

## CAP Meeting Agenda

*Presiding Member: Mr Brenton Burman*

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 15 July 2025 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Tim Bournier**  
Assessment Manager

Dated: 02/07/2025

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

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### 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 – 25004895 – 58 AVENUE ROAD, HIGHGATE**

<b>DEVELOPMENT NO.:</b>	25004895
<b>APPLICANT:</b>	Ryan Goodall
<b>ADDRESS:</b>	58 AVENUE RD HIGHGATE SA 5063
<b>NATURE OF DEVELOPMENT:</b>	Construction of an in-ground swimming pool with associated safety features and dwelling addition (to house pool pump equipment)
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Historic Area</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 6m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 12.5m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 400 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	31 Mar 2025
<b>RELEVANT AUTHORITY:</b>	Assessment panel at City of Unley
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.6 27/3/2025
<b>CATEGORY OF DEVELOPMENT:</b>	<p>Code Assessed - Performance Assessed</p> <ul style="list-style-type: none"> <li>• <b>PER ELEMENT:</b> Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed Dwelling addition: Code Assessed - Performance Assessed Fences and walls Fence: Code Assessed - Performance Assessed Dwelling alteration or addition</li> <li>• <b>OVERALL APPLICATION CATEGORY:</b></li> </ul>

## **ITEM 4.1**

### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

	Code Assessed - Performance Assessed • <b>REASON</b> P&D Code
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Lauren Cooke Planning Officer
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Heritage Consultant
<b>RECOMMENDATION:</b>	Support with conditions
<b>ATTACHMENTS:</b>	Attachment 1 – Plan set Attachment 2 – Representations Attachment 3 – Applicant response to representations

#### **DETAILED DESCRIPTION OF PROPOSAL:**

The application proposes the construction of an in-ground swimming pool with associated safety features, dwelling additions to accommodate the pool pump equipment and fencing. The proposed plans for consideration are contained within **Attachment 1**. Further details of each element are described below:

An in-ground swimming pool is proposed to be located within the north-eastern corner of the allotment. The pool will have a 900mm setback from the northern and eastern boundaries of the site and will have dimensions of 2.7m x 6.8m.

A dwelling addition on the eastern side of the existing dwelling is proposed in order to accommodate the pool pump equipment associated with the swimming pool. The dwelling addition will follow the roof purlins and roof line of the existing dwelling. The dwelling addition will be constructed of cladding in 'Classic Cream' and 'Woodland Grey'.

The proposal will incorporate Colorbond 'Good Neighbour' fencing along the eastern boundary, extending from the dwelling addition. The fencing will have a height of 2.1m with louvred slats to sit atop the fencing. The overall height of the fence will be 2.4m.

#### **SUBJECT LAND & LOCALITY:**

**Location reference:** 58 AVENUE RD HIGHGATE SA 5063

**Title ref.:** CT 5459/723 **Plan Parcel:** F14662 AL10 **Council:** CITY OF UNLEY

#### **Site Description:**

The subject land is formally described as Allotment 10 in Filed Plan 14662 in the area named Highgate, Hundred of Adelaide and is more commonly known as 58 Avenue Road, Highgate. The site is located on the northern side of Avenue Road between West Terrace and Highgate Street.

The site is rectangular in shape with a frontage to Avenue Road of 15.24 metres (m) and a depth of 38.10 metres (m). The site has an overall area of approximately 580 square metres (m<sup>2</sup>).



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The site currently retains a single storey bungalow constructed circa 1920s. Car parking accommodation is provided in the form of a tandem carport on the western boundary of the site and accessed via a crossover and driveway from Avenue Road. A skillion roof verandah is located to the rear of the dwelling. The site has a front fence constructed of capped pickets.

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 verge directly in front of the subject site contains a Narrow Leaf Ash (*Fraxinus angustifolia*) street tree.



*Figure 1 – View of the subject land from Avenue Road*

## **Locality**

The locality, taking into 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 rectangular allotments. Allotments on the northern side of the locality and with an interface with the subject site have areas that are consistent with that of the subject site and range between 560 – 595m<sup>2</sup>. Detached dwellings on the southern side of Avenue Road, opposite the subject site have more generous areas in the order of 860m<sup>2</sup>. The locality also contains some post-War infill development.



