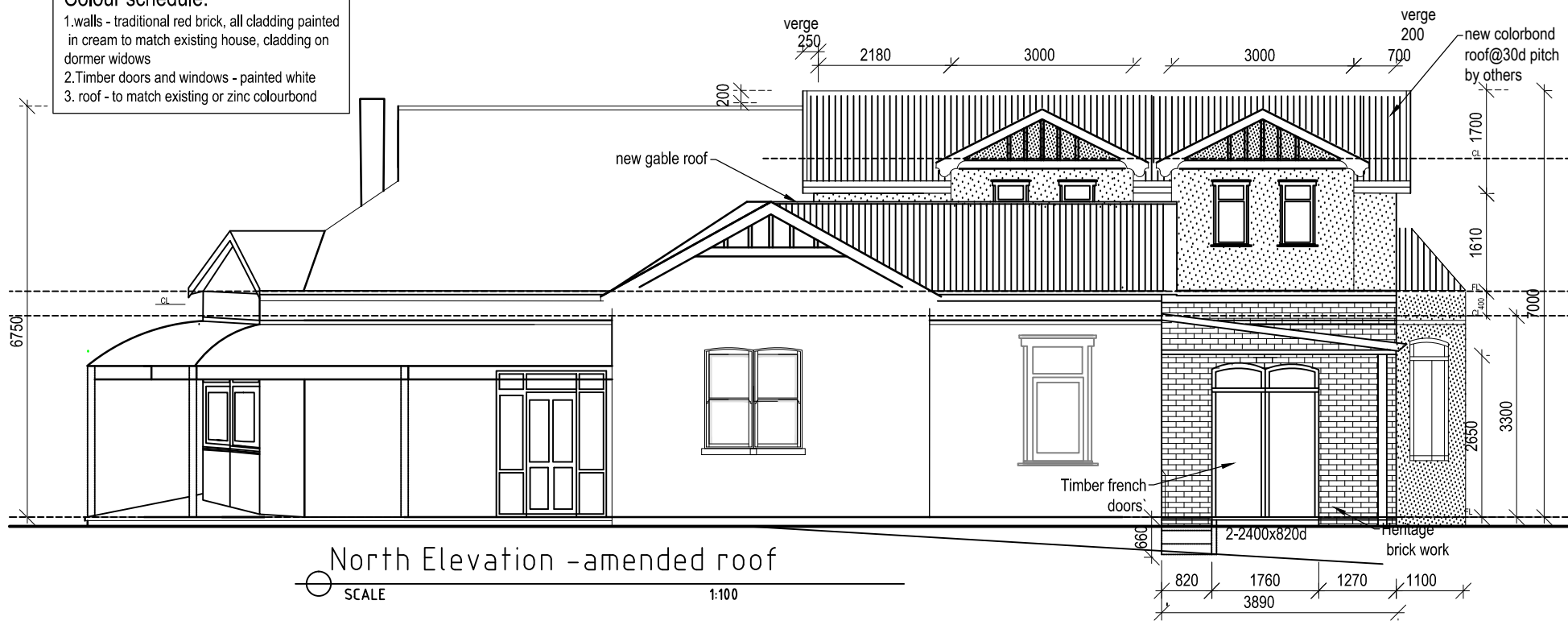


South Elevation
 SCALE 1:100

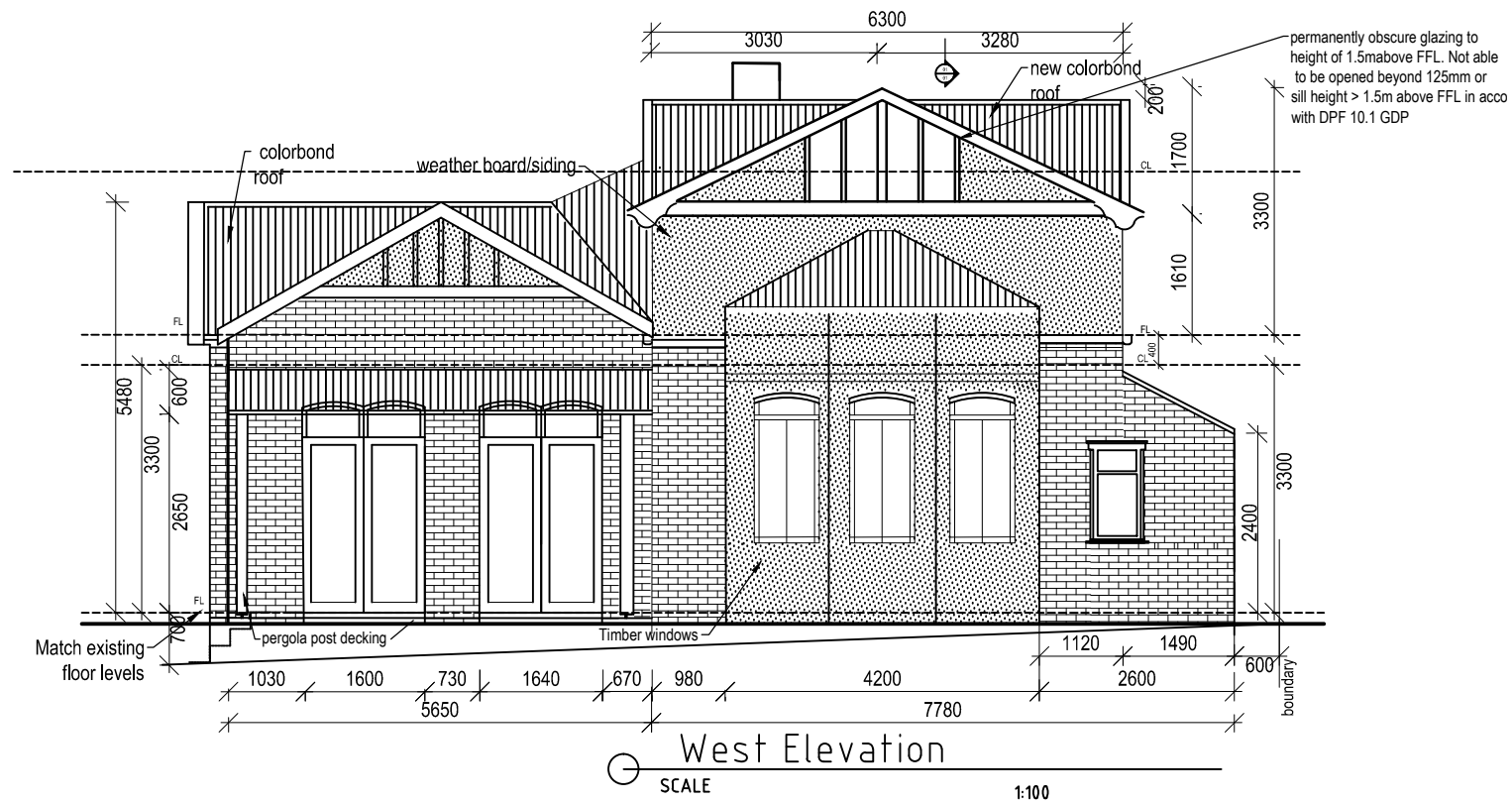
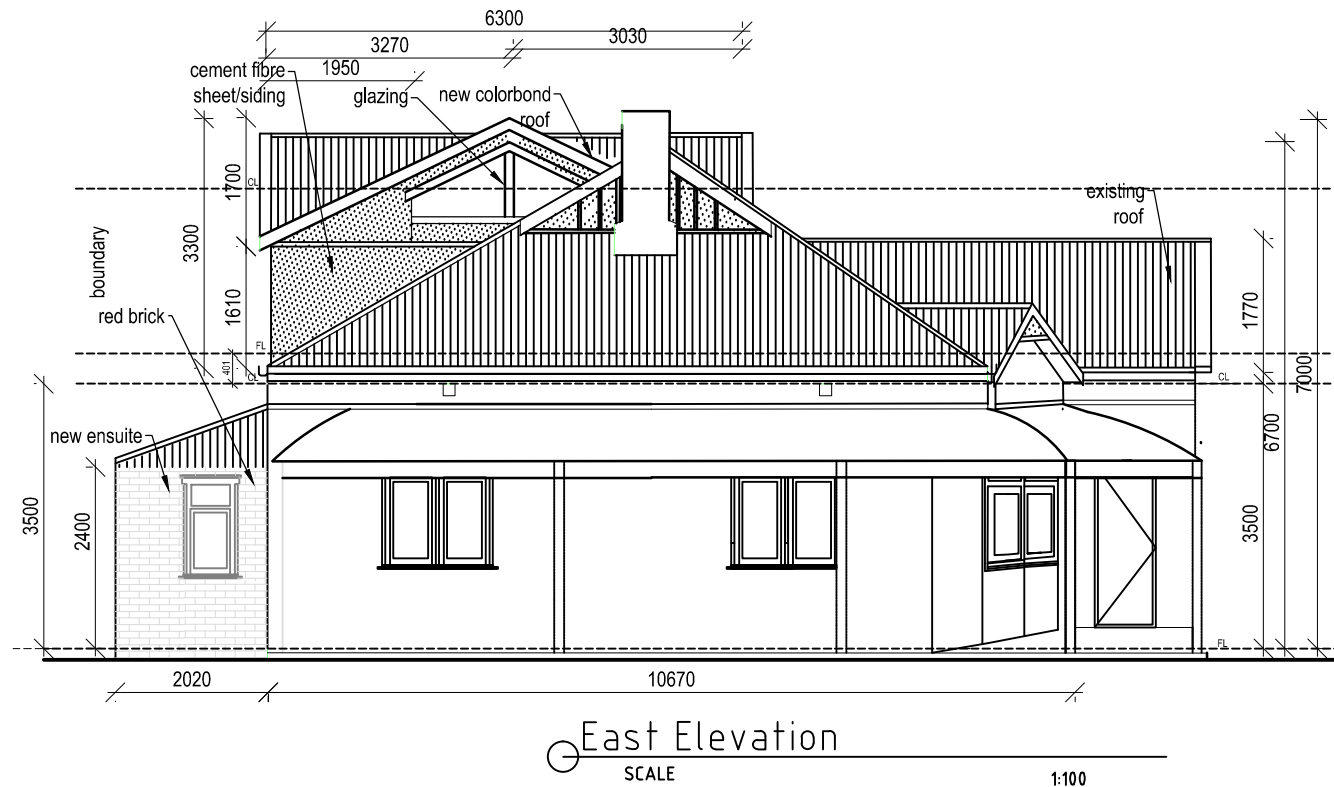
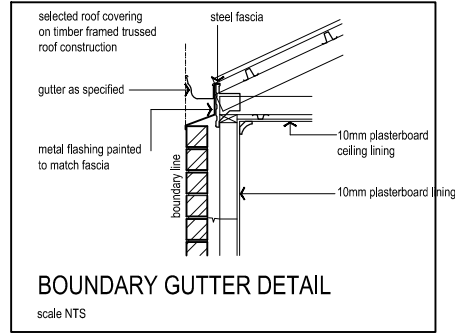
New Proposed Extension

AREA:	
Ground Living	61m ²
Upper Living	33.m ²
Ensuite	8.4m ²
WC	3.5m
Total	105.9m²

