

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday 10 September 2024
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:

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

APOLOGIES:

Mr Brenton Burman

OFFICERS PRESENT:

Mr Gary Brinkworth, Assessment Manager
Mr Tim Bourner, Team Leader Planning
Ms Amelia DeRuvo, Senior Planning Officer
Mr Nicholas, Bolton, Planning Officer
Ms Lauren Cooke, Planning Officer
Mrs Ailar Zakeri, Cadet Planning Officer
Ms Sandy Beaton, Development Administration Officer

APPOINTMENT OF ACTING PRESIDING MEMBER:

In the absence of the Presiding Member, the Assessment Manager called for nominations for an acting Presiding Member.

MOVED: Colleen Dunn

SECONDED: Prof Gaardboe

That Terry Sutcliffe be appointed Acting Presiding Member for the meeting.

CARRIED UNANIMOUSLY

CONFLICT OF INTEREST:

Will Gormly declared a perceived conflict of interest for item 4.3, 55 Palmerston Road as the representor's consultant is known to him, and item 4.4, 7 Miegunyah Avenue as the applicant's consultant is known to him.

ITEM 3 - CONFIRMATION OF MINUTES:

MOVED: Colleen Dunn

SECONDED: Will Gormly

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday 16 July 2024, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 4.1 – 7 Thornber Street, Unley Park SA 5061- 24011525

Peter Warnecke, representor, addressed the Panel regarding the above-mentioned application.

Keith Rudkin, representor, addressed the Panel regarding the above-mentioned application.

Marc Duncan from Future Urban, spoke on behalf of the applicant in support of the application.

MOVED: Colleen Dunn

SECONDED: Prof Gaardboe

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 24011525, by Genworth Group C-/ Future Urban Pty Ltd is REFUSED Planning Consent subject to the following reasons:

REFUSAL REASON

Planning Consent

- The existing dwelling conforms with the values described in the Historic Area Statement and does not satisfy Historic Area Overlay PO 1.1.
- The existing dwelling's front elevation has not been substantially altered such that it cannot be reasonably restored in a manner consistent with the building's original style nor is the subject dwelling's structural integrity of safe condition been demonstrated to be beyond reasonable repair and therefore does not satisfy Historic Area Overlay PO 7.1.
- The subject dwelling conforms with the values described in the Historic Area Statement and does not satisfy the Historic Area Overlay PO 7.3.
- The proposed dwelling's built form does not satisfy Historic Area Overlay DO 1, PO 1.1, 2.2, 2.3, 2.4, or 6.2.

CONDITIONS

Planning Consent

Not required

ADVISORY NOTES

Planning Consent

Advisory Note 1

The applicant has the right of review and appeal pursuant to section 202 of the PDI Act 2016.

An appeal to the Court against a decision by the Council Assessment Panel must be made directly to the Environment, Resources and Development Court within 2 months of the applicant receiving this notice of decision. The Court is located at the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

CARRIED

ITEM 4.2 – 63 Sheffield Street, Malvern SA 5061 - 24009728

Nigel Uren, representor, addressed the Panel regarding the above-mentioned application.

Mark Rosenboom, representor, addressed the Panel regarding the above-mentioned application.

Fabian Barone from Future Urban, spoke on behalf of the applicant in support of the application.

MOVED: Will Gormly

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.

CARRIED UNANIMOUSLY

MOVED: Will Gormly

SECONDED: Prof Gaardboe

It is recommended that the Council Assessment Panel resolve that:

2. Development Application Number 24009728, by Sam Willcocks and Karen Bruce is GRANTED Planning Consent subject to the following conditions:

RESERVE MATTER

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (*or select stage of Development Approval*):

- Siteworks and Drainage Plan, prepared by Arke Engineering, is amended to include permeable paving to the driveway.

