

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

**Minutes of Meeting held Tuesday October 14th 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
Ms Yvonne Svensson
Mr David Storey

APOLOGIES:

Mr Terry Sutcliffe

OFFICERS PRESENT:

Mr Tim Bourner, Assessment Manager
Ms Amelia De Ruvo, Senior Planning Officer
Mr Matthew Falconer, Planning Consultant
Ms Sandy Beaton, Development Administration Officer
Mr Shawn Shepley, Development Administration Officer

CONFLICT OF INTEREST – Item 4.2 Lot 68 Norman Tce & 9 Ross St, Everard Park

David Brown addressed the panel and gallery with a speech as transcribed below,

“In accordance with the Code of Conduct I wish to outline I am familiar with the subject site, Lot 68 Norman Terrace Everard Park, through my employment with the City of Unley up to the end of 2023.

Through 2019 and 2020 I was involved in the change to the zoning policy for the site. On behalf of Council I managed a Development Plan Amendment (Privately Funded), including public consultation, reporting to Council for determination in March 2020 and Minister of Planning final approval in October 2020.

I believe that my former employment with the Council gives rise to no direct or indirect personal or pecuniary interest in the subject matter of this development application now under consideration; nor does that former employment give rise to any bias from affiliation, disposition or personal views that would preclude me from participating as a CAP member in the consideration & determination of this development application.”

David Storey addressed the panel and gallery to declare that he does live within close proximity of the subject site, Lot 68 Norman Terrace Everard Park. His proximity to the subject site is not within the locality and does not pose a formal conflict.

Brenton Burman addressed the panel and gallery to declare that he does live within close proximity of the subject site, Lot 68 Norman Terrace Everard Park. His proximity to the subject site is not within the locality and does not pose a formal conflict.

ITEM 3 - CONFIRMATION OF MINUTES:

MOVED: David Brown

SECONDED: Yvonne Svensson

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday 16 September 2025, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

ITEM 4.1 – 6 King William Road, Wayville - 25018947

Phil Brunning, from Phillip Brunning and Associates, assisted by Thomas Wilson from Cirqa, spoke on behalf of the representor Bill Oberdan, regarding the above-mentioned application.

Garth Heynan from Heynen Planning Consultants, spoke on behalf of the applicant in support of the application.

MOVED: David Storey

SECONDED: Colleen Dunn

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 25018947, by Paul Spizzo is granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVE MATTERS

Planning Consent

Reserved Matter 1

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 of the relevant stage:

- An updated site works and drainage plan be provided accommodating the revised driveway design.

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

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

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 Relevant Authority.

Condition 4

The planting and landscaping identified on the approved plans must be completed in the first planting season concurrent with or following commencement of the use of the dwelling. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased or die must be replaced within the next available growing season with suitable species.

Condition 5

The driveway (excluding right of way), car parking and manoeuvring areas to be surfaced, drained and line marked in accordance with the approved plans and Australian Standards AS 2890.1:2004, 1742.2:2009 and 2890.6:2009, prior to occupation and commencement of use of the land and shall be maintained in good condition at all times to the satisfaction of Council.

Condition 6

Driveway, manoeuvring areas, car parking spaces and associated landscaping areas shall not be used for the storage or display of any materials or goods.

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

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 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

Matthew Falconer left the meeting at 6:53pm.

ITEM 4.2 – Lot 68 Norman Terrace & 9 Ross Street Everard Park – 25018240

Rusty Russel on behalf of Ruth Doube, representor, addressed the Panel regarding the above-mentioned application.

Michael Buchtmann on behalf of Wendy Kaye Tait, representor, addressed the Panel regarding the above-mentioned application.

Michael Buchtmann, representor, addressed the Panel regarding the above-mentioned application.

Theresa James from Future Urban, Melissa Mellen from MFY Traffic, and Caroline Cummins from Brown Falconer, supported by Chris Vounasis, Nigel Brophy, and Isabelle Neubauer, spoke on behalf of the applicant in support of the application.

MOVED: Yvonne Svensson

SECONDED: David Brown

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 25018240, by Principal Healthcare Finance Pty Ltd as trustee for Principal Healthcare Finance Trust is REFUSED for the following reasons:

The proposal fails to adequately satisfy the following performance outcomes:

Urban Renewal Neighbourhood Zone

- PO 2.1** - Buildings generally 2-3 levels with taller buildings located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development.
- PO 2.2** - Buildings on an allotment at the interface with a different neighbourhood-type zone are sited and designed to provide an orderly transition to the built form scale envisaged in that zone to mitigate impacts on adjacent residential uses.
- PO 9.1** - Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.