Colour schedule:
 1. walls - traditional red brick, all cladding painted in cream to match existing house, cladding on dormer windows
 2. Timber doors and windows - painted white
 3. roof - to match existing or zinc colourbond



North Elevation -amended roof
 SCALE 1:100



114 Kenilworth rd
 Parkside 5063

GENERAL BUILDING NOTES

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 ROOF PITCH **varies**
 CEILING HEIGHT **varies**
 EAVES WIDTH **varies**
 BRICK ON EDGE WINDOW SILLS
 STANDARD BRICK 230x110x76
 CEILING INSULATION R5.0
 EXTERNAL WALLS INSULATION R2.0

Elevation East and West

Dr and Mrs Holmwood

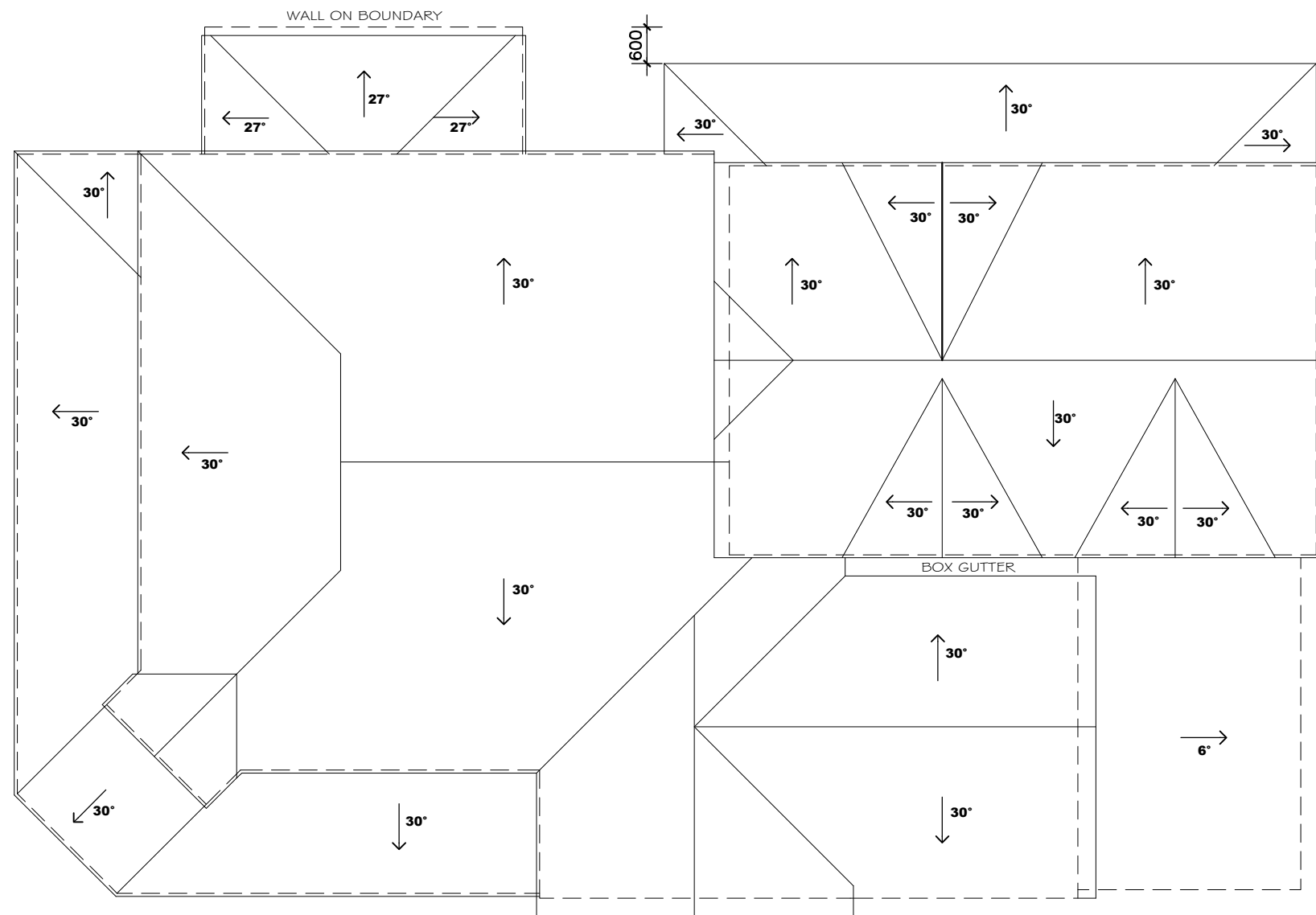
ADDRESS
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 Parkside

SCALE	DATE	SHEET
1:100	29.11. 2022	4 of 5

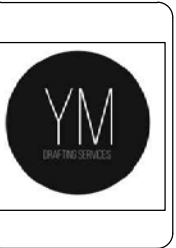
AMENDMENTS
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DRAWN LH	CHECKED 43	REV .
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ROOF PLAN
SCALE 1:100

<p>CONTROL JOINTS AS PER ENGINEERS REPORT</p> <ul style="list-style-type: none"> . SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH NCC VOL 2BCA 2019 PART 3.7.5 & AS 3786 . GLAZING TO BE INSTALLED IN ACCORDANCE WITH NCC VOL 2 BCA 2019 PART 3.6 & AS 1288-2006 . TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS 3660 . WET AREAS TO BE CONSTRUCTED IN ACCORDANCE WITH TABLE 3.8.1.1 & CLAUSE 3.8.1.2 OF THE NCC VOL 2 BCA 2019 & AS 3740 . WINDOW OPENING RESTRICTORS TO COMPLY WITH CLAUSE 3.9.2.6 OF THE NCC VOL 2 BCA 2019 . WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS 	<p>DRAWING STAGE</p> <p>DATE DESCRIPTION</p> <p>25/02/2023 PLANNING APPROVAL</p>	<p>SITE ADDRESS</p> <p>114 KENILWORTH ROAD PARKSIDE, SA</p>	<p>CLIENT</p> <p>DR AND MRS HOLMWOOD</p>	<p>DRAWN BY:</p> <p>YOHANA KIDIA</p>	<p>PROJECT NUMBER</p> <p>#1026</p>	<p>BUILDING DESIGNER</p> <p>YOHANA G. KIDIA</p> <p>A: 14 POOLE STREET, GAWLER EAST Ph : 0422 398 648 E: Yohana@ymdraftingservices.com</p> 

114 Kenilworth rd
 Parkside 5063



NO. 116 Kenilworth road

NO. 114 Kenilworth road



NO. 118 Kenilworth road

NO. 116 Kenilworth road

NO. 114 Kenilworth road

Street Landscape

STREETSCAPE

CLIENT
 Dr and Mrs Holmwood

ADDRESS
 114 Kenilworth rd
 Parkside

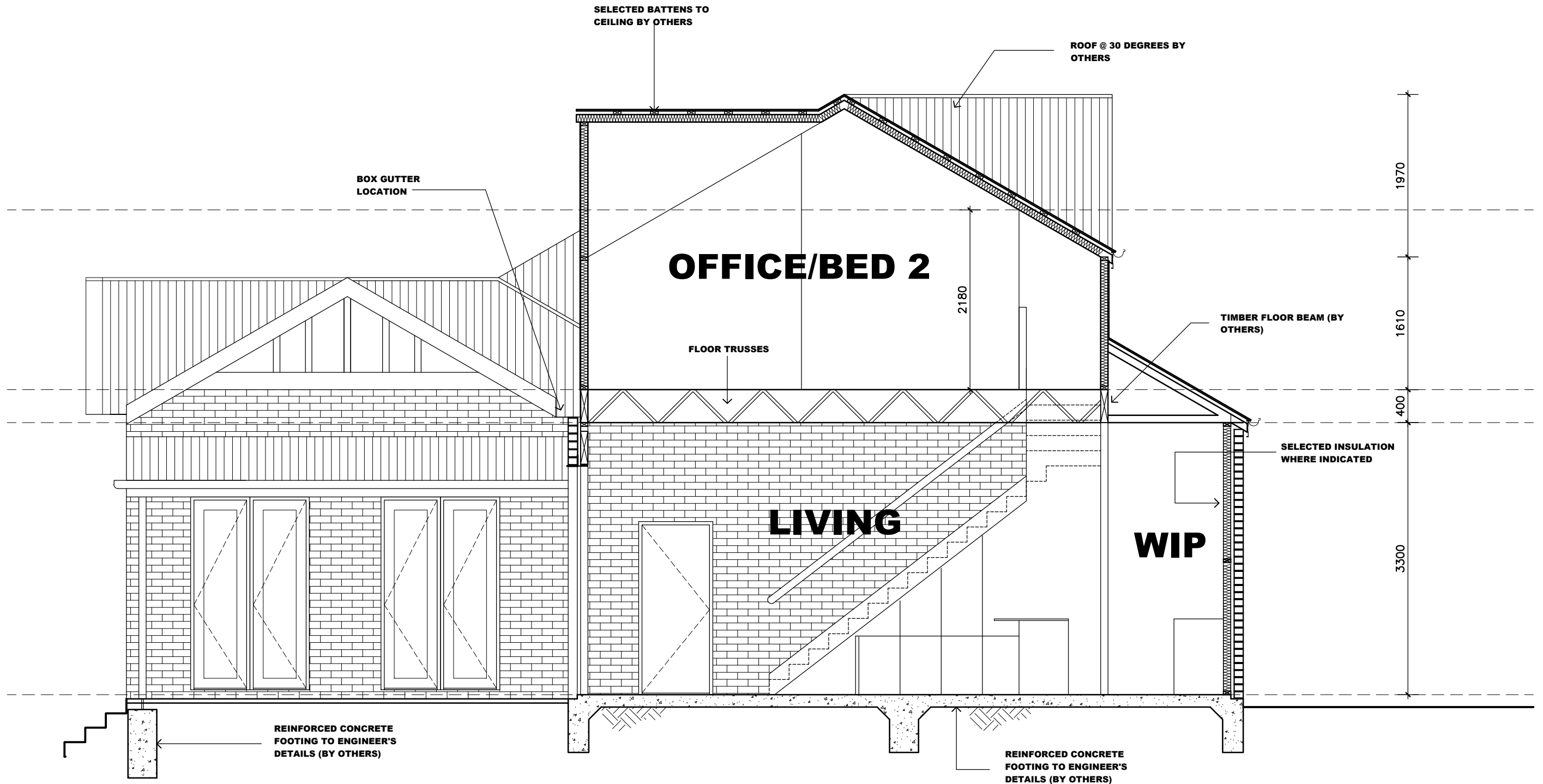
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1:200	29.11. 2022	8 of 10

