

CAP Meeting Agenda

Presiding Member: Mr Brenton Burman

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 18 March 2025 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



Tim Bournier
Assessment Manager

Dated: 05/03/2025

Members: Mr Brenton Burman, Ms Colleen Dunn, Mr David Brown, Mr Terry Sutcliffe, Ms Yvonne Svensson

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

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ITEM 4.1**DEVELOPMENT APPLICATION – 24038446 – 5 CEDAR AVENUE, UNLEY PARK**

DEVELOPMENT NO.:	24038446
APPLICANT:	Urban Habitats Pty. Ltd.
ADDRESS:	5 CEDAR AV UNLEY PARK SA 5061
NATURE OF DEVELOPMENT:	Demolition of existing ancillary structures, partial demolition of the existing dwelling, construction of dwelling additions and alterations (including a cellar, garage and terrace), an in-ground swimming pool with associated pool safety fencing and equipment, boundary fencing (including masonry fencing exceeding a height of 1 metre) and underground rainwater tank
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Building Near Airfields • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 6m) • Minimum Frontage (Minimum frontage for a detached dwelling is 20m) • Minimum Site Area (Minimum site area for a detached dwelling is 900 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Minimum Side Boundary Setback (Minimum side boundary setback is 2m for the first building level; 4m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	9 Dec 2024
RELEVANT AUTHORITY:	Assessment panel at City of Unley
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.22 05/12/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Lauren Cooke Planning Officer
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Arboriculture Consultant
RECOMMENDATION:	Support with conditions
ATTACHMENTS:	<p>Attachment 1 – Planning drawings and supporting documentation</p> <p>Attachment 2 – Representations</p> <p>Attachment 3 – Applicant response to representations</p> <p>Attachment 4 – Council Arboriculture Consultant comments</p>

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DETAILED DESCRIPTION OF PROPOSAL:

The application proposes the demolition of existing ancillary structures, partial demolition of the existing dwelling, construction of a two-storey dwelling addition, construction of an in-ground swimming pool with associated safety features, boundary fencing and an underground water tank. The proposed plans for consideration are contained in **Attachment 1**. Further details of each element are described below.

The proposal seeks to demolish the existing outbuilding within the rear of the allotment, containing a garage and rumpus/games area. Other structures within the rear of the site are also proposed for removal – the existing swimming pool and spa, pergolas, garden shed and rainwater tanks. Demolition of these structures will allow for the construction of the dwelling addition.

Partial demolition of the lean-to at the rear of the existing dwelling containing the living / dining room, bathroom and laundry is also required in order to accommodate the proposed dwelling addition. The lean-to is a non-original addition to the dwelling.

The proposed dwelling addition is to be connected to the existing dwelling via a link and will incorporate an open plan kitchen / living / dining area, laundry, powder room, terrace and four car garage at ground floor. Two bedrooms, a bathroom and study will all be contained within the first floor. The garage at ground floor incorporates a car lift with space available at first floor to enable the display of a motor vehicle. A new cellar located at basement level is also proposed. The dwelling addition will be constructed in a combination of Colorbond cladding in 'Dover White', shiplap cladding, render finish, face brickwork and painted brickwork.

Consequential alterations to the existing dwelling will result in the conversion of the existing lounge to a master bedroom with openings created to transform the existing bedroom 3 and study into a dressing room and ensuite bathroom. The existing ensuite is to be converted into a standalone bathroom. As a result of these changes, closure of existing openings and creation of new openings is also proposed.

An in-ground swimming pool is proposed to be located within the south-western corner of the site. The pool will have a 600mm setback from the south and west boundaries and will have dimensions of 8.5m x 4.5m.

The proposal will incorporate Colorbond 'Good Neighbour' fencing along portions of the eastern and southern boundaries of the site with heights of 1.8m – 2.1m. A rendered masonry wall with a height of 2.1m is also proposed on the southern and western boundaries of the site within the area where the proposed in-ground swimming pool will be located.

The proposal also incorporates a 22,000L underground rainwater tank, located within the rear of the site.

SUBJECT LAND & LOCALITY:

Location reference: 5 CEDAR AV UNLEY PARK SA 5061

Title ref.: CT 5210/472 **Plan Parcel:** F12875 AL325 **Council:** CITY OF UNLEY

Site Description:

The subject land is formally described as Allotment 325 in Filed Plan 12875 in the area named Unley Park, Hundred of Adelaide and is more commonly known as 5 Cedar Avenue, Unley Park. The site is located on the southern side of Cedar Avenue between Nanthea North Terrace and Elm Street.

The site is a regular, rectangular shaped allotment with a width of 16.77m and an allotment depth of 56.85m. The site has an overall area of approximately 953m².

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The site currently retains a single storey symmetrical cottage with a Louvre roof built circa 1900. Car parking accommodation is provided in the form of a garage located within the rear of the site and accessed via a crossover and driveway along the eastern boundary of the site. An in-ground swimming pool is located within the rear of the site, with other ancillary structures. The site has a front fence constructed of masonry piers with decorative iron palisade infill.

The land is relatively flat and is not subject to any encumbrances or Land Management Agreements.

The subject land contains soft landscaping throughout the site, with no regulated trees located within the subject land. The allotment directly to the east of the site (at 3 Cedar Avenue) contains a significant *Corymbia citriodora* (Lemon Scented Gum) tree within the south-west corner of the site. The verge directly in front of the subject site is well vegetated and contains three street trees – two Jacaranda trees and one White Cedar tree.



Figure 1 – View of the subject land from Cedar Avenue.

Locality

The locality, taking into the account the general pattern of development and likely impacts of the proposal, is shown in Figure 2. The locality is located entirely within the Established Neighbourhood Zone.

The locality is entirely residential with a generally consistent pattern of large, regular shaped allotments. Allotments are generous sized and have sizes that range between 660 – 1500m².

Dwellings in the locality are generally single storey in scale. Whilst not widespread within the locality, there are some second storey elements evident. Dwellings are constructed in a variety of styles, with villas being the predominant design style.

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The locality is well vegetated in the public realm with mature trees on street verges, predominantly Jacaranda and White Cedar trees. There are large private trees interspersed throughout the locality.



Subject site



Locality



Representor

Figure 2 – Site and locality

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Fences and walls
 - Water tanks
 - Demolition: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Water tank (underground): Accepted
 - Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
 - Demolition
 - Dwelling alteration or addition
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
 - Building Alterations: Accepted
 - Dwelling addition: Code Assessed - Performance Assessed

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- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

SERIOUSLY VARIANCE ASSESSMENT

The Planning, Development and Infrastructure Act 2016, Section 107(2)(c) states that *the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).*

The **Established Neighbourhood Zone Desired Outcome** states:

***DO 1** – A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*

The proposal is for a double storey dwelling addition that is sympathetic to the built form character and development pattern of the locality.

The **Established Neighbourhood Zone Performance Outcome** states:

***PO 1.1** – Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.*

The proposal is for the construction of a dwelling addition which maintains the established development pattern of the neighbourhood.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the desired outcomes and performance outcomes with only minor variations noted against the respective designated performance features. Therefore, the proposal is not considered to be seriously at variance with the Planning and Design Code.

PUBLIC NOTIFICATION

- **REASON**
In accordance with Table 5 – Procedural Matters, the development exceeds the maximum building height specified in DPF 4.1 of the Established Neighbourhood Zone and incorporates boundary development that either exceeds a length of 8m or a height of 3.2m.

As part of the public notification process, 24 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachment 2**.

During the notification period, Council received two representations. One representation was in support of the development and did not wish to be heard by the Council Assessment Panel. One representation does not support the development and has requested to be heard by the Council Assessment Panel.

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Representations:

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
[REDACTED]	I support the development	No	-
[REDACTED]	I oppose the development	Yes	Stewart Hocking of MasterPlan SA Pty Ltd

Summary:

The representors raised the following the concerns:

- Building height inconsistency within the locality
- Side setbacks
- Scale of proposed boundary development
- Inconsistency with the Historic Area Overlay
- Request for consultation regarding boundary development, including proposed finishes

The applicant provided a response to the representations which can be found in **Attachment 3**. This response was provided to the representors. No changes to the proposal have been made in response to the representations.

AGENCY REFERRALS

The application was not subject to any external referrals.

INTERNAL REFERRALS

- Arboriculture Consultant

RULES OF INTERPRETATION

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcomes (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

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- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

PLANNING ASSESSMENT

The subject land is located within the Established Neighbourhood Zone and subject to the Historic Area Overlay. The site is located within the Residential Spacious Unley Park (West) Historic Area Statement.

The application has been assessed against the relevant provisions of the **Planning & Design Code (the Code)**, which are contained in the following link:

[Planning and Design Code Extract](#)

Demolition and partial demolition

PO 7.2 – Historic Area Overlay

Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

PO 7.3 – Historic Area Overlay

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

In order to accommodate the proposed dwelling addition, the existing outbuilding and ancillary structures within the rear of the site are to be demolished in their entirety, with the rear lean-to of the existing dwelling to be demolished. The site is located within the **Residential Spacious Unley Park (West) Historic Area Statement (Un24)** which includes development from 1900 to 1940 and identifies dwelling styles such as Turn of the Century cottages and villas, and inter-war bungalows, as well as Tudor, art deco and other complementary styles.

The existing outbuilding and ancillary structures are not considered to conform with the values described in the Historic Area Statement.

The attached rear lean-to is a more recent addition to the dwelling and is not considered to contribute to the historic character of the streetscape.

Therefore, the structures proposed for demolition or partial demolition can be demolished in accordance with PO 7.2 and 7.3 of the Historic Area Overlay.

Dwelling Additions and Alterations

Land Use

The subject site is located within the **Established Neighbourhood Zone** where the **Desired Outcome (DO)** and **Performance Outcome (PO)** are as follows:

DO 1 – Established Neighbourhood Zone

A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

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DO 2 – Established Neighbourhood Zone

Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footings, front yards, and space between crossovers.

PO 1.1 – Established Neighbourhood Zone

Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.

The proposal seeks to construct dwelling additions and alterations to the existing dwelling located on the site. Boundary fencing, an in-ground swimming pool and an underground water tank are also proposed. A dwelling is an envisaged use within the Established Neighbourhood Zone. The proposed works to the dwelling itself and associated ancillary works are considered to be compatible with the established development pattern of the neighbourhood and therefore, meets the desired outcomes of the Established Neighbourhood Zone.

Built Form

DO1 – Historic Area Overlay

Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that response to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 2.2 – Historic Area Overlay

Development is consistent with the prevailing building and wall heights in the historic area.

PO 2.3 – Historic Area Overlay

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.

PO 2.5 – Historic Area Overlay

Materials are either consistent with or complement those within the historic area.

PO 3.1 – Historic Area Overlay

Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure that they do not dominate the primary façade.

PO 4.1 – Established Neighbourhood Zone

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

PO 4.2 – Established Neighbourhood Zone

Additions and alterations do not adversely impact on the streetscape character.

PO 10.1 – Established Neighbourhood Zone

Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.

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PO 10.2 – Established Neighbourhood Zone

The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.

The proposal seeks to construct a double storey dwelling addition with a gable roof form. The dwelling addition is connected to the existing dwelling via a link. The proposal is to be constructed in a variety of finishes, Colorbond cladding, shiplap cladding, render finish, face brickwork and painted brickwork. The proposed finishes are to be in a neutral colour palette (Dover White, off white). The proposed dwelling addition has a modern design in comparison to the existing cottage.

The proposed dwelling addition has an overall height of 9m from the finished ground level. This exceeds the maximum building height specified in the Established Neighbourhood Zone of 6m and one level. This is also 1.4m above the ridge of the existing dwelling.

The suitability of the proposed two storey form was raised by one of the representors, who considered the two storey form to be inconsistent with the locality. Whilst the locality is predominantly single storey in scale, there are some examples within the locality of two storey form at the eastern end of Cedar Avenue and in Elm Street. The first floor element of the proposed dwelling addition has a setback from the site's northern boundary of 28.6m. The applicant has included a diagram demonstrating the projection of the proposed second level of the dwelling addition. The proposal will not project beyond a 45 degree angle when measured at ground level at the building line of the existing dwelling. Despite there being limited examples of two storey form within the locality, the proposed design and siting of the proposed addition with generous northern setbacks is such that it will not impact on the streetscape or dominate the primary façade of the existing dwelling.

Despite the two storey form, the siting and design of the dwelling addition is considered sympathetic to the site and locality and satisfies PO 1.1 and 2.2 of the Historic Area Overlay and PO 4.1, 4.2 and 10.1 of the Established Neighbourhood Zone.

Site Coverage

PO 3.1 – Established Neighbourhood Zone

Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

The post-development site coverage will be 46.7%. This is consistent with DPF 3.1 of the Established Neighbourhood Zone which seeks a maximum site coverage of 50%. The extent of built form proposed and its siting within the subject land is consistent with that of the locality and the prevailing pattern of development.

Whilst the proposal meets the quantitative site coverage requirements, it is acknowledged that the proposal also meets the broader performance outcome.

Setbacks and boundary development

PO 2.4 – Historic Area Overlay

Development is consistent with the prevailing front and side boundary setback pattern in the historic area.

PO 7.1 – Established Neighbourhood Zone

Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

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PO 8.1 – Established Neighbourhood Zone

Buildings are set back from side boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours.*

PO 9.1 – Established Neighbourhood Zone

Buildings are set back from rear boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours*
- c) private open space*
- d) space for landscaping and vegetation.*

The subject site currently retains an outbuilding with associated pergola, located on the eastern side of the site. The existing outbuilding has a length of 16.14m and a setback from the eastern boundary of 400mm.

The proposed dwelling addition proposes boundary development along both the eastern and western boundaries. The eastern boundary garage will have a length of 14.355m and a height of 3.2m. Whilst the length of this wall exceeds 8m in length, it is noted that the wall has a length that is shorter than the current site conditions. The proposed boundary development constitutes 25.25% of the site's eastern boundary which falls well below the desired maximum boundary development of 45%.

One of the representors raised concerns with the extent of this boundary development in their representation. Whilst the proposed boundary development has a length that exceeds the DPF requirements, the existing conditions are such that the existing garage wall is de-facto located on the boundary. In addition, the dwelling addition has been designed with articulation at the first floor level which minimises the visual impact to the eastern property. Whilst the concerns of the representor are acknowledged, the proposal is not a significant deviation from the current site conditions and is considered acceptable.

The western boundary terrace will have a length of 4.303m and a height of 3.71m. Whilst the height of the boundary development exceeds the maximum specified by the DPF, potential amenity impacts from the development are offset by the length of the wall. The wall's length constitutes just 7.57% of the boundary, this and the 510mm height discrepancy is considered to have a minimal visual impact to the adjoining land.

Whilst the proposed boundary development on both the eastern and western boundaries of the site has shortfalls in terms of the height and/or length, the proposal has been designed in order to mitigate the visual and overshadowing impacts to the adjoining properties. The proposed boundary development is therefore considered to be appropriate.

The proposal incorporates the following side boundary setbacks:

Design feature	Code requirement	Proposed (minimum)
Side setback (ground floor, east)	2 metres	3.2 metres
Side setback (ground floor, west)	2 metres	2.132 metres
Side setback (first floor, east)	4 metres	3 metres
Side setback (first floor, west)	4 metres	4.997 metres

Table 1 – Side boundary setbacks

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As demonstrated in Table 1, the proposed side boundary setbacks meet the requirements specified by DPF 8.1, with the exception of the first floor eastern setback. Whilst this setback deviates from the Code requirements, the proposed setback of 3m is still considered able to provide separation between buildings and ensure access to natural light and ventilation for neighbours. The proposed setback is considered sufficient in order to achieve the broader performance objective, PO 9.1.

The proposal has been provided with rear boundary setbacks at ground floor level of 9.7m, and first floor of 16m. These setbacks are in excess of the quantitative requirements and is considered to provide sufficient space to complement the built form of the locality, provide light and ventilation to adjoining properties, and amenity for dwelling occupants through private open space and soft landscaping.

Earthworks

PO 8.1 – General Development Policies – Design in Urban Areas

Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

PO 8.5 – General Development Policies – Design in Urban Areas

Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.

The application proposes the inclusion of a cellar, to be located below the living and kitchen area within the proposed dwelling addition. The cellar is limited in size to 31.2 m². The finished floor level of the proposed cellar is to sit 2.6m below the finished floor level of the proposed dwelling addition.

The proposed excavation required in order to accommodate the cellar exceeds the vertical distance specified within the DPF of this provision. Given the limited size of the proposed cellar, the proposed excavation is not expected to result in significant disturbance to the natural topography of the land. The land is not currently subject to risk of landslip, and it is not anticipated that the proposed excavation works will increase any such risk or land instability.

A condition relating to the discharge of groundwater is recommended to be included as part of any planning consent issued. A note is also recommended to be included which provides further clarity on the requirements associated with the condition.

The proposed works for the construction of the cellar are considered to be acceptable in accordance with the general development policies relating to earthworks.

Off-site amenity impacts

PO 10.1 – General Development Policies – Design in Urban Areas

Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

PO 3.1 – General Development Policies – Interface between Land Uses

Overshadowing of habitable room windows of adjacent residential land uses in:

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight*

PO 3.2 – General Development Policies – Interface between Land Uses

Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:

- a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight*

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b) other zones is managed to enable access to direct winter sunlight

PO 3.3 – General Development Policies – Interface between Land Uses

Development does not unduly reduce the generating capacity of adjacent rooftop solar energy

The proposal incorporates first floor habitable room windows along the northern, eastern and western elevations. These windows have been treated with fixed obscured glazing to a height of 1.5m. The proposed window treatments are considered to meet the DPF of the relevant development policies and is considered to sufficiently mitigate any potential overlooking from these rooms into adjoining private open space areas and habitable rooms. The overlooking treatments will be protected by way of condition as part of the recommendation.

The applicant has provided overshadowing diagrams that demonstrate the extent of overshadowing from the proposal on the Winter Solstice (21 June). Due to the site's north-south axis, the overshadowing impacts are largely limited to the directly adjoining properties to the east and west of the subject site. The overshadowing diagrams demonstrate that the adjoining properties will both be provided with at least two hours of unencumbered solar access to their private open space areas.

The western property contains an outbuilding within its south-eastern corner that has rooftop solar panels on it. There may be some impact to the generating capacity of the solar panels, largely limited to 9am and 10am on 21 June. However, this is not considered to present a significant reduction to the generating capacity of the panels and noting that the panels are oriented to maximise the generating capacity through their northern orientation.

Overall, the proposed development is considered to meet the performance outcomes relating to overlooking and overshadowing. The proposed development is not expected to result in significant off-site amenity impacts to adjoining properties.

Private Open Space and Landscaping

PO 21.1 – General Development Policies – Design in Urban Areas

Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

PO 21.2 – General Development Policies – Design in Urban Areas

Private open space is positioned to provide convenient access from internal living areas.

PO 22.1 – General Development Policies – Design in Urban Areas

Soft landscaping is incorporated into development to:

- a) minimise heat absorption and reflection*
- b) contribute shade and shelter*
- c) provide for stormwater infiltration and biodiversity*
- d) enhance the appearance of land and streetscapes.*

The proposal provides 213m² of secluded private open space within the rear of the site. This includes a covered terrace and in-ground swimming pool, as well as a landscaped area. The private open space is located behind the building line of the dwelling and is accessible from the living areas of the dwelling. This is considered to satisfy both PO 21.1 and PO 21.2.

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The post-development soft landscaping retained on site will have an area of 202.88m², which constitutes 21.28% of the site area. This fails to satisfy DPF 22.1 of Design in Urban Areas which seeks soft landscaping to cover 25% of the site. The shortfall of landscaping is limited to 35.37m². Whilst not counted towards the quantum of soft landscaping, the driveway incorporates an existing soft landscaping strip along the eastern boundary.

Whilst the extent of soft landscaping doesn't meet the quantitative requirements specified within the Code, it is considered that the provided landscaping will continue to minimise heat absorption, provide stormwater infiltration and enhance the appearance of the site. On balance, the shortfall in soft landscaping is considered to be acceptable with the extent of soft landscaping provided considered to be acceptable.

