

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 15 March 2022
at Civic Centre, Council Chambers**

KAURNA ACKNOWLEDGEMENT

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

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna.**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

*Kurna Translation provided by Kurna Warra Karrpanthi

PRESENT:

Mr Brenton Burman
Ms Colleen Dunn
Mr Michael McKeown
Mr Ross Bateup
Dr Jennifer Bonham

APOLOGIES:

Mrs Emma Wright

OFFICERS PRESENT:

Mr Don Donaldson, Assessment Manager
Ms Chelsea Spangler, Planning Officer
Mr Mark Troncone, Planning Officer
Ms Lily Francis, Administration Officer

CONFLICT OF INTEREST:

Dr Jennifer Bonham declared a perceived conflict of interest in relation to Item 3 – due to having a discussion with the applicant regarding the application in her role as an Elected Member.

CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Ross Bateup

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 8 February 2022 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/237/2021/C2 – 23 RIVERDALE ROAD, MYRTLE BANK SA 5064 (FULLARTON)

Phil Harnett from URPS on behalf of the applicant Mpire Holdings Pty Ltd, spoke in support of the application. Sam Cassar from Symatree Pty Ltd addressed the Panel as Council's Consultant Arborist.

MOVED: Michael McKeown

SECONDED: Jennifer Bonham

That Development Application 090/237/2021/C2 at 23 Riverdale Road, Myrtle Bank SA 5064 for Land Division (Torrens Title) to create 3 allotments from 1 existing allotment, construct 2 two-storey semi-detached dwellings with garages and verandahs and 1 two-storey storey detached dwelling with verandah and garage on boundary and combined fencing and retaining walls up to 2.6m in height is not seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

1. The proposed development has not been designed to minimise adverse effects on Regulated and Significant trees.
2. The existing Regulated tree would pose an unacceptable risk to private safety due to the design and siting of the development.
3. There are alternative development options and design solutions available to the applicant to minimise adverse effects on the health and longevity of the Regulated and Significant trees.
4. The form and appearance of Dwellings 1 and 2 have not been sensitively designed to complement the local area.

5. The double garaging and wide crossover of Dwellings 1 and 2 has not been designed to be subservient in scale nor reinforce the prominence of the associated dwellings.
6. The proposal is at variance to the following provisions of the Unley Development Plan:
 - Council Wide Objective 1, 2 and 3 of the Regulated and Significant Tree Section;
 - Council Wide Principle of Development Control 1, 2, 5, 6, 7, 8, 9 and 10 of the Regulated and Significant Tree Section.
 - Residential Zone Objective 2, 3 and 4 and Desired Character Statement
 - Council Wide Objective 3 of the Residential Development Section
 - Council Wide Principle of Development Control 15 and 29 of the Residential Development Section

CARRIED UNANIMOUSLY

ITEM 2
DEVELOPMENT APPLICATION – 21031732 – 202 WATTLE STREET MALVERN SA
5061

Mr Edward Hartley, representor, addressed the panel in regards to the abovementioned application. Fabian Barone from Future Urban on behalf of the applicant Urban Habitats, spoke in support of the application.

MOVED: Ross Bateup

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21031732, by Urban Habitats is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

The following information shall be submitted for further assessment and approval by the City of Unley as reserved matters under Section 102(3) of the *Planning, Development and Infrastructure Act 2016*:

- Revised drawings be provided detailing the reduction of the boundary wall height by 200mm. Additional information should also be provided regarding the structural integrity of the existing wall.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserve matters outlined above.

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

That the northern side of the upper level addition be fixed with the metal mesh screening, 1.5m above floor level and a minimum 25% openings. The screen is to be erected prior to occupation and be kept in place and well maintained at all times.

Condition 3

Details of on-site stormwater detention and retention shall be provided to the satisfaction of Council prior to issue of Development Approval. The details shall accord with the recommendations of Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017.