## ITEM 4.1

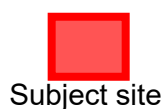
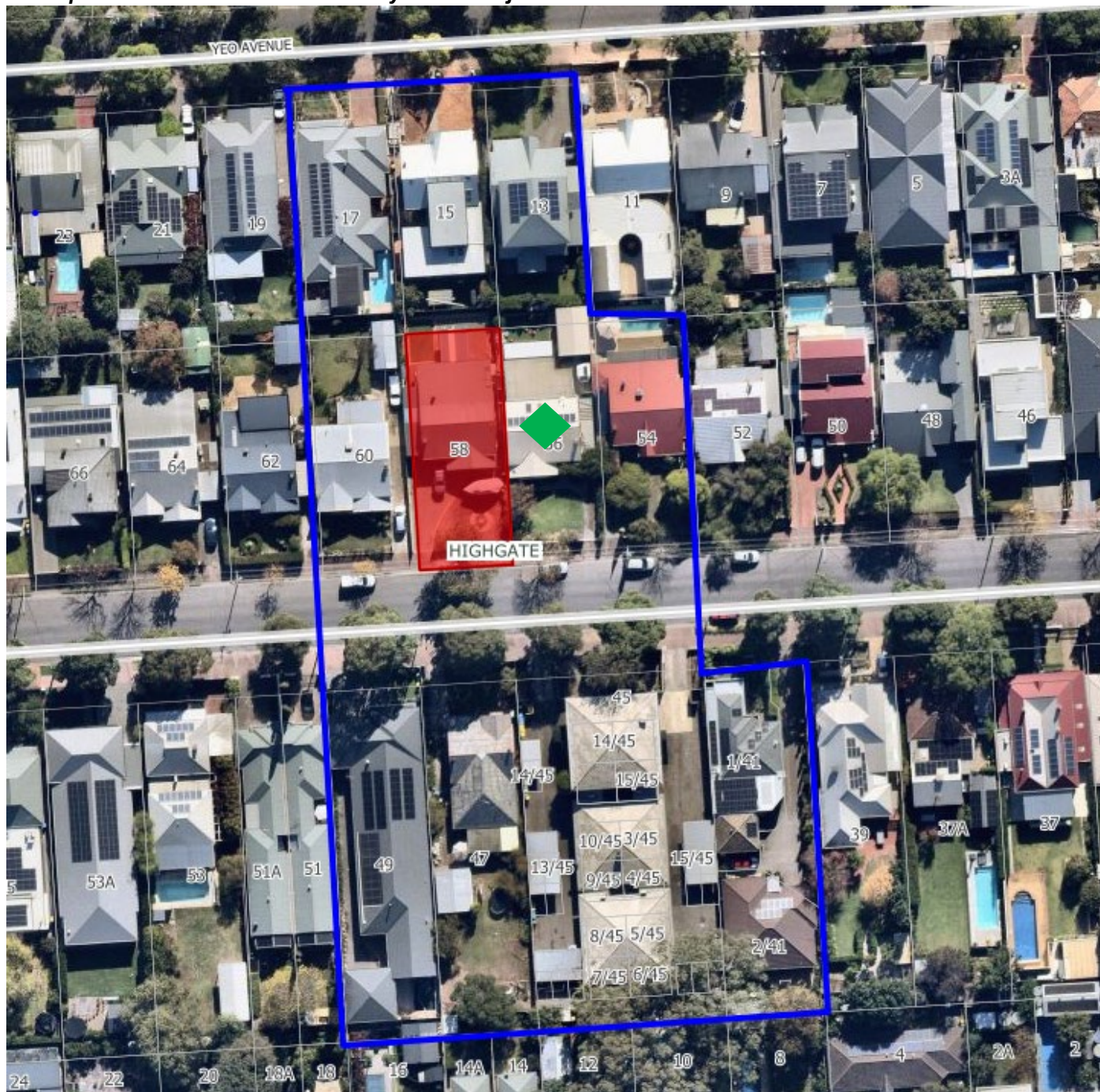
### DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE

Dwellings in the locality are generally single storey in scale. Whilst not widespread within the locality, there are some second storey elements evident. Boundary development within the locality is common with most allotments containing a form of boundary development.

The locality is well vegetated in the public realm with mature trees on street verges, predominantly Golden Rain, Queensland Brush Box and Jacaranda trees. There are some private trees interspersed throughout the locality.

#### Locality Plan

*The representors live within the locality of the subject land*



Subject site



Locality



Representor

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### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

#### **SERIOUSLY AT 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 an in-ground swimming pool and dwelling addition that is sympathetic to the built form character and development pattern of the locality. The proposal is consistent with DO 1.

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, this proposal is not considered to be seriously at variance with the Planning and Design Code.

#### **PUBLIC NOTIFICATION**

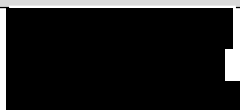
- **REASON**

Established Neighbourhood Zone – Table 5 – Procedural Matters (PM) – Notification – Clause 3(2)(b), the proposed dwelling addition incorporates a boundary wall which exceeds 3.2 metres.

The application was on public notice from 23 April to 14 May 2025. As part of the public notification process, 47 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 one representation. The representor supports the development with some concerns and wishes to be heard by the Council Assessment Panel.

#### **Representations:**

<b>Representor Name / Address</b>	<b>Support / Support with Concerns / Oppose</b>	<b>Request to be heard</b>	<b>Represented by</b>
	I support the development with some concerns	Yes	Self

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### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

#### **Summary:**

The representor raised the following concerns:

- Removal of fence without consultation
- Vertical clad wall
- Overshadowing
- Request for consultation regarding boundary development, including proposed colours
- Alternative fencing arrangement proposed
- Clarification sought on height of fence
- Clarification sought regarding compliance with building fire safety requirements

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

It is noted that a number of the above concerns are not considered to be planning matters. No further discussion of these concerns will be included in this assessment report.

#### **AGENCY REFERRALS**

The application was not subject to any external referrals.

#### **INTERNAL REFERRALS**

- Heritage Consultant  
No objection to the proposal, noting that it is slender and set far enough back from the street to not result in visual impacts to either the dwelling or streetscape.