Regulated and Significant Tree impacts

DO 1 – Regulated and Significant Tree Overlay

Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

The adjoining property at 3 Cedar Avenue contains a *Corymbia citriodora* (Lemon Scented Gum) tree. The tree is identified as significant under the *Planning, Development and Infrastructure (General) Regulations 2017*.

Council requested an arboricultural impact assessment of the applicant to determine the impacts (if any) to the tree as a result of the proposed development. The applicant provided a report prepared by Adelaide Tree Surgery (included as part of **Attachment 1**). The report was peer reviewed by Council's Arboriculture Consultant in conjunction with the planning drawings, and an inspection and assessment of the tree. The referral comments of Council's Arboriculture Consultant are contained within **Attachment 4**. The tree is considered to have good structure and health, with no significant branch failure history noted. The tree is considered to have a useful life expectancy of greater than 10 years.

Council's Arboriculture Consultant has identified portions of the proposed development which constitute encroachments into the Tree Protection Zone (TPZ) of the tree. However, these encroachments in combination with those that are existing are considered to be minor with the encroachments limited to 9.98% and all encroachments located outside the Structural Root Zone (SRZ) of the tree.

Council's Arboriculture Consultant has advised that the proposal in its present form is supported subject to the following:

- No level changes are undertaken within the rear garden area.
- Tree sensitive methodologies are followed as described within the Tree Protection Plan prepared by Council's Arboriculture Consultant (contained within the referral comments).
- The Tree Protection Plan should be noted on the site works plans and form a condition of any planning consent issued.

Council has provided the applicant with the Tree Protection Plan prepared by Council's Arboriculture Consultant. The main inclusion on the plans from the applicant is a notation that "TPZ to be established prior to any materials being delivered to site."

It is recommended that conditions of any planning consent issued require the installation of TPZ fencing in accordance with the recommendations of the applicant's arborist report.

ITEM 4.1

DEVELOPMENT APPLICATION – 24038446 – 5 CEDAR AVENUE, UNLEY PARK

Swimming pool and associated safety features

PO 19.3 – General Development Policies – Design in Urban Areas

Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers.

The application includes the proposed construction of an in-ground swimming pool and associated safety features. The swimming pool will be ancillary to the existing dwelling on the site and will be located within the south-western corner of the site, behind the building line of the existing dwelling.

The swimming pool will have a setback of 600mm from the southern and western boundaries. Whilst this is a deviation from the required setback of 1m, as specified within Accepted Development Classification Criteria within the Established Neighbourhood Zone, the deviation is not considered to result in an impact to the adjoining properties and the siting is therefore considered to be acceptable.

The pool pump equipment associated with the swimming pool is shown on the plans to be located within a shed. Whilst this isn't indicated as being located within a sound attenuated structure, the proposed pool plant equipment is located over 12m from any dwelling on adjoining allotments.

As the pool pump equipment is located in excess of 12m from dwellings on adjoining allotments, it is considered that this provides a sufficient setback and will not cause unreasonable noise nuisance to adjoining properties.

Fencing

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 4.4 – Historic Area Overlay

Fencing and gates closer to a street boundary (other than a laneway) than the elevation of the associated building are consistent with the traditional period, style and form of the associated building.

PO 9.1 – General Development Policies – Design in Urban Areas

Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

The proposed fencing will be located along the eastern, southern and western boundaries. The fencing is to be constructed of either Colorbond fencing or rendered masonry walls with heights of up to 2.1m.

The fencing has a simple design which has considered the desired Historic Area Statement and links to the function of the fencing as boundary fencing. The height of the fencing of between 1.8 and 2.1m is considered to be of a sufficient height to provide privacy and security to dwelling occupants. Due to the orientation of the site, on a north-south axis, the proposed fencing is unlikely to have a significant impact on the visual amenity of adjoining properties. An assessment against the relevant overshadowing provisions is included earlier within this report.

The site currently retains eastern boundary fencing with a height of 1.8m. The proposed fencing in this location is considered to be a replication of the existing development on site.

ITEM 4.1

DEVELOPMENT APPLICATION – 24038446 – 5 CEDAR AVENUE, UNLEY PARK

The proposed fencing is considered to complement the existing dwelling on site and is considered achieve the intent of PO 1.1 and 4.4 of the Historic Area Overlay.

CONCLUSION

Whilst the development does not satisfy some of the Designated Performance Features set out within the relevant Performance Outcomes, these shortfalls are not considered to be detrimental to the established character of the locality.

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered to satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- On balance the proposed development satisfies the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies.
- The proposal has been sympathetically designed with consideration given to the predominant built form character and development pattern of the locality and is consistent with the adjacent development.
- The proposal's use of materials and materials is complementary to both the existing dwelling and the streetscape.

RECOMMENDATION

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 24038446, by Urban Habitats Pty. Ltd. 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 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.

ITEM 4.1

DEVELOPMENT APPLICATION – 24038446 – 5 CEDAR AVENUE, UNLEY PARK

Condition 4

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

Condition 5

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 6

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 7

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 8

Tree Protection Zones shall be provided for the significant tree on the adjoining site that are to be retained. The development must be undertaken in accordance with the recommendations of the arborist report prepared by Adelaide Tree Surgery, dated 28 January 2025, and any pruning of regulated or significant trees should be undertaken under the guidance of a qualified arborist.

Additionally:

- No major trenching shall occur within the Tree Protection Zone and no services shall traverse the Tree Protection Zone.
- All works within the Tree Protection Zone shall be undertaken using tree sensitive methodologies.
- Signage shall be erected indicating that no building materials shall be stored or disposed of within the Tree Protection Zone and vehicles shall not traverse over the area or be stored within the Tree Protection Zone.
- Nothing shall be attached to the canopy of the trees by any means.
- It is recommended that the dead wood in the canopy be removed prior to construction and absolutely no live wood is to be removed.

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.

ITEM 4.1

DEVELOPMENT APPLICATION – 24038446 – 5 CEDAR AVENUE, UNLEY PARK

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

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 8

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 9

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.

OFFICER MAKING RECOMMENDATION

Name: Lauren Cooke

Title: Planning Officer

Date: 18 March 2025

ATTACHMENT 1



ADDITION 3D RENDER - ARTIST IMPRESSION

5 Cedar Avenue, Unley Park

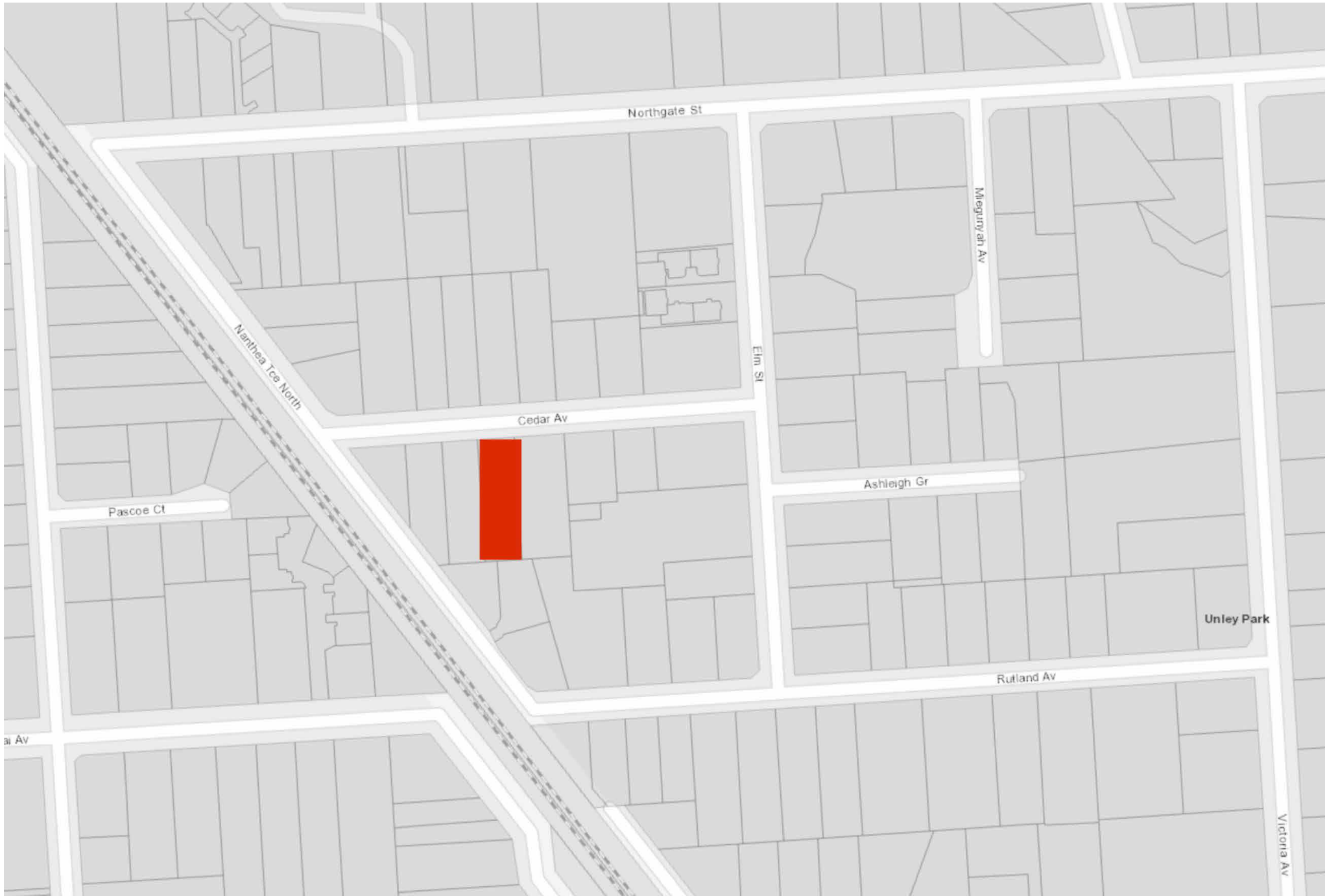
P1.1 - Title Page & Location Plan

P1.2 - Demolition Plan

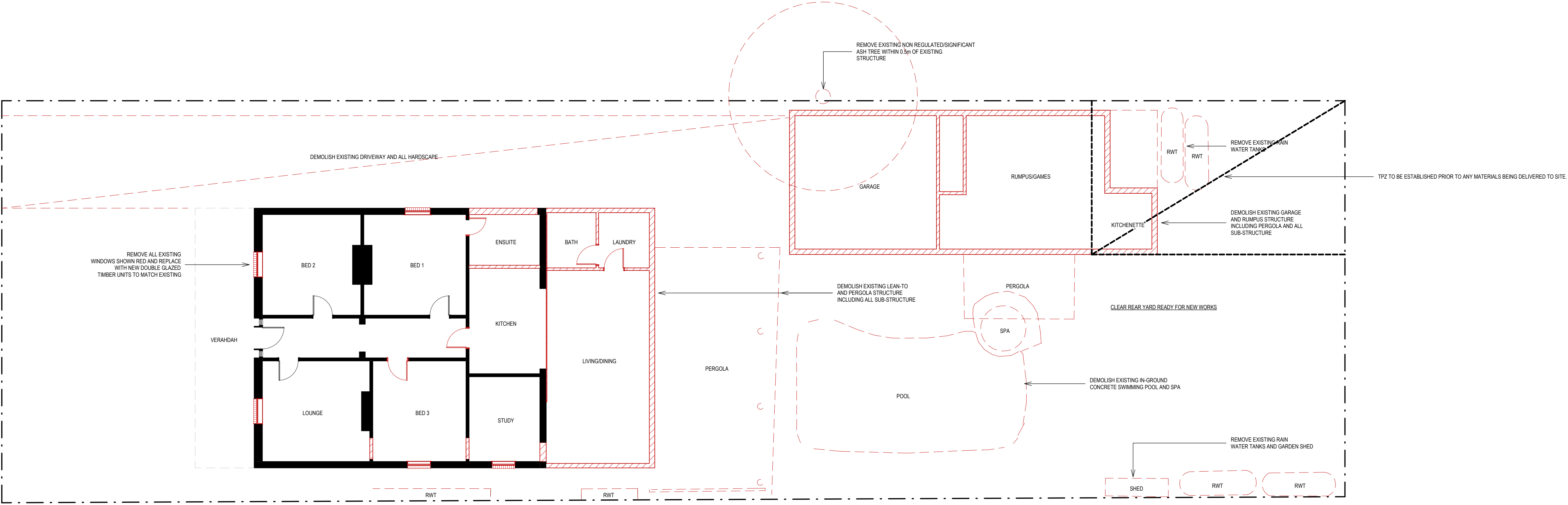
P1.3 - Proposed Site/Floor Plans

P1.4 - Proposed Elevations

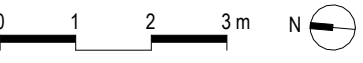
P1.5 - 3D Design Concept Renders



LOCATION PLAN



PROPOSED DEMOLITION PLAN
SCALE: 1:100



AREAS

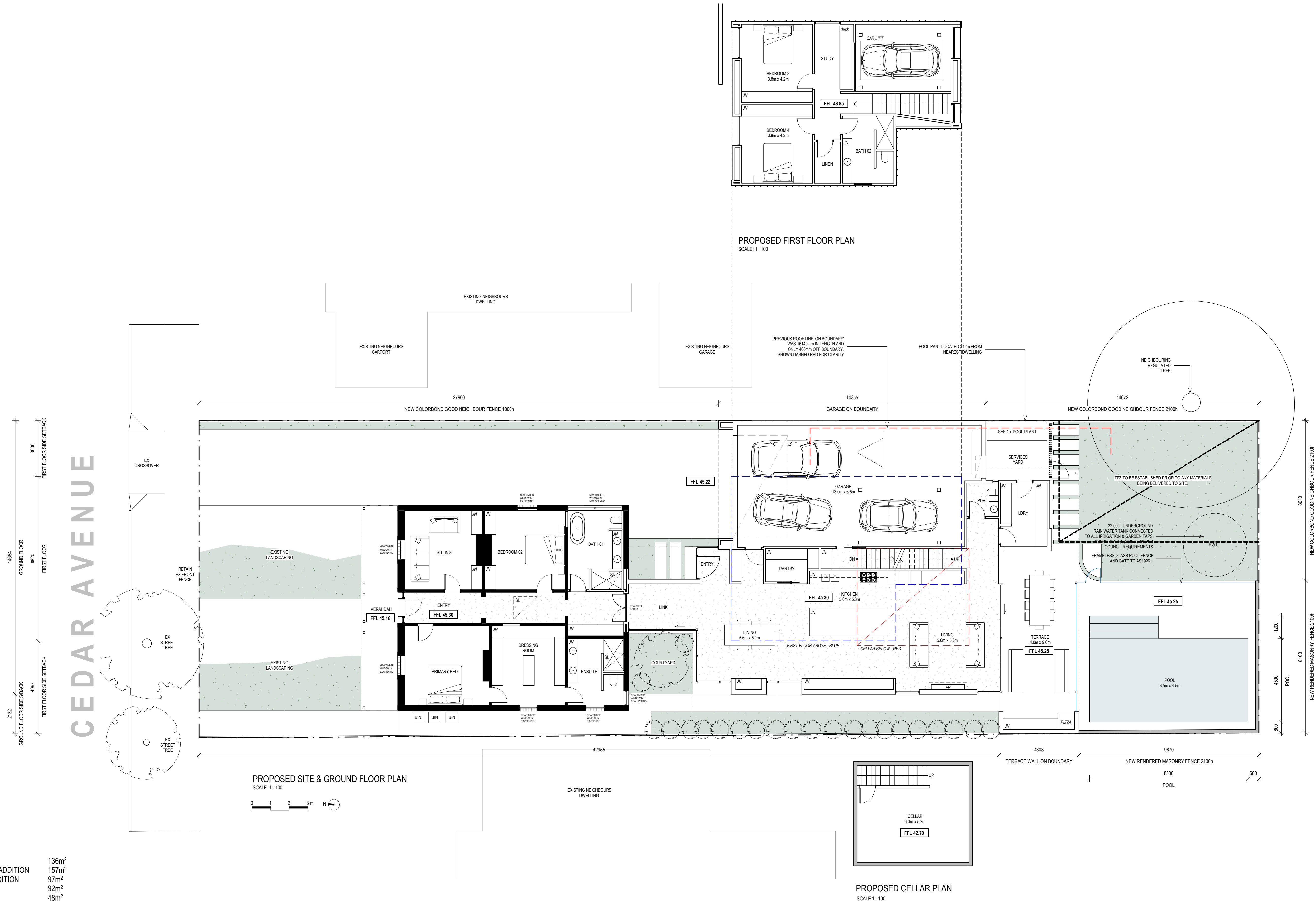
EX DWELLING:	136m ²
GROUND FLOOR ADDITION	157m ²
FIRST FLOOR ADDITION	97m ²
GARAGE:	92m ²
TERRACE:	48m ²
CELLAR:	31m ²

