

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 16 April 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:**

Mr Brenton Burman  
Ms Colleen Dunn  
Mr Terry Sutcliffe  
Mr Will Gormly  
Dr. Iris Iwanicki

**APOLOGIES:**

**OFFICERS PRESENT:**

Mr Don Donaldson, Assessment Manager  
Mr Tim Bourner, Senior Planning Officer  
Ms Amelia DeRuvo, Planning Officer  
Mrs Ailar Zakeri, Cadet Planning Officer  
Ms Sandy Beaton, Development Administration Officer

**ITEM 3 - CONFIRMATION OF MINUTES:**

MOVED: Terry Sutcliffe

SECONDED: Colleen Dunn

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday 20 February 2024, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 4.1 – 38 Malcolm Street, Millswood - 23036876**

*Dr. Iwanicki entered the meeting at 6:09pm*

MOVED: Colleen Dunn

SECONDED: Dr Iwanicki

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**

Phil Brunning from Phillip Brunning & Associates and Felicity Niemann from Wallmans, on behalf of Den & Joanne Heggie, representors, addressed the Panel regarding the above-mentioned application.

Marc Duncan from Future Urban and Gabrielle Pace from Arc Two, spoke on behalf of the applicant in support of the application.

MOVED: Will Gormly

SECONDED: Terry Sutcliffe

It is recommended that the Council Assessment Panel resolve that:

2. Development Application Number 23036876, by Karmen & Darryl Wakelin C-/ Future Urban 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 tanks shall be installed with a minimum retention volume of 4000L and minimum detention volume of 1000L with the rainwater tank storage connected to at least 60% of the roof area, and connected to one toilet and either the laundry cold water outlets or hot water service and includes a 20-25mm diameter slow release orifice at the bottom of the detention component of the tank 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

A permanently fixed privacy screen must be erected to the northern elevation of the northern elevation balcony to a minimum height of 1.8m metres above the finished floor level, with maximum transparency of 25%, prior to the occupation of the dwelling, and must be maintained in good condition at all times.

#### Condition 6

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 7

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 8

Four small trees, which has a minimum mature height of 4m, a minimum mature spread of 2m and a minimum soil area around the tree within the development site of 10m<sup>2</sup> and minimum dimension of 1.5m, shall be planted 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 9

That the filter backwash water, water drained from the pool or overflow shall be disposed of via a direct and permanent connection to the sewer in accordance with AS 3500 Part 2. No wastewater from the pool shall be discharged to the street.

#### Condition 10

That the swimming pool pumps and filters shall be located and operated so as not to emit noise levels that cause unreasonable noise nuisance to adjacent sensitive receivers, to the satisfaction of Council.

#### Condition 11

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

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 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

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 8

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 9

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 10

Driveways Crossovers are Not to be constructed from concrete over the footpath area between the kerb to boundary. Driveways and boundary levels at fence line must be between 2% and 2.5% above kerb Height. Crossover not to exceed 2.5% or 1:40 cross fall gradient from boundary to kerb invert. If a driveway crossover or portion of a driveway crossover is no longer required due to the relocation of a new crossover or alteration to an existing crossover. The redundant driveway crossover or part of, is required to be closed and returned back to kerb and gutter, also raising the footpath level to match the existing paved footpath levels at either side of the crossover being closed.

**CARRIED UNANIMOUSLY**

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

The Senior Planning Officer provided an update on the appeal lodged against the Panel's refusal for the demolition of a dwelling at 7 Thornber Street, Unley Park.

MOVED: Colleen Dunn

SECONDED: Dr Iwanicki

That the report be noted and received.

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS:**

Discussion regarding the process and consideration of 'the seriously at variance' recommendation. Council Administration to seek clarification on the matter.

The Presiding Member declared the meeting closed at 7:03PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 21 May 2024.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 21 May 2024