

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 11 October 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 (Presiding Member)  
Ms Colleen Dunn  
Mr Ross Bateup  
Ms Carol Muzyk (Deputy)  
Ms Emma Wright

**APOLOGIES:**

Mr Michael McKeown

**OFFICERS PRESENT:**

Mr Don Donaldson, Assessment Manager  
Mr Nicholas Bolton, Cadet Planning Officer  
Ms Amelia DeRuvo, Planning Officer  
Ms Sandy Beaton, Development Administration Officer  
Mr Gary Brinkworth, Manager Development and Regulatory

**CONFLICT OF INTEREST: Nil**

**CONFIRMATION OF MINUTES:**

MOVED: Colleen Dunn

SECONDED: Emma Wright

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 20 September 2022 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1 – UNIT 1-10 287-295 UNLEY ROAD, MALVERN SA 5061 – 22026775**

Peter Paleologos and Addison Burns, representors, addressed the panel regarding the above-mentioned application.

Olga Julanowska, representor, addressed the panel regarding the above-mentioned application.

Dimitrios Kyriakopoulos (applicant) and Darryl Ayris (owner of Fitstop), spoke in support of the application.

MOVED: Emma Wright

SECONDED: Carol Muzyk

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 22026775, by Dimitrios Kyriakopoulos 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 hours of operation of the premises must not exceed the following period:

- 5:15 am to 7pm Monday to Saturday

Any change to these hours will require a further development application

### Condition 3

The premise will not cater, nor accommodate, more than 14 patrons or trainers in total on site at any one time.

### Condition 4

Noise from the approved land use must be less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum at all times.

## ADVISORY NOTES

### Planning Consent

#### Advisory Note 1

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

#### Advisory Note 2

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 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.

#### Advisory Note 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.

#### Advisory Note 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.

#### Advisory Note 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).

**CARRIED UNANIMOUSLY**

**ITEM 2 – UNIT 1-2 96-98 KING WILLIAM ROAD, GOODWOOD SA 5034 – 22025237**

Lachlan Goddard spoke on behalf of Rhea Koumi, representor, addressed the panel regarding the above-mentioned application.

Marcus Rolfe (from URPS) and Lauren Sebastiani, (applicant) spoke in support of the application.

MOVED: Colleen Dunn

SECONDED: Carol Muzyk

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 22025237, by Lauren Sebastiani is GRANTED 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 hours of operation of the premises shall not exceed the following periods:

- 5:30am to 9:00pm Monday to Friday
- 6:00am - 3:00pm Saturday
- 7:00am – 2:00pm Sunday

**Condition 3**

Noise from the approved land use shall be less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum at all times.

**Condition 4**

That the indoor recreation studio shall not cater for more than 20 patrons on site at any one time.

**Condition 5**

When classes to the indoor recreation centre are being undertaken, all exterior doors to the tenancy shall not remain open

## ADVISORY NOTES

### Advisory Note 1

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 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.

### Advisory Note 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.

### Advisory Note 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.

### Advisory Note 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**

## **ITEM 3 – 21 CLIFTON STREET, MILLSWOOD SA 5061 – 22023655**

Nick Kopsaftis spoke on behalf of Valilios and Maria Kopsaftis, representor, addressed the panel regarding the above-mentioned application.

Amy Rutten and Brian Keena, applicant, spoke in support of the application.

MOVED: Carol Muzyk

SECONDED: Emma Wright

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 22023655, by Designtech Studio and Amy Rutten 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

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 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.

## ADVISORY NOTES

### Planning Consent

#### Advisory Note 1

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](http://www.lsc.sa.gov.au).

#### 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

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

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 5

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 6

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 7

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**

**ITEM 4 – 8 OAK AVENUE & 12 OAK AVENUE – 22025415 & 22023676**

MOVED: Emma Wright

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel reaffirm the Assessment Manager's decision to refuse DA 21009294 and DA 22025415.

**CARRIED UNANIMOUSLY**

**ITEM 5 – 15 AVENUE STREET, MILLSWOOD SA 5034 – 214/2021/C2 – INTO CONFIDENCE**

MOVED: Carol Muzyk

SECONDED: Emma Wright

It is recommended that the Council Assessment Panel resolve that:

That:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
  - Don Donaldson, Team Leader Planning
  - Nicholas Bolton, Cadet Planning Officer
  - Gary Brinkworth, Manager Development and Regulatory
  - Amelia De Ruvo, Planning Officer
  - Sandy Beaton, Development Administration Officer

on the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to

actual litigation or litigation that the Panel believes on reasonable grounds will take place.

**CARRIED UNANIMOUSLY**

**ITEM 5 – 15 AVENUE STREET, MILLSWOOD SA 5034 – 214/2021/C2**

MOVED: Colleen Dunn

SECONDED: Ross Bateup

It is recommended that the Council Assessment Panel resolve that:

The Environment Resources and Development Court be advised that regarding Development Application 090/214/2021/C2 at 15 Avenue Street, Millswood, that the Council Assessment Panel does support the compromise subject to the following conditions:

That Development Application 090/214/2021/C2 at 15 Avenue Street, Millswood SA 5034 to 'Demolition of existing dwelling and construction of single storey dwelling and swimming pool', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following reserved matter and conditions:

**RESERVED MATTERS:**

The following matter(s) have been reserved pursuant to Section 102 (3) of the Planning, Development, and Infrastructure Act 2016 and sub-delegated to Council planning staff for a determination, prior to the issue of Development Approval:

1. Prior to the issue of full Development Approval, the following shall be provided to the satisfaction of Council:
  - a. a detailed design of the works to the Brown Hill Creek for the portion that flows through the property
  - b. a plan detailing the rectangular channel of the creek, 5.5m wide with a channel base level of RL40.00 (2.75m clearance to the underside of the structure)

**CONDITIONS**

**Planning Consent**

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 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.



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.
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.
5. The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured at all times with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.
6. The dwelling and its supporting structure should be designed and constructed so that they act independently of the channel. This will enable future maintenance of the channel to be carried out (if it is required) without affecting the structure.
7. Any development on this site should include the necessary upgrade to the channel to provide capacity for the 1% AEP flow.
8. Where the dwelling is constructed over Brown Hill Creek, the underside of any supporting structure should be no lower than RL 42.75m and the finished floor level no lower than RL 43.05m
9. The dwelling and its supporting structure should be designed and constructed so that they act independently of the channel. This will enable future maintenance of the channel to be carried out (if it is required) without affecting the structure.
10. No walling or filling shall be undertaken within 2m of the creek of the proposed development.

**CARRIED**

**ITEM 5 – 15 AVENUE STREET, MILLSWOOD SA 5034 – 214/2021/C2 – OUT OF CONFIDENCE**

MOVED: Carol Muzyk

SECONDED: Ross Bateup

It is recommended that the Council Assessment Panel resolve that:

1. The report be received.
2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended

2.1 The Report and Attachments for Item 5 to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-22-30

2.2 The report and attachments will be kept confidential until such time as the appeal has been determined.

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS:**

The Panel members and staff thanked Cr Emma Wright for her contribution throughout her time on the City of Unley Council Assessment Panel.

**MATTERS FOR COUNCIL CONSIDERATION**

Nil

The Presiding Member declared the meeting closed at 8:19pm

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

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**PRESIDING MEMBER**

**DATED**       /       /

NEXT MEETING  
Tuesday 15 November 2022