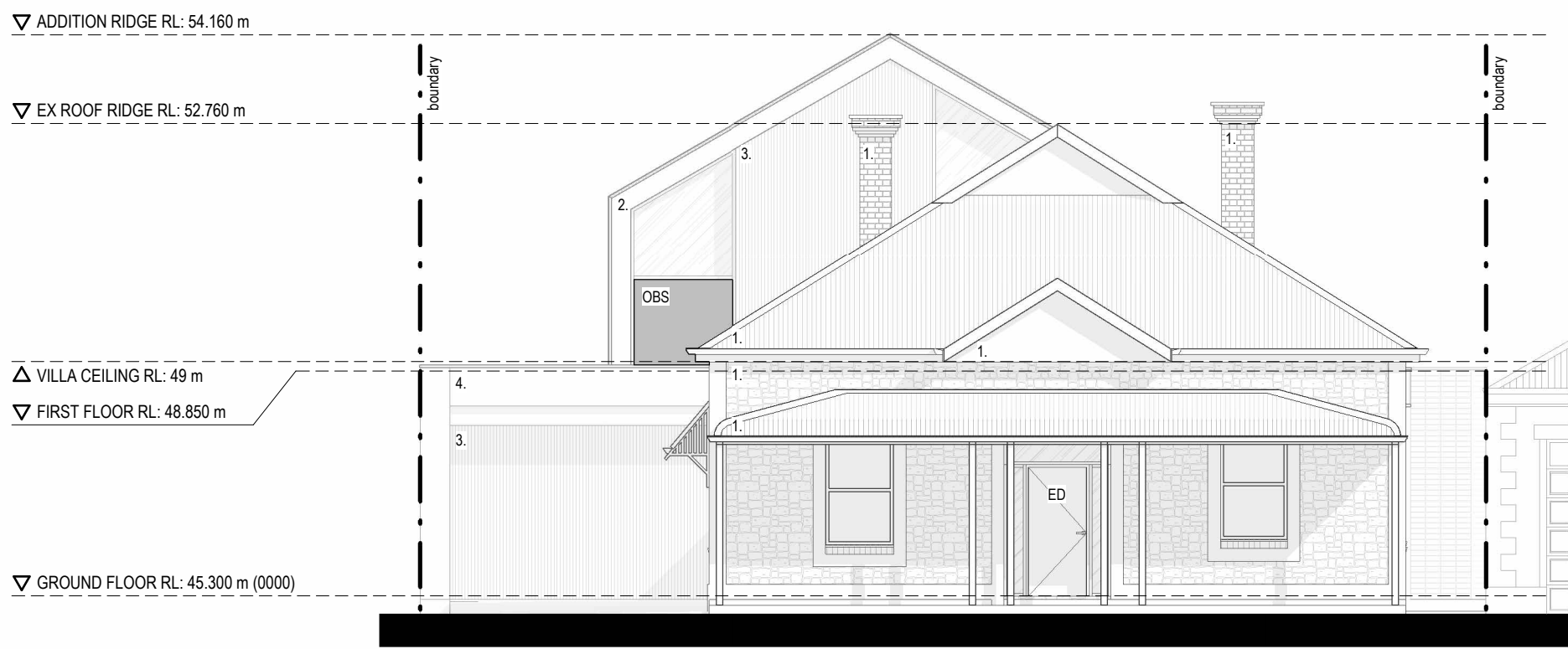
TOTAL: 561m²

SITE:	962m ²
SITE COVERAGE:	46.7%
SOFT LANDSCAPING:	21.8%
POS:	263m ²

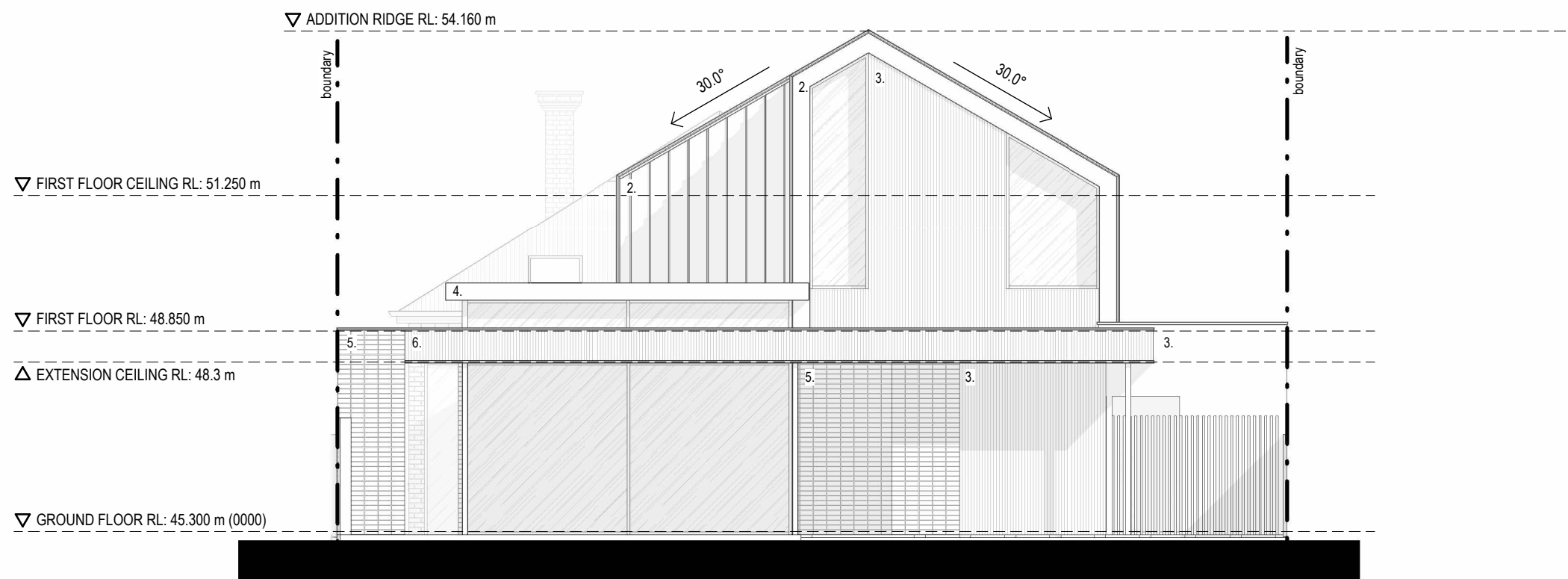
travers residence

at 5 Cedar Avenue, Unley Park

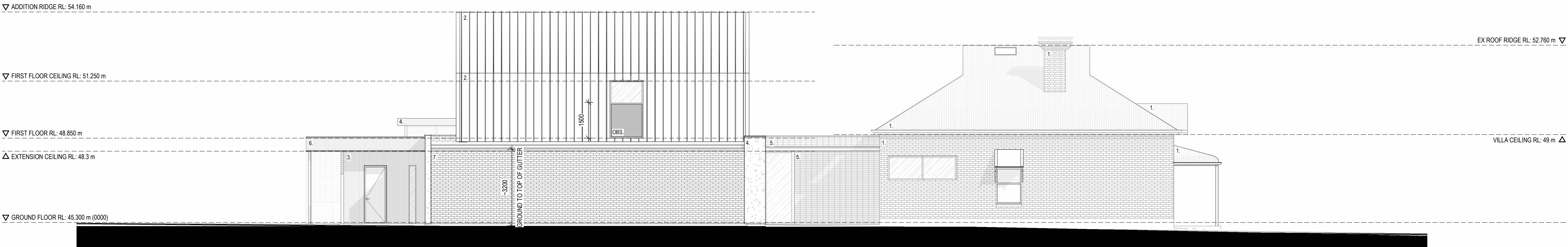




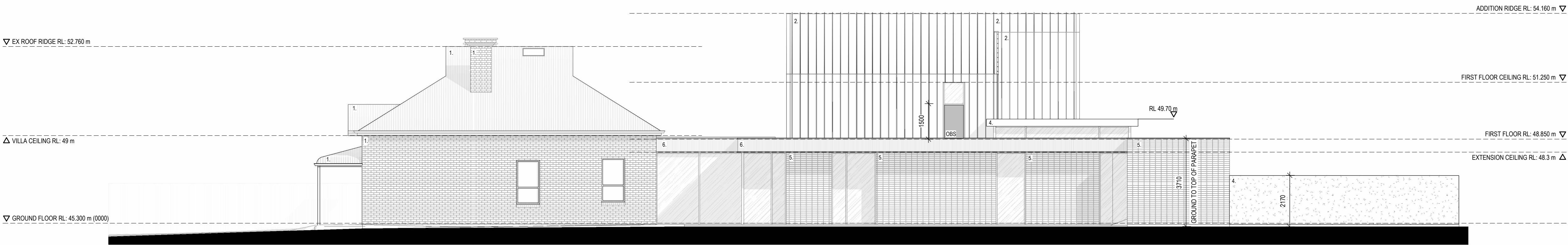
PROPOSED NORTHERN ELEVATION
SCALE: 1: 100



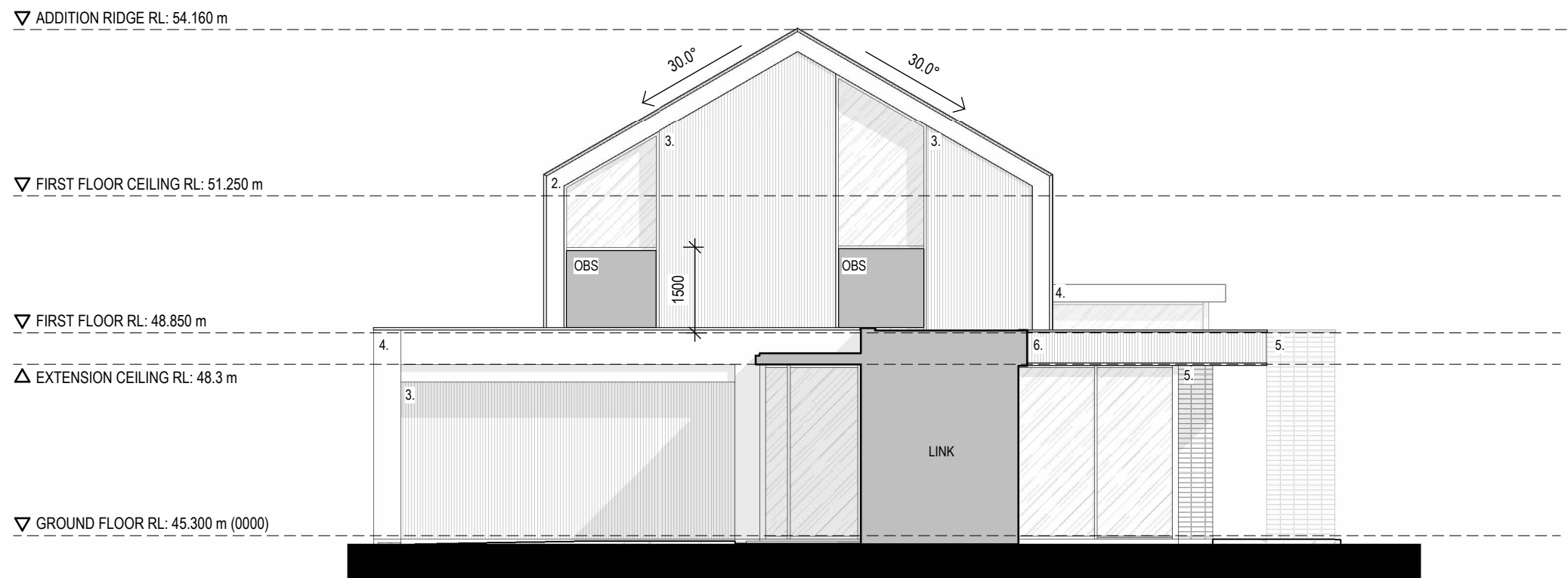
PROPOSED SOUTHERN ELEVATION
SCALE: 1: 100



PROPOSED EASTERN ELEVATION
SCALE: 1: 100



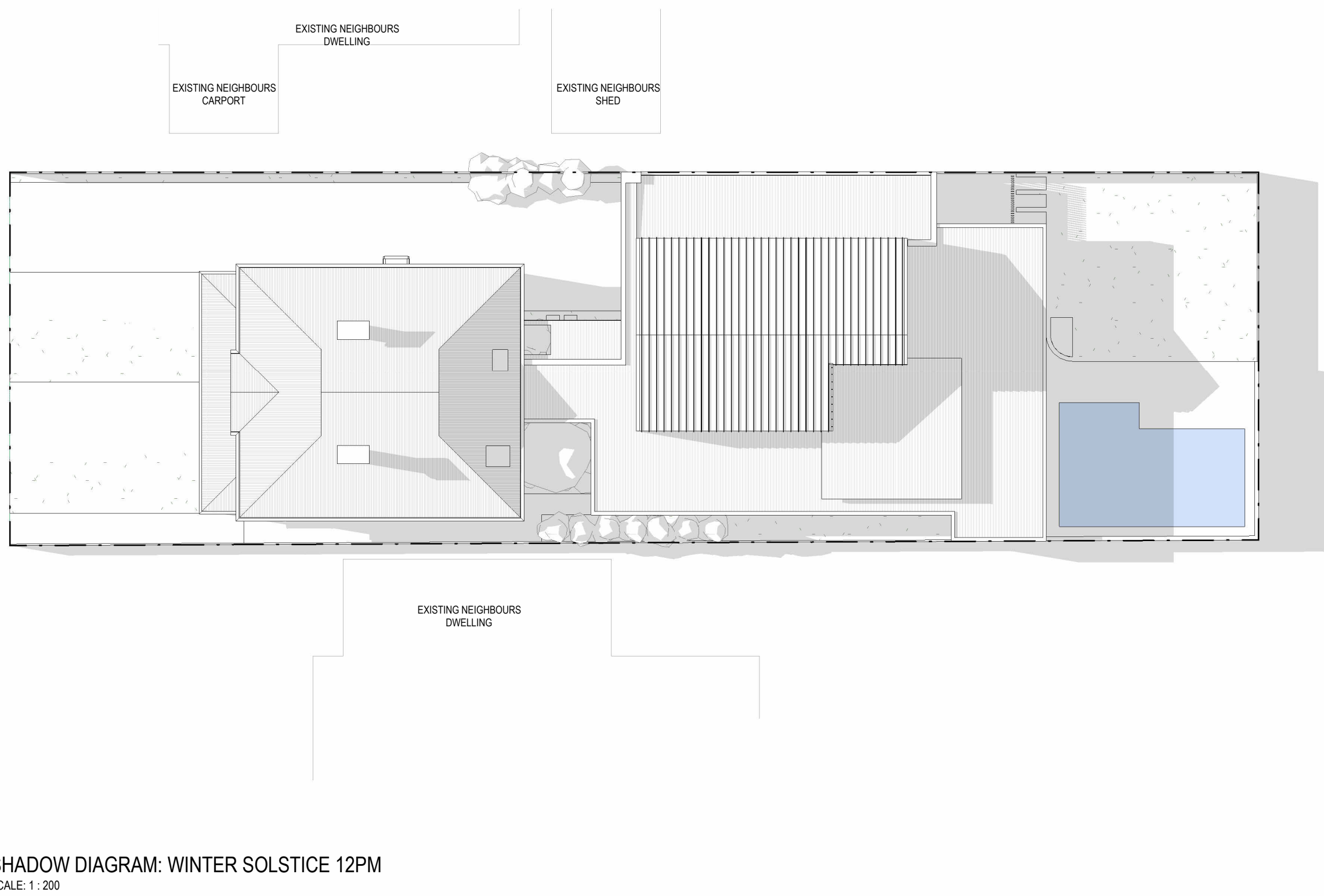
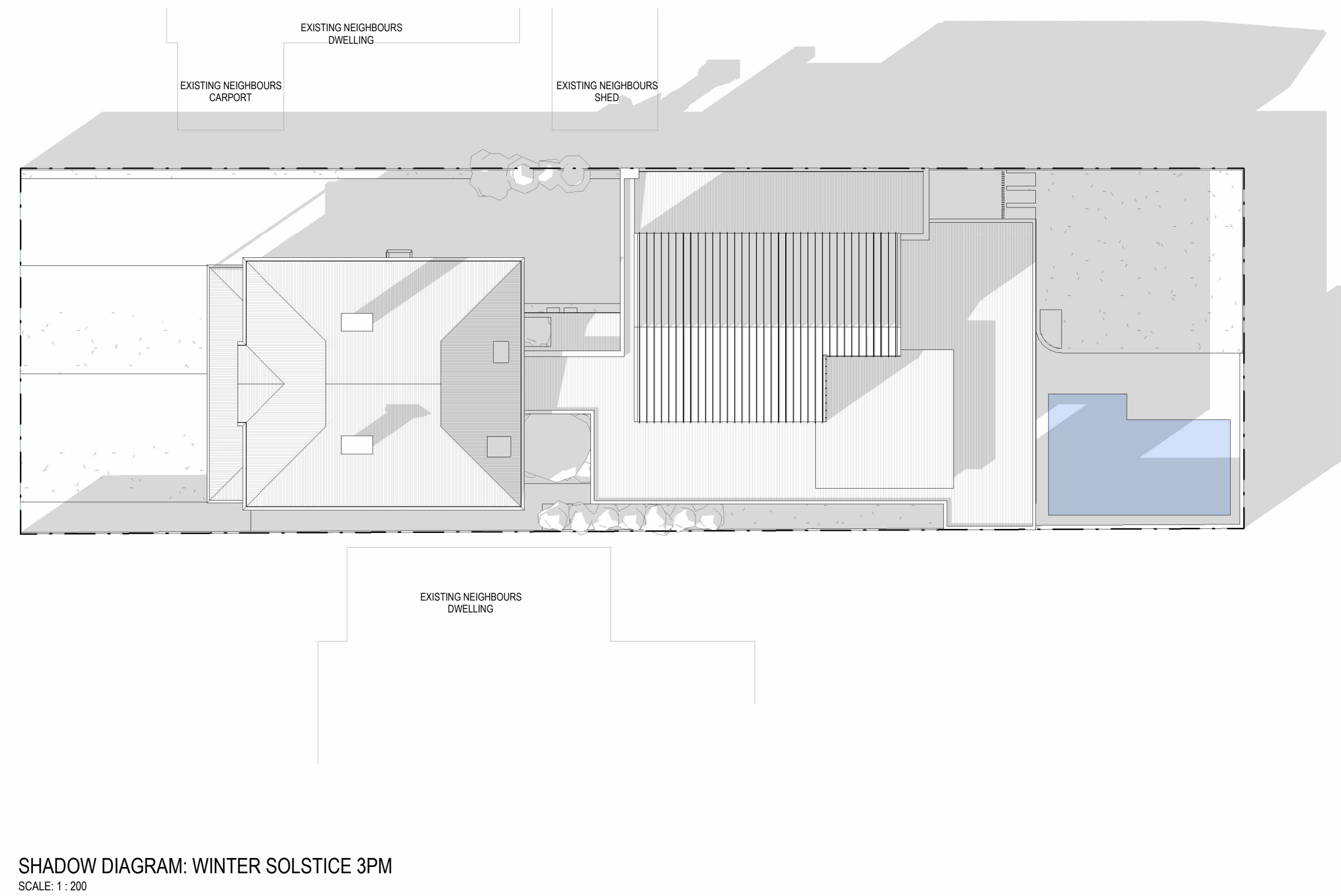
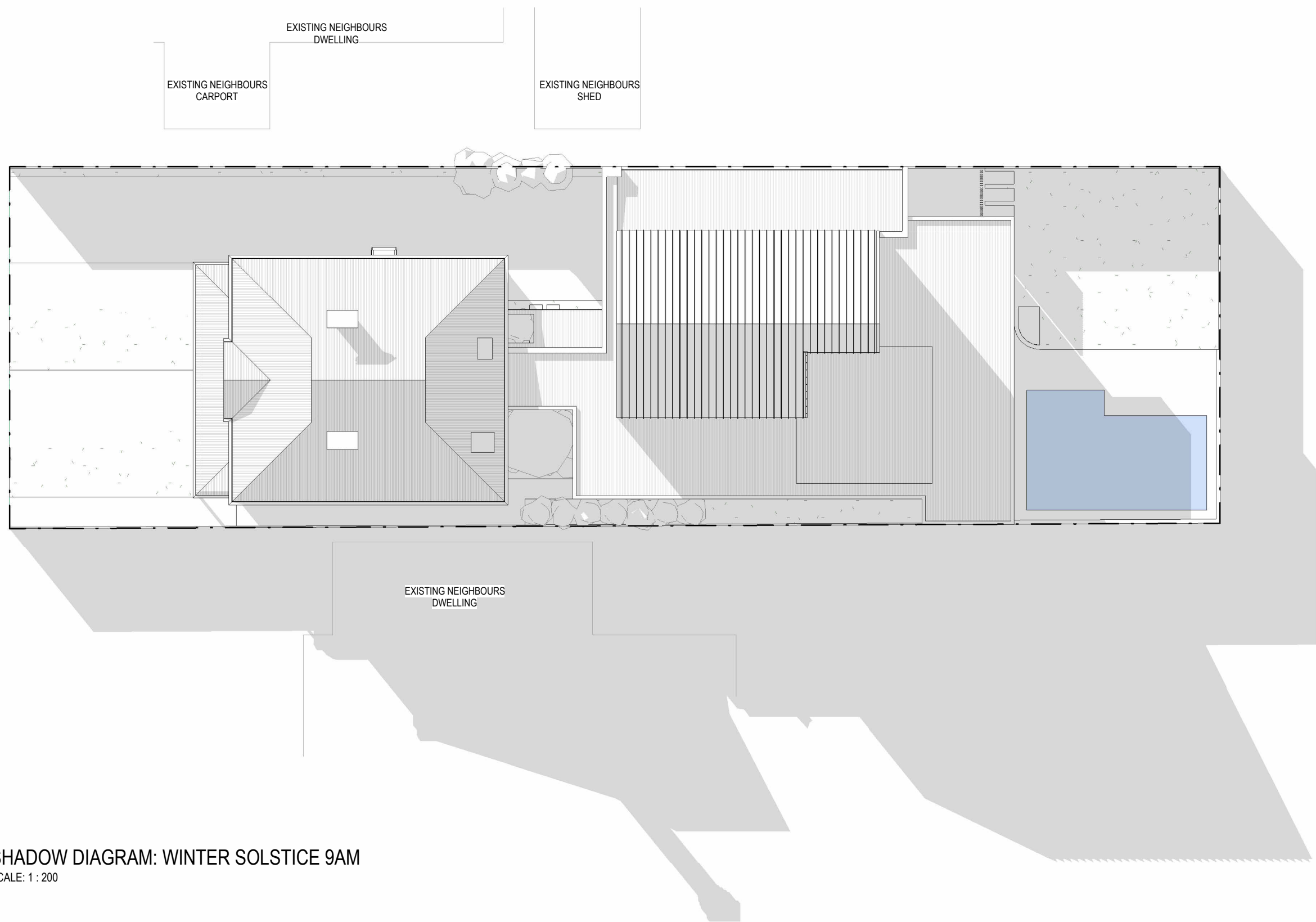
PROPOSED WESTERN ELEVATION
SCALE: 1: 100