#### **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:

- 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.



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### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

#### **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 Malvern Highgate Fullarton and Myrtle Bank (South) 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](#)**

##### **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.*

##### ***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 as well as the construction of an in-ground swimming pool. The dwelling addition is to facilitate the enclosure of the pool pump equipment of the proposed in-ground swimming pool. Boundary fencing is also proposed. A dwelling is an envisaged use within the Established Neighbourhood Zone. The proposed works to the dwelling itself and associated ancillary works (swimming pool) are considered to be compatible with the established development pattern of the neighbourhood and therefore, meets the desired outcomes of the Established Neighbourhood Zone.

##### **Swimming pool**

##### ***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 north-eastern corner of the site, behind the building line of the existing dwelling.

The swimming pool will have a setback of 900mm from the northern and eastern boundaries. Whilst this is a deviation from the required setback of 1m, as specified within the 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 the proposed dwelling addition (assessment detailed further within this report). The dwelling addition to

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### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

facilitate the enclosure of the pool pump equipment will be constructed of Axon cladding and will be lined with acoustic battens in order to limit acoustic impacts to both the subject site and adjoining property.

The pool pump equipment enclosure is located 1.4m from the adjoining dwelling to the east. This falls short of the required 5m setback specified within the Accepted Development Classification Criteria within the Established Neighbourhood Zone. The proposed pool pump equipment enclosure will be located opposite a service yard area containing an air conditioning unit. The closest window on the western side of the dwelling services a bathroom. No other habitable rooms are located within 5 metres of the pool pump equipment.

It is noted that the representor identified that they do not object to the pool pump equipment being located on the boundary, subject to acoustic noise being kept to a minimum.

In order to ensure that the acoustic amenity of the adjoining properties is protected, it is recommended that any planning consent issued require the inclusion of a condition relating to the enclosure of the pool equipment prior to operation and sound levels of the pool pump equipment.

It is considered that the siting and design of the proposed pool pump equipment is site-responsive to ensure unreasonable noise nuisance to the adjoining property and meets the intent of PO 19.3 of Design in Urban Areas.

### **Dwelling Additions and Alterations**

#### **Built Form**

##### ***DO 1 – 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 2.1 – Historic Area Overlay***

*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.*

##### ***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 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.*

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### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

The proposal seeks to construct a single storey dwelling addition with a roof form that follows the roof pitch of the existing dwelling. The proposal is to be constructed of Axon cladding in 'Classic Cream' and 'Woodland Grey'.

The proposed dwelling addition is located on the eastern side of the existing dwelling and is set back 9.2m from the front wall of the dwelling. The design and siting of the proposed addition is provided with generous setback from the southern boundary and as such it will not dominate the primary façade of the existing dwelling.

Overall, the dwelling addition is considered to be sympathetic to the site and locality and satisfies PO 1.1, 2.1, 2.2 and 3.1 of the Historic Area Overlay and PO 10.2 of the Established Neighbourhood Zone.

#### **Building Height, Scale and Streetscape**

##### ***PO 2.2 – Historic Area Overlay***

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

##### ***PO 4.1 – Established Neighbourhood Zone***

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

With the corresponding **Designated Performance Feature (DPF)** seeking the following:

##### ***DPF 4.1 (a) – the following:***

*Maximum Building Height (Metres): 6m*

*Maximum Building Height (Levels): 1 level*

##### ***PO 4.2 – Established Neighbourhood Zone***

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

The proposed dwelling addition is single storey in scale with an overall height of 3.68m. This does not exceed the maximum building height specified by Designated Performance Feature 4.1 of Established Neighbourhood Zone being 6m and 1 level.

The height of the addition is less than the height of the existing dwelling on the land. The proposed addition is setback over 9 metres from the front wall of the existing dwelling. Given the slender design and generous setback of the proposal, it is considered that the proposal will have limited impact on the visual appearance of the dwelling or the broader streetscape character. The existing dwelling on the subject site and the dwelling to the east have setbacks in the order of 1.5m. These setbacks in conjunction with the siting of the proposal will obscure the views of the dwelling addition from the streetscape. It is expected that the dwelling addition will only be visible when viewed from directly in front of the subject land.

The siting and design of the proposal is considered to be complementary to both the existing dwelling and the locality. The proposal is considered to satisfy the intent of PO 2.2 of the Historic Area Overlay, and PO 4.1 and 4.2 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.*

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The proposed dwelling additions and alterations are limited to 6.23m<sup>2</sup>. The additional site coverage is considered to be negligible and will not be readily noticeable to the naked eye. Whilst the proposal incorporates boundary development (discussed further within this report), the proposal is still considered able to provide access to natural light and ventilation to adjoining properties and will provide sufficient space around the existing dwelling on the subject site. The proposal is therefore considered able to meet the intent of PO 3.1 of the Established Neighbourhood Zone.

#### **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.*

##### ***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 proposal results in boundary development along the western (side) boundary. It therefore fails to satisfy the quantitative requirements of DPF 7.1 which seeks a 1 metre side setback. The dwelling addition will be wholly constructed on the boundary with a wall length of 6.7m, and a wall height ranging from 2.98 – 3.68m. The proposed wall height exceeds the requirements specified in DPF 7.1 by 468mm. The proposed wall on boundary has a length of less than 8 metres, with the portion of the wall that exceeds 3.2m in height having a length of 5.5m.