AMENDMENTS


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DRAWN	REV
LH	45



SECTION A-A
SCALE 1:50

<p>CONTROL JOINTS AS PER ENGINEERS REPORT</p> <ul style="list-style-type: none"> . SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH NCC VOL 2BCA 2019 PART 3.7.5 & AS 3786 . GLAZING TO BE INSTALLED IN ACCORDANCE WITH NCC VOL 2 BCA 2019 PART 3.6 & AS 1288-2006 . TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS 3660 . WET AREAS TO BE CONSTRUCTED IN ACCORDANCE WITH TABLE 3.8.1.1 & CLAUSE 3.8.1.2 OF THE NCC VOL 2 BCA 2019 & AS 3740 . WINDOW OPENING RESTRICTORS TO COMPLY WITH CLAUSE 3.9.2.6 OF THE NCC VOL 2 BCA 2019 . WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS 	<p>DRAWING STAGE</p> <p>DATE DESCRIPTION</p> <p>25/02/2023 PLANNING APPROVAL</p>	<p>SITE ADDRESS</p> <p>114 KENILWORTH ROAD PARKSIDE, SA</p>	<p>CLIENT</p> <p>DR AND MRS HOLMWOOD</p>	<p>DRAWN BY:</p> <p>YOHANA KIDIA</p>	<p>PROJECT NUMBER</p> <p>#1026</p>	<p>BUILDING DESIGNER</p> <p>YOHANA G. KIDIA</p> <p>A: 14 POOLE STREET, GAWLER EAST Ph : 0422 398 648 E: Yohana@ymdraftingservices.com</p> 

114 Kenilworth rd
 Parkside 5063

GENERAL BUILDING NOTES

#WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA 2013

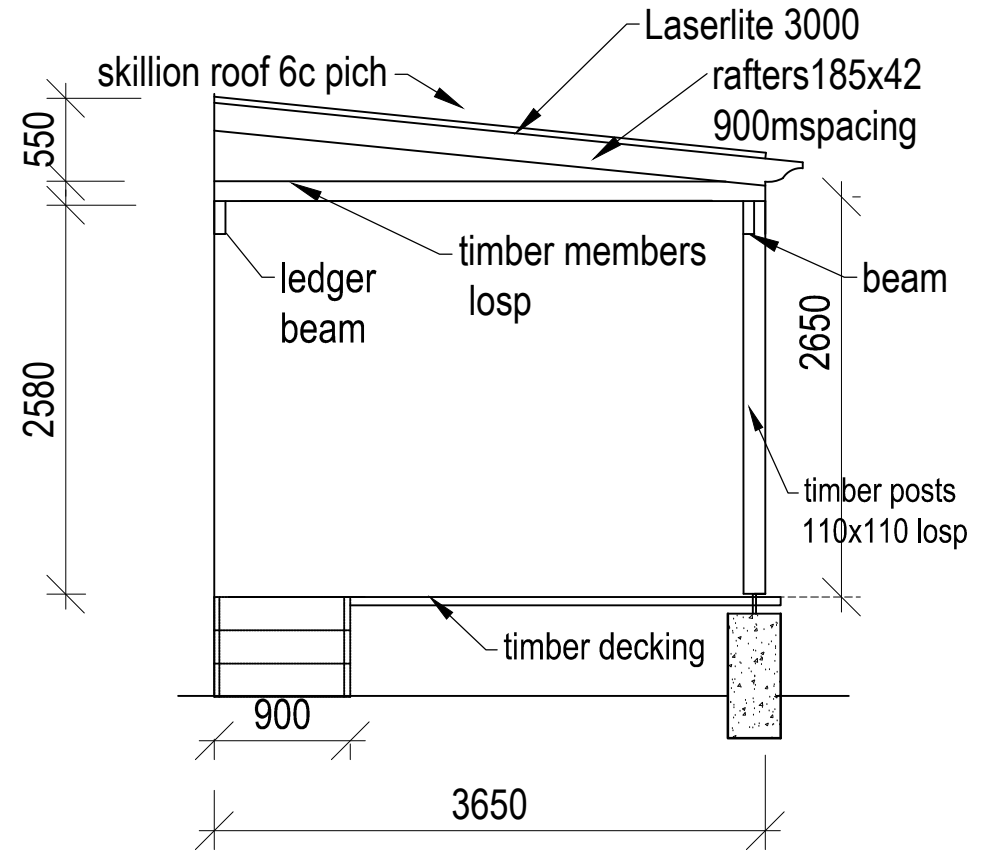
THIS GARAGE TO BE CONSTRUCTED IN ACCORDANCE WITH THE B.C.A.2013

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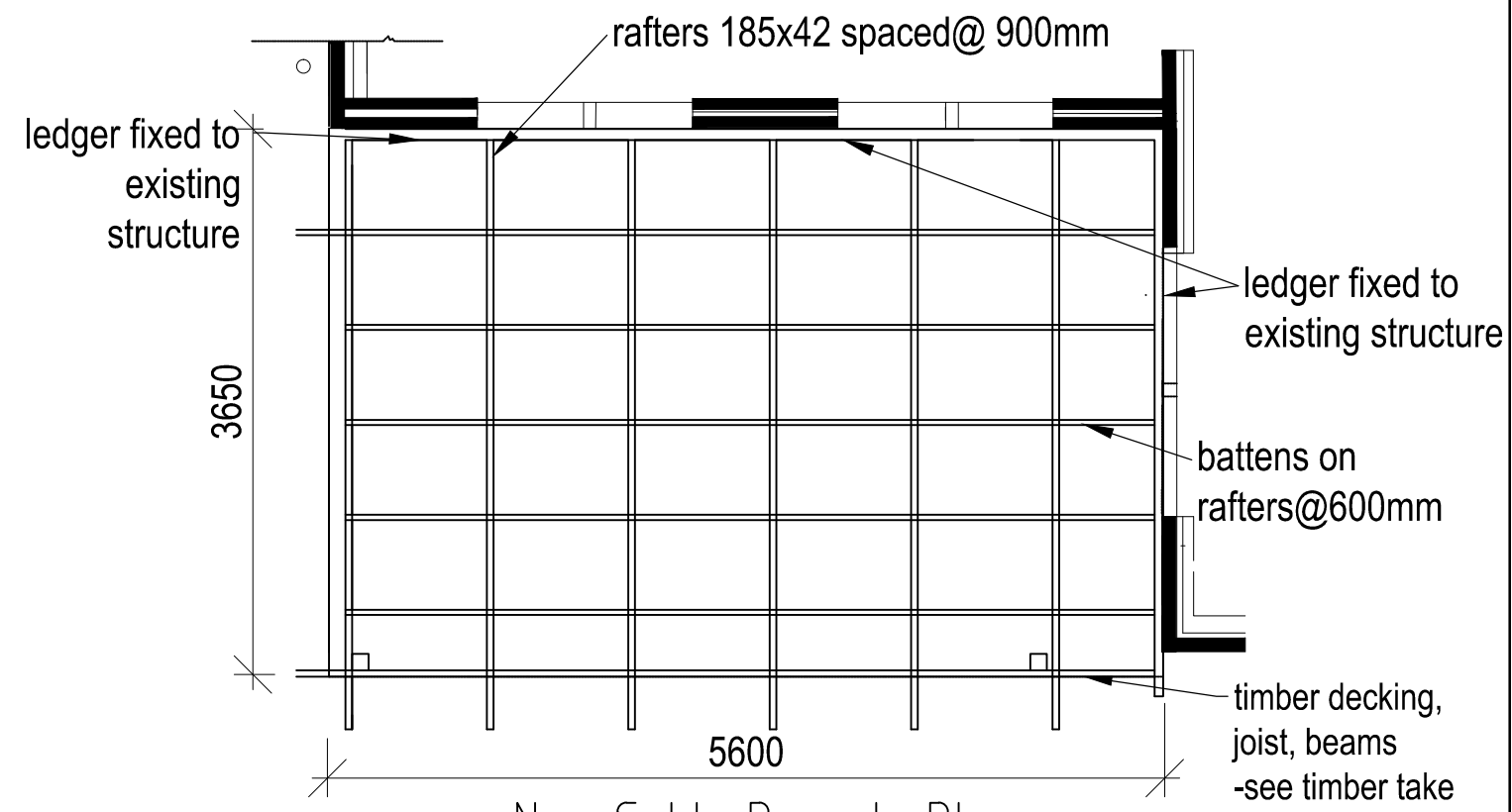
ROOF MATERIAL	COLORBOND
ROOF PITCH	varies
CEILING HEIGHT	varies
EAVES WIDTH	varies
BRICK ON EDGE WINDOW SILLS	
STANDARD BRICK	230x110x76
CEILING INSULATION	R5.0
EXTERNAL WALLS INSULATION	R2.0

Pergola Colour scheme ;
 1. neutral to complement current north facing wall
 2. Materials
 -timber losp posts and members
 -roof colour bond, laserlite

Pergola posts fixing
 Bolt Down Post Anchors
 PSFS65100 65mm leg for 112 mm post ,4@ 50x10 mm coach screws fixing
 2@ M10 bolts x75mm d or concrete footings asp AS1684



New Pergola - north Elevation
 SCALE 1:100



New Gable Pergola Plan
 SCALE 1:50

Pergola plan elevation

CLIENT
 Dr and Mrs Holmwood

ADDRESS
 114 Kenilworth rd
 Parkside

SCALE	DATE	SHEET
1:100	29.11. 2022	4 of 5

AMENDMENTS
 1. Alteration--b 5.12.22
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DRAWN	CHECKED
LH	47

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 Parkside 5063

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- CEILING HEIGHT **varies**
- EAVES WIDTH **400**
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- STANDARD BRICK 230x110x76
- CEILING INSULATION R5.0
- EXTERNAL WALLS INSULATION R2.0