PROPOSED NORTH ELEVATION (PART)
SCALE: 1: 100

MATERIALS LEGEND

1. EXISTING WALL/STRUCTURE/ROOF
 2. FIELDERS CADENCE COLORBOND CLADDING
COLOUR: DOVER WHITE
 3. SILVERTOP ASH SHIPLAP CLADDING
COLOUR: NATURAL
 4. RENDER FINISH
COLOUR: OFF WHITE
 5. FACE BRICK - STACK BOND
COLOUR: PGH MORADA 50mm LINEAR BLANCO
 6. SILVERTOP ASH BATTEN CLADDING
COLOUR: NATURAL
 7. FACE BRICK PAINTED
COLOUR: OFF WHITE
- WINDOWS/DOORS: COMMERCIAL ALUMINIUM
COLOUR: POWDERCOAT BLACK EXCEPT
WHERE OTHERWISE NOTED
- ROOF: ALL NEW ADDITION FLAT ROOF
COLOUR: COLORBOND DOVER WHITE
- OBS: OBSCURE GLAZING TO 1500mm A.F.L.



travers residence

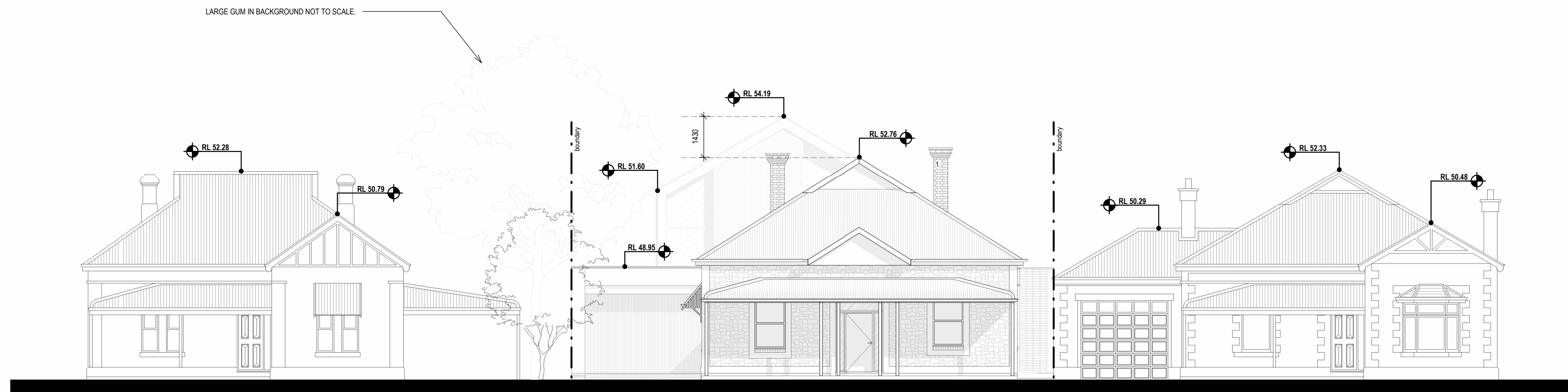
at 5 Cedar Avenue, Unley Park



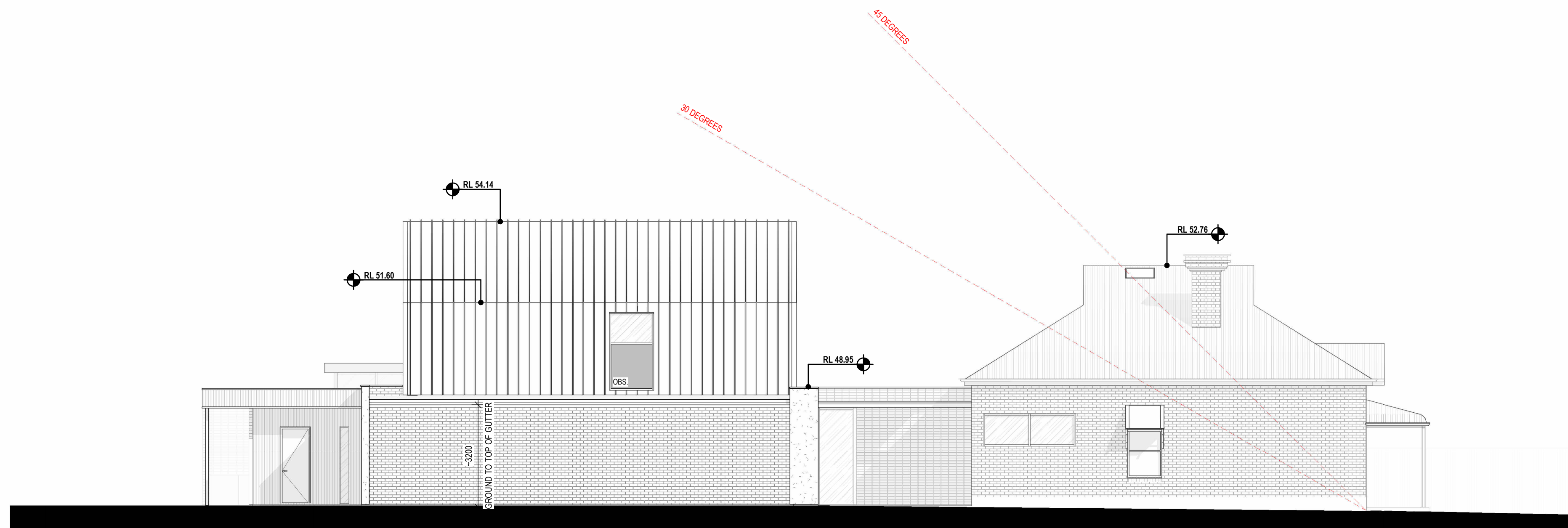
perspective 01



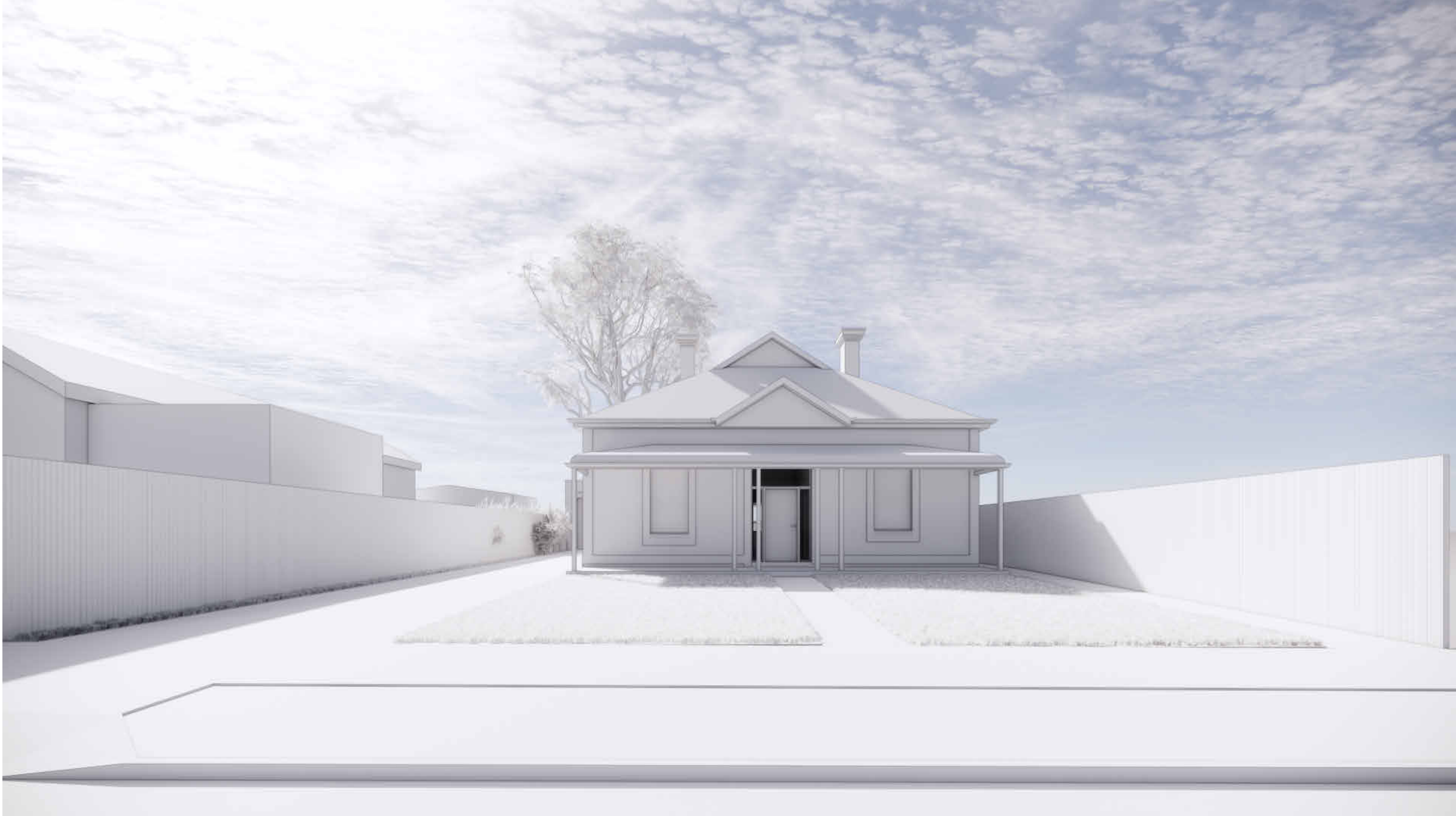
perspective 02



STREETSCAPE ELEVATION
SCALE: 1:100



ADDITION SETBACK ELEVATION
SCALE: 1:100

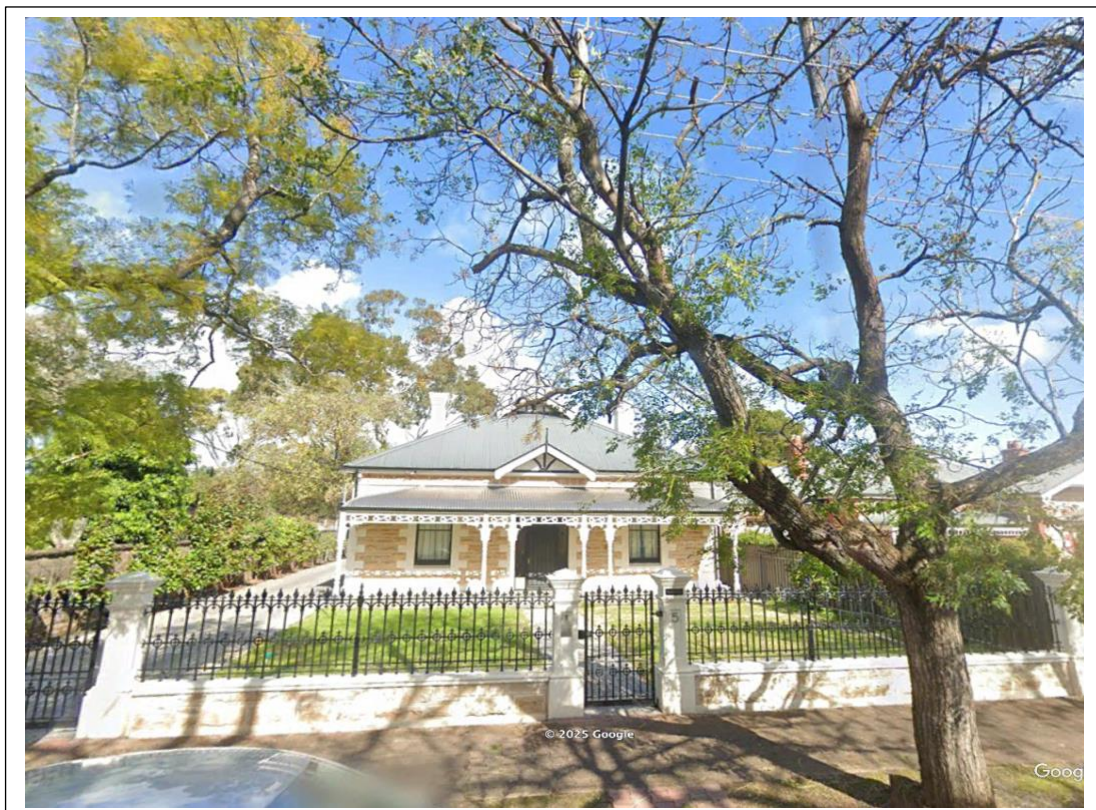


Pre - Development Arboricultural Assessment and Report

Prepared for
Urbanhabitats
Mr William Valimitis
96 King William Road
Goodwood SA 5034

Site Address
5 Cedar Avenue
Unley Park SA 5061

In Regard to
1 x Significant *Corymbia citriodora* (Lemon Scented Gum)



Prepared By:
Mark Elliott Consulting Arborist/Diploma Arboriculture



3 Ellemsea Circuit
LONSDALE SA 5160
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1.0 INTRODUCTION

- 1.1 This report has been prepared at the request of **Mr William Vilimitis** from **Urbanhabitats** and is in relation to one tree and a proposed development **5 Cedar Avenue, Unley park SA 5061**.
- 1.2 The subject tree has been identified as a ***Corymbia citriodora* (Lemon Scented Gum)** and the tree is classified as a **“Significant” Planning Development. and Infrastructure March 2016**.
- 1.3 The **Lemon Scented Gum** is a mature tree and at the time of the inspection the tree was showing good health and condition.
- 1.4 The report has been commissioned as it is proposed to demolish the existing garage/rumpus room and swimming pool and construct a new extension to the existing dwelling, underground rainwater tank and new swimming pool at **5 Cedar Avenue, Unley Park SA 5061**.

2.0 TERMS OF REFERENCE

- 2.1 Verbal instructions were received in **December 2024**.
- 2.2 The instructions received for an arborist report for the one **“Significant” *Corymbia citriodora* (Lemon Scented Gum)** and the proposed development at **5 Cedar Avenue, Unley Park SA 5061**.
- 2.3 The arborist report has been commissioned as it is proposed to undertake demolition of the existing garage, rumpus room and swimming pool and construct a new extension and garage to the existing dwelling, underground rain water tank and swimming pool in the rear south western corner of the property at **5 Cedar Avenue, Unley Park SA 5061**.
- 2.4 This report references the **Australian Standards: AS4970 – 2009 Protection of Trees on Development Sites** and **AS4373 – 2007 Pruning of Amenity Trees**.

3.0 CAVEAT EMPTOR

- 3.1 This is a stage 1 '**Ground Report**'. The tree was inspected from the ground only.
- 3.2 The report is limited by the time of the inspection.
- 3.3 The report reflects the tree as found on the day of inspection. Any changes to site conditions or surroundings, such as construction works, landscape works or further failures or pruning, may alter the findings of the report. The inspection period to which this report applies is three months from the date of the report.

4.0 THE SITE

- 4.1 The subject **Lemon Scented Gum** is growing within the rear yard of the neighboring property at **3 Cedar Avenue, Unley Park SA 5061**.

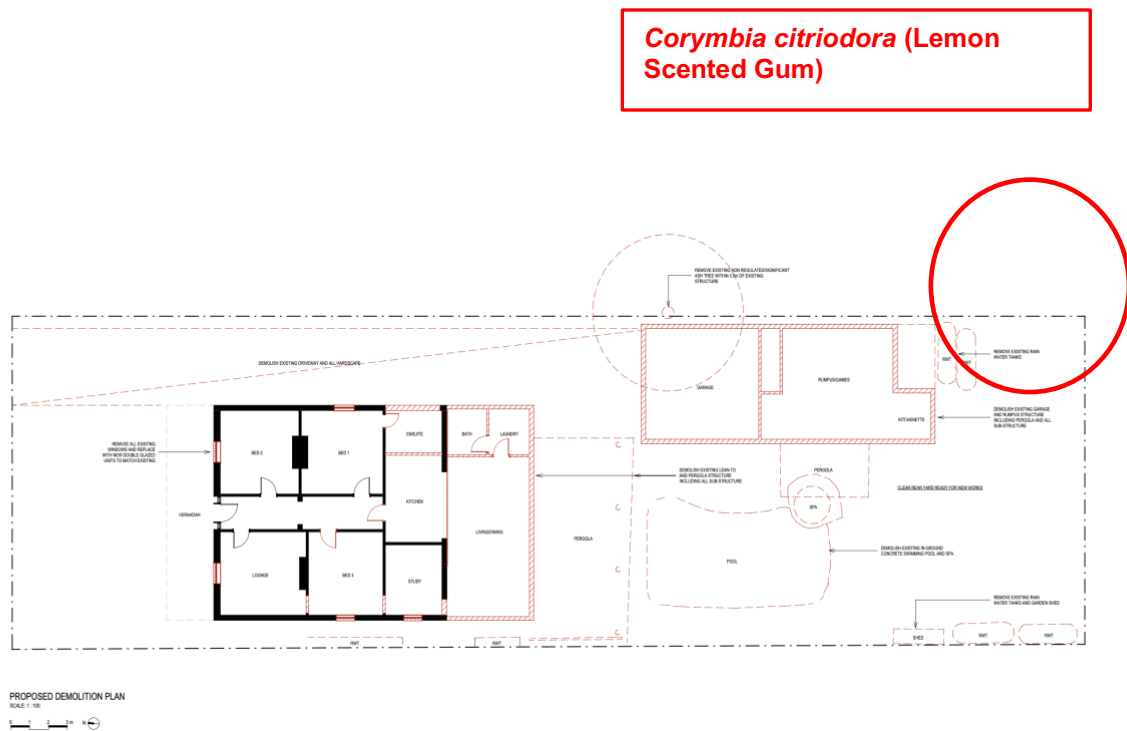


Figure 1 shows an aerial image of the property at 5 Cedar Avenue, Unley Park and the subject Lemon Scented Gum is highlighted in red which is located in the neighbouring property at 3 Cedar Avenue, Unley Park.

- 4.2 The subject **Lemon Scented Gum** is growing in the rear south western corner of the neighboring property at **3 Cedar Avenue, Unley Park SA 5064**.
- 4.3 The tree is located less than 500mm from the dividing boundary line fence and the only encroachment that has occurred into the **Tree Protection Zone (TPZ)** of the **Lemon Scented Gum** is from **5 Cedar Avenue, Unley Park SA 5064**.
- 4.4 **Unley Park** is located with the council boundaries of the **City of Unley** which is located approximately 1 - 6km south from the **Central Business District (CBD)**

6.0 PROPOSED DEVELOPMENT

- 6.1 It is proposed to demolish the existing garage, rumpus room and swimming pool at **5 Cedar Avenue, Unley Park SA 5064** and construct a new addition and garage to the existing dwelling and a new swimming pool in the rear south western corner of the property (**Refer Figure 2 and 3**).
- 6.2 The footprint of the new proposed extension, garage and swimming pool is using a similar footprint of the existing structure and swimming pool that is being demolished (**Refer Figure 2 and 3**).



travers residence

at 5 Cedar Avenue, Unley Park

urbanhabitats

03/07/24 P1.2 A

Figure 2 shows the proposed plans for the development at 5 Cedar Avenue, Unley Park and the subject Lemon Scented Gum is highlighted in red.

