

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 8 February
2022 at Civic Centre, Council Chambers**

APPOINTMENT OF A PRESIDING MEMBER:

The Assessment Manager called for nominations for an Acting Presiding Member in the absence of Mr Brenton Burman.

Mr Ross Bateup, nominated Ms Carol Muzyk.

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:

Ms Colleen Dunn
Mrs Emma Wright
Mr Michael McKeown
Mr Ross Bateup
Ms Carol Muzyk

APOLOGIES:

Mr Brenton Burman (Presiding Member)

OFFICERS PRESENT:

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

* Denotes Change

CONFLICT OF INTEREST: Nil

CONFIRMATION OF MINUTES:

MOVED: Emma Wright

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 18 January 2022 as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 1

DEVELOPMENT APPLICATION – 090/193/2021/C2 – 13 ROSE TERRACE, WAYVILLE SA 5034 (GOODWOOD)

Mrs Marika Herrmann, Dianne Farrell on behalf of Peter Godfrey (Triciagod Pty Ltd), representors, addressed the Panel. Mr James Levinson on behalf of the applicant, spoke in support of the application.

MOVED: Ross Bateup

SECONDED: Michael McKeown

Recommendation 1

That Development Application 090/242/2021/DIV at 11A Rose Terrace, Wayville SA 5034 for land Division - Torrens Title - create one (1) additional allotment is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Land Division Consent, Planning Consent and Development Approval for the following reasons:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.

STATE COMMISSION ASSESSMENT PANEL CONDITIONS:

2. The financial requirements of SA Water Corporation shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

3. Payment of \$7761.00 into the Planning and Development Fund (1 allotment @ \$7761.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certification purposes.

Recommendation 2

That Development Application 090/193/2021/C2 at 13 Rose Terrace, Wayville SA 5034 for demolition of existing dwelling and construction of two (2) two-storey semi-detached dwellings including verandahs, garages, fencing and landscaping is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent for the following reasons:

RESERVED MATTERS

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

- Amended plans showing 'shale grey' or similar colour for the roof, fascia, downpipes and gutters shall be provided to Council for approval prior to issue of the Development Approval.

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 side and rear upper floor windows shall be treated to avoid overlooking prior to occupation by being fitted with either permanently fixed non-openable obscure glazed panels or solid privacy screens to a minimum height of 1700mm above floor level with such glazing or screens to be kept in place at all times. Details of privacy treatments shall be provided to the reasonable satisfaction of Council prior to Development Approval.
3. 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,

* Denotes Change

tend and nurture the landscaping and replace any plants which may become diseased or die.

4. All stormwater from the building and site shall be disposed of so as to not 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.
5. The total stormwater volume requirement (detention and retention) for the development herein approved shall be determined in accordance with the volume requirements and discharge rates specified in Table 3.1 and 4.1 in the City of Unley Development and Stormwater Management Fact Sheet dated 15 January 2017. Further details shall be provided to the satisfaction of Council prior to issue of Development Approval.

NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- 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.
- 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**.
- 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.
- That any necessary alterations to existing public infrastructure (stobie poles, lighting, traffic signs and the like) shall be carried out in accordance with any requirements and to the satisfaction of the relevant service providers.

CARRIED

ITEM 2

DEVELOPMENT APPLICATION – 824/2020/C2 AND 214/2021/C2 – 15 AVENUE STREET, MILLSWOOD SA 5034 (UNLEY PARK)

Mr Anton Johnson and Mr Syd McDonald on behalf of Trevin and Dianne Love, representors, addressed the Panel. Garth Heynen, of Heynen Planning, addressed the Panel in support of the application.

MOVED: Michael McKeown

SECONDED: Emma Wright

That Development Application 214/2021/C2 at 15 Avenue Street, Millswood SA 5034 for the 'Demolition of existing dwelling and construction of single storey dwelling and swimming pool', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The environmental impacts on Brownhill Creek have not be adequately addressed.

- The rear and side setbacks are inadequate and will compromise the amenity of the adjoining neighbours and the streetscape (Council Wide Residential Development PDC 13).
- The scale of the proposed dwelling has not been designed to positive contribute to the Desired Character of the Residential Streetscape (Built Form) Zone and Policy Area 9 (Spacious); and
- The site coverage exceeds the provisions of Council Wide Residential Development PDC 16 and 17.

CARRIED

MOVED: Michael McKeown SECONDED: Emma Wright

That Development Application 824/2020/C2 at 15 Avenue Street, Millswood SA 5034 for the 'Construction of single storey dwelling and swimming pool', is at variance with the provisions of the City of Unley Development Plan and should be REFUSED Planning Consent for the following reasons:

- The garage of the proposed dwelling is not a minor streetscape element and is considered to detract from the appearance of the existing and proposed dwellings and the prevailing streetscape (Residential Streetscape (Built Form) Zone PDC 14).
- The rear and side setbacks are inadequate and will compromise the amenity of the adjoining neighbours and the streetscape (Council Wide Residential Development PDC 13).
- The scale of the proposed dwelling has not been designed to positive contribute to the Desired Character of the Residential Streetscape (Built Form) Zone and Policy Area 9 (Spacious); and
- The site coverage exceeds the provisions of Council Wide Residential Development PDC 16 and 17.

CARRIED

ITEM 3

DEVELOPMENT APPLICATION – 21024032 48 FERGUSON AVE MYRTLE BANK SA 5064

Mr Sandy Wilkinson, representor, addressed the Panel. Mr Simon Channon from URPS, spoke in support of the application.

MOVED: Emma Wright 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 21024032, by Steven Fakkas is granted Planning Consent subject to the following reserved matters and conditions:

* Denotes Change

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:

- Amended plans showing the swimming pool location a minimum of one metre from the western side boundary be provided to Council prior to issue of Development Approval.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

The approved landscaping shall be established within 12 months of occupation of the dwelling and shall be irrigated, maintained and nurtured with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

Condition 3

That waste water from the swimming pool shall be discharged to the sewer, and not be allowed to flow onto adjoining properties or the street water table under any circumstances.

Condition 4

That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

Condition 5

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 6

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 7

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

Planning Consent

Advisory Note 1

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 2

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

Advisory Note 3

That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.

Advisory Note 4

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.

CARRIED UNANIMOUSLY

ANALYSIS OF PLANNING AND DESIGN CODE APPLICATIONS ASSESSED UNDER DELEGATION OF THE PANEL

MOVED: Colleen Dunn

SECONDED: Ross Bateup

That:

1. The recommendations of the Report be adopted.
2. The Panel continue to receive half yearly reports of matters determined under its delegation to the Assessment Manager.

CARRIED UNANIMOUSLY

OTHER BUSINESS

MATTERS FOR COUNCIL CONSIDERATION

The Acting Presiding Member declared the meeting closed at 8:22pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 15 March 2022.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday, 15 March 2022