The majority of the wall is located opposite a blank expanse of wall with limited interface with habitable room windows. There is one window located opposite the proposal which has been confirmed by the representor as servicing a bathroom. This is considered to limit any visual impact associated with the wall height.

The representor has requested that they are consulted on the colour finish of the wall on their side and that there is no stormwater trespass into their property.

The post-development outcome of boundary development on both sides of the allotment was raised by the representor and whether this was permitted under the code. Boundary-to-boundary development is not expressly prohibited in the **Code**. Instead, development is required to meet the relevant performance outcomes and desired outcomes of the zone. Given the siting of the proposed dwelling addition, the proposed boundary development that will exist on both sides of the allotment is less obvious when viewed from the streetscape. Any implications associated with the building code are a matter for the Building Rules Consent assessment undertaken at the relevant time.



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### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

The design of the proposal including the proposed boundary development is considered reasonable and able to satisfy the intent of PO 7.1, 8.1 and 9.1 of the Established Neighbourhood Zone.

#### **Off-site amenity impacts**

##### ***DO 1 – General Development Policies – Interface between Land Uses***

*Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*

##### ***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*
- b) other zones is managed to enable access to direct winter sunlight.*

In their representation, the representor was concerned that the wall on boundary would result in the blocking of natural light that their property receives in the afternoon and overshadowing of their pergola. The properties on the northern side of Avenue Road, are on a north-south axis. This results in allotments having opportunities for solar access throughout the day to private open space areas.

The concerns of the representor are noted. However, the proposal is single storey in scale and will still enable direct sunlight to the private open space areas of their property.

By converse, the applicant has advised that in their response to representations (see **Attachment 3**) the design of the proposal has been in response to the development that has been constructed on the adjoining property. The applicant advises that this has reduced their privacy and created overlooking concerns for them. The applicant asserts that the nib wall is required in order to mitigate the existing direct overlooking from the representor's deck.

Overall, the proposed development is considered to meet the performance outcomes relating to 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 quantum of post-development private open space and soft landscaping will not differ from pre-development levels.

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The proposed dwelling addition is modest in size, located to the side of the existing dwelling on existing hardstand. The existing secluded private open space is to be retained with the proposed swimming pool to be located on the southern side of the secluded private open space, over an existing area of hardstand. The private open space will continue to be 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 21.2.

PO 22.1 seeks soft landscaping which minimises heat absorption, provides stormwater infiltration and enhance the appearance of the site. The post-development soft landscaping retained on site will be equal to the pre-development soft landscaping. The proposed swimming pool and dwelling addition are both to be located within areas containing existing hardstand. This will have no impact on the existing post-development soft landscaping. The proposal is considered to meet the intent of PO 22.1 of Design in Urban Areas.

The proposal is therefore considered to satisfy PO 21.1, 21.2 and 22.1 of Design in Urban Areas.

## **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 boundary. The fencing is to be constructed of plinth, Colorbond fencing and louvred slats to sit atop the fencing.

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 overall height of the fencing at 2.4m is considered to be of a sufficient height to provide privacy and security to dwelling occupants. As described earlier within this report, the applicant is seeking to increase the privacy that the dwelling residents are afforded and is anticipated that the increased height will further enable this. 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.

## **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.

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- 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 colours and materials is complementary to both the existing dwelling and the streetscape.
- The proposal continues to provide on-site amenity for the dwelling residents in the form of private open space and soft landscaping.
- The adjoining property will continue to be provided with access to direct sunlight to their private open space area.

## **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 25004895, by Ryan Goodall is granted Planning Consent subject to the following reasons/conditions/reserved matters:

### **Planning Consent Conditions**

#### Condition 1

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

#### Condition 2

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

#### Condition 3

All stormwater from the building and site shall be disposed of so as not to adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

#### Condition 4

That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from ancillary pool and/or spa equipment must not exceed 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 5

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.

## **ITEM 4.1**

### **DEVELOPMENT APPLICATION – 25004895 – 58 AVENUE ROAD, HIGHGATE**

#### **Planning Consent Advisory Notes**

##### Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

##### Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

##### Advisory Note 3

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

##### Advisory Note 4

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

##### Advisory Note 5

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

##### Advisory Note 6

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

##### Advisory Note 7

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:

- The killing or destruction of a tree; or
  - The removal of a tree; or
  - The severing of branches, limbs, stems or trunk of a tree; or
  - The ringbarking, topping or lopping of a tree; or
  - Any other substantial damage to a tree, (including severing or damaging any roots),
- and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

##### Advisory Note 8

That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the applicant.