Note – Further conditions may be imposed on the Planning Consent in respect of the above 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

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 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 5

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 6

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

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 UNANIMOUSLY

ITEM 4.3 – 55 Palmerston Road, Unley SA 5061 - 23037157

Will Gormly left the meeting due to his perceived conflict of interest at 7:01pm

Marcus Rolfe from URPS on behalf of Heather Jones, representor, addressed the Panel regarding the above-mentioned application.

Sasha Aitken from Faculty Design, spoke on behalf of the applicant in support of the application.

MOVED: Prof Gaardboe

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.

CARRIED UNANIMOUSLY

MOVED: Prof Gaardboe

SECONDED: Terry Sutcliffe

It is recommended that the Council Assessment Panel resolve that:

2. Development Application Number 23037157, by Sasha Aitken 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

The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

Condition 5

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

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 development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 6

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 7

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 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.

CARRIED

ITEM 4.4 – 7 Miegunyah Street, Unley Park SA 5061 - 24003914

Peter Turley, representor, addressed the Panel regarding the above-mentioned application.

Marcus Rolfe from Future Urban, spoke on behalf of the applicant in support of the application.

MOVED: Colleen Dunn

SECONDED: Prof Gaardboe

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.

CARRIED UNANIMOUSLY

MOVED: Colleen Dunn

SECONDED: Prof Gaardboe

It is recommended that the Council Assessment Panel resolve that:

1. Development Application Number 24003914, by Michael Fogarty 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

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).

Condition 5

Construction of the development herein approved shall be in accordance with the recommendation(s) and construction methodology of the Project Green report dated 15 February 2024 and addendums to this report dated 19 August 2024 including the following summary:

- A project arborist should be appointed to oversee all works in the TPZ.
- The TPZ fencing must be established prior to any works on site commencing.
- Demolition machinery must work with caution by standing on hard surfaces and/or outside the TPZ, removing material in a retreating fashion away from the trees.
- The protective tree fencing must remain in place until all works in this development have been completed.
- Any retaining walls should be of pier and beam construction rather than strip footings without continuous trenching.
- Underground services are to be routed outside of the TPZ if possible. If underground services cannot be routed outside of the TPZ, they should be installed

using 'soft dig' methods such as hydro-excavation or direction boring under guidance of a project arborist.

- The new fence on the eastern boundary to utilize individual post in pier footings.
- A concrete plinth is proposed under the new fence. There should be no continuous trenching within the TPZ of the tree to install the plinth. The top organic layer only may be removed if required to install the concrete plinth.
- Paving should be installed without lowering of grade to reduce any excavation within the TPZ and disturbance of the tree's root system.

Condition 6

The permanently fixed privacy screens and obscure glazing a shown on the approved plans must be erected prior to the occupation of the dwelling and must be maintained as an effective privacy screen thereafter.

Condition 7

The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

Condition 8

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

Condition 9

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

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

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 6

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 7

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 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.

Advisory Note 9

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 10

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 11

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Asset Management department on 8272 511.

CARRIED UNANIMOUSLY

Will Gormly returned to the meeting at 7:43pm

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

- 7 Thornber Street, Unley Park – Demolition of a dwelling, Refused by CAP
- 5 Regent Street, Millswood – Carport, Refused under Delegation
- 80 Avenue Road, Highgate – Demolition of a dwelling, Refused under Delegation

MOVED: Colleen Dunn

SECONDED: Will Gormly

That the report be noted and received.

CARRIED UNANIMOUSLY

OTHER BUSINESS:

Administration has received a resignation from Iris Iwanicki. The Presiding Member thanked Iris for her contribution throughout her time on the panel.

The Assessment manager provided an update to the Panel following a Special Council meeting held on September 9th endorsing the recruitment of a fully independent panel beginning March 2025. This will remain the same as the current structure. Expressions of interest will open soon.

The Presiding Member declared the meeting closed at 7:49pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 15 October 2024.

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PRESIDING MEMBER

DATED / /

NEXT MEETING
Tuesday 15 October 2024