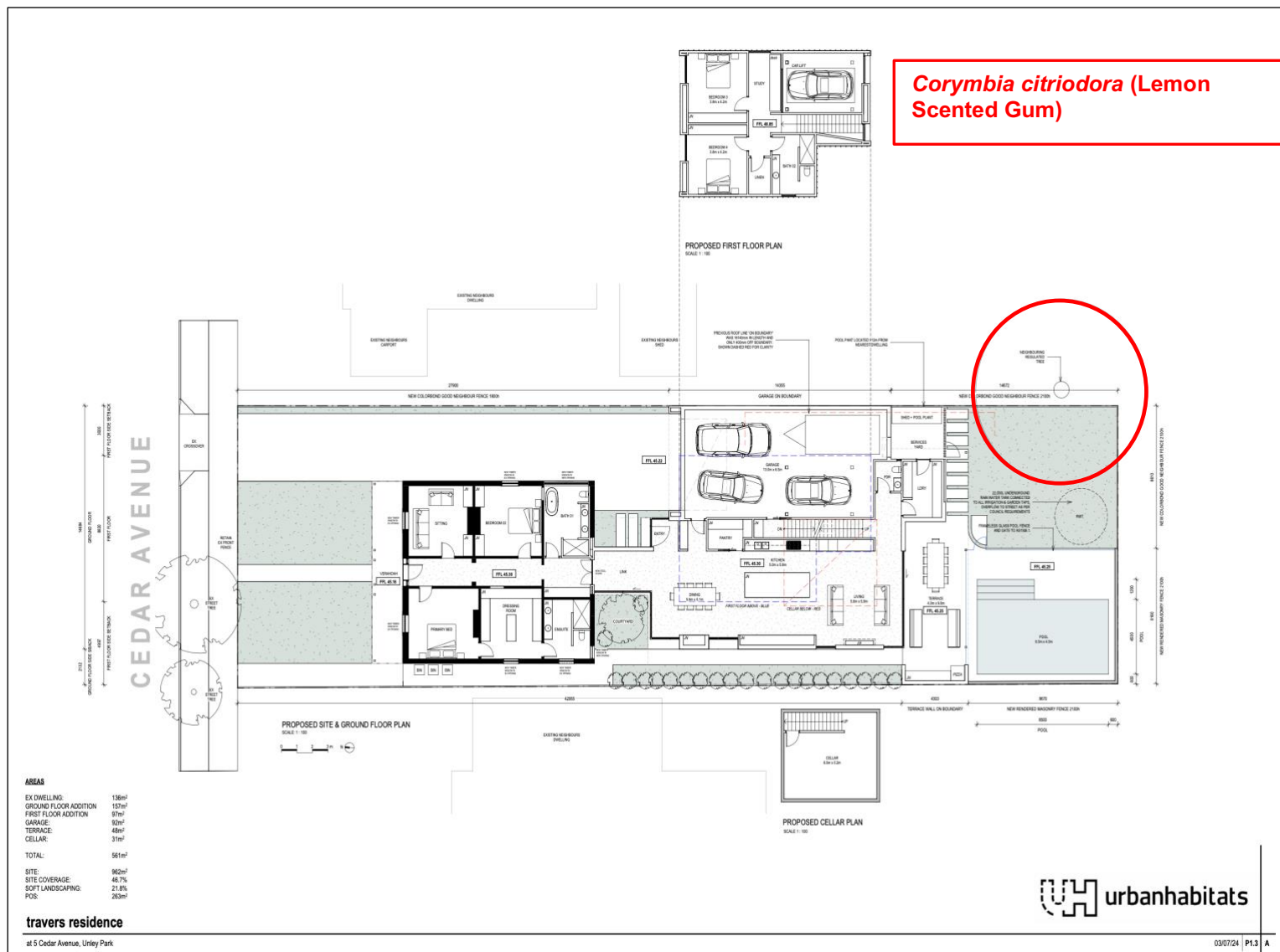


Figure 3 shows the proposed plans for the development at 5 Cedar Avenue, Unley Park which include new addition/garage top the exiting dwelling and a new swimming pool. The subject Lemon Scented Gum is highlighted in red.


7.0 THE TREE -

7.1 Tree Information:

7.1.1 The **Lemon Scented Gum** is classified as a **"Significant Tree"** as per the **Development, Transport, and Infrastructure March 2016**.



Figure 4 shows the structure proposed to be demolished and the subject Lemon Scented Gum which is growing within the rear yard of 3 Cedar Avenue, Unley Park SA 5061.

Tree Name	Significant or Regulated	Tree Condition
<p><i>Corymbia citriodora</i> (Lemon Scented Gum)</p> 	<p>Significant Tree</p> <p>Stem circumference greater 2 meters when measured at 1 meter above natural ground level.</p>	<p>The Lemon Scented Gum tree is a large mature tree growing in the rear yard of the property at 3 Cedar Avenue, Unley Park.</p> <p>I estimate the age of the Lemon Scented Gum to be 45 – 55 years old.</p> <p>The tree is approximately 20 meters in height.</p> <p>The Lemon Scented Gum is located approximately 5 - 6 meters from the existing rumpus room.</p> <p>The health and condition of the tree is good with the crown showing good vigour and colour</p> <p>There is evidence of previous pruning been undertaken on the Lemon Scented Gum with some large pruning cuts being made from the main stem on the western side.</p> <p>The crown of the Lemon Scented Gum has a broad spreading crown.</p> <p>The crown dimensions are:</p> <p>North – 8 meters East – 8 meters South – 7.5 meters West – 7 meters</p> <p>At the time of the inspection, the tree had no signs of any pest and diseases.</p> <p>Following are the calculated Structural Root Zones (SRZ) and Tree Protection Zones (TPZ). These calculations are estimates.</p> <ul style="list-style-type: none"> - Structural Root Zone: 3.42 meters - Tree Protection Zone: 14.63 meters

8.0 POTENTIAL IMPACTS

7.1 The aim of this report is to provide guidelines for best practise tree protection measures in accord with ***Australian Standard AS4970-2009 'Protection of Trees on Development Sites'***

7.2 The preamble of the standard provides a brief outline of why it is important to retain and protect trees on development sites and the following Section: The Tree Protection Zone details the zones around a tree that are required to protect it.

7.3 **AUSTRALIAN STANDARD: AS4970-2009 'Protection of Trees on Development Sites**

7.3.1 *A living tree is a dynamic organism that needs specific environmental conditions to continue healthy, stable growth. It is rarely possible to repair stressed and injured trees, so substantial injury needs to be avoided during all stages of development and construction.*

7.3.2 *For trees to be retained and their requirements met, procedures must be in place to protect trees at every stage of the development process. This should*

be taken into account at the earliest planning stage of any outdoor event or design of a development project where trees are involved.

- 7.3.3 *Trees and their root systems may occupy a substantial part of any development site and because of their potential size, can have a major influence on planning the use of the site.*
- 7.3.4 *Existing trees of appropriate species and sound structure can significantly enhance new development by providing immediate benefits such as shade and stormwater reduction as well as complementing new development.*
- 7.3.5 *Most trees will take many years and possibly decades to establish but can be injured or killed in a very short time, as their vulnerability is commonly not understood. This is especially so in relation to tree root systems which cannot be seen. Irreparable injury frequently occurs in the early stages of site preparation and remedial measures routinely fail.*
- 7.3.6 *Early identification and protection of important trees on development sites is essential from the outset and will minimise the problems of retaining inappropriate trees.*
- 7.3.7 *Successful long-term retention of trees on development sites depends on an acceptance and acknowledgement of the constraints and benefits that existing trees generate. Protecting trees in accordance with the Standard may influence design and construction costs and this should be considered in project budgets and contracts. The gains and benefits of retaining trees will accrue if the measures detailed in the Standard are applied.*

7.4 THE TREE PROTECTION ZONE

- 7.4.1 The Tree Protection Zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The TPZ incorporates the structural root zone (SRZ).
- 7.4.2 It may be possible to encroach into or make variations to the standard or optimal TPZ. Encroachment includes excavation, compacted fill and machine trenching.
- 7.4.3 If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the tree(s) would remain viable.

7.5 SRZ & TPZ CALCULATIONS

- 7.5.1 **The SRZ (or CRZ): Structural/Critical Root Zone** is the zone around a tree required to protect the tree's stability. **Generally, no development activities are permitted within this zone unless there are no other suitable options.**
- 7.5.2 **The TPZ or Optimal Tree Protection Zone** is the principal means of protecting the tree and is calculated using the formula $TPZ = DBH \text{ (diameter @ 1.4 meters above ground level) } \times 12$.

7.6 POTENTIAL IMPACTS

- 7.6.1 **I believe there will be minimal impact on the Lemon Scented Gum tree from the proposed development at 5 Cedar Avenue, Unley Park SA 5064 based on the proposed development using a similar footprint to the existing structures and swimming pool and the increased encroachment is minimal.**

9.0 DISCUSSIONS

- 9.1 The subject **Lemon Scented Gum** is a large mature tree and at the time of the inspection the tree was showing good health and condition.
- 9.2 The subject tree is classified as a “**Significant**” tree as per the *Planning, Development and Act March 2016*.
- 9.3 There has been minimal encroachment into the **Tree Protection Zone (TPZ)** of the subject **Lemon Scented Gum** currently with the only encroachment being from the existing rumpus room/garage at **5 Cedar Avenue, Unley Park**.
- 9.4 I have estimated the current encroachment being approximately 12%.
- 9.5 I believe the **Lemon Scented Gum** tree will not be impacted by the proposed development at **5 Cedar Avenue, Unley Park** based on the following points and if the correct methodologies are used during the construction phase:
- 9.5.1 There has been minimal prior encroachment into the **Tree Protection Zone (TPZ)** of the **Lemon Scented Gum**.
 - 9.5.2 The proposed development at **5 Cedar Avenue, Unley Park** encroaches the **Tree Protection Zone (TPZ)** of the **Lemon Scented Gum** by approximately **15 – 18%**. This is an increase from the existing encroachment of approximately **5%** from the current garage and rumpus room.
 - 9.5.3 The proposed grassed area between the tree and the swimming pool is recommended to be irrigated and this will be an improvement of the current growing conditions for the **Lemon Scented Gum** where this area is currently not being irrigated.
 - 9.5.4 The correct methodologies as outlined within section eleven of this report are adhered to ensure there is no impact to the subject **Lemon Scented Gum**.
- 9.6 I believe the additional encroachment into the **Tree Protection Zone (TPZ)** of the **Lemon Scented Gum** will have minimal to no impact on the trees health and condition. It is likely the growing conditions will be improved which will be beneficial for the long-term health and condition of the tree

10.0 LEGISLATE REQUIREMENTS

- 10.1 The **Lemon Scented Gum** is classified as a “**Significant**” trees as per the *Planning, Development and Act March 2016*.

PO 2.1

Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health - I believe there will be minimal impact on the Lemon Scented Gum by the proposed development at 5 Cedar Avenue, Unley Park SA 5064 as a similar footprint to the existing structure and swimming pool is being used the calculated encroachment of the rainwater tank and swimming pool into the Tree Protection Zone (TPZ) of the Lemon Scented Gum is approximately 15 - 18%. It is important that the methodologies with this report (section 11) are adhered to during the development phase of this proposed development.

11.0 RECOMMENDATIONS

- 11.1 The following recommendations are to be implemented when undertaking any works within the **Lemon Scented Gum's Tree Protection Zone (TPZ)** for the proposed extension, swimming pool and underground rainwater tank.

- 11.2** It is recommended the excavation works for the underground rainwater tank is undertaken by non-destructive methods such as hydro-vac and all other excavations works for the proposed extension and swimming pool are undertaken under the supervision of the **'Project Arborist'**.
- 11.3** If any larger tree roots with a diameter greater than **50 mm** are discovered during the non-destructive excavation phase of the proposed underground rainwater tank, the **Project Arborist** needs to be contacted to inspect.
- 11.4** If any tree roots are exposed, temporary protection measure may be required such as hessian sheeting as multiple layers and this should be secured and also maintained moist until tree roots are covered/remediated.
- 11.5** Following is a list of activities that are not permitted within the **Tree Protection Zone (TPZ)** of the **Lemon Scented Gum**:
- Storage of materials
 - Refuelling
 - Parking of Vehicles/plant
 - Dumping of waste
 - Placement/storage of fill
 - Preparation of concrete products/chemicals
 - Mechanical excavation
 - Washing down of tools/equipment
 - Temporary or permanent installation of utilities and signs
- 11.6 DEVELOPMENT PHASE:** If it is proposed to undertake landscaping works within the area of the TPZ such as paving, I do recommend a permeable paving product to be used. All works required within the area of the TPZ must be undertaken by hand or using non-destructive methods.
- 11.7** The profile for paving within the **Tree Protection Zone (TPZ)** is to be constructed without being detrimental to the trees health and condition:
- 11.8** When paving with a **Tree Protection Zone (TPZ)** of a tree, a permeable paver needs to be used along with a suitable base profile.
- 11.9** When paving with a **Tree Protection Zone (TPZ)** of a tree, a permeable paver needs to be used along with a suitable base profile.
- 11.10** Do not allow for changes of the soil to below the top soil when undertaking paving within the **Tree Protection Zone (TPZ)**. Carefully remove/scraped away to the original soil surface (top soil).

Paving Option Number 1

9.14.1 Paver 50 – 80mm (80mm paver is required to support vehicle loads) Joints filled with 2 - 5mm clean aggregate. Regular paving sand is not suitable.

9.14.2 Bedding layer of 30 – 50mm deep bedding layer of washed uniformly graded aggregate between 5 – 7 mm.

9.14.3 A base course layer 100 – 300mm deep and comprising 20 mm washed uniformly graded aggregate. A geotextile fabric may be required over the subbase, preventing different layers from mixing, blocking pore spaces.

Paving Option Number 2

9.14.3 Paver 50 – 80mm (80mm paver is required to support vehicle loads) Joints filled with 2 - 5mm clean aggregate. Regular paving sand is not suitable.

9.14.4 No bedding layers

9.14.4 A base course layer 100 – 300mm deep of SPACE structural soil (structurally permeable aerated compactable earth). These materials can be compacted and will still allow air and water exchange.

9.16 Any services that maybe required to enter and exit the development area should avoid the TPZ and SRZ wherever possible however. If they must pass within the TPZ, non-destructive methods such as Hydro vac® systems must be used and tree roots to remain intact. This includes, electrical, water, storm water, swimming pool and irrigation.

9.19 Approval from Plan SA needs to be obtained prior to commencement of any works

Mark Elliott
Consultant Arborist/Diploma Arboriculture

APPENDIX A: REFERENCES

Planning Development and Infrastructure Act March 2016

Australian Standards - Protection of Trees on Development Sites AS4790 – 2009

Mattheck, C and Breloar, J – The Body language of Trees (1994)

Roberts, J. Jackson N and Smith D – Tree Roots in Built Environment - 1994

APPENDIX B: DISCLAIMER AND LIMITATIONS

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

ATTACHMENT 2

Details of Representations

Application Summary

Application ID	24038446
Proposal	Demolition of existing ancillary structures, partial demolition of the existing dwelling, construction of dwelling additions and alterations (including a cellar, garage and terrace), an in-ground swimming pool with associated pool safety fencing and equipment, boundary fencing (including masonry fencing exceeding a height of 1 metre) and underground rainwater tank
Location	5 CEDAR AV UNLEY PARK SA 5061

Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	13/01/2025 10:04 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

We support the development subject to the following two matters being addressed: Firstly, we have our existing garage built on the boundary as per past Unley Council approval (DA No. [REDACTED] approved on 2 and 11 May 2006) where the proposal to build a wall is, so this would interfere with our existing garage structure. We therefore wish to be consulted regarding the manner in which the above interference will be remedied including, where necessary, by any make good to our existing garage wall. Secondly, whilst we don't disapprove of the proposed pizza wall on our boundary, or the pool wall, we wish to be consulted at all times on the finish, colour of choice and render on our side of these walls, including the make good of any plants/trees/garden etc pertaining to the renovation. Thankyou.

Attached Documents

Representations

Representor 2 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	14/01/2025 04:01 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons see attached on behalf of owners of [REDACTED]	

Attached Documents

54239let01-10181338.pdf

14 January 2025

Lauren Cooke
City of Unley

Our Ref: 54239LET01

Dear Lauren

**Representation Against Development Application 24038446 – 5 Cedar Avenue,
Unley Park.**

MasterPlan (SA) Pty Ltd ('MasterPlan') have been engaged by [REDACTED], the residents of [REDACTED], to review the abovementioned development application. We provide herein our planning opinion in respect to the merits of the proposal when considered against the relevant requirements of the Planning and Design Code ('the Code').

In forming our opinion on the development, we have reviewed the application documentation, the relevant policies of the Planning and Design Code and undertaken a site inspection.

The following summarises the proposal under a number of key considerations of the Code; namely, building height, side setbacks, boundary development and historic character.

Building Height

The application proposes to construct two storey dwelling additions with a maximum height of 8.86 metres, as measured against the definition of Building Height in Part 8 of the Planning and Design Code.

Part 1 – Rules of Interpretation of the Planning and Design Code outlines the role of Desired Outcomes in the assessment of Performance Assessed Development. Specifically, Desired Outcomes are:

...Policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone.... Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may... assist in assessing the merits of the development against the applicable performance outcomes collectively.



The Desired Outcome of the Established Neighbourhood Zone states that:

Established Neighbourhood Zone
<p>DO 1</p> <p>A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.</p>

The proposed additions are to be sympathetic to the predominant built form character and development patterns. The design intention extends to building height, with the relevant provision specified below:

Established Neighbourhood Zone					
<p>PO 4.1</p> <p>Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table><tr><td>Maximum Building Height (Metres)</td></tr><tr><td>Maximum <u>building height</u> is 6m</td></tr><tr><td>Maximum Building Height (Levels)</td></tr><tr><td>Maximum <u>building height</u> is 1 level</td></tr></table> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m.</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p> <p>(d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>	Maximum Building Height (Metres)	Maximum <u>building height</u> is 6m	Maximum Building Height (Levels)	Maximum <u>building height</u> is 1 level
Maximum Building Height (Metres)					
Maximum <u>building height</u> is 6m					
Maximum Building Height (Levels)					
Maximum <u>building height</u> is 1 level					

The proposal exceeds the 6-metre building height guideline listed DTS/DPF 4.1 by 2.86 metres. The proposal also represents a two-level addition, contrary to the one level envisaged within DTS/DPF 4.1. The dwelling addition building height is substantially beyond what is envisaged within the Zone.



While the numerical shortfall is substantial, the ultimate assessment test relevant to building height relates to the proposals compliance with the localities prevailing and established character, as per PO 4.1 and DO 1. In this regard, we note that there are no two building level dwellings with a primary frontage to Cedar Avenue, as is evident with the following photographs.



Figure 1: 6 Cedar Avenue



Figure 2: 7 Cedar Avenue



Figure 3: 8 Cedar Avenue



Figure 4: 10 Cedar Avenue



Figure 5: 9 Cedar Avenue



Figure 6: 11 Cedar Avenue



Figure 7: 12 Cedar Avenue



Figure 8: 4 Cedar Avenue



Figure 9: 2 Cedar Avenue



Figure 10: 1 Cedar Avenue



Figure 11: 1A Cedar Avenue

The dwellings presenting to Cedar Avenue are single storey and of a modest scale with generous landscape surrounds. We note that a two-storey dwelling is located at the rear of the subject site and examples along Elm Street over 130 metres to the east.



The proposal will introduce a new development element into the streetscape which is contrary to the numerical and character intentions of the Established Neighbourhood Zone. We also note that the proposal will not represent a discrete addition. The second building level will be a notable visual element when viewed from Cedar Avenue, as is evident in the northern elevations when compared to the existing dwelling:



Figure 12: Proposed northern elevation



Figure 13: 5 Cedar Avenue, subject site

The existing chimneys provide a beneficial reference point in understanding the extent to which the second building level extends above the existing dwelling.

The northern elevation of the upper-level addition provides a vertical northern façade of Silvertop ash batten cladding, glazing and a balcony which is able to be viewed over the eastern section of the existing dwelling. Views down the eastern side of the dwelling are also prominent, as depicted in the following photograph:



Figure 14: 5 Cedar Avenue, subject site



Given the vantage points provided to view the second building level, it will not represent a discrete or subtle element. The second building level height will be readily viewed from Cedar Avenue and surrounds.

The proposal is contrary to the Zone's intention for '*new buildings (to be) sympathetic to the predominant built form character*' (DO 1) and to '*complement the height of nearby buildings*' (PO 4.1). The proposal's height, bulk and scale will be notable and will not sit comfortably within the Cedar Avenue streetscape which incorporates single-building level dwellings of modest scale.

Setbacks

The following outlines the side boundary setback intentions for the zone:

Established Neighbourhood Zone	
<p>PO 8.1</p> <p>Buildings are set back from side boundaries to provide:</p> <ul style="list-style-type: none">(a) separation between buildings in a way that complements the established character of the locality(b) access to natural light and ventilation for neighbours.	<p>DTS/DPF 8.1</p> <p>Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:</p> <ul style="list-style-type: none">(a) no less than:<div><div>Minimum Side Boundary Setback</div><div>Minimum side boundary setback is 2m for the first <u>building level</u>; 4m for any second <u>building level</u> or higher</div></div>(b) in all other cases (i.e., there is a blank field), then:<ul style="list-style-type: none">(i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm(ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level(iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.