##### Advisory Note 9

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

## **ATTACHMENT 1**

Legend

AB	Air Blower	SJS	Spa Jet Suction
AWL	Auto Water Leveller	SPR	Spa Return
DJ	Deck Jet	OV	Skimmer Box Overflow
HR	Heat Return	SJ	Spa Jet
HS	Heat Suction	SR	Solar Return
FFS	Fire Fighting Suction	SS	Solar Suction
MD	Main Drain	SWJ	Swim Jet
PL	Pool Light	WFS	Water Feature Suction
PR	Pool Return	-----	Pool Plumbing & Electricals
SB	Skimmer Box	—○—○—○—	Glass Pool Fencing
SBS	Skimmer Box Safety Suction	—□—□—□—	Tubular Pool Fencing
		—◇—◇—◇—◇—	Face Mounted Glass Fence

Amendments			
Rev	Date	Description of Amendment	Drawn By
A	15/6/24	Dimensions updated suit paver selections & add note existing window	SP
B	18/11/24	Post site inspection amendments for client review	RG
C	15/1/25	Update reflect plantroom enclosure for DA per client advise on materials	RG
D	15/3/25	Elevations front & rear enclosure added, reduce hight of wall @ rear following existing roof line	RG
E	10/6/25	Scale 1:50 @ A3 Printable Front & side elevations show existing dwelling	RG

General Pool Notes

- 1) Safety skimmer box, water recirculation and filtration system as per Australian Standards 1926.3 (2010) and BCA Clause SA H7D2
- 2) Pool equipment to be located and operated so as not to emit noise levels in excess of the Environment Protection (Noise) Policy (2007). Pool filtration system enclosed in a solid structure that will have a material impact on the transmission of noise.
- 3) As per Australian Standards 2160.1 (1998) water depth represents the vertical distance from an imaginary horizontal line drawn at the level of the midpoint of the operating range of the skimmer box to the floor of pool as shown on the pool profile.
- 4) Plumbing to sewer gully for disposal of backwash and pool water disposal.
- 5) Pool outline is shown at water line. Pool thickness is not shown.
- 6) As per AS/NZS 3000 (2007) (Australian/New Zealand Wiring Rules) any electrical equipment, the reinforcing metal of the pool shell and any fixed conductive material in fencing within 1250mm of the pool edge will be equipotentially bonded.
- 7) All pool plant power points (Socket-outlets) are to be waterproof and are to be mounted 450mm above ground level and not less than 1250mm horizontal distance from pool's edge as per AS/NZS 3000 (2007) Section 6.3.
- 8) Solar pool heating system has a weight of 2kg per sqm when full of water.
- 9) Tolerances on construction are as follows (AS 2783-1992):

Level of the top of the structure (FFL), +/- 15mm

Pool depth measured from pool floor to top of pool beam, +/- 5%

Wall thickness, -5mm (There is no maximum limit)