Shadow Diagrams

CLIENT
 Dr and Mrs Holmwood

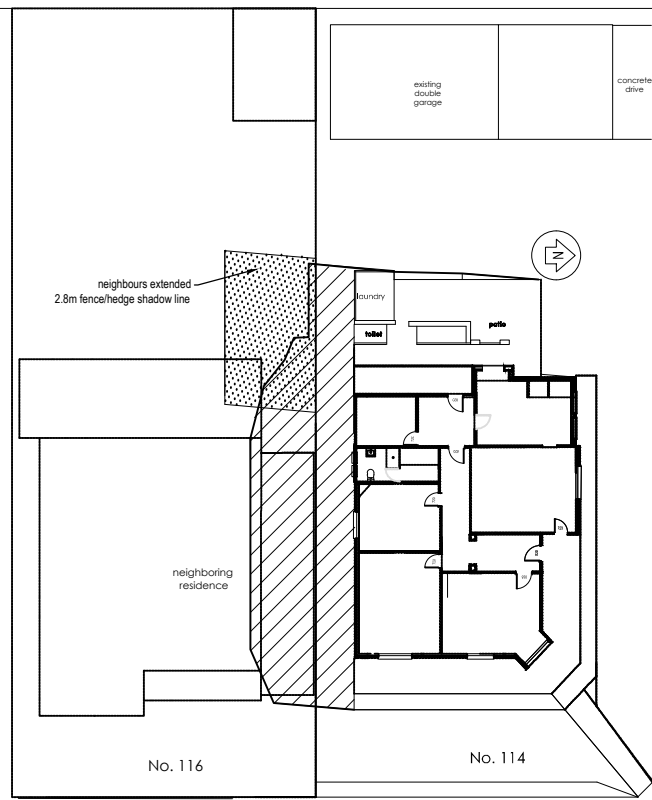
ADDRESS
 114 Kenilworth rd
 Parkside

SCALE	DATE	SHEET
	29.11. 2022	

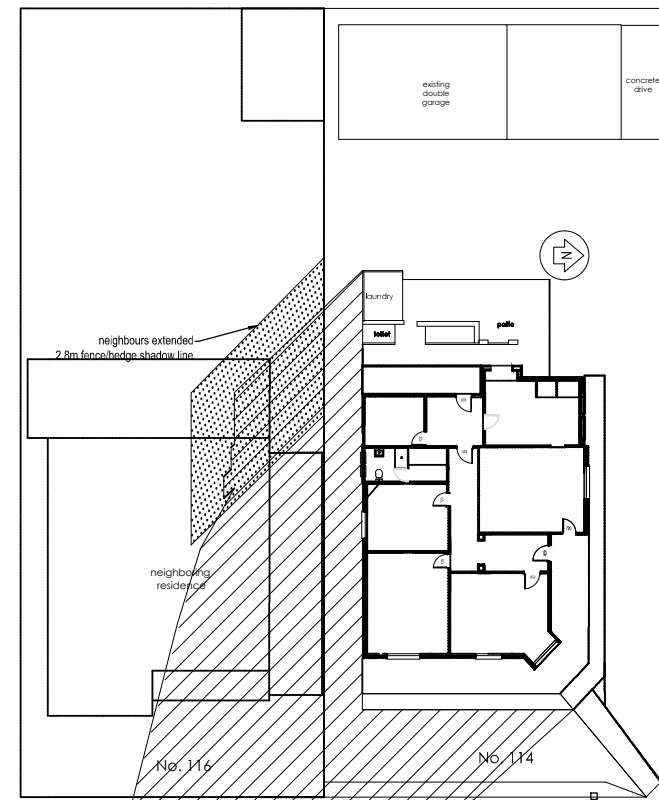
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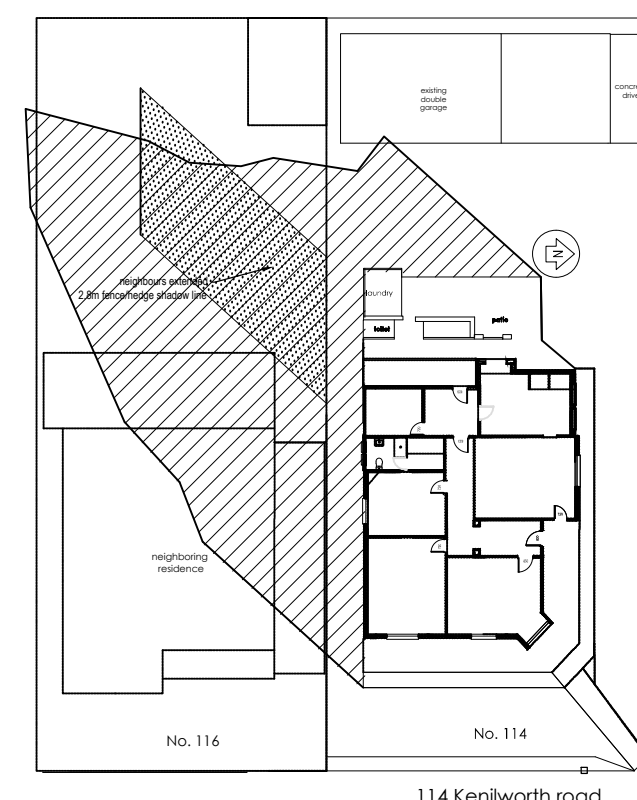
DRAWN
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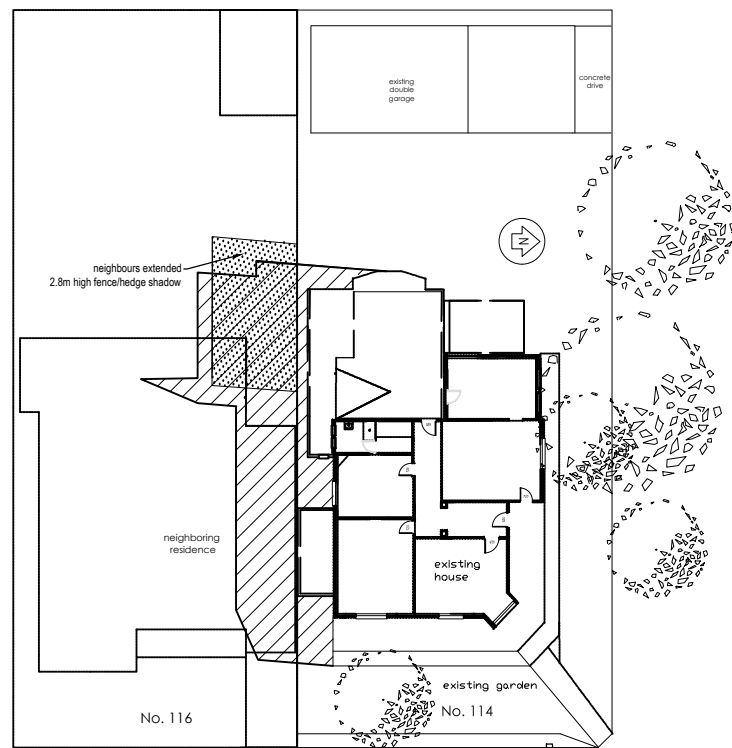
114 Kenilworth road
SHADOW DIAGRAM - Original plan
 12:00PM - JUNE 21ST



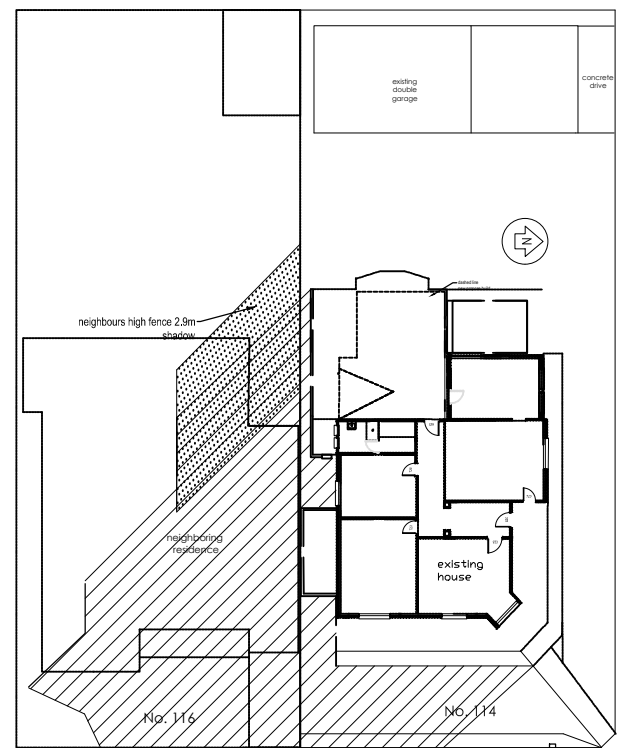
114 Kenilworth road
SHADOW DIAGRAM - Original plan
 3:00PM - JUNE 21ST



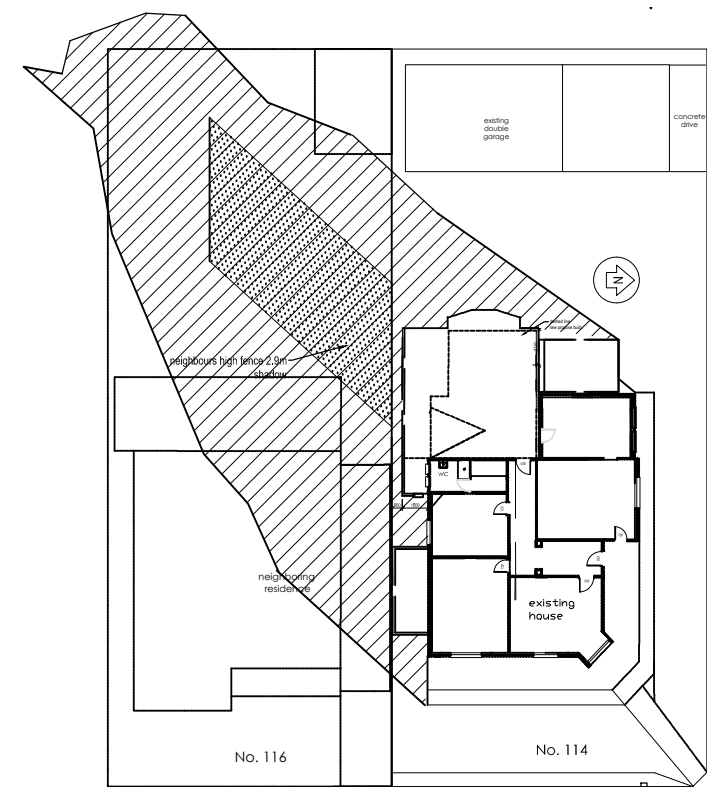
114 Kenilworth road
SHADOW DIAGRAM - Original plan
 9:00AM - JUNE 21ST



114 Kenilworth road
SHADOW DIAGRAM - Extension b
 12:00 PM - JUNE 21ST



114 Kenilworth road
SHADOW DIAGRAM - Extension b
 3:00 PM - JUNE 21ST



114 Kenilworth road
SHADOW DIAGRAM -Extension b
 9:00AM - JUNE 21ST

STORMWATER NOTE:

REFER TO ENGINEER'S DRAINAGE PLAN FOR ALL LEVEL, RETAINING WALLS & STORMWATER DRAINAGE DESIGN

BOUNDARY/SURVEY NOTE:

THIS DRAWING IS INTENDED FOR INDICATIVE BUILDING SETOUT PURPOSES ONLY. REFER TO CIVIL ENGINEER / SURVEYOR DRAWINGS FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS, & EARTHWORK DESIGN. FINAL BOUNDARY & BUILDING SETOUT SHALL BE CONFIRMED & CERTIFIED BY LICENSED SURVEYOR PRIOR TO ANY CONSTRUCTION.

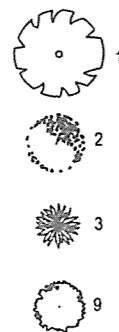
RAINWATER TANK DETAILS:

1000 LITS (MIN) RWT COLLECTING 50M² ROOF CATCHMENT AREA. PLUMBED TO EITHER TOILET, HOT WATER SYSTEM OR ALL LAUNDRY COLD WATER OUTLETS. RWT MUST BE FITTED WITH OVERFLOW DEVICE. INLET & OVERFLOW MUST BE FITTED WITH MOSQUITI-PROOF SCREENS. MUST COMPLY WITH BCA REQUIREMENTS.

LANDSCAPE DETAILS

Ground Cover Throughout all Garden Areas

1. Atriplex Semibaccata - 1.5m diameter
2. Enciyylaena Tomentosa - 1.0m diameter 1m height
3. Dianella Revuluta - 900 diameter 1.0m height
4. Dodonaea Viscosa - 1.2m diameter 2.0m height
5. Scaevola Albida - 400 diameter 2.0m height
6. Westinga Fruticosa - 2.0m height
7. Acacia Melatoxylon - 10m height
8. Lotus Australis - 0.6m height
9. Poa Poiiformis - 1m height
10. Pittosporum Phylliraeoides - 0.8m high
11. Rose Bush



Items are subject to change as per owners request.