Design in Urban Areas

- PO 4.2** - Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.
- PO 12.1** - Buildings positively contribute to the character of the local area by responding to local context.
- PO 12.3** - Buildings are designed to reduce visual mass by breaking up building elevations into distinct elements.
Traffic, Access and Parking
- PO 3.5** - Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.

The motion was LOST

MOVED: David Storey

SECONDED: Colleen Dunn

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 25018240, by Principal Healthcare Finance Pty Ltd as trustee for Principal Healthcare Finance Trust is GRANTED Planning Consent subject to the following Reserve Matters, Conditions and Advisory Notes.

RESERVE MATTERS

Planning Consent

Reserved Matter 1

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 of the relevant stage :
A comprehensive and detailed landscaping plan for the site be provided including the following details:

- Identifying the location and species of all large and medium trees supporting visual privacy on the western side of the development; and
- Identified siting, location and species of the four (4) replacement trees to be planted.

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

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

Condition 3

All landscaping must be established no later than the next available planting season following substantial completion of the development. Landscaping must be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees must be replaced with a suitable species.

Condition 4

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

Condition 5

Four (4) replacement trees must be planted within 12 months of completion of the development. Replacement trees must not be of a species specified under Regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*, and must not be planted within 3 metres of an existing dwelling or inground swimming pool.

Condition 6

Tree Protection Zones must be provided for the regulated and significant trees on the site that are to be retained. The development must be undertaken in accordance with the Tree Protection Plan (pages 21–39) outlined in the *Arboricultural Impact Assessment – Opal Everard Park Care Community*, prepared by Adelaide Arb Consultants, dated 4 August 2025.

Additionally:

- The Project Arborist must be on site to supervise all works within the Notional Root Zone of the retained regulated and significant trees.
- Documentation must be provided to Council certifying that all works within the Notional Root Zones have been completed in accordance with the plans, within 24 hours of inspection.
- No major trenching shall occur within the Structural Root Zones, and no services shall traverse the Notional Root Zone.
- Signage must be erected indicating that no building materials shall be stored or disposed of within the Notional Root Zones, and vehicles must not traverse or be stored within these areas.
- Nothing shall be attached to the canopy of the regulated and significant trees by any means.
- It is recommended that dead wood in the canopies be removed prior to construction, and absolutely no live wood is to be removed.
- Any pruning of regulated or significant trees must be undertaken under the guidance of a qualified arborist.

Condition 7

All stormwater from the buildings and site must be disposed of in a manner that does not adversely affect adjoining properties or the stability of any building on the site. Stormwater must not be discharged over a crossing place.

Condition 8

Stormwater run-off must be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Any alterations to road drainage infrastructure required to facilitate this must be at the applicant's cost.

Condition 9

Temporary debris and sediment control measures must be installed prior to the commencement of work on site to ensure that debris, soil, sediment, and litter are contained within the construction site. At no time shall these materials enter Council's drainage system, road network, or neighbouring properties.

Condition 10

The driveway, car parking, and manoeuvring areas must be surfaced, drained, and line-marked in accordance with the approved plans and Australian Standards AS 2890.1:2004, AS 1742.2:2009, and AS 2890.6:2009 prior to occupation and commencement of use of the land. These areas must be maintained in good condition at all times to the satisfaction of the Council.

Condition 11

Driveways, manoeuvring areas, car parking spaces, and associated landscaping areas must not be used for the storage or display of any materials or goods.

Condition 12

All vehicles must enter and exit the site in a forward direction.

Condition 13

Waste collection and general delivery vehicles may only service the supported accommodation facility between the hours of 7:00am and 7:00pm, Monday to Friday. No waste collection is permitted on Saturdays, Sundays, or public holidays.

Condition 14

All loading and unloading of goods must be carried out on the subject land. No loading of goods is permitted on public streets.

Condition 15

Any lights on the subject land must be directed and screened to prevent light spill into nearby properties and to avoid distraction to motorists.

ADVISORY NOTES

Planning Consent

Advisory Note 1

No work may commence on this development unless Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not begin any site works, building works, 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 the determination of this application, including conditions.

Advisory Note 3

This consent or approval will lapse two years from its operative date, unless otherwise stated below or extended by the relevant authority.

Advisory Note 4

Where an approved development has been substantially commenced within two years from the operative date of approval, the approval will lapse three years from the operative date (unless the development has been substantially or fully completed within those three years, in which case the approval will not lapse).