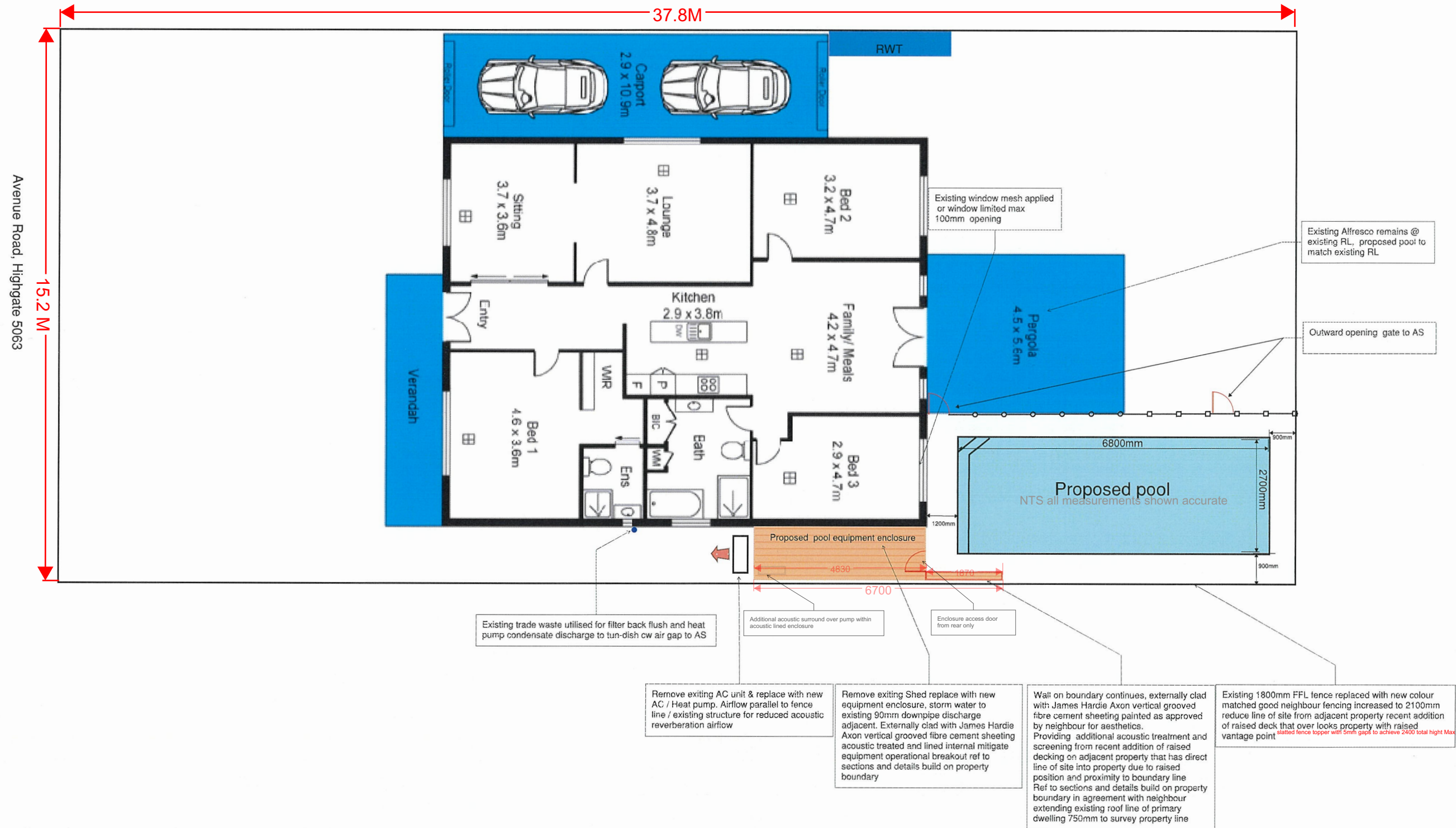
Cover to reinforcement, -5mm, +20mm

Specifications For Safety Barriers For Swimming Pools

- 1) All safety barriers shall meet the applicable location and window requirements of AS 1926.1 (2012).
- 2) 1200mm high permanent safety pool barriers made of materials meeting strength requirements of section 3 AS1926.1 (2012) & Appendix A, B & C. If Glass used it will meet the requirements of AS1288 & the glass barrier provisions of AS1926.1 (2012 2.3.3).
- 3) Gate unit with outwards opening, self closing device and gate hinges as per specifications of AS1926.1 (2012) 2.4.2.3.
- 4) Gate unit with latching device of a minimum 1500mm above finished ground level or shielded as per requirements of AS1926.1 (2012) 2.4.2.3.
- 5) Pool barrier shall meet perforated materials requirements, surface projections and indentation requirements of AS1926.1 (2012) 2.3.2.
- 6) The clear opening between any vertical components of the pool barrier shall not exceed 100mm at any point.
- 7) The height of any opening between the bottom on the barrier and the finished ground level shall not exceed 100mm.
- 8) Boundary fences acting as a barrier to a pool shall be a minimum of 1800mm high on the inside.
- 9) Any internal fences or structures intersecting with the boundary fence acting as a barrier shall have a top rail or surface width of a maximum 50mm. Any with a width greater than 50mm shall be a minimum height of 1800mm for 900mm from the boundary.
- 10) All barriers, boundary and those within the property shall meet the continuous 900mm non climable zone (NCZ) requirements of AS1926.1 (2012).
- 11) Any operable windows less that 1800mm above the floor to be secured with bars, mesh screen or a mechanism limiting window opening to a maximum of 100mm as per AS1926.1 (2012).
- 12) A suitable CPR sign will be attached to the pool barrier or displayed near the pool as per SA H7D2

COVER PAGE		Date: 18 November 2024		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road, Highgate 5063		Ref: Good2025	Rev: E		
Clients: Goodall- [REDACTED] & Ryan	Signature:		Sh: 1 of 12		

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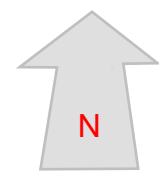


SITE PLAN		Date: 18 November 2024		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road, Highgate 5063		Drawn By: SP	Rev: E		
Signature:	Ref: Good2025	Scale: 1:200 at A3	Sh: 2 of 12		



Existing Garden bed 900mm wide from existing 1800mm high fence

Garden bed



Existing Grass area  
approx 300mm lower  
than existing alfresco &  
proposed pool RL