Condition 4

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

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—

* Denotes Change

- i. until the appeal is dismissed, struck out or withdrawn; or
- ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

Advisory Note 1

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.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 21024746 – 89 FERGUSON AVENUE MIRTLE BANK SA 5064

Dr Jennifer Bonham left the meeting at 7:02pm due to a declared perceived conflict of interest.

Ms Kris & Mr Paul Lloyd, representor, addressed the panel in regards to the abovementioned application. Tom Game from Botten Levinson on behalf of the applicant Joshua Tirrell, spoke in support of the application.

MOVED: Colleen Dunn

SECONDED: Michael McKeown

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 21024746, by Architects Ink is granted Planning Consent subject to the following reserved matter and conditions:

The following information shall be submitted for further assessment and approval by the City of Unley as reserved matters under Section 102(3) of the *Planning, Development and Infrastructure Act 2016*:

- A detailed stormwater management system and computations for the development that satisfies the requirements of the Stormwater Management Overlay of the Planning and Design Code.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserve matters outlined above.

CONDITIONS

Planning Consent

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The landscaping approved herein shall be planted prior to occupation of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.
3. Stormwater must be disposed of in such a manner that it does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
4. The tree protection measures for Tree 3 outlined in the recommendations of the Arboricultural Impact Assessment and Development Impact Report prepared by the Arborman Tree Solutions dated 12 November 2021 shall be undertaken during demolition and construction of the development to the satisfaction of Council's arborist.

ADVISORY NOTES

General Notes

1. The applicant is reminded that the cost for the removal of the street tree is to be borne by the applicant and includes the removal cost, the cost of planting a replacement tree including future maintenance, and the loss of amenity value. The cost is to the value of \$750.00.
2. 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.

3. 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.
4. 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.
5. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

CARRIED UNANIMOUSLY

Dr Jennifer Bonham returned to the meeting at 7:18pm.

ITEM 4

DEVELOPMENT APPLICATION – 21023135 – 26 CHELTENHAM STREET HIGHGATE SA 5063

Mr Peter & Ms Kathryn Schulze, representor, addressed the Panel in regards to the abovementioned application. Graham Burns of MasterPlan on behalf of the applicant Daniel Collins, spoke in support of the application.

MOVED: Michael McKeown

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21023135, by Daniel Collins and Sara Collins is granted Planning Consent subject to the following reasons/conditions/reserved matters:

The following information shall be submitted for further assessment and approval by the City of Unley as reserved matters under Section 102(3) of the Planning, Development and Infrastructure Act 2016:

- An engineered site drainage plan shall be provided to Council for consideration prior to issue of Development Approval.
- Revised drawings be provided detailing changes to external colours (change from Basalt to a lighter tone).

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserve matters outlined above.

CONDITIONS

Planning Consent

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All stormwater from the building and site shall be disposed of so as not to adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.
3. That all upper floor windows aside from the north and west facing (street elevations) be treated to avoid overlooking prior to the occupation being fitted with permanently fixed non-openable translucent glazed panels (not film coated) to a minimum height of 1500mm above floor level with such translucent glazing to be kept in place at all times.
4. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
5. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

ADVISORY NOTES

General Notes

1. Access to the outbuilding from Staunton Avenue, is subject to an agreement between SA Power Networks and the land owners of 26 Cheltenham Street, Highgate being reached with the land owners to be solely responsible for any costs associated with the relocation of the stobie pole.
2. The land owners will be required to apply to Council for a Section 221 permit for the new crossover once the agreement with SA Power Networks is in place.
3. 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.
4. 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.

5. 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.
6. 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).
7. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

CARRIED UNANIMOUSLY

OTHER BUSINESS

The Presiding Member on behalf of the panel, expressed thanks for the assistance and support given to the Panel by Lily Francis.

MATTERS FOR COUNCIL CONSIDERATION

Nil

The Presiding Member declared the meeting closed at 7:43pm.

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

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 19 April 2022