LANDSCAPE NOTE:

ALL LANDSCAPE SHOWN INDICATIVE ONLY. TO BE DETERMINED AS PER CLIENTS SELECTION.

BRUSH FENCE NOTE:

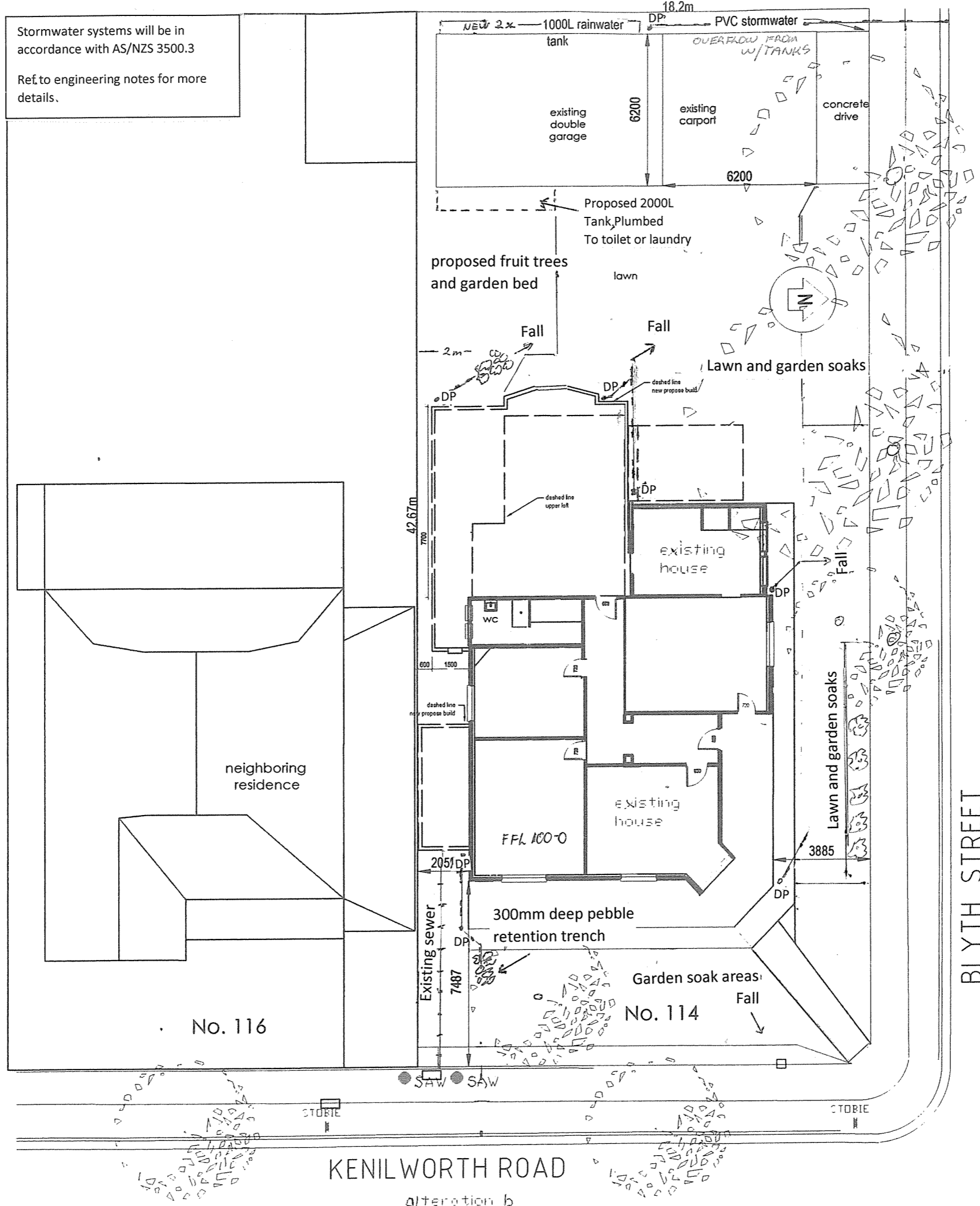
THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3MTRS OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES WITHIN 3 METRES OF THE DWELLING ARE TO BE REMOVED (BY OWNER) & REPLACED WITH NON-COMBUSTIBLE MATERIAL. MUST COMPLY WITH BCA REQUIREMENTS.

AREA:	
Ground Living	61m ²
Upper Living	33 m ²
Ensuite	8.4m ²
WC	3.5m ²
Total	99.3m ²

SITE COVERAGE PROPOSED m2	
SITE AREA -	774.1m ²
LIVING AREA -	211m ²
PRIVATE OPEN SPACE -	340m ²
Garage	62m ²
TOTAL FOOTPRINT -	273.m ²
SITE COVERAGE %	31.62%

Stormwater systems will be in accordance with AS/NZS 3500.3

Ref. to engineering notes for more details.



KENILWORTH ROAD

alteration b

☆
NME P/L
COMPANY
BUILDING AND DESIGN
ABN 52 089 237 785
☆☆☆☆☆☆☆☆☆☆☆☆

114 Kenilworth rd
Parkside 5063

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ROOF PITCH	varies
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EAVES WIDTH	400
BRICK ON EDGE WINDOW SILLS	
STANDARD BRICK	230x110x76
CEILING INSULATION	R5.0
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STORMWATER DETAILS

CLIENT
Dr and Mrs Holmwood

ADDRESS
114 Kenilworth rd
Parkside

SCALE	DATE	SHEET
	29.11. 2022	2 of 5

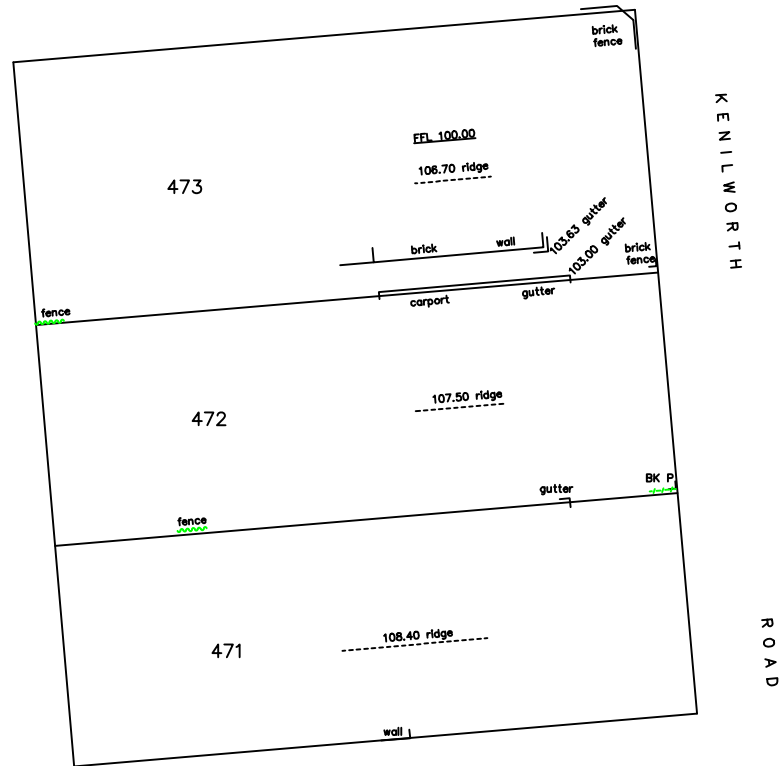
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DRAWN LH	CHECKED LH
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BLYTH STREET



PARKSIDE
RIDGE / GUTTER HEIGHTS
ALLOTMENT 471 IN D1005
HUNDRED OF ADELAIDE

SCALE 1 : 200 @ A3



CARMELO CASTELANELLI
LICENSED SURVEYOR
25 BARNS ROAD VINDHOLME ROAD
ADELAIDE SA 5005
Email: carmeloc@castelanelli.com.au
MOB : 08 11 11 17 FAX : 07/18/02

Amelia DeRuvo

From: Linda Holmwood <lholmwood@hotmail.com>
Sent: Friday, 13 January 2023 2:53 PM
To: Amelia DeRuvo
Subject: Re, 114 Kenilworth rd Parkside
Attachments: 20221229_172842_resized.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is safe.

Dear Amelia,

We are away interstate and request an extra few days to complete the further requirements for planning . We should be able to send things through late thursday 19th or early morning friday 20th. These include drainage and window specification s.

The colour scheme summary,

1. The original south wall is red brick and the new ensuite and kitchen extension south walls will be in traditional brick to match the existing.
2. East side of the ensuite will be painted brick to match the east walls of the existing house.
3. The west side extension will be traditional brick to match the south walls. The new west gable will match the colour scheme of the existing north gable.
4. The north existing walls will remain as they are.
5. The new dormer windows will match the existing north gable colour of a neutral colour.
6. Pergola colour scheme will be painted a neutral colour to compliment the house.

There are very many existing houses with extensions using these material and colour schemes .

Will look forward to contacting you Friday 20th for any further requirments needed.

Yours sincerely
Linda Holmwood

Sent from my Galaxy

ATTACHMENT 2

DEVELOPMENT NO.:	22034244
APPLICANT:	Linda Holmwood
ADDRESS:	114 KENILWORTH RD PARKSIDE SA 5063
NATURE OF DEVELOPMENT:	Alterations and additions (including an upper storey) to the existing dwelling and construction of a verandah
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 5.7m) • Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 15m; row dwelling is 15m) • Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 500 sqm; row dwelling is 500 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	7 Oct 2022
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	29 September 2022 – 2022.18
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes (1 representor who wishes to be heard)
RECOMMENDING OFFICER:	Amelia De Ruvo Planning Officer
REFERRALS STATUTORY:	Not required
REFERRALS NON-STATUTORY:	Not required

CONTENTS:

ATTACHMENT 1: Application Documents

ATTACHMENT 2: Representations

ATTACHMENT 3: Response to Representations

DETAILED DESCRIPTION OF PROPOSAL:

This proposal is for alterations and additions to the existing detached dwelling. The proposed plans are contained within **Attachment 1**. The proposal seeks to remove the existing lean-to and verandah in its entirety and construct a two-storey dwelling addition to the rear of the existing dwelling.

The dwelling addition will result in a dwelling comprised of two bedrooms, two bathrooms (one being an ensuite), open plan kitchen and laundry, a dining area and a study under the main roof. The dwelling addition will have a total floor area of approximately 110m².

The proposed two storey addition will have a maximum building height of 6.7m from natural ground level and will result in one boundary wall located on the southern boundary for a maximum length of 5m with an overall height of 2.4m.

The dwelling addition will have the following setbacks:

- Side setbacks from northern boundary will range from 3.885 - 9.7m for both the lower and upper level;
- Side setbacks from the southern boundary will range from 0m – 0.6m for the lower level and 2.2m for the upper level; and
- Rear setback to the boundary wall of 15.2m.

Vehicular access to the site will remain from the existing crossover from Blyth Street with no alteration proposed to the existing vehicular parking arrangement.

BACKGROUND

It is advised that the Plan Set (**Attachment 1**) has been altered since the public notification period in October through to November 2022. The alterations to the Plan are not substantial that the proposal required to be publicly notified again. The amended Plans were provided to the representor at each re-iteration and due to the changes the representor was able to provide an updated list of concerns (**Attachment 2**).

