

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Wednesday March 18th 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 David Brown
Mr Terry Sutcliffe
Ms Yvonne Svensson

APOLOGIES:

OFFICERS PRESENT:

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

ITEM 3 - CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Terry Sutcliffe

That the Minutes of the City of Unley Council Assessment Panel meeting held on Wednesday 29 January 2025, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 4.1 – 5 Cedar Avenue, Unley Park SA 5061- 24038446

Greg Vincent from MasterPlan, on behalf of the representor, addressed the Panel regarding the above-mentioned application.

Gregg Jenkins from Future Urban, spoke on behalf of the Applicant and their client in support of the application.

MOVED: Yvonne Svensson

SECONDED:

It is recommended that the Council Assessment Panel resolve that:

Development application 24038446 by Urban Habitats is REFUSED planning consent due to the following reasons:

1. Does not contribute to the prevailing character of the area, building foot prints, height (Established Neighbourhood Zone PO 3.1 and PO 4.1). Impacts on rear allotment visual space between neighbours.
2. Does not sufficiently meet Established Neighbourhood Zone PO 4.2. Nor Historic Overlay PO 2.1, PO 2.2, PO 3.1 Additions and alterations are not to adversely affect the streetscape character. The addition is not within the roof face, is visible from the streetscape. Changes the dynamics of the streetscape- introducing substantial built rear height which is not evident in the area.
3. Does not meet Established Neighbourhood Zone PO 7.1. Walls on boundaries exceed height and length which impact on the visual intrusion to neighbours.
4. Does not achieve sufficient Architectural design detailing that compliments the prevailing character. Historic Overlay PO 2.3. Introduces new forms – particularly triangular and asymmetrical shapes (opposite to the symmetrical styling prevailing the area).
5. Does not sufficiently relate to the Historic Statement UN 24 in particular with Building Height and Materials.

The motion lapsed due to lack of a seconder

MOVED: Colleen Dunn

SECONDED: Terry Sutcliffe

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24038446, by Urban Habitats Pty. Ltd. is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

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

The permanently fixed obscure glazing as shown on the approved plans and elevation drawings forming part of this consent, must be installed prior to the commencement of use of the building. The permanently fixed obscure glazing must be maintained in good condition and must be maintained as effective privacy controls thereafter.

Condition 4

No groundwater is to be discharged into Council's stormwater system.

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

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

Condition 7

Noise generated from ancillary pool and/or spa equipment must not exceed specified noise levels to limit loss of amenity to adjoining properties. 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 8

Tree Protection Zones shall be provided for the significant tree on the adjoining site that are to be retained. The development must be undertaken in accordance with the recommendations of the arborist report prepared by Adelaide Tree Surgery, dated 28 January 2025, and any pruning of regulated or significant trees should be undertaken under the guidance of a qualified arborist.

Additionally:

- No major trenching shall occur within the Tree Protection Zone and no services shall traverse the Tree Protection Zone.
- All works within the Tree Protection Zone shall be undertaken using tree sensitive methodologies.
- Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
- Nothing shall be attached to the canopy of the trees by any means.
- It is recommended that the dead wood in the canopy be removed prior to construction and absolutely no live wood is to be removed.

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

Numerous parts of the Council area have low lying water tables. Where there is sub-surface development occurring, groundwater can be encountered. Issues related to the disposal of this groundwater, either temporarily or permanently, can cause damage to surrounding Council infrastructure and cause problems for adjoining landowners. Where groundwater is encountered during the construction of the development, it will be necessary for measures to be taken to ensure the appropriate containment and disposal of any groundwater.

Advisory Note 8

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:

- The killing or destruction of a tree; or
 - The removal of a tree; or
 - The severing of branches, limbs, stems or trunk of a tree; or
 - The ringbarking, topping or lopping of a tree; or
 - Any other substantial damage to a tree, (including severing or damaging any roots),
- and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 9

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

CARRIED

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

The Team Leader Planning provided an update on the following appeals lodged to the ERD Court

- No current appeals

MOVED: Colleen Dunn

SECONDED: Terry Sutcliffe

That the report be noted and received.

CARRIED

OTHER BUSINESS:

ITEM 9.1 – MEETING SCHEDULE, MEETING PROCEDURES, AND POLICY

MOVED: Terry Sutcliffe

SECONDED: Yvonne Svensson

That the Council Assessment Panel resolve That:

1. The report be received.
2. The meeting procedure document and review of assessment manager decision policy, as outlined in attachment 1 and 2 of the agenda be endorsed, following an administrative review.
3. The meetings of the Unley Council Assessment Panel (The Panel) for 2025 be set as:
 - 15 April
 - 20 May
 - 17 June
 - 15 July
 - 19 August
 - 16 September
 - 14 October
 - 18 November
 - 16 December

CARRIED UNANIMOUSLY

Tim discussed that a special CAP meeting may be called for April 29th. A formal call to meeting will be provided in due course.

The Presiding Member declared the meeting closed at 6:50pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 15 April 2025.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 15 April 2025