

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 16 August 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  
Mr Michael McKeown  
Ms Emma Wright

**APOLOGIES:**

Nil

**OFFICERS PRESENT:**

Mr Don Donaldson, Assessment Manager  
Mr Gary Brinkworth, Manager Development & Regulatory  
Mr Timothy Bourner, Senior Planning Officer  
Mr Mark Tronccone, Planning Officer  
Ms Amelia De Ruvo, Planning Officer  
Mr Nicholas Bolton, Cadet Planning Officer  
Mr Timothy Mason, Planning Student  
Ms Sandy Beaton, Development Administration Officer

\* Denotes Change

**CONFLICT OF INTEREST: Nil**

**CONFIRMATION OF MINUTES:**

MOVED: Emma Wright

SECONDED: Colleen Dunn

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 19 July 2022 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1 – 28 ROSE TERRACE, WAYVILLE SA 5034 – 22017983**

Sandy Wilkinson on behalf of Charles Gilchrist, representor, addressed the panel regarding the above-mentioned application.

David Bills from URPS spoke on behalf of the applicant in support of the application.

MOVED: Colleen Dunn

SECONDED: Emma Wright

It is recommended that the Council Assessment Panel/SCAP 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 22017983, by Annesley College Incorporated is granted Planning Consent subject to the following reserved matters/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 demolition the applicant shall supply to council to its reasonable satisfaction a demolition plan incorporating,
  - a 3D measured scan and photographic record of the portion of the building being demolished.
  - a methodology of the proposed demolition with the aim of retaining stone work and other materials for future use.
  - an indication of where materials will be stored for potential future use on the site of the school.

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).

ADVISORY NOTES  
Planning Consent

Advisory Note 1

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 UNANIMOUSLY**

**ITEM 2 – 36 WESTALL STREET, HYDE PARK SA 5061 – 22015033**

Peter Meline on behalf of Fouzi Pakrou, representor, addressed the Panel regarding the above-mentioned application.

Alex Pritchard from The Galvin Group spoke in support of the application.

MOVED: Michael McKeown

SECONDED: Ross Bateup

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 22015033, by THE GALVIN GROUP 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

The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site and advisory note below for the City of Unley Driveway Crossover specifications.

### Condition 4

The approved landscaping shall be established prior to the occupation of the development and shall be irrigated, maintained and nurtured with any dead, diseased or dying plants being replaced within the next available growing season and to the reasonable satisfaction of the Council.

### Condition 5

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.

### Condition 6

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.

## ADVISORY NOTES

### Planning Consent

#### Advisory Note 1

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 2

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 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

Driveway Crossovers shall be designed in accordance with the following:

- 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 3 – 12 FOREST AVENUE, BLACK FOREST SA 5035 – 22007778**

Jeffrey and Diane Cock, representor, addressed the panel regarding the above-mentioned application.

Tony Morton and Michael Morton spoke in support of the application.

MOVED: Michael McKeown

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; and
2. Development Application Number 22007778, by Tony Morton is granted Planning Consent subject to the following conditions;

**CONDITIONS**

**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.

**ADVISORY NOTES**

**Advisory Note 1**

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 2

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)

**CARRIED**

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

Greg Jenkins and John Paul, addressed the Panel regarding the above-mentioned application in support of the compromise proposal.

MOVED: Emma Wright

SECONDED: Colleen Dunn

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
  - Tim Bourner, Senior Planning Officer
  - Mark Troncone, Planning Officer
  - Nicholas Bolton, Cadet Planning Officer
  - Amelia De Ruvo, Planning Officer
  - Sandy Beaton, Development Administration Officer
  - Gary Brinkworth, Manager Development & Regulatory
  - Tim Mason, Library Officer/Planning Student

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**

*The Presiding member suspended standing orders at 7:58pm.*

*The Presiding member resumed meeting procedures at 8:02pm.*

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

MOVED: Michael McKeown

SECONDED: Emma Wright

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 not support the compromise.

**CARRIED**

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

MOVED: Colleen Dunn

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**

**ITEM 4 – 60 PARK STREET, HYDE PARK SA 5061 – 21024341 – INTO CONFIDENCE**

MOVED: Michael McKeown

SECONDED: Emma Wright

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, the Council Assessment Panel orders the public be excluded with the exception of the following:

- Don Donaldson, Team Leader Planning
- Tim Bourner, Senior Planning Officer
- Mark Troncone, Planning Officer
- Nicholas Bolton, Cadet Planning Officer
- Amelia De Ruvo, Planning Officer
- Sandy Beaton, Development Administration Officer
- Gary Brinkworth, Manager Development & Regulatory
- Tim Mason, Planning Student

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 4 – 60 PARK STREET, HYDE PARK SA 5061 – 21024341**

MOVED: Colleen Dunn

SECONDED: Ross Bateup

It is recommended that the Council Assessment Panel resolve that:

The ERD Court be advised that the CAP supports the compromise for DA 21024341 (60 Park Street Hyde Park) subject to the following conditions:

That Development Application 21024341 at 60 Park Street Hyde Park SA 5061 to vary DA 090/263/2020/C2 is not seriously at variance with the provisions of the Planning and Design Code and should be GRANTED Planning Consent subject to the following conditions:

#### **Planning Conditions**

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 and the development shall be undertaken to the satisfaction of Council.
2. Except where varied by this approval, all other conditions, approved plans and details relating to Development Application 090/263/2020/C2 continue to apply to this amended development.

#### **Land Division Consent**

Conditions imposed by SPC Planning Services under Section 122 of the Act



3. Payment of \$7908.00 into the Planning and Development Fund (1 allotment/s @ \$7908.00 /allotment). Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7109 7018, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001.
  
4. A final plan complying with the requirements for plans set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Planning Commission for Land Division Certificate purposes. Conditions imposed by South Australian Water Corporation under Section 122 of the Act. SA Water's water and sewer network is available for connection in this area. An investigation will need to be undertaken to determine infrastructure needs, appropriate fees and charges. The financial requirements of SA Water shall be met for the provision of water and sewer supply services.

**CARRIED**

**ITEM 4 – 60 PARK STREET, HYDE PARK SA 5061 – 21024341 – OUT OF CONFIDENCE**

MOVED: Colleen Dunn

SECONDED: Michael McKeown

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 4 to remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-22-87
  
  - 2.2 The report and attachments will be kept confidential until such time as the appeal has been determined.

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS:**

Nil

**MATTERS FOR COUNCIL CONSIDERATION**

Nil

The Presiding Member declared the meeting closed at 8:41pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20 September 2022.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 20 September 2022