The alterations to the plans include the following:

- En-suite was offset 0.45m from the southern boundary, increased to 0.6m before a discussion with Council administration stated that a boundary wall can be considered as it will be immediately abutting a carport / driveway which is not a habitable area, as per the definition of the Planning and Design Code.
- The Kitchen/laundry southern wall increased its offset from the southern boundary from 0.45m to 0.6m. Discussions with the applicant regarding increasing the offset of the ground level to 1m was discussed however no alterations to the plans were proposed.
- Ground level addition increased in length from 9.92m to 10.1m. It also resulted in a re-configuration of the internal floor layout, resulting in the stairwell relocating to the eastern side of the room.
- As a result of the re-configuration of the ground level floor layout, the upper storey floor area increase from 29m² to 42m². The additional floor area resulted in the upper storey receding into roof form. An additional dormer window was included on the northern side of the dwelling addition and the southern dormer window was reduced in width from 4m to 3.5m and moved further east to sited over the stairwell.

Amended Plans provided 8th December to Council resulted in the ridge of the roof to the upper storey increased in height by 400mm as a result of the minimum internal wall heights required to satisfy the Australian Building Code.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 114 KENILWORTH RD, PARKSIDE SA 5063

Title ref.: CT 5513/636 **Plan Parcel:** D2462 AL78 **Council:** CITY OF UNLEY

Subject Land

The subject land is located within the **Established Neighbourhood Zone** and the **Historic Area Overlay**.

The subject land has two street frontages, fronting to both Kenilworth Road and Blyth Street, resulting in a corner cut off to the north-eastern corner of the allotment. The subject land has a frontage to Kenilworth Road of 17.4m and a secondary frontage to Blyth Street of 41.83m with an approximate land size of 728m².

The site currently contains a dwelling identified as a Return Verandah Villa circa 1910, an outbuilding and a carport to the rear of the site. The site is currently provided with vehicular access from the existing crossover from Blyth Street.

The land is relatively flat and contains no regulated or significant trees on the subject site or adjoining sites that will be affected by the development. There are four (4) street tree, one (1) located along Kenilworth Road and three (3) along Blyth Street.



Figure 1: View from the primary road frontage of the subject land taken from Kenilworth Road.



Figure 2: View from the secondary road frontage of the subject land taken from Blyth Street.

Locality

When determining the locality of the subject land, refer to the Locality Plan below, the general pattern of development and the extent to which the proposed development is likely to be viewed from surrounding occupiers and landowners has been considered. The locality is wholly within the Established Neighbourhood Zone, with the Housing Diversity Neighbourhood Zone and General Neighbourhood Zone to the south-east.

The locality is predominantly characterised by residential dwellings on rectangular shaped allotments which vary between 300m² to 900m². Dwellings are typically single storey in nature, however, it is noted that there are examples of two-storey dwellings located south of the subject land along Kenilworth Road (**Figure 3 & 4**). Varying dwelling types are also noted within the locality which include group dwellings to the north sited along Kenilworth Road (**Figure 5**) and row dwellings to the west on Blyth Street (**Figure 6**).

Kenilworth Road primarily consists of pre-war Villas and double fronted bungalows with interspersed infill housing present in a form of conventional housing and 1960s walk up flats. Blyth Street contains a variety of dwelling types ranging from inter-war bungalows and later contemporary dwellings of the 21st century.

The locality is well vegetated with mature trees located on both private land and in the public realm.



Figure 3: View of the two-storey detached located at 118 Kenilworth Road, south of the subject land.



Figure 4: View of the two-storey detached located at 130 Kenilworth Road, south of the subject land.



Figure 5: View of the group dwellings at 111 Kenilworth Road, north of the subject land.



Figure 6: View of the row dwellings sited on Blyth Street.

Locality Plan



Subject Land



Locality



Representor

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Verandah: Code Assessed - Performance Assessed
Dwelling addition: Code Assessed - Performance Assessed
Internal building work: Accepted
Dwelling alteration or addition
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Established Neighbourhood Zone - Table 5 - Procedural Matter (PM) - Notification - Clause 3(1) does not satisfy DPF 4.1 as the proposed exceeds Maximum Building Height (Metres) of 5.7m and Maximum Building Height (Levels) of 1 level and requires to be publicly notified.

• **LIST OF REPRESENTATIONS**

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
[REDACTED]	Do not support the development	Yes	Self

• **SUMMARY**

34 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. It is acknowledged that since the completion of public notification the plans have been altered, however it did not require the re-notification of the application. The representor was advised that they could provide an updated representation in support of his concerns regarding the amended plans. A copy of both representations can be found in **Attachment 2**.

The representor raised the following concerns:

- Siting of boundary walls;
- Offset from southern boundary from both the ground and upper level of the additions;
- Separation of dwelling from adjoining properties;
- Overall height of the dwelling and its proximity to the southern boundary;
- Excavation work required and the stability of land between the common boundary of 114 and 116 Kenilworth Road, Parkside;
- Overshadowing of 116 Kenilworth Road, Parkside;
- Visual bulk and scale when viewed from the adjoining property; and
- The plans are not drawn to scale.

The applicant provided a response to the representations. The response to representations was emailed through to the representor (refer **Attachment 3**).

AGENCY REFERRALS

Not required

INTERNAL REFERRALS

Not required

RULES OF INTERPRETATION

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide **Performance Outcomes (POs)** and **Desired Outcome (DOs)**.

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (**Designated Performance Feature or DPF**). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits

of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

PLANNING ASSESSMENT

The application has been assessed against the relevant policies of the **the Code**, the extracts generated by the DAP on 7 Oct 2022, which are found at the following link:

[Planning and Design Code Extract](#)

Land Use

The subject land is an existing residential property located within the Established Neighbourhood Zone, where Desired Outcomes (DO) are:

DO 1 – Established Neighbourhood Zone

A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

DO 2 – Established Neighbourhood Zone

Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

The proposal seeks to undertake alterations and additions to the existing detached dwelling on the site. The proposed dwelling additions are an envisaged form of development within the Established Neighbourhood Zone and is consistent with **PO** and **DPF 1.1** of the zone.

Built Form

Within the **Established Neighbourhood Zone**, and specifically the **Historic Area Overlay**, any new development should be designed in a manner that will maintain the predominant streetscape character within the locality. The proposal seeks to demolish the existing lean-to and construct a 110m² two storey dwelling addition to the rear of the dwelling, with the second level primarily contained within the roof space.

PO 4.1 – Established Neighbourhood Zone

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

PO 4.2 – Established Neighbourhood Zone

Additions and alterations do not adversely impact on the streetscape character.

DO 1 – Historic Area Overlay

Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 2.5 - Historic Area Overlay

Materials are either consistent with or complement those within the historic area.

PO 3.1 - Historic Area Overlay

Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.

PO 3.2 - Historic Area Overlay

Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.

Although the proposal exceeds the maximum building height of one level and 6m, as per **Designated Performance Feature (DPF) 4.1** of the **Established Neighbourhood Zone** the proposal has been designed and is of a scale that is sympathetic and compatible with the predominant single storey built form seen along Kenilworth Road.

As part of the Plan Set the applicant provided a survey plan of the ridge height to 114, 116 and 118 Kenilworth Road. Although the proposal will increase the overall height of the dwelling an addition 0.4m (overall height increased to 6.7m), it will be similar and compatible with the adjoining dwellings.

It is also of note that the dwelling additions proposed will predominantly be located to the rear of the existing dwelling behind the main hip of the existing roofline. The second level will be recessed from the primary and secondary street facades and mostly be contained within the roof space of the building. The second level will not detrimentally detract from the character of the existing dwelling and seeks to maintain a roof form and materials that is complementary to the existing dwelling on site, this satisfying the intent of **PO 4.1 & 4.2** of **Established Neighbourhood Zone** and **PO 1.1, 2.5 3.1 & 3.2** of **Historic Area Overlay**.

For the reasons detailed above, the upper storey addition is considered to be acceptable. The dwelling addition has been designed in a manner to not be readily noticeable feature in the locality when viewed from the public realm and will only be visible when in close proximity to the subject land (**Refer to Figure 7, 8 & 9**). The additions sufficiently maintains the character of the existing dwelling, as well as the locality, whilst making the dwelling more conducive to contemporary living, satisfying **DO 2** of **Established Neighbourhood Zone** and **PO 3.1** and **3.2** of **Historic Area Overlay**



Figure 7: View of the subject site viewed from the south from Kenilworth Road



Figure 8: View of the subject site viewed from the North from Kenilworth Road.



Figure 9: View of the subject site viewed from Blyth Street.

Setbacks

Boundary Walls

The proposed dwelling addition seeks to construct the ensuite to Bed 1 on the southern boundary for a length of 5.02m and a maximum height of 2.4m.

PO 7.1 – Established Neighbourhood Zone

Dwelling boundary walls and limited in height and length to manage visual and overshadowing impact on adjoining properties.

PO 7.1 of the **Established Neighbourhood Zone** seeks for buildings to be offset from side boundaries to provide separation between buildings in a manner that complements the established character of the locality and manages visual and overshadowing impacts to adjoining properties. The corresponding **DPFs** indicate that to satisfy the relevant **PO**, a minimum offset of 1m for the first building level should be provided.

The boundary wall has been limited in height and length and sited immediately abutting the carport to the adjoining property to reduce the visual impacts associated with boundary development and to manage overshadowing impacts. While boundary development is not anticipated within the **Established Neighbourhood Zone**, it has been designed in a manner which is sympathetic to the streetscape and the Historic Character in accordance with **PO 7.1**.

Side Setbacks

The proposed dwelling addition will result in a first level offset of 0.6m (with the exception of the boundary wall previously discussed) and a second level offset of 2.2m from the southern boundary. The proposal also does not satisfy the quantitative requirements of **DPF 8.1** of **Established Neighbourhood Zone** which seek for a minimum side boundary offset of 1m for the first building level and 3m for any second building level or higher.

PO 8.1 – Established Neighbourhood Zone

Buildings are set back from side boundaries to provide:

- a) *separation between buildings in a way that complements the established character of the locality;*
- b) *access to natural light and ventilation for neighbours.*

PO 2.4 - Historic Area Overlay

Development is consistent with the prevailing front and side boundary setback pattern in the historic area.

Although the quantitative requirements have not been satisfied, the reduced side boundary offsets are not considered to negatively impact the site and locality. The first level has been designed in a manner to reduce the visual bulk and scale of the wall when viewed from the adjoining property. The first level wall has a lower wall height of 2.4m with a pitched roof, leading to the bulk of the building, that introduces a material change and articulation. The second level dormer windows result in the reduce offset of 2.2m from the southern boundary this is considered to be a minor departure from the quantitative requirements of the Code. The shadow impacts from the reduced offset are considered to be minimal (discussed further below) and the dormer windows are limited to 3.5m in width and 1.9m in height to reduce the visual bulk and scale of the upper storey when viewed from adjoining properties.

For the reasons detailed above it has been considered that the proposed dwelling satisfies the intent of **PO 8.1** of **Established Neighbourhood Zone**. The offset from side boundaries provides separation between buildings in a manner that complements the established character of the locality and does not lessen the adjoining properties access to natural light and ventilation.