Advisory Note 5

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

Advisory Note 6

It is recommended that, as the applicant is undertaking work on or near the boundary, the boundaries be 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. For further advice, contact the Legal Services Commission on 1300 366 424 or visit www.lsc.sa.gov.au.

Advisory Note 8

Existing crossovers must be closed and reinstated to kerb and gutter in accordance with Council requirements and at the applicant's expense prior to occupation of the development. Refer to the City of Unley website:

Forms & Applications – Application to Alter Public Roads and Driveway Crossover Specifications

<https://www.unley.sa.gov.au/Page/Forms-Applications>

Advisory Note 9

The construction of crossing places must be carried out in accordance with Council requirements and to the satisfaction of Council, at full cost to the applicant. All driveway crossing places must be paved to match the existing footpath and must not be constructed from concrete unless approved by Council. Refer to the City of Unley website:

Forms & Applications – Driveway Crossover Specifications

<https://www.unley.sa.gov.au/Page/Forms-Applications>

Advisory Note 10

Any damage to the road reserve, including roads, footpaths, public infrastructure, kerb and guttering, street trees, and similar, must be repaired by Council at full cost to the applicant.

Advisory Note 11

The applicant must ensure there is no objection from any public utility regarding underground or overhead services. Any required alterations must be carried out at the applicant's expense.

Advisory Note 12

No signage has been included as part of the subject application. The applicant is advised that some forms of signage (e.g. illuminated signage, signage located above a verandah) will require separate Development Approval prior to installation.

Advisory Note 13

You are advised that it is an offence to undertake tree-damaging activity in relation to a regulated or significant tree without prior consent from Council. Tree-damaging activity includes:

- Killing or destroying a tree
- Removing a tree
- Severing branches, limbs, stems, or trunk

- Ringbarking, topping, or lopping
- Any other substantial damage (including severing or damaging roots)
This does not include maintenance pruning that is unlikely to adversely affect the general health and appearance of the tree.

Advisory Note 14

Under the *Food Act 2001*, food business operators must officially notify Council before commencing operation or when ownership changes. This can be done by submitting a food business notification form:

<https://yourbusiness.unley.sa.gov.au/Regulations-Approvals/Food-business-regulations-approvals/Foodbusiness-notification>

Advisory Note 15

The development (including during construction) must not emit noise that exceeds the levels specified in the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

Advisory Note 16

Council will not consider removing any existing on-street parking spaces adjacent to or opposite crossovers on Norman Terrace, Fourth Avenue, or Ross Street to support loading activities, either during assessment or post-Development Approval.

Advisory Notes Imposed by Adelaide Airport (under Section 122 of the Airports Act 1996)

Advisory Note 17

Adelaide Airport Limited has no objection to the above proposal.

The Owner/Developer is advised of the following:

- a. The development, at a maximum height of approximately 42.80m Australian Height Datum (AHD), does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further additions to the structure, including aerials or masts, must be subject to separate assessment.
- b. Crane operations associated with construction must be subject to a separate application. Cranes above 48.5m AHD require approval under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.
- c. Restrictions may apply to lighting illumination. Any proposed lighting must conform to airport lighting restrictions and be shielded from aircraft flight paths.

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:

- 169 Goodwood Road, Millswood - Removal of significant tree.
- 3 Lynton Avenue, Millswood – Demolition of a Representative building.
- 17 Birks Street, Parkside – Alterations to an existing dwelling.

MOVED: Colleen Dunn

SECONDED: David Brown

That the report be noted and received.

CARRIED UNANIMOUSLY

OTHER BUSINESS:

ITEM 9.1 – CITY OF UNLEY COUNCIL ASSESSMENT PANEL- MEETING DATES FOR 2026

MOVED: Yvonne Svensson

SECONDED: David Storey

That the Council Assessment Panel resolve that:

1. The report be received.
2. The meetings of the Unley Council Assessment Panel (The Panel) for 2026 be set as:
 - 28 January (Wednesday)
 - 17 February
 - 17 March
 - 21 April
 - 19 May
 - 16 June
 - 21 July
 - 18 August
 - 15 September
 - 20 October
 - 17 November
 - 15 December

CARRIED UNANIMOUSLY

The Assessment Manager confirmed that a special CAP meeting will be held on October 28th to consider the deferred application at 102 & 123 Fisher Street Fullarton, 24031252.

The Presiding Member declared the meeting closed at 8:21pm.

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

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PRESIDING MEMBER

DATED / /

NEXT MEETING

Tuesday 18 November 2025