The visual notability of the addition relevant to its height is compounded by the intrusion into the eastern side setback criteria, stipulated as 2 metres for the first building level and 4 metres for the second building level. The proposal incorporates a 14.335-metre-long boundary wall at 3.2 metres high and a 2.9-metre second building-level setback. This results in a 2-metre shortfall for the first building level and a 2.1-metre shortfall for the second building level.

The single-storey dwellings within the locality are typically setback back from side boundaries. Where there is boundary development, it generally incorporates small scale carports measuring in the order of 8.0 metres long and 3.0 metres high. There is no boundary development of the scale proposed within the locality.

The ground level boundary development is uncharacteristic in the locality. Further, there are no two-storey dwelling examples presenting to Cedar Avenue, resulting in the upper-level addition being uncharacteristic. The upper-level side setback intrusion of 2.1 metres exacerbates the proposal's uncharacteristic nature, resulting in a notable visual element when viewed from Cedar Avenue and a dominant visual element when viewed from our client's land to the east, contrary to *'the established character of the locality'* (PO 8.1).

Boundary Wall

The proposal incorporates a 3.2-metre-long boundary wall which extends for a length of 14.335 metres. The wall is proposed to be constructed along the boundary shared by our client.

Boundary walls are not envisaged within the zone, as stipulated within the following:

Established Neighbourhood Zone	
PO 7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.	DTS/DPF 7.1 Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below: (a) <div>Minimum Side Boundary Setback</div> <div>Minimum side boundary setback is 2m for the first building level; 4m for any second building level or higher</div> or (b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below: (i) side boundary walls adjoin or abut a boundary wall of a building on



Established Neighbourhood Zone	
	adjoining land for the same or lesser length and height
(ii)	side boundary walls do not:
(A)	exceed 3.2m in wall height from the lower of the natural or finished ground level
(B)	exceed 8m in length
(C)	when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary
(D)	encroach within 3m of any other existing or proposed boundary walls on the subject land.

As referenced in DPF 7.1, the first building level of dwellings are to be setback 2 metres from a side boundary and the second building level is to be setback 4 metres. We also note that boundary walls are to be limited in height and length to manage visual impacts.

The boundary wall will represent a dominant visual element when viewed from our client's rear yard given the length of over 14 metres and height of 3.2 metres. Further, the visual dominance of the boundary wall will be exacerbated by the visual impact of the featureless second level wall and roof line above the boundary development which extends for a length of 12 metres and additional height of 5.31 metres, as is evident in the following figure:

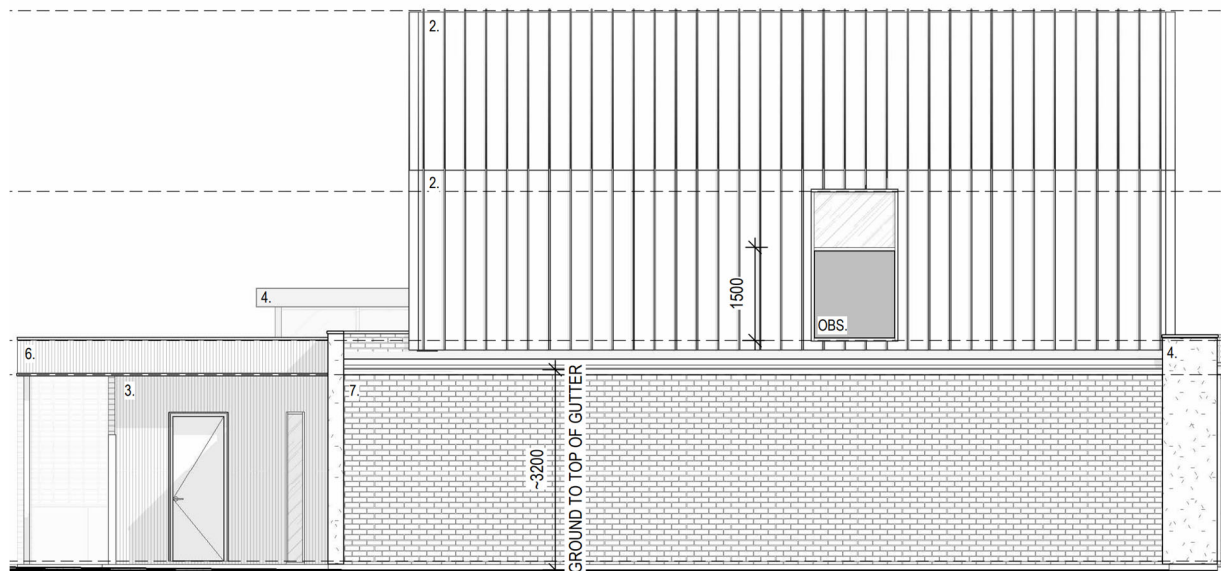


Figure 15: Proposed eastern boundary wall



Figure 16: views to the west from the rear yard of 3 Cedar Avenue

The scale of the boundary wall and eastern upper-level wall above will result in a dominant feature when viewed from our client's land that is uncharacteristic within the locality and contrary to the form of development anticipated within the zone. The visual intrusion is unreasonable given the character of the area and relevant policy setting. The proposed boundary wall does not appropriately manage visual impacts on adjoining properties (PO 7.1).

Historic Area Overlay

The proposal is also located within a Historic Area Overlay, with the following provisions being of particular relevance:

Historic Area Overlay	
PO 2.1 The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.	DTS/DPF 2.1 None are applicable.



Historic Area Overlay	
PO 2.2 Development is consistent with the prevailing building and wall heights in the historic area.	DTS/DPF 2.2 None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the historic area.	DTS/DPF 2.4 None are applicable.
PO 3.1 Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.	DTS/DPF 3.1 Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the primary street.

For the reasons previously outlined where discussing building height, setbacks and boundary development, the proposal is considered to be contrary to the Historic preservation intentions of the overlay as:

- The form and scale of the addition visible from the public realm is inconsistent with the prevailing historic characteristics of the area (PO 2.1)
- The eastern walls are inconsistent with the prevailing building and wall heights in the area (PO 2.2)
- The eastern walls are inconsistent with the side setback pattern within the area (PO 2.4)
- The additions are not contained within the roof space of the existing building, nor do they sufficiently complement the building, resulting in a notable visual element when viewed from Cedar Avenue (DTS/DPF & PO 3.1).

With these design features, the proposal does not sufficiently complement the development intentions of the historic area, as outlined within the Historic Area Statement Un24.

Proposal Amendments

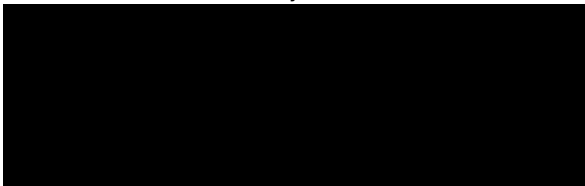
Our client's greatest concern regarding the proposal is the extent of development proposed to be located on the common (eastern) boundary. Should the garage wall be amended to incorporate a 600-millimetre setback from the common boundary and the visual intrusion of the upper level reduced, those concerns would largely be addressed.



Our client or representative reserves the right to make a verbal submission to the Council Assessment in support of their submission. In the event that amendments addressing the above concerns are undertaken, I am instructed that our client may be prepared to withdraw their representation.

Please do not hesitate to contact the undersigned at [REDACTED] for further clarification.

Yours sincerely



Stewart Hocking
MasterPlan SA Pty Ltd

ATTACHMENT 3

February 14, 2025

Lauren Cook
City of Unley
Via: The PlanSA Portal

Dear Lauren,

RE: DA 24038446 – RESPONSE TO REPRESENTATIONS

We have been instructed by the Applicant, Urban Habitats Pty Ltd, to respond to the assertions made, and concerns raised, by:

- [REDACTED] (Representor 1); and
- [REDACTED] (Representor 2).

Representor 1 opposes the proposed development and wishes to be heard by the Council Assessment Panel (CAP). Representor 2 has provided qualified support for the proposed development and does not wish to be heard by the CAP.

Our responses are set out, in no particular order, below.

Building Height and Streetscape Appearance

Representor 1 has asserted that the overall building height of the proposed addition conflicts with the relevant policies of the Planning and Design Code (Code), in particular Performance Outcome (PO) 4.1 of the Established Neighbourhood (EN) Zone and, as such, is inconsistent with the prevailing character of the surrounding area.

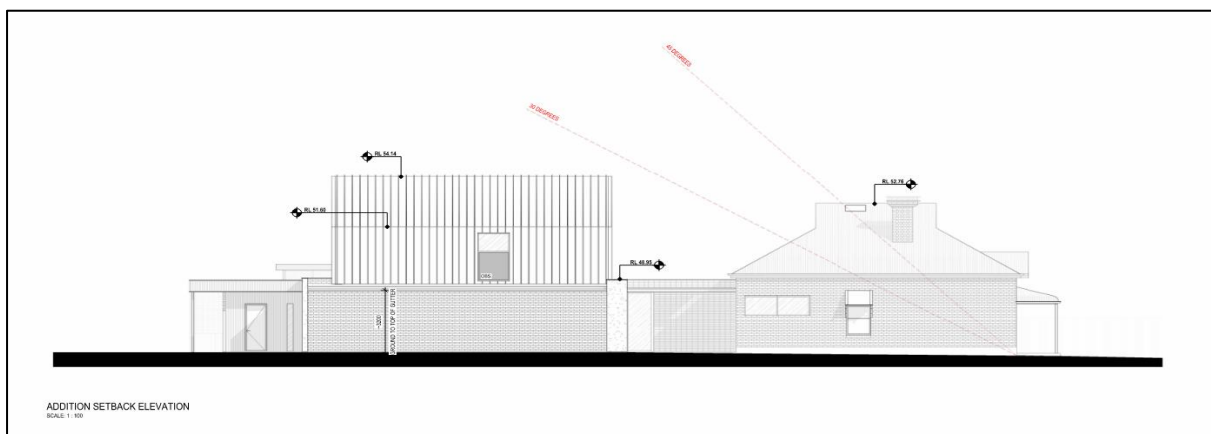
In response to this assertion, we note that:

- the majority of the dwelling to which the proposed addition relates will remain single-level, with only the rear portion, namely the proposed addition, to be two-levels in height;
- Designated Performance Feature (DPF) 4.2 of the EN Zone clearly identifies that additions of two building levels are envisaged, provided they do not extend beyond the 'front façade building line' or exceed a 45-degree angle measured from ground level at the building line of the dwelling to which they relate. To this end, it is clear from Drawing P1.7 and **Figure 1** overleaf that no part of the proposed addition sits forward of the front façade or projects beyond a 45-degree plane measured from the base of the front façade;
- Performance Outcomes (POs) 3.1 and 3.2 of the Historic Area Overlay (HAO), which prevail over the building height policies of the EN Zone, specifically PO 4.1 of the EN Zone, state the following:

PO 3.1 *Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.*

PO 3.2 *Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.*

In relation to PO 3.2 of the HAO, the proposed addition will preserve the original 1915 double-fronted cottage. It is important to note that the primary intent of the HAO is to retain character dwellings, which the proposed addition clearly does.



Architectural drawing of a streetscape elevation showing three houses. The drawing includes annotations for roof heights and a note about the background tree.

Annotations:

- Roof height of the first house: 10.10.28
- Roof height of the second house: 10.11.23
- Roof height of the third house: 10.12.22
- Roof height of the fourth house: 10.13.21
- Roof height of the fifth house: 10.14.20

Note: LARGE TREE IN BACKGROUND NOT TO SCALE.

STREETSCAPE ELEVATION
SCALE: 1" = 10'

Figure 2 Extract of the streetscape elevation plan as shown on Drawing No. P1.7.

Boundary Walls

Representor 1 has asserted that the boundary wall will result in a side setback shortfall in the realm of 2.0 metres. They have also asserted that *“There is no boundary development of the scale proposed within the locality”* and that *“The boundary wall will represent a dominant visual element when viewed from our client’s rear yard given the length of over 14 metres and height of 3.2 metres”*.

In response to these assertions, we wish to make the following points of clarification:

- Whilst Representor 1 asserts that no boundary development of this scale exists in the area, it is important to keep in mind that the wall in question is replacing an existing wall that is 1.0 metre longer, only 40 centimetres off the boundary (see Figure 2 overleaf) and at odds with the National Construction Code, thereby resulting in the creation of a vermin trap. It is also worth noting that the eastern wall of the existing structure was visible from Representor 1’s property until four years ago, when the Applicant installed a good neighbour fence to prevent dirt and water from accumulating and flooding the structure’s cellar. Prior to that, the eastern wall effectively served as a boundary wall. Relocating the garage onto the boundary will resolve these issues.
- Whilst PO 7.1 of the EN Zone refers to the setback of boundary walls being 2.0 metres from side boundaries, it is important to note that the relevant Historic Area Statement (**HAS**), in this case, Residential Spacious Unley Park (West) Historic Area Statement (Un24), which prevails over the EN Zone policies, states that *“Carports, garages and side additions are separate and recessed from the main building and façade, and are a minor, unobtrusive presence in the streetscape.”* As detailed within the Building Height and Streetscape Appearance Section of this response, the proposed addition achieves this on account of its extensive setback from the primary street, its overall height relative to the existing building and neighbouring dwellings, and its obscurity as viewed from the public realm.
- The Applicant has made multiple efforts to address Representor 1’s concerns prior to submitting their application. These efforts included covering the cost of a new boundary fence, allowing Representor 1 to choose the wall’s finish in their preferred colour and material, and re-landscaping their property adjacent to the wall.



Figure 3 View of the narrow gap between the garage/rumpus room wall and the fence along the shared western boundary with 3 Cedar Avenue.

We do note that Representor 2 has requested to be consulted on the finish and colour of the proposed boundary wall along their shared boundary. The Applicant is willing to engage with the representor during the construction process to address these preferences.

Side Boundary Setback

Representor 1 has asserted that the upper level of the proposed addition will be visually intrusive and inconsistent with the prevailing character of the area, citing PO 2.2 of the HAO which states that *“Development is consistent with the prevailing building and wall heights in the historic area.”*

In response to this assertion, we wish to highlight that:

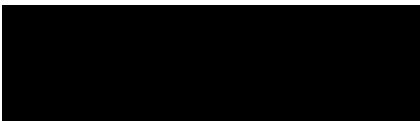
- As detailed within the Building Height and Streetscape Appearance Section of this response, upper-level additions are envisaged, with the proposed addition designed to comply with DPF 4.2 of the EN Zone and thus the corresponding PO;
- The proposal preserves the existing character dwelling, thereby maintaining a cohesive streetscape. The proposed addition will be set back significantly, positioned more than 17.8 metres from the front façade and approximately 28.5 metres from the primary street frontage, ensuring minimal visual impact on the streetscape; and
- Although the eastern wall of the upper level will have a minor side setback shortfall of approximately 1.0 metre (with a setback of 3.0 metres), it has been thoughtfully designed to mitigate any obstruction of sunlight or overshadowing of the adjacent properties in accordance with POs 3.1 and 3.2 of the Interface between Land Uses Section of the Code. This is clearly demonstrated in the shadow diagrams provided in the architectural drawing set.

Tree Removal

As detailed on the plans, the proposal will necessitate the removal of the existing tree (this tree is not regulated/protected by legislation) which straddles the eastern boundary. Representor 1 is aware of, and amenable to, this. The attached email correspondence attests to this.

Given that Representor 1 wishes to appear before the CAP in due course, please note that we have been instructed by the Applicant to attend the forthcoming meeting on their behalf.

Yours sincerely,



Mark Troncone
Senior Consultant

On 19 October 2024 at 4:57pm:

We do agree that the ash tree will need to be removed but as your plans are yet to be submitted this can wait. I do have a very good relationship with an arborist who can complete the work.

Thanks

[REDACTED]

On 4 November 2024 at 4:26pm:

I will get a couple of quotes in writing for the removal of the ash tree in the coming weeks and will pass them on to you. I have worked with both arborists previously, and I have asked them to anticipate the work and once the plans have approval, we will move forward quickly.

Thanks [REDACTED]

ATTACHMENT 4

SYMATREE



Tree Assessment – 5 Cedar Avenue, Unley Park

Report prepared for
City of Unley
February 2025

Report prepared by

Simon Martin
AQF5 Arboriculture
AQF5 Horticulture
ISA Tree Risk Assessor (TRAQ)

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Introduction

Instructions

Symatree was engaged by the City of Unley to review a development application of a partial demolition, dwelling additions, swimming pool, boundary fencing and underground rainwater tank At the rear of 5 Cedar Avenue, Unley Park. A significant tree is located within the rear garden of the neighbouring property, and the council has requested an assessment to identify potential impacts and provide guidance in accordance with *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.

My brief was to provide information on the following:

- Assess the general health and structure of the tree.
- Positively identify the legislative control status of the subject tree under the Codes of Development Control as pertaining to regulated and significant trees.
- Determine potential impacts on the trees resulting from the proposed development.
- Provide recommendations to mitigate impacts where possible.

Limitations

The assessment was conducted using a Level 2 Visual Tree Assessment in accordance with the International Society of Arboriculture methodology. This report is limited to the time and method of inspection. No soil or tree tissue samples were taken for laboratory analysis.

The weather during the assessment was mostly sunny with clear visibility. I was denied access to the tree at the time of inspection, however I had direct visual access to the tree from the subject property. This report reflects the condition of the tree as found during the assessment. Changes to site conditions or surrounds may alter these report findings.

The report inspection period applies three months from the site visit date, given current site conditions remain unchanged.

Date of Report

This report was compiled on 16 February 2025.

Associated Documents and Site Meeting

The following documents were provided to review for this assessment:

- *Pre-development Arboricultural Assessment and Report* by Adelaide Tree Surgery dated 28/1/2025.
- *Demolition Plans, Floor Plans and Elevations* by UrbanHabitats dated 13/1/2024

Observations

Tree - Location

The tree is located within the rear garden of 3 Cedar Avenue, Unley Park to the east of the subject property of 5 Cedar Avenue, Unley Park (Figure 1). This location is also identified on the aerial image in Appendix B.



Figure 1: Tree viewed from the west.

Observations

Species

Corymbia citriodora – Lemon-Scented Gum

Species Origin

Introduced native

Maturity Classification

Mature

Crown attributes

Height: 19 metres Crown Diameter: 14 metres

Trunk Circumference at 1.0 m above natural ground level – Greater than two metres

Legislative Control Status

The tree is controlled as a significant tree under the Codes of Planning and Design.

Diameter at Breast Height (DBH) – 1.29 cm **Tree Protection Zone (TPZ)** – 15 m radius

Diameter at Root Flare (DRF) – 1.40 cm **Structural Root Zone (SRZ)** – 3.80 m radius

Structure

The tree's structure is good for the species. The tree supports ascending stems that are suitably attached (Figure 2) trunk taper is adequately developed and absent of notable structural faults or anomalies. Branches are suitably attached and absent of major faults (Figure 3). No significant branch failure history noted.

Health

The tree displays good health in consideration of its mature status. Foliage is generally of good colour, size, shape and density. No extensive deadwood was observed, and no significant pests or diseases were noted.

Form

The tree displays a typical form, comprising a broad spreading crown.

Growing Environment

The growing environment is currently classified as good to fair for tree sustainability. The root zone within the proposed development site comprises a pool room to the northwest, swimming pool and a section of open lawn west. The eastern rootzone within the neighbouring property of 3 Cedar Avenue, comprises typical garden elements (Figures 4 and 5).

TRAQ Risk Rating

Low

Useful Life Expectancy

Greater than 10 years

Observations

Suitably attached stems



Figure 2. The stems are suitably attached and absent of notable faults.

Observations

Primary and secondary branch attachment



Figure 3. Branches throughout the crown are suitably attached and absent of structural faults.

Observations

Growing environment



Figure 4. The northwestern root zone is currently occupied by a rumpus room.

Observations

Growing environment



Figure 5. The western root zone is occupied by open lawn .