Overshadowing

Due to the east-west orientation of the subject land, overshadowing to the adjoining allotment to the south is inevitable. Notwithstanding the above, the shadows cast by the proposed addition are not considered fatal to the proposal.

The applicant provided two sets of overshadowing diagrams, one relating to shadows cast by the dwelling as it currently stands (labelled *Original Plan*), the second set relate to the proposed upper storey addition (labelled *Extension b*). It should be acknowledged that aerial shadow diagrams can exaggerate the shadows cast by the proposed development as they do not take into consideration the vertical height of the adjoining dwelling.

PO 3.1 - General Development Policies – Interface between Land Uses

Overshadowing of habitable room windows of adjacent residential land uses in:

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight;*
- b) other zones is managed to enable access to direct winter sunlight.*

PO 3.2 – General Development Policies – Interface between Land Uses

overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in

- a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight*

The overshadowing diagrams indicate that there will be no additional shadow impacts towards the north facing windows to 116 Kenilworth Road, as the result of the upper storey dwelling addition, as the northern windows of the adjacent dwelling are presently shadowed by the existing dwelling on site.

It is considered that the shadows cast by the proposed dwelling additions are not unreasonable and will not exacerbate the shadows currently cast over what is existing in accordance with **PO 3.1** and **3.2 -Interface between Land Uses**.

Overlooking

General Development Policies – Design in Urban Areas PO 10.1 states:

Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

The upper-level windows to the southern boundary (only) have been provided a window sill height a minimum of 1.5m above the upper-level Finish Floor Level to reduce the potential for overlooking to adjoining residential land uses within the neighbourhood type zone. The proposal adequately addresses overlooking in accordance with **PO 10.1 of General Development Policies – Design in Urban Areas**.

CONCLUSION

Whilst the development does not satisfy some of the Designated Performance Features set out in the relevant Performance Outcomes, these shortfalls are not considered to be detrimental to the locality or the historic characteristics of the area.

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered to be not seriously at variance with the Planning and Design Code and is considered to satisfy the provisions of the Planning and Design Code for the following reasons:

- On balance the proposed development is considered to satisfy the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies;
- The proposed dwelling has been designed to respect and complement the streetscape context and is not considered to unreasonably impact upon the adjacent properties in regards to bulk and scale and overshadowing; and
- Direct overlooking from upper-level habitable rooms windows is appropriately mitigated.

RECOMMENDATION

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 22034244, by Linda Holmwood 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.

Condition 3

The external materials and finishes of the dwelling addition shall match/be complementary to those of the associated dwelling and must be maintained in good condition at all times to the satisfaction of Council. All external paintwork must be completed within 2 months of the erection of the dwelling addition.

Condition 4

The fence, approved herein, must be finished in a colour to complement the existing dwelling. The pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council. All external paintwork must be complied with within two (2) months of the erection of the fence.

Condition 5

The upper-level south facing windows to habitable rooms of the dwelling shall be provided with fixed obscured glass to a minimum height of 1.5m from the FFL of the upper floor level, to minimise the potential for direct overlooking to adjoining properties and shall be installed upon substantial completion of the dwelling additions. The glazing in these windows will be maintained in a reasonable condition at all times to the satisfaction of the relevant authority.

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**.

OFFICER MAKING RECOMMENDATION

Name: Amelia De Ruvo

Title: Planning Officer

Date: 07/02/2023

DECISION REPORT

- REPORT TITLE:** City of Unley Council Assessment Panel – Meeting Schedule for 2023, Meeting Procedures, and Policy for Review of a Decision of the Assessment Manager.
- DATE OF MEETING:** 21 March 2023
- AUTHOR:** Sandy Beaton
- JOB TITLE:** Development Administration Officer
- ATTACHMENTS:**
1. Draft Unley Council Assessment Panel Meeting Procedures
 2. Unley Council Assessment Panel Policy for Review of a Decision of the Assessment Manager

RECOMMENDATION:

That:

1. The meetings of the Unley Council Assessment Panel (the Panel) for 2023 be set as:
 - 18 April
 - 17 May (Wednesday)
 - 20 June
 - 18 July
 - 15 August
 - 19 September
 - 18 October (Wednesday)
 - 21 November
 - 19 December
2. The Unley Council Assessment Panel Meeting Procedures as set out in Attachment 1 of this report be adopted.
3. The Unley Council Assessment Panel Policy for Review of a Decision of the Assessment Manager as set out in Attachment 2 be reaffirmed.

DISCUSSION

Meeting schedule

The meeting schedule for the rest of 2023 needs to be set. It is suggested that the Panel continue to meet on the third Tuesday of the month (subject to discussion below) which suits the meeting cycle of Council, has proven reasonable in terms of the

number of applications placed before the Panel, has generally been sufficient to adequately meet the demand for reporting and decision making under the Planning, Development, and Infrastructure Act.

The meeting schedule of the third Tuesday of the month clashes with two scheduled dates (May and October 2023) of Council's Audit Committee, that also uses the Council Chambers. For these two months, it is recommended that the Panel meet on the Wednesday of the week rather than bringing forward the Panel's meeting by one week (which in the past has tended to prove disruptive to reporting to the Panel).

Meeting procedures

The Panel is required to adopt Meeting Procedures for its new term. The recommended Meeting Procedures (refer to Attachment 1) reflect:

- Changes to the meeting start time to reflect current practice
- Simplified provisions (eg giving notice of meetings to the public and time frames for providing additional information)
- Removal of references to elected member representation to reflect the CAP Terms of Reference adopted by Council on February 27th 2023
- Removal of references to the former Development Act

CAP Policy for Review of a Decision of the Assessment Manager

The Planning, Development and Infrastructure Act enables decisions of the Assessment Manager to be requested (by the applicant) to be reviewed by the Panel. Attachment 2 sets out the current Policy to be followed by the Panel in considering such reviews. It is recommended that the Panel reaffirm the Policy which is included on Council's website and made known to applicants of development applications refused by the Assessment Manager (or their sub-delegates).

ATTACHMENT 1

MEETING PROCEDURES FOR THE UNLEY COUNCIL ASSESSMENT PANEL

Recommended Meeting Procedures

Guiding Principles

The Meeting Procedures of the Panel should:

1. be fair and contribute to open, transparent and informed decision-making;
 - i. encourage appropriate participation by applicants and representors as may be required under relevant legislation;
 - ii. reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - iii. be sufficiently certain to give applicants, representors and the general community confidence in the deliberations of the Panel;
2. Other than for relevant legislative requirements, including the Code of Conduct and the Panel's Terms of Reference, the Panel may determine its own procedures.
3. Interactions between Members of the Panel, the public in attendance, and Council staff at a meeting are to be courteous and respectful.
4. Members should act impartially and limit themselves to assessing an application strictly in accordance with the Act and the provisions of the Development Plan and Planning and Design Code, with due regard to relevant matters such as representations, characteristics of the locality, and case law.
5. The Panel should meet at a time, day and frequency that facilitates the timely and efficient processing of development applications in an open and accessible way.
6. Members should respectfully follow the directions and guidance of the Presiding Member.
7. Members of the public are entitled to reasonable and free access to agendas and minutes of the meetings of the Panel.

Meetings

8. The Panel will meet at the Unley Civic Centre at Oxford Terrace, Unley on the third Tuesday of each month (unless a meeting is not required, or a special meeting is called) commencing at 6.00 pm.
9. The Assessment Manager, in consultation with the Presiding Member, may determine, in circumstances of restricted public gatherings, to hold Panel meetings using electronic means.

Note: In those circumstances, the Assessment Manager will cause the meeting to be

live streamed for viewing by the public, including issuing details of how to access the live stream by representatives, applicants, and the public.

Notice of the Meeting

10. Each Member of the Panel will be given notice of a meeting at least five (5) working days before the date of the meeting.
11. The notice, issued under the authority of the Assessment Manager, will be given to each Member by email to an address nominated by the Member which sets out the date, time and place of the meeting and contains a link to the agenda for the meeting.
12. Hard copy of plans for the meeting, as determined necessary by the Assessment Manager, will be posted to each Member at a postal address nominated by the Member.
13. The Assessment Manager will give notice to the public of the times and places of meetings of the Panel by uploading a copy of the agenda for viewing on the Council's website at least three (3) working days before the meeting.
14. A special meeting of the Panel may be called by the Assessment Manager. Notice of a special meeting of the Panel must be given in the same manner as notice for an ordinary meeting of the Panel, other than Members may be given no less than 24 hours notice.

Commencement of Meeting and Quorum

15. A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present.
16. If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member (or in their absence, the Assessment Manager) will adjourn the meeting to a specified day and time.
17. A quorum for a meeting of the Panel is three (3) members.
18. If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting the Assessment Manager may adjourn the meeting to a specified day and time.
19. If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minute book the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.

20. If a meeting is adjourned, the Assessment Manager will:

- i. give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
- ii. give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at Council's Administration Centre.

When a Deputy Member is to attend a Panel Meeting

21. A Member, unless unavoidable, should give at least one (1) clear days' notice to the Assessment Manager of their unavailability to attend a meeting. In that event, the Assessment Manager will notify the relevant Deputy Member to attend and participate in that entire meeting.

22. If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Assessment Manager will notify the Deputy Member to attend the meeting and participate for that item only.

Public access to Meetings

23. Members of the public are entitled to attend a meeting of the Panel other than as set out below.

24. The Panel will ordinarily exclude the public from attendance at a meeting during so much of the meeting as is necessary to receive, discuss or consider in confidence matters listed under Regulation 13 (2) of the PDI (General) Regulations 2017.

Note: Such matters will tend to relate to legal advice, or information relating to litigation.

25. The Panel may also exclude the public from attendance at the meeting during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel and which may involve such considerations as public interest, personal safety or security, maintenance of the law, trade secrets etc.

26. The Assessment Manager may, after consultation with the Presiding Member, indicate on a document or report to Members that the Panel may consider the matter in confidence pursuant to Regulation 13 (2) of the PDI (General) Regulations 2017 provided that the Assessment Manager must also specify the basis on which a decision could be made by the Panel in accordance with that Regulation.

27. At the meeting of the Panel, the Panel Members will consider if it is necessary and appropriate to exclude the public in accordance with clause 25 above.
28. Before excluding the public from a meeting of the Panel, the Panel must formally determine, whilst in public session, whether the exclusion is necessary and, if so, pass an appropriate resolution to exclude the public during discussion of the item.
29. The grounds for exclusion of the public are to be recorded in the minutes of the meeting and communicated to the members of the public in attendance at the meeting at the time they are requested to leave the meeting.
30. At the conclusion of the discussion in relation to a confidential item, the Panel will consider whether it is necessary to determine whether any document associated with the confidential item is to remain confidential.

Voting

31. Each Member present at a meeting of the Panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
32. The above clause does not apply to a person who is taken to be a Panel Member under section 85 of the PDI Act.
33. All decisions of the Panel will be made based on a simple majority decision of the Members present.
34. Subject to a Member having a direct or indirect personal or pecuniary interest in accordance with the Code of Conduct adopted by the Minister under the PDI Act, each Member present at a meeting of the Panel must vote on a question arising for decision.