Future BBQ & bench top by owner

Clearance from future  
BBQ min 1200-1500  
from new 1200 high  
glass fencing

Existing Alfresco

1.8 M

Proposed Pool

Pool coping level with existing Alfresco

NTS all measurements shown are accurate

1.2 M

Steps & Ledge

900  
600  
300

Ledge

1200

Garden bed

1870

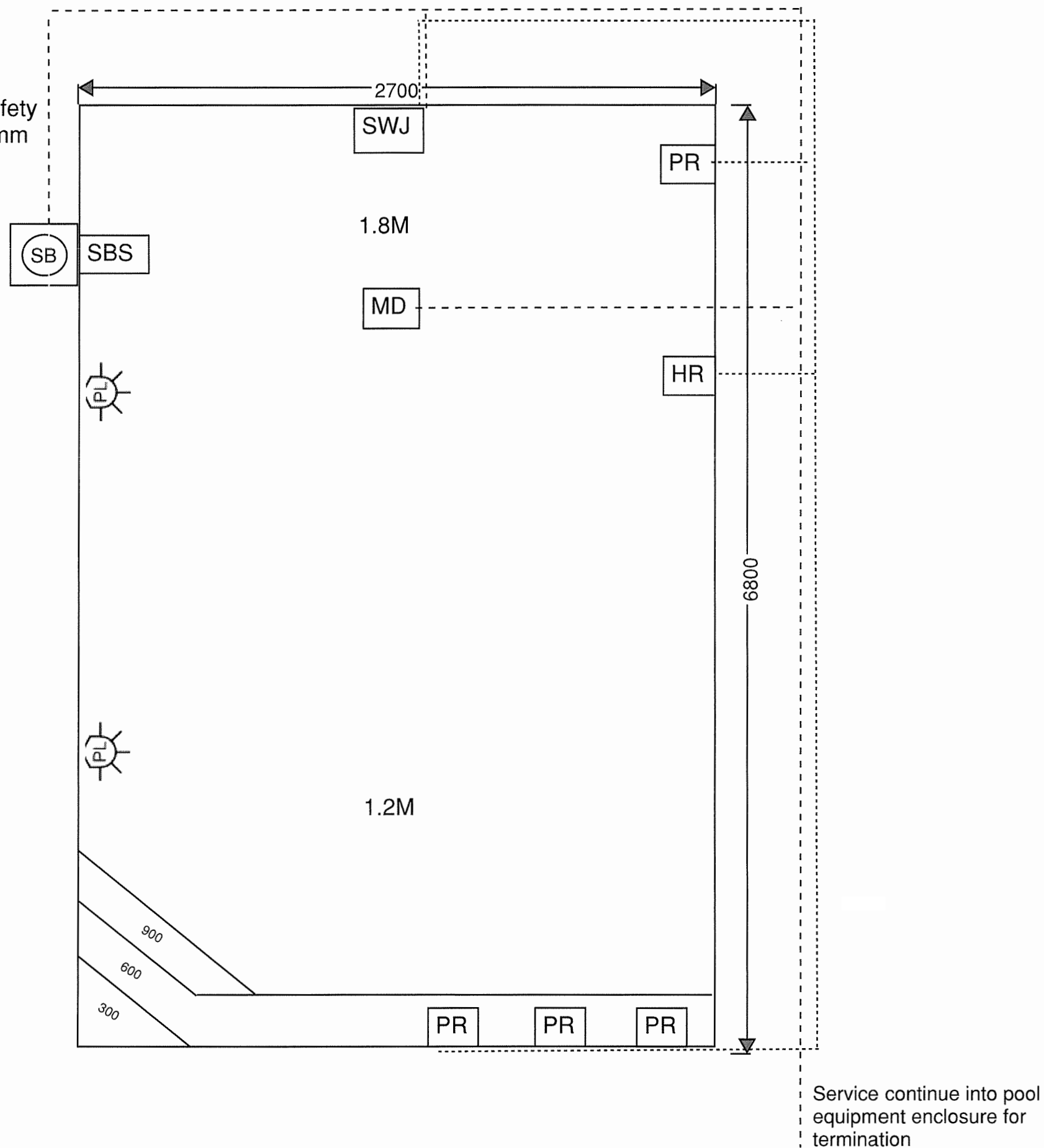
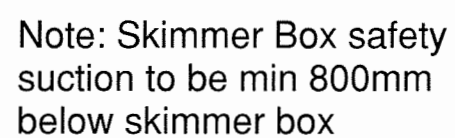
House existing

Proposed new pool equipment enclosure  
face aligns with existing structure and  
extends 750mm from existing roof line to  
boundary

Replace existing 1800 fence with 2100mm fence inc additional 3 slat fence topper 5mm gaps between slats AS 1926.1:2012 maximum total new fence height 2400 FFFL including plinth @ ground level