Tree Protection Zone Encroachments

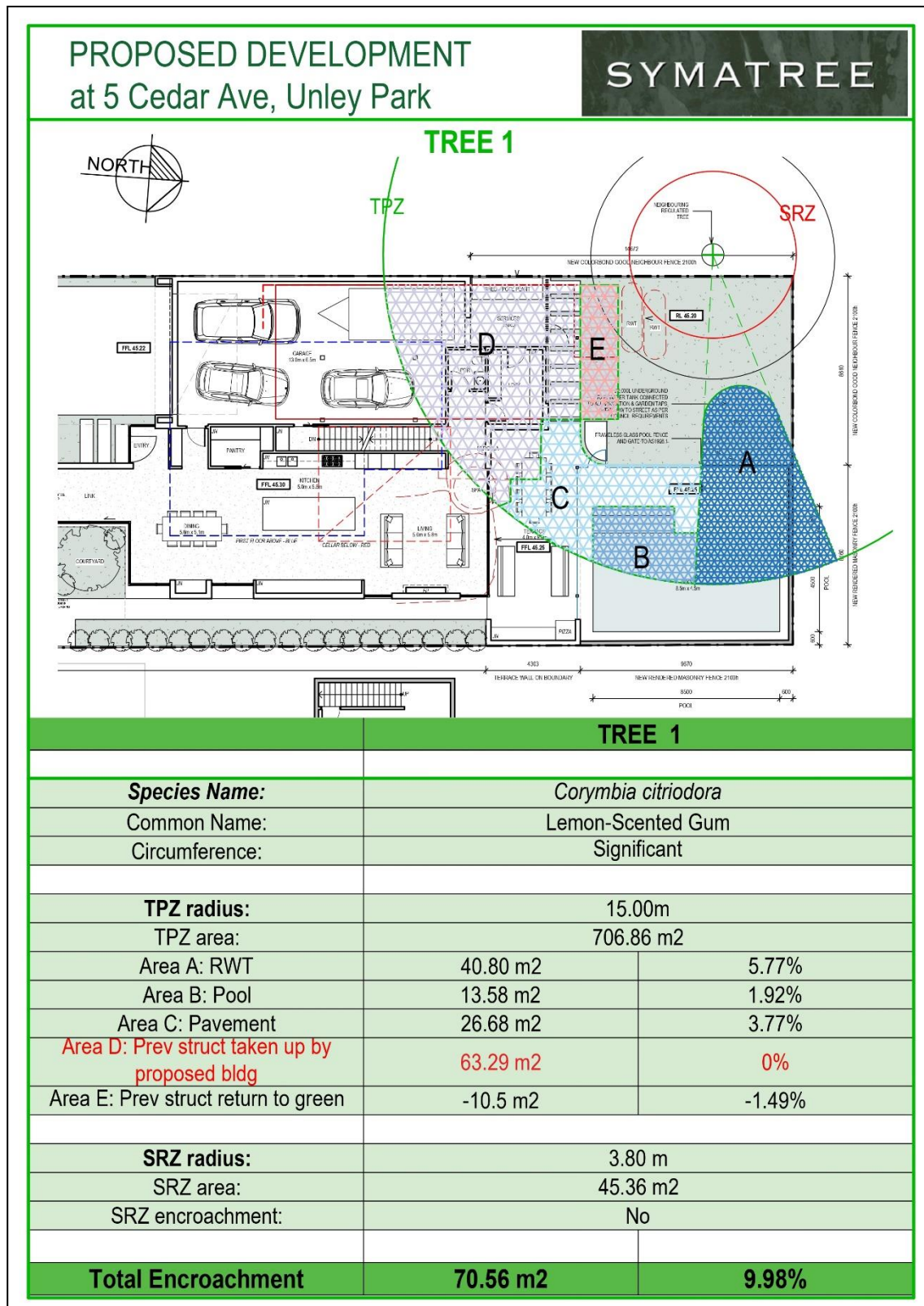


Figure 6. The proposed development results in minor encroachments for the tree under *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.

Appraisal

Introduction

Symatree was engaged by the City of Unley to review a development application for a partial demolition of an outbuilding, dwelling additions, swimming pool, boundary fencing and underground rainwater tank at the rear of 5 Cedar Avenue, Unley Park. An Arboricultural Impact Assessment has been provided in conjunction with the application, and the council has requested an independent assessment of the impacts the development might have on the subject tree.

Legal Status

The subject tree has a trunk circumference greater than two metres when measured one metre above ground level and is therefore protected as a significant tree under the provisions of the Planning and Design Code.

The tree's retention within the site is supported when assessed against the regulated and significant tree overlay of the Planning and Design Code, and its preservation should be promoted during the development of the subject site in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites*.

Tree Risk

The tree displays a suitably healthy crown with a stable structure absent of significant faults or afflictions. The risk associated with the tree is Low when utilising the ISA Tree Risk Assessment Qualification (TRAQ) Methodology. Further information on this assessment can be provided if requested.

Growing Environment

The tree's current growing environment is considered favourable for its sustainability as well as the proliferation of roots. The development area within the subject property is currently occupied by a rumpus room and small rainwater tanks. A section of open lawn is to the west of the tree.

Development Impacts

The following constitute the proposed encroachments:

- Partial demolition of existing rumpus room.
- Construction of a carport.
- Construction of a laundry, service area and pool shed
- Terrace area
- New colour bond fence.
- In-ground rainwater tank
- In-ground swimming pool

Considering the combined encroachments mentioned above and in consideration for existing encroachments, the proposed development will result in a 'minor' encroachment of 9.98% (Less than 10% and outside the SRZ) in accordance with *AS 4970-2009 Protection of Trees on Development Sites*. This level of encroachment is within the tolerance threshold for the species.

The existing footprint of the rumpus room to be demolished, currently occupies 8.9% of the TPZ area. 1.49% of this existing encroachment will be retained as favourable open space for the tree.

The additional encroachments consist of the following:

- the underground rainwater tank (5.77%).
- The in-ground swimming pool (1.92%).
- Paved areas (3.77%)

The total level of encroachment of these elements equates to 11.46% of the TPZ area. 1.49% is additional concession and therefore the level of encroachments totals 9.98% of the TPZ.

Based on the minor level of encroachment, adverse impacts to the health and stability of the tree are not expected, therefore the proposed development can proceed in a typical format without the need to utilise tree-sensitive designs. Tree protection measures outlined within the Tree Protection Plan of this report will need to be adhered to.

All demolition work that is undertaken within the TPZ of the tree shall be undertaken in a tree-sensitive manner in accordance with the Tree Protection Plan of this report.

The boundary fence has been indicated as being replaced. This will need to occur in a like-for-like format using tree sensitive methods specified within the tree protection plan of this report.

Assessment Outcome

This assessment supports the development application in the current format if no level changes are undertaken within the rear garden area and the tree-sensitive methodologies are followed as described in the Tree Protection Plan provided in this report.

The Tree Protection Plan outlined within this report should be noted on the site works plans and form the condition of approval.

Codes of Development Control

The tree has been identified as a Significant Tree. The following comments have been made regarding the relevant Codes:

PO 1.2 Significant trees are retained when they:	
a) make an important contribution to the character or amenity of the local area	Yes: The Tree has formed a broad crown that is visually accessible from surrounding areas. Its contribution is therefore considered important to the character and amenity of the area.
b) are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species	No: The species is not locally indigenous and is not listed under the National Parks and Wildlife Act as a rare or endangered native species.
c) represent an important habitat for native fauna	No: The tree is a large specimen; however, no hollows or cavities were observed that would be suitable for nesting.
d) are part of a wildlife corridor of a remnant area of native vegetation	No: The tree is not locally indigenous and it does not appear to be part of a wildlife corridor.
e) are important to the maintenance of biodiversity in the local environment.	Yes: The tree presents as a suitable specimen of the species, and its seed bank is considered important for the maintenance of the local environment's biodiversity.
f) form a notable visual element to the landscape of the local area.	Yes: The Tree has formed a broad crown that is visually accessible from surrounding areas. Its contribution is therefore considered important to the character and amenity of the area.
PO 1.3 A tree damaging activity not in connection with other development satisfies (a) and (b):	
(a) tree damaging activity is only undertaken to:	
i. remove a diseased tree where its life expectancy is short	No: No acute levels of pests or disease were observed during the assessment.
ii. mitigate an unacceptable risk to public or private safety due to limb drop or the like	No: No risk scenarios of elevated concern were observed during the assessment.
iii. rectify or prevent extensive damage to building of value as comprising any of the following: a. a Local Heritage Place b. a State Heritage Place c. a substantial building of value	No evidence of the tree causing extensive damage to surrounding buildings was observed or was presented to me.
(b) in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.	No: impacts to the health, stability and general appearance of the subject tree are not expected to occur from the proposed development.

Conclusion

The subject tree is a suitably healthy and well-structured, significant tree that provides an important environmental contribution to the locality.

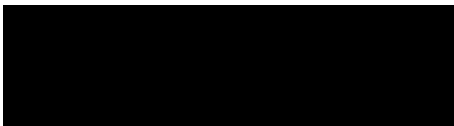
In combination, the proposed development would result in minor additional encroachment into the TPZ of the tree. Adverse impacts to the health and stability of the tree are not expected to occur.

All demolition work that is undertaken within the TPZ of the tree shall be undertaken in a tree-sensitive manner in accordance with the Tree Protection Plan of this report.

Based on the current design and information, the proposed development is supported in the current format if the Tree Protection Plan within this report is adhered to and listed within the site works plan.

Thank you for the opportunity in providing this report. Please do not hesitate to contact me for further clarification regarding this assessment.

Simon Martin



Appendix A Tree Protection Plan

Tree Protection Plan

Tree Protection Zone (TPZ)

The calculated Tree Protection Zone (TPZ) is listed within the observation section for the subject tree. A TPZ is required to protect the root zone and to ensure tree health and tree stability are maintained. The TPZ must be established prior to any materials being delivered to the site. The TPZ should be maintained for the duration of all development activities.

Allowances should be made in the project budget for tree protection measures. This should include site visits and monitoring by the project arborist. These are listed within Schedule of Compliance Checks'.

Protective Fencing

A temporary chain mesh fence should be erected along the TPZ of the tree.. The fence shall encompass as much of the TPZ within the site as practical

The Tree Protection Zone fencing can be modified as each stage of the development requiring access occurs. This should only occur under the advice of the Project Arborist. The TPZ fencing should not be reduced to an area smaller than the dripline of the crown of Tree 1 (approximately 11m radius)

A temporary fence should encompass the portion of TPZ within the proposed property to restrict access for heavy machinery and storage of materials over the root zone. Access within this area should be limited.

Additional watering is to be applied through extended dry periods (no substantial rain for four weeks) within the designated TPZ areas.

If works are required to occur within the designated fenced TPZ area, the project arborist must be contacted to identify potential impacts and recommend mitigation measures.

The fencing should consist of 2.0 metre high, solid chainmesh, steel, or similar fabrication with posts at 3 metre intervals. The fence should incorporate on all sides, a clearly legible sign displaying the words "Tree Protection Zone".

Fences should be maintained throughout the duration of the project. Fences can then be removed with approval by the appointed project arborist after all construction works have been completed. This will allow landscaping to proceed.

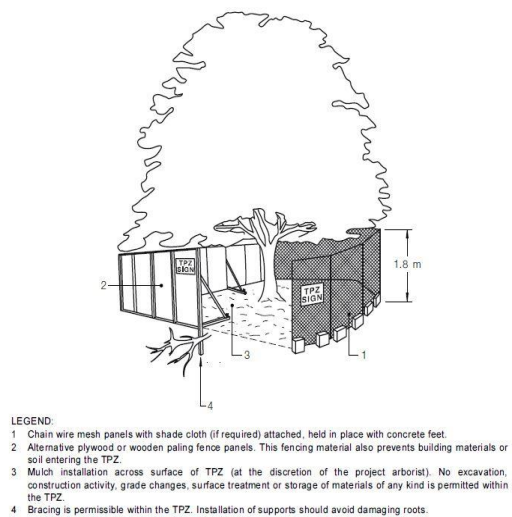


FIGURE 3 PROTECTIVE FENCING

TPZ Fence

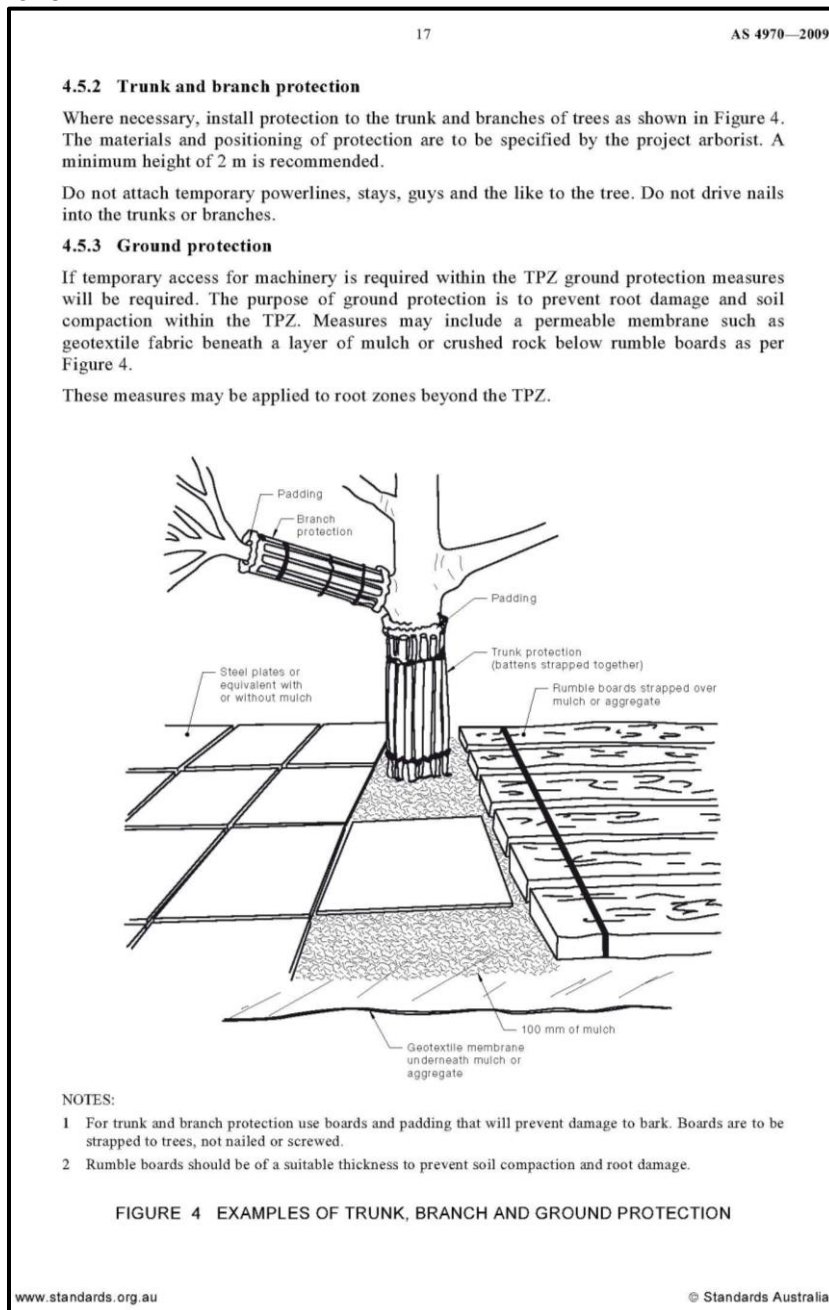
Depiction of TPZ fence placement



Figure 7. The above image depicts the approximate TPZ fencing configuration for the tree.

Trunk, Branch and Ground Protection

The diagram below shows the required protection measures when works are required within a Tree Protection Zone.



Certificates of Compliance

The following table is an extract from Australian Standard AS4970-2009 *Protection of trees on development sites*. This table stipulates the stages of the development when certification is required from the appointed project arborist.

Stage in development	Tree management process	
	Matters for consideration	Actions and certification
Development submission	Identify trees for retention through comprehensive arboricultural impact assessment of proposed construction. Determine tree protection measures Landscape design	Provide arboricultural impact assessment including tree protection plan (drawing) and specification
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees
Pre-construction (Sections 4 and 5)		
Initial site preparation	State based OHS requirements for tree work Approved retention/removal Refer to AS 4373 for the requirements on the pruning of amenity trees Specifications for tree protection measures	Compliance with conditions of consent Tree removal/tree retention/transplanting Tree pruning Certification of tree removal and pruning Establish/delineate TPZ Install protective measures Certification of tree protection measures
Construction (Sections 4 and 5)		
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees Maintain protective measures Certification of tree protection measures
Construction work	Liaison with site manager, compliance Deviation from approved plan	Maintain or amend protective measures Supervision and monitoring
Implement hard and soft landscape works	Installation of irrigation services Control of compaction work Installation of pavement and retaining walls	Remove selected protective measures as necessary Remedial tree works Supervision and monitoring
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures Certification of tree protection
Post construction (Section 5)		
Defects liability/maintenance period	Tree vigour and structure	Maintenance and monitoring Final remedial tree works Final certification of tree condition

Site Access and Storage

- Machinery accessing and egressing the site should occur via existing paths and driveways outside the designated TPZs.
- If vehicle or heavy machinery access over the TPZs is required, a 100mm layer of mulch should be applied, and load-spreading rumble boards placed on top.
- Materials should not be stored within the fenced TPZ area.
- The grass and weeds within the TPZ areas should be carefully treated using a suitable amount of herbicide while being cautious not to overspray onto the foliage of the trees.
- A 100mm layer of organic mulch should be applied to the TPZ of both trees but not in contact with their respective trunks.

Demolition

- All demolition works within designated TPZ should be carried out under the guidance of a qualified arborist.
- Remove weeds/undesirable garden plants/paving or excessive soil carefully to avoid damage to surface roots. These works should only be carried out by hand.
- All demolition works associated with existing structures within the existing TPZ should be undertaken carefully and completed with hand-tools, jack-hammer and by hand.
- No machinery must be used within the designated TPZ
- All care must be taken when removing existing underground services and concrete surfaces to minimise disturbance to root systems. Care must be taken to pull any structures away from any roots that have grown adjacent to or around these structures.
- Backfill any excavation as soon as possible, and water the soil around the root/s, to avoid leaving air pockets.
- Run-off from construction activities must be directed away from the entire TPZ areas.

Boundary Fence

- Existing post holes should be utilised where possible.
- New post hole locations should be excavated using tree-sensitive methods such as HydroVac® Excavation or hand digging. The project arborist must ensure roots are not damaged during this process by high pressure water. Low pressures are to be used and the HydroVac® operator is to be instructed of the importance of exposing root locations without 'cleaning' all soils from exposed roots.
- The concrete plinths/retaining wall should not exceed natural ground level and not result in the severing of roots within the TPZ.
- Post hole locations should be relocated if roots are encountered.

Specification

- Excavation should be undertaken utilising the smallest machinery possible under the direct supervision of a project arborist to avoid damage to tree roots.
- Do not allow grade changes to occur in the designated TPZs of the subject trees. The soil surface should be carefully skimmed to establish the base for new paved surfaces. Adjust finish grades so that the paving sections are built on the natural grade with the finished pavement level (and levels of surrounding structures) all base courses and bedding course preparations installed using the 'no dig' method. The finished floor levels of any structure may need to be adjusted to accommodate this.
- The natural soil level should not be lowered any more than 50-80mm.

- To protect the natural soil structure, compaction of the sub-soil should be avoided to preserve the soil structure. Compaction of natural soils is not normally necessary for pedestrian or light traffic paving. Compaction levels will need to be determined by an engineer in consultation with the project arborist.
- Where roots within the designated TPZ are exposed by excavation, temporary root protection should be installed to prevent desiccation. This may include hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.
- Root pruning is only to occur under the direction and guidance of the project arborist and should generally be avoided where possible.

General Protection Measures

The following measures should be always adhered to within the designated TPZ:

- All works within the designated TPZ areas should be carried out under the guidance of a project arborist.
- No activity involving or using fuel, oil or chemicals should be conducted within the TPZ.
- No storage of material, building rubble, construction materials, equipment or temporary buildings/structures should be allowed within the TPZ.
- No additional excavating or digging of any form, unless specified, should occur within the TPZs.
- No placement of additional soil within or removal of soil from the TPZ should occur.
- No changes to natural ground level within the TPZs should be made (except those specified).