Minutes

35. The Assessment Manager will ensure that accurate minutes are kept of the Panel's proceedings.
36. The Panel may, before it releases a copy of any minutes, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.
37. Minutes will be made available to a Member within 5 business days after their adoption by the Panel.
38. The minutes of the proceedings of a meeting will be submitted for adoption at the next meeting of the Panel or, if that is omitted, at a subsequent meeting.
39. On the confirmation of the minutes, the Presiding Member will:
 - i. iv. initial each page of the minutes, which pages are to be consecutively numbered; and
 - ii. v. place their signature and the date of confirmation at the foot of the last page of the minutes.

40. The minutes of the proceedings of a meeting will include:

- i. the disclosure by a Member of a direct or indirect pecuniary interest required by the Code of Conduct or under the Act;
- ii. the names of the Members present at the meeting;
- iii. in relation to each Member present;
- iv. the time at which the person entered or left the meeting;
- v. unless the person is present for the whole of the meeting, the point in the proceedings at which the person entered or left the meeting;
- vi. the names of the mover and seconder of a motion or amendment.
- vii. whether a motion or amendment is carried or lost;
- viii. details of the making of an order to exclude the public to consider matters in confidence;
- ix. details of any adjournment of business; and
- x. any other matter required to be included in the minutes under the Act.

Any Other Business

41. A Member may raise a matter that has been deferred by the Panel, is currently before the Courts, or is a general procedural matter as it applies to the assessment of applications by the Panel.

42. The Presiding Member may:

- i. if necessary, allow the reply or response to the matter raised to be given at the next meeting.
- ii. rule that the matter raised is not relevant to the business of the Panel or is not in keeping with the purpose of Any Other Business as defined above.

Debate and Motions

43. The Presiding Member will call for comment/discussion in the first instance on a matter presented to the Panel for determination, with each Member provided the opportunity to speak.

44. After such opportunity to speak, the Presiding Member will call for a motion to enable the Panel to determine the matter.

45. A motion will lapse if it is not seconded at the appropriate time.

46. The Presiding Member may refuse to accept a motion if the subject matter is, in their opinion, beyond the power of the Panel.
47. The mover of a motion or amendment may, with the consent of the seconder, request leave of the Presiding Member to vary, alter or withdraw the motion or amendment.
48. At the end of discussion, the original motion (or as amended) will be put to a vote by the Presiding Member. If carried, the Panel has determined the matter. If lost the Presiding Member will call for an alternate motion to be moved and seconded to enable the Panel to determine the matter.
49. Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand.
50. The Presiding Member will then declare the outcome of the matter.

Note: The above debate, calling for a motion, and voting procedure will also be followed by the Panel for deliberations on Review Hearings.

Declaration of Conflict of Interest

51. If a Member leaves a Panel meeting for reason of that Member's interest declared in accordance with the PDI Act or the Code of Conduct, the Panel Member must state the reason for leaving, immediately prior to leaving the meeting.

Points of Order

52. The Presiding Member may call to order a Member who is in breach of these Procedures.
53. A Member may draw to the attention of the Presiding Member such a breach and must state briefly the nature of the alleged breach.
54. The Presiding Member will rule on a point of order before continuing with the business of the meeting.
55. Suspected breaches of the PDI Act or the Code of Conduct should be reported in writing to the State Planning Commission in accordance with the PDI Regulations.

Interruption of Meetings by Panel Members

56. A Member while at a meeting should not:
 - i. Behave in an improper or disorderly manner;
 - ii. cause an interruption or interrupt another Member who is speaking;
 - iii. behave in a manner which is disrespectful to other Members, staff or the public;
 - iv. disobey a direction of the Presiding Member.

57. If the Presiding Member considers that a Member may have acted in contravention of the above, the Member will be allowed to make a personal explanation.
58. After making such an explanation, the relevant Member will leave the meeting while the matter is considered by the Panel.
59. If the remaining Members resolve that a contravention of clause 54 has occurred, those Members may, by resolution:
 - i. censure the Member; or
 - ii. suspend the Member for a part, or for the remainder, of the meeting.

Addresses by Members

60. A Member may speak for up to five (5) minutes at any one time on an item of business of the Panel.
61. The contribution of a Member must be relevant to the subject matter of the discussion.

Addresses by Members of the Public

62. The Panel will hear:
 - a. valid representors or their representative (as a result of giving public notification) who request to be heard.
 - b. the applicant or their representative, in response to representors who are heard.
 - c. the applicant (or representative) where Members have any questions of the applicant which may assist them in assessing the proposal.
 - d. the applicant when there is a review request of the Panel in relation to a decision of the Assessment Manager.
63. Representors and applicants will be allowed up to five (5) minutes each to address the Panel.
64. The Presiding Member will restrict submissions not related to the planning issues of the particular matter.
65. Representors, or their nominated spokesperson, will speak first followed by the applicant who will be invited to respond to the points made by the representors.
66. Members may ask, through the Presiding Member, the representors or applicant questions to clarify points.
67. Any person who has not indicated on their representation that they wish to be heard may only be heard at the Panel meeting at the discretion of the Presiding Member.

Additional Information

68. Additional information submitted after distribution of the meeting agenda, and before a meeting, must be submitted to the Assessment Manager no later than 12pm two (2) business days prior to the Panel's meeting so that it may be verified and distributed to Members and other affected parties.
69. Additional information submitted at the Panel meeting will not normally be considered unless the Presiding Member in their discretion allows the consideration of the additional information. Such additional information should be circulated to other affected parties present at the meeting.

Site Visits

70. Subject to compliance with the Code of Conduct, Members are expected to undertake a site inspection in relation to any development assessment matter presented to the Panel for determination.
71. If Members believe entry to the subject land would be a useful component of the assessment process and would assist their understanding of the proposal, the Panel should request that the Assessment Manager make suitable arrangements for such an inspection.
72. The Panel will undertake the inspection on the date determined by the Assessment Manager and the applicant.

Assistance from the Assessment Manager and Additional Members

73. At its discretion, the Panel can call for and hear professional advice from the Assessment Manager or planning staff at the meeting.
74. Where a Member disagrees with a recommendation put forward by the Assessment Manager, they may seek the assistance of the Assessment Manager in the wording of, but not the substance of, an alternate resolution.

Deferrals

75. In the interests of expeditious decision-making, if all information is before the Panel, a decision will be made at the meeting the matter is considered.
76. The Panel may defer the matter to:
 - i. enable further information to be obtained to fully address matters raised during consideration of the matter.
 - ii. allow Members and representors time to adequately consider further information received from the applicant after the circulation of agendas.

- iii. allow the applicant and representors, if both parties are inclined, to attempt to resolve differences.

Note: The PDI Act imposes a duty upon a planning authority to deal with an application within specified time frames, failing which a deemed consent notice may be served on Council.

Training and Development

77. As and when required, Members will attend training sessions aimed at enhancing the Members' capability and understanding of their role and responsibilities, and to comply with their continuing professional development obligations under the PDI (Accredited Professionals) Regulations 2019.

Review of Procedures

78. The Panel will review these procedures on an annual basis

Reports to Council

79. The Panel shall present an Annual Report to the Council no later than September of each year in respect of the following matters –
 - a. the number of meetings held and the attendance of Members;
 - b. the number and range of matters considered by the Panel, in terms of applications approved, refused, or deferred by the Panel, and appeals lodged against the decisions of the Panel, including a comparison with previous years;
 - c. the adjournment of consideration of development applications;
 - d. any matter, including policy provisions, that would improve the effectiveness of, or expedite, the decisions of the Panel; and
 - e. any other matters upon which the Panel thinks fit to report

Panel Review of a Decision of the Assessment Manager

80. The Panel has adopted a Policy setting out the way it will review a decision of the Assessment Manager in respect to certain defined matters. An applicant wishing to lodge an Application for Review should refer to the Policy.

ATTACHMENT 2

PANEL REVIEW OF A DECISION OF THE ASSESSMENT MANAGER

Policy Type:	Council Assessment Panel Policy
Responsible Department:	Development & Regulatory Services
Responsible Officer:	Team Leader Planning
Related Policies and Procedures	CAP Meeting Procedures
Date Adopted	16 March 2021

1. LEGISLATIVE FRAMEWORK

This Policy applies in addition to the statutory requirements for the review by the Panel of a decision of the City of Unley Assessment Manager as set out in the Planning, Development and Infrastructure Act.

2. COMMENCING A REVIEW

2.1. An application for review of a decision of the Assessment Manager must relate to:

- 2.1.1. any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application or to the granting of a development authorisation;
- 2.1.2. a decision to refuse to grant development authorisation to an application; or
- 2.1.3. the imposition of conditions in relation to a grant of development authorisation.

2.2. The application for review may only be commenced by the applicant of the development (or owner of the subject land) and must be:

- 2.2.1. Made on the Form attached to the Policy and lodged in the manner outlined on that form;
- 2.2.2. The necessary statutory fee paid, and
- 2.2.3. Lodged within one month of the applicant receiving notice of the decision of the Assessment Manager, unless the Presiding Member grants an extension of time.

2.3. At the time of lodging the application for review, the applicant may present for the Panel's consideration, advice or opinion of a legal or specialist professional nature in support of the review.

2.4. On review, the Panel will consider the matter in question afresh.

3. MATERIALS FOR REVIEW HEARING

- 3.1. Upon receiving an application for review of a decision, the Assessment Manager will collate for the Panel all materials which were before the Assessment Manager (or delegate) at the time of the decision on the matter, including:
 - 3.1.1. All documentation and plans submitted by the applicant;
 - 3.1.2. Internal and external referral responses;
 - 3.1.3. Any assessment report written for the Assessment Manager; and
 - 3.1.4. Any assessment checklist used by the Assessment Manager or delegate.
- 3.2. The Assessment Manager will prepare a covering report to the collated information setting out the details of the relevant development application, the nature of the review being sought, and the reasons for the decision made. Additional information may be included by the Assessment Manager in response to any further advice or opinion submitted by the applicant as part of the review.
- 3.3. The Assessment Manager will present the report, together with the collated information, to the Panel for a review hearing within 6 weeks of the review application being lodged by the applicant.

4. REVIEW HEARING

- 4.1. The Assessment Manager will give the applicant at least five business days' notice of the date and time of the Panel meeting at which the review application will be heard.
- 4.2. The Panel will hold the review hearing in public unless requested to be held in confidence by the applicant.
- 4.3. The Panel will give the applicant (or his representative) five minutes to address the Panel in support of the matter, after which Members may ask questions or seek clarification from the applicant.
- 4.4. The Assessment Manager or his delegate will be present at the meeting to respond to any questions or requests for clarification from Members.
- 4.5. The decision-making process on the review hearing will follow those set out in the Panel's Meeting Procedures.

5. OUTCOME OF REVIEW

- 5.1. The Panel may determine to:
 - 5.1.1. Affirm the Assessment Manager's decision;
 - 5.1.2. Vary the Assessment Manager's decision;
 - 5.1.3. Set aside the Assessment Manager's decision and substitute its own decision;
 - 5.1.4. Defer its decision if it considers it requires additional time or information to make its decision
- 5.2. The applicant will be advised in writing of the Panel's decision by the Assessment Manager or delegate.