

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Wednesday January 29th 6:00PM
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 Will Gormly
Professor Mads Gaardboe (Deputy)

APOLOGIES:

Mr Terry Sutcliffe

OFFICERS PRESENT:

Mr Tim Bourner, Assessment Manager
Ms Amelia DeRuvo, Senior Planning Officer
Mr Nicholas, Bolton, Planning Officer
Ms Hannah Leadbeter, Cadet Planning Officer
Ms Sandy Beaton, Development Administration Officer

ITEM 3 - CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Prof Gaardboe

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday 19 November 2024, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 5.1 – 5 Regent Street, Millswood SA 5034 - 24033919

James Hilditch from Hilditch Lawyers and Dr Dean Nicolle from Calyptra Pty Ltd, supported by Ben Mountford from Mountford Williamson Architecture spoke on behalf of the owners in support of the application.

MOVED: Will Gormly

SECONDED: Prof Gaardboe

The Council Assessment Panel confirms that pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken a review of the decision of the Assessment Manager, the application is NOT seriously at variance with the provisions of the Planning and Design Code

and resolves to:

set aside the decision of the Assessment Manager to refuse Development Approval for DA 24033919 and replace with an alternate decision as follows.

Development Application Number 24033919, by Alice Adamson is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council.

Condition 3

All stormwater from the building and site shall be disposed of so as not to adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

Condition 4

A Tree Protection Zone shall be provided for the significant tree at 3 Regent Street in accordance with the recommendations of the arborist report prepared by Calyptra Pty Ltd dated 8 July 2024 and any pruning of regulated or significant trees should be undertaken under the guidance of a qualified arborist.

Condition 5

As per the arborist report prepared by Calyptra Pty Ltd dated 8 July 2024 the following tree sensitive construction techniques must be adhered to within the designated TPZ:

- The footing for the proposed carport structure are piers or posts (not strip footings) throughout; and
- Any pier/post footings within the Structural Root Zone of the tree (3.7 metres radius from the centre of the tree) be excavated using a soil vacuum, with any roots greater than 80 mm in diameter retained with the location and size of the pier/posts holes adjusted to accommodate any such roots; and
- Any pier/post footings within the calculated Tree Protection Zone of the tree (9.7 metres radius from the centre of the tree) but outside of the Structural Root Zone of the tree can be excavated mechanically (i.e. drilled); and
- Rainfall falling on the roof of the proposed carport structure is directed back to the unsealed strip on each side of the existing concrete driveway, rather than being diverted to the Regent Street watertable or off site; and
- No sealing of the unsealed strip on each side of the existing concrete driveway, with those areas retained as garden beds to absorb rainwater directed there from the roof of the proposed carport structure.

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

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 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 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 6.1 – APPLICATIONS BEFORE THE ERD COURT – SUMMARY OF COURT APPEALS

The Assessment Manager provided an update on the following appeals lodged to the ERD Court

- 5 Regent Street, Millswood – Carport, Refused under Delegation

MOVED: Colleen Dunn

SECONDED: Will Gormly

That the report be noted and received.

CARRIED UNANIMOUSLY

OTHER BUSINESS:

Brenton thanked the panel for their time and input over the last two years and the support from staff.

The Presiding Member declared the meeting closed at 6:53pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 18 February 2025.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 18 February 2025