Root Zone Management

The following should be adhered to for proper management of the root zones:

- If root pruning is required, pruning saw or secateurs are to be used (not torn by machinery). This should be conducted under consultation with the project arborist.
- Backfill the excavation as soon as possible, and water the soil around the roots, to avoid leaving air pockets.
- Run-off from construction activities must be directed away from the TPZ areas.

Project Completion

An assessment of tree health, stability, and management requirements at the completion of the project. The project arborist is to recommend a subsequent inspection date based on the condition

Appendix B Aerial Image



ITEM 4.2

DEVELOPMENT APPLICATION – 24016945 – 29 QUEEN STREET, UNLEY

Item 4.2, 29 Queen Street Unley, development application 24016945 has been withdrawn from the March 18th Council Assessment Panel agenda due to no representations to be heard. This application will be determined by the Assessment Manager pursuant to Instrument D of the City of Unley delegation policy.

ITEM 6.1**APPLICATIONS BEFORE THE ERD COURT - SUMMARY OF ERD COURT APPEALS**

TO: City of Unley Council Assessment Panel

FROM: Tim Bournier, Assessment Manager

SUBJECT: Summary of ERD Court Appeals

MEETING DATE: March 18th 2025

APPEALS - 1

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
NIL			

ITEM 9.1

MEETING SCHEDULE, MEETING PROCEDURES, AND POLICY

DECISION REPORT

REPORT TITLE: Meeting Schedule, Meeting Procedures and Policy

AUTHOR: Sandy Beaton (Development Administration Officer)

MEETING DATE: March 18th 2025

DISCUSSION

Meeting Schedule

The meeting schedule for the rest of 2025 needs to be set. It is suggested that the Panel continue to meet on the third Tuesday of the month (subject to discussion below) which suits the meeting cycle of Council. This has proven reasonable in terms of the number of applications placed before the Panel, and to-date, has generally been sufficient to adequately meet the demand for reporting and decision making under the Planning, Development, and Infrastructure Act.

The meeting schedule of the third Tuesday of the month clashes with one scheduled date (October 2025) of Council's Audit Committee, that also uses the Council Chambers. For this month, it is recommended that the Panel meet on the second Tuesday of the month, being October 14th.

The commencement time of 6pm would remain unchanged.

Any additional meetings over and above the schedule will be based on a needs basis with notice given of these meetings in accordance with the meeting procedures document.

Meeting Procedures

Section 78 of the Meeting Procedures document outlines that the Panel is to review the document on an annual basis. Attachment 1 sets out the current Meeting Procedures to be followed by the Panel which covers a range of matters from Guiding Principles to Public Access and Training and Development. No changes are proposed to the document at this time, therefore It is recommended that the Panel reaffirm the Meeting Procedure document which is included on Council's website.

CAP Policy for Review of a Decision of the Assessment Manager

The Planning, Development and Infrastructure Act enables decisions of the Assessment Manager to be requested (by the applicant) to be reviewed by the Panel. Attachment 2 sets out the current Policy to be followed by the Panel in considering such reviews. It is recommended that the Panel reaffirm the Policy which is included on Council's website and made known to applicants of development applications refused by the Assessment Manager (or their sub-delegates).

ITEM 9.1

MEETING SCHEDULE, MEETING PROCEDURES, AND POLICY

RECOMMENDATION:

That:

1. The report be received.
2. The meetings of the Unley Council Assessment Panel (The Panel) for 2025 be set as:
 - 15 April
 - 20 May
 - 17 June
 - 15 July
 - 19 August
 - 16 September
 - 14 October
 - 18 November
 - 16 December

ATTACHMENT 1

MEETING PROCEDURES FOR THE UNLEY COUNCIL ASSESSMENT PANEL

Recommended Meeting Procedures

Guiding Principles

The Meeting Procedures of the Panel should:

1. be fair and contribute to open, transparent and informed decision-making;
 - i. encourage appropriate participation by applicants and representors as may be required under relevant legislation;
 - ii. reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - iii. be sufficiently certain to give applicants, representors and the general community confidence in the deliberations of the Panel;
2. Other than for relevant legislative requirements, including the Code of Conduct and the Panel's Terms of Reference, the Panel may determine its own procedures.
3. Interactions between Members of the Panel, the public in attendance, and Council staff at a meeting are to be courteous and respectful.
4. Members should act impartially and limit themselves to assessing an application strictly in accordance with the Act and the provisions of the Development Plan and Planning and Design Code, with due regard to relevant matters such as representations, characteristics of the locality, and case law.
5. The Panel should meet at a time, day and frequency that facilitates the timely and efficient processing of development applications in an open and accessible way.
6. Members should respectfully follow the directions and guidance of the Presiding Member.
7. Members of the public are entitled to reasonable and free access to agendas and minutes of the meetings of the Panel.

Meetings

8. The Panel will meet at the Unley Civic Centre at Oxford Terrace, Unley on the third Tuesday of each month (unless a meeting is not required, or a special meeting is called) commencing at 6.00 pm.
9. The Assessment Manager, in consultation with the Presiding Member, may determine, in circumstances of restricted public gatherings, to hold Panel meetings using electronic means.

Note: In those circumstances, the Assessment Manager will cause the meeting to be

live streamed for viewing by the public, including issuing details of how to access the live stream by representors, applicants, and the public.

Notice of the Meeting

10. Each Member of the Panel will be given notice of a meeting at least five (5) working days before the date of the meeting.
11. The notice, issued under the authority of the Assessment Manager, will be given to each Member by email to an address nominated by the Member which sets out the date, time and place of the meeting and contains a link to the agenda for the meeting.
12. Hard copy of plans for the meeting, as determined necessary by the Assessment Manager, will be posted to each Member at a postal address nominated by the Member.
13. The Assessment Manager will give notice to the public of the times and places of meetings of the Panel by uploading a copy of the agenda for viewing on the Council's website at least three (3) working days before the meeting.
14. A special meeting of the Panel may be called by the Assessment Manager. Notice of a special meeting of the Panel must be given in the same manner as notice for an ordinary meeting of the Panel, other than Members may be given no less than 24 hours notice.

Commencement of Meeting and Quorum

15. A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present.
16. If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member (or in their absence, the Assessment Manager) will adjourn the meeting to a specified day and time.
17. A quorum for a meeting of the Panel is three (3) members.
18. If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting the Assessment Manager may adjourn the meeting to a specified day and time.
19. If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minute book the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.

20. If a meeting is adjourned, the Assessment Manager will:

- i. give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
- ii. give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at Council's Administration Centre.

When a Deputy Member is to attend a Panel Meeting

21. A Member, unless unavoidable, should give at least one (1) clear days' notice to the Assessment Manager of their unavailability to attend a meeting. In that event, the Assessment Manager will notify the relevant Deputy Member to attend and participate in that entire meeting.
22. If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Assessment Manager will notify the Deputy Member to attend the meeting and participate for that item only.

Public access to Meetings

23. Members of the public are entitled to attend a meeting of the Panel other than as set out below.
24. The Panel will ordinarily exclude the public from attendance at a meeting during so much of the meeting as is necessary to receive, discuss or consider in confidence matters listed under Regulation 13 (2) of the PDI (General) Regulations 2017.

Note: Such matters will tend to relate to legal advice, or information relating to litigation.

25. The Panel may also exclude the public from attendance at the meeting during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel and which may involve such considerations as public interest, personal safety or security, maintenance of the law, trade secrets etc.
26. The Assessment Manager may, after consultation with the Presiding Member, indicate on a document or report to Members that the Panel may consider the matter in confidence pursuant to Regulation 13 (2) of the PDI (General) Regulations 2017 provided that the Assessment Manager must also specify the basis on which a decision could be made by the Panel in accordance with that Regulation.

27. At the meeting of the Panel, the Panel Members will consider if it is necessary and appropriate to exclude the public in accordance with clause 25 above.
28. Before excluding the public from a meeting of the Panel, the Panel must formally determine, whilst in public session, whether the exclusion is necessary and, if so, pass an appropriate resolution to exclude the public during discussion of the item.
29. The grounds for exclusion of the public are to be recorded in the minutes of the meeting and communicated to the members of the public in attendance at the meeting at the time they are requested to leave the meeting.
30. At the conclusion of the discussion in relation to a confidential item, the Panel will consider whether it is necessary to determine whether any document associated with the confidential item is to remain confidential.

Voting

31. Each Member present at a meeting of the Panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
32. The above clause does not apply to a person who is taken to be a Panel Member under section 85 of the PDI Act.
33. All decisions of the Panel will be made based on a simple majority decision of the Members present.
34. Subject to a Member having a direct or indirect personal or pecuniary interest in accordance with the Code of Conduct adopted by the Minister under the PDI Act, each Member present at a meeting of the Panel must vote on a question arising for decision.

Minutes

35. The Assessment Manager will ensure that accurate minutes are kept of the Panel's proceedings.
36. The Panel may, before it releases a copy of any minutes, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.
37. Minutes will be made available to a Member within 5 business days after their adoption by the Panel.
38. The minutes of the proceedings of a meeting will be submitted for adoption at the next meeting of the Panel or, if that is omitted, at a subsequent meeting.
39. On the confirmation of the minutes, the Presiding Member will:
 - i. iv. initial each page of the minutes, which pages are to be consecutively numbered; and
 - ii. v. place their signature and the date of confirmation at the foot of the last page of the minutes.

40. The minutes of the proceedings of a meeting will include:

- i. the disclosure by a Member of a direct or indirect pecuniary interest required by the Code of Conduct or under the Act;
- ii. the names of the Members present at the meeting;
- iii. in relation to each Member present;
- iv. the time at which the person entered or left the meeting;
- v. unless the person is present for the whole of the meeting, the point in the proceedings at which the person entered or left the meeting;
- vi. the names of the mover and seconder of a motion or amendment.
- vii. whether a motion or amendment is carried or lost;
- viii. details of the making of an order to exclude the public to consider matters in confidence;
- ix. details of any adjournment of business; and
- x. any other matter required to be included in the minutes under the Act.

Any Other Business

41. A Member may raise a matter that has been deferred by the Panel, is currently before the Courts, or is a general procedural matter as it applies to the assessment of applications by the Panel.

42. The Presiding Member may:

- i. if necessary, allow the reply or response to the matter raised to be given at the next meeting.
- ii. rule that the matter raised is not relevant to the business of the Panel or is not in keeping with the purpose of Any Other Business as defined above.

Debate and Motions

43. The Presiding Member will call for comment/discussion in the first instance on a matter presented to the Panel for determination, with each Member provided the opportunity to speak.

44. After such opportunity to speak, the Presiding Member will call for a motion to enable the Panel to determine the matter.

45. A motion will lapse if it is not seconded at the appropriate time.

46. The Presiding Member may refuse to accept a motion if the subject matter is, in their opinion, beyond the power of the Panel.
47. The mover of a motion or amendment may, with the consent of the seconder, request leave of the Presiding Member to vary, alter or withdraw the motion or amendment.
48. At the end of discussion, the original motion (or as amended) will be put to a vote by the Presiding Member. If carried, the Panel has determined the matter. If lost the Presiding Member will call for an alternate motion to be moved and seconded to enable the Panel to determine the matter.
49. Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand.
50. The Presiding Member will then declare the outcome of the matter.

Note: The above debate, calling for a motion, and voting procedure will also be followed by the Panel for deliberations on Review Hearings.

Declaration of Conflict of Interest

51. If a Member leaves a Panel meeting for reason of that Member's interest declared in accordance with the PDI Act or the Code of Conduct, the Panel Member must state the reason for leaving, immediately prior to leaving the meeting.

Points of Order

52. The Presiding Member may call to order a Member who is in breach of these Procedures.
53. A Member may draw to the attention of the Presiding Member such a breach and must state briefly the nature of the alleged breach.
54. The Presiding Member will rule on a point of order before continuing with the business of the meeting.
55. Suspected breaches of the PDI Act or the Code of Conduct should be reported in writing to the State Planning Commission in accordance with the PDI Regulations.

Interruption of Meetings by Panel Members

56. A Member while at a meeting should not:
 - i. Behave in an improper or disorderly manner;
 - ii. cause an interruption or interrupt another Member who is speaking;
 - iii. behave in a manner which is disrespectful to other Members, staff or the public;
 - iv. disobey a direction of the Presiding Member.

57. If the Presiding Member considers that a Member may have acted in contravention of the above, the Member will be allowed to make a personal explanation.
58. After making such an explanation, the relevant Member will leave the meeting while the matter is considered by the Panel.
59. If the remaining Members resolve that a contravention of clause 54 has occurred, those Members may, by resolution:
- i. censure the Member; or
 - ii. suspend the Member for a part, or for the remainder, of the meeting.

Addresses by Members

60. A Member may speak for up to five (5) minutes at any one time on an item of business of the Panel.
61. The contribution of a Member must be relevant to the subject matter of the discussion.

Addresses by Members of the Public

62. The Panel will hear:
- a. valid representors or their representative (as a result of giving public notification) who request to be heard.
 - b. the applicant or their representative, in response to representors who are heard.
 - c. the applicant (or representative) where Members have any questions of the applicant which may assist them in assessing the proposal.
 - d. the applicant when there is a review request of the Panel in relation to a decision of the Assessment Manager.
63. Representors and applicants will be allowed up to five (5) minutes each to address the Panel.
64. The Presiding Member will restrict submissions not related to the planning issues of the particular matter.
65. Representors, or their nominated spokesperson, will speak first followed by the applicant who will be invited to respond to the points made by the representors.
66. Members may ask, through the Presiding Member, the representors or applicant questions to clarify points.
67. Any person who has not indicated on their representation that they wish to be heard may only be heard at the Panel meeting at the discretion of the Presiding Member.

Additional Information

68. Additional information submitted after distribution of the meeting agenda, and before a meeting, must be submitted to the Assessment Manager no later than 12pm two (2) business days prior to the Panel's meeting so that it may be verified and distributed to Members and other affected parties.
69. Additional information submitted at the Panel meeting will not normally be considered unless the Presiding Member in their discretion allows the consideration of the additional information. Such additional information should be circulated to other affected parties present at the meeting.

Site Visits

70. Subject to compliance with the Code of Conduct, Members are expected to undertake a site inspection in relation to any development assessment matter presented to the Panel for determination.
71. If Members believe entry to the subject land would be a useful component of the assessment process and would assist their understanding of the proposal, the Panel should request that the Assessment Manager make suitable arrangements for such an inspection.
72. The Panel will undertake the inspection on the date determined by the Assessment Manager and the applicant.

Assistance from the Assessment Manager and Additional Members

73. At its discretion, the Panel can call for and hear professional advice from the Assessment Manager or planning staff at the meeting.
74. Where a Member disagrees with a recommendation put forward by the Assessment Manager, they may seek the assistance of the Assessment Manager in the wording of, but not the substance of, an alternate resolution.

Deferrals

75. In the interests of expeditious decision-making, if all information is before the Panel, a decision will be made at the meeting the matter is considered.
76. The Panel may defer the matter to:
 - i. enable further information to be obtained to fully address matters raised during consideration of the matter.
 - ii. allow Members and representors time to adequately consider further information received from the applicant after the circulation of agendas.

- iii. allow the applicant and representors, if both parties are inclined, to attempt to resolve differences.

Note: The PDI Act imposes a duty upon a planning authority to deal with an application within specified time frames, failing which a deemed consent notice may be served on Council.

Training and Development

- 77. As and when required, Members will attend training sessions aimed at enhancing the Members' capability and understanding of their role and responsibilities, and to comply with their continuing professional development obligations under the PDI (Accredited Professionals) Regulations 2019.

Review of Procedures

- 78. The Panel will review these procedures on an annual basis

Reports to Council

- 79. The Panel shall present an Annual Report to the Council no later than September of each year in respect of the following matters –
 - a. the number of meetings held and the attendance of Members;
 - b. the number and range of matters considered by the Panel, in terms of applications approved, refused, or deferred by the Panel, and appeals lodged against the decisions of the Panel, including a comparison with previous years;
 - c. the adjournment of consideration of development applications;
 - d. any matter, including policy provisions, that would improve the effectiveness of, or expedite, the decisions of the Panel; and
 - e. any other matters upon which the Panel thinks fit to report

Panel Review of a Decision of the Assessment Manager

- 80. The Panel has adopted a Policy setting out the way it will review a decision of the Assessment Manager in respect to certain defined matters. An applicant wishing to lodge an Application for Review should refer to the Policy.

ATTACHMENT 2

PANEL REVIEW OF A DECISION OF THE ASSESSMENT MANAGER*

***NOTE:** An application for review cannot occur against a decision where the Panel was the relevant authority, even if that decision was made by a delegate of the Panel, such as decisions made for applications that have been given public notification.

Policy Type:	Council Assessment Panel Policy
Responsible Department:	Development & Regulatory Services
Responsible Officer:	Team Leader Planning
Related Policies and Procedures	CAP Meeting Procedures
Date Adopted	16 March 2021

1. LEGISLATIVE FRAMEWORK

This Policy applies in addition to the statutory requirements for the review by the Panel of a decision of the City of Unley Assessment Manager* as set out in the Planning, Development and Infrastructure Act.

2. COMMENCING A REVIEW

2.1. An application for review of a decision of the Assessment Manager must relate to:

- 2.1.1. any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application or to the granting of a development authorisation;
- 2.1.2. a decision to refuse to grant development authorisation to an application; or
- 2.1.3. the imposition of conditions in relation to a grant of development authorisation.

2.2. The application for review may only be commenced by the applicant of the development (or owner of the subject land) and must be:

- 2.2.1. Made on the Form attached to the Policy and lodged in the manner outlined on that form;
- 2.2.2. The necessary statutory fee paid, and
- 2.2.3. Lodged within one month of the applicant receiving notice of the decision of the Assessment Manager, unless the Presiding Member grants an extension of time.

2.3. At the time of lodging the application for review, the applicant may present for the Panel's consideration, advice or opinion of a legal or specialist professional nature in support of the review.

2.4. On review, the Panel will consider the matter in question afresh.

3. MATERIALS FOR REVIEW HEARING

- 3.1. Upon receiving an application for review of a decision, the Assessment Manager will collate for the Panel all materials which were before the Assessment Manager (or delegate) at the time of the decision on the matter, including:
 - 3.1.1. All documentation and plans submitted by the applicant;
 - 3.1.2. Internal and external referral responses;
 - 3.1.3. Any assessment report written for the Assessment Manager; and
 - 3.1.4. Any assessment checklist used by the Assessment Manager or delegate.
- 3.2. The Assessment Manager will prepare a covering report to the collated information setting out the details of the relevant development application, the nature of the review being sought, and the reasons for the decision made. Additional information may be included by the Assessment Manager in response to any further advice or opinion submitted by the applicant as part of the review.
- 3.3. The Assessment Manager will present the report, together with the collated information, to the Panel for a review hearing within 6 weeks of the review application being lodged by the applicant.

4. REVIEW HEARING

- 4.1. The Assessment Manager will give the applicant at least five business days' notice of the date and time of the Panel meeting at which the review application will be heard.
- 4.2. The Panel will hold the review hearing in public unless requested to be held in confidence by the applicant.
- 4.3. The Panel will give the applicant (or his representative) five minutes to address the Panel in support of the matter, after which Members may ask questions or seek clarification from the applicant.
- 4.4. The Assessment Manager or his delegate will be present at the meeting to respond to any questions or requests for clarification from Members.
- 4.5. The decision-making process on the review hearing will follow those set out in the Panel's Meeting Procedures.

5. OUTCOME OF REVIEW

- 5.1. The Panel may determine to:
 - 5.1.1. Affirm the Assessment Manager's decision;
 - 5.1.2. Vary the Assessment Manager's decision;
 - 5.1.3. Set aside the Assessment Manager's decision and substitute its own decision;
 - 5.1.4. Defer its decision if it considers it requires additional time or information to make its decision
- 5.2. The applicant will be advised in writing of the Panel's decision by the Assessment Manager or delegate.