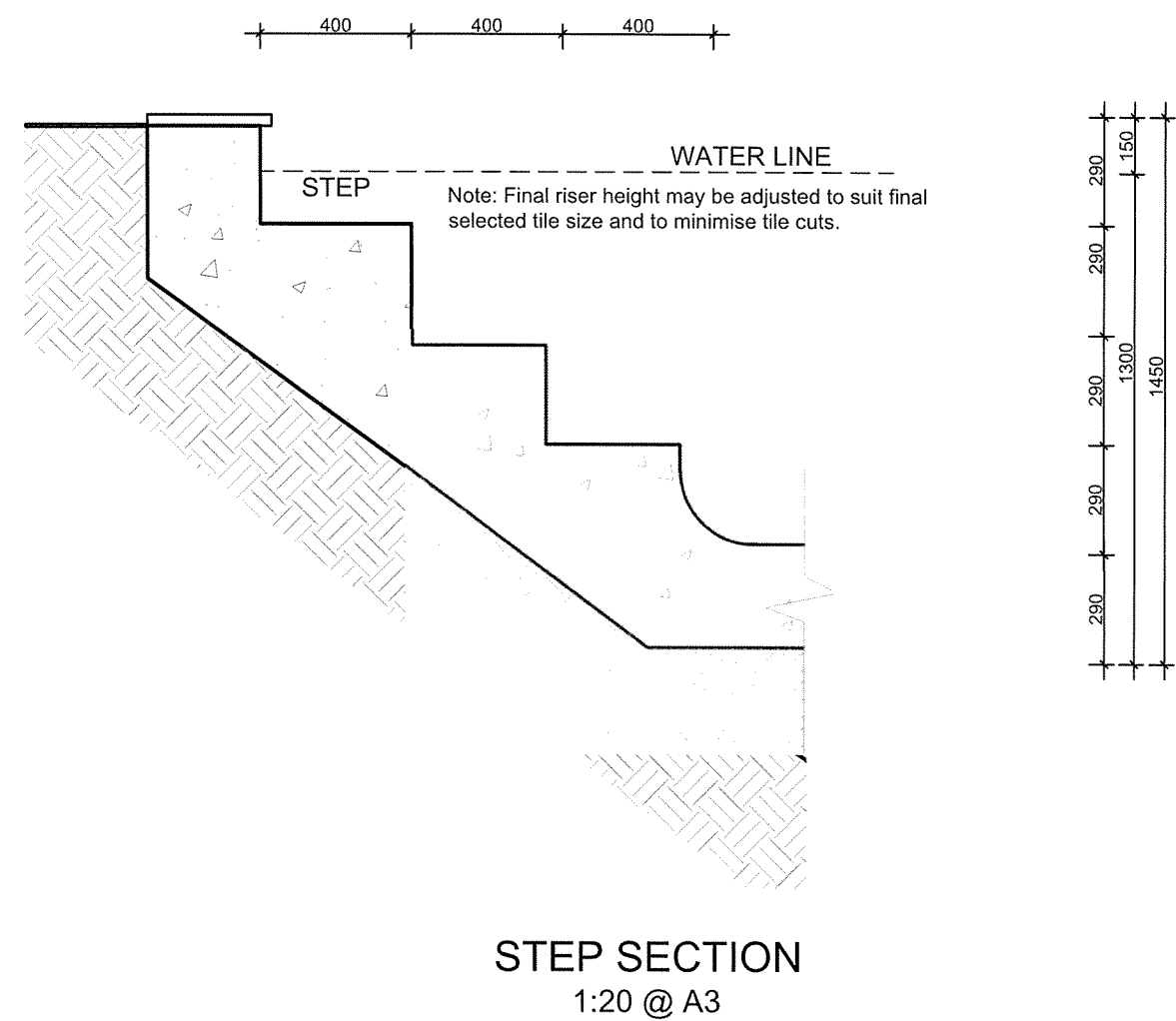
POOL OUTLINE		Date: 18 November 2024		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road Highgate		Drawn By: RG	Rev: E		
Signature:	Ref: GOOD2025	Scale: 1:50 at A3	Sh: 3 of 12		



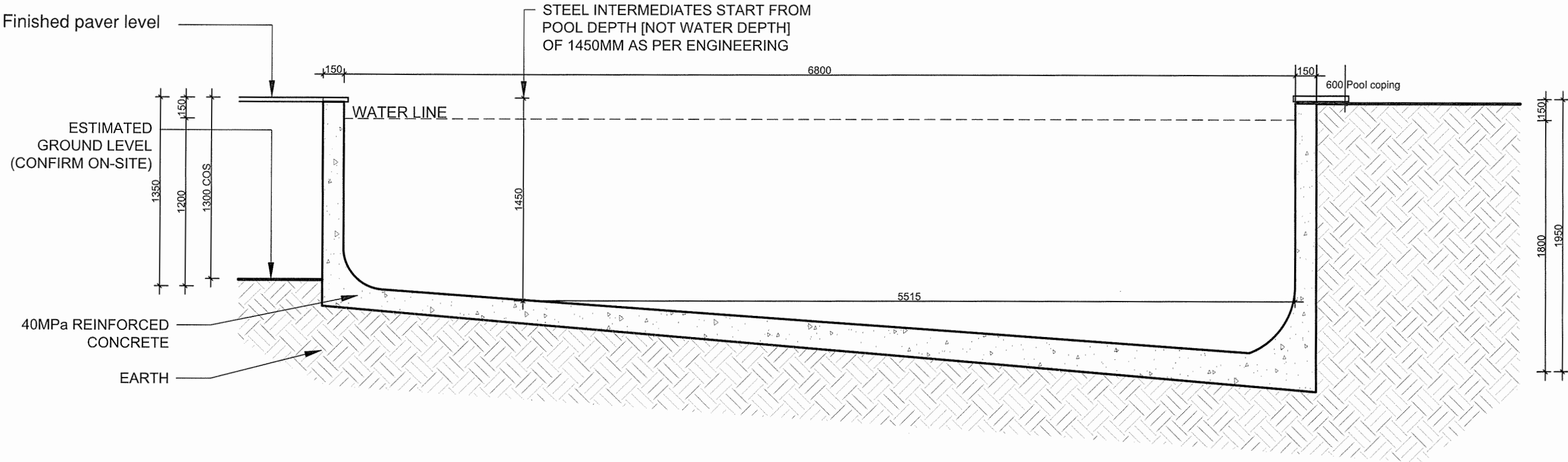
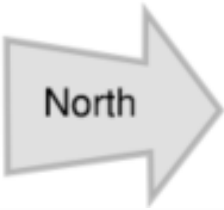


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POOL DETAILS		Date: 18 November 2024		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road Highgate 5063		Drawn By: SP	Rev: C		
Signature:	Ref: GOOD2025	Scale: AS NOTED	Sh: 5 of 12		



POOL SECTION  
1:30 @ A3

POOL DETAILS

Site Address: 58 Avenue Road Highgate 5063

Signature:

Ref: GOOD2025

Date: 18 November 2024

Drawn By: SP

Scale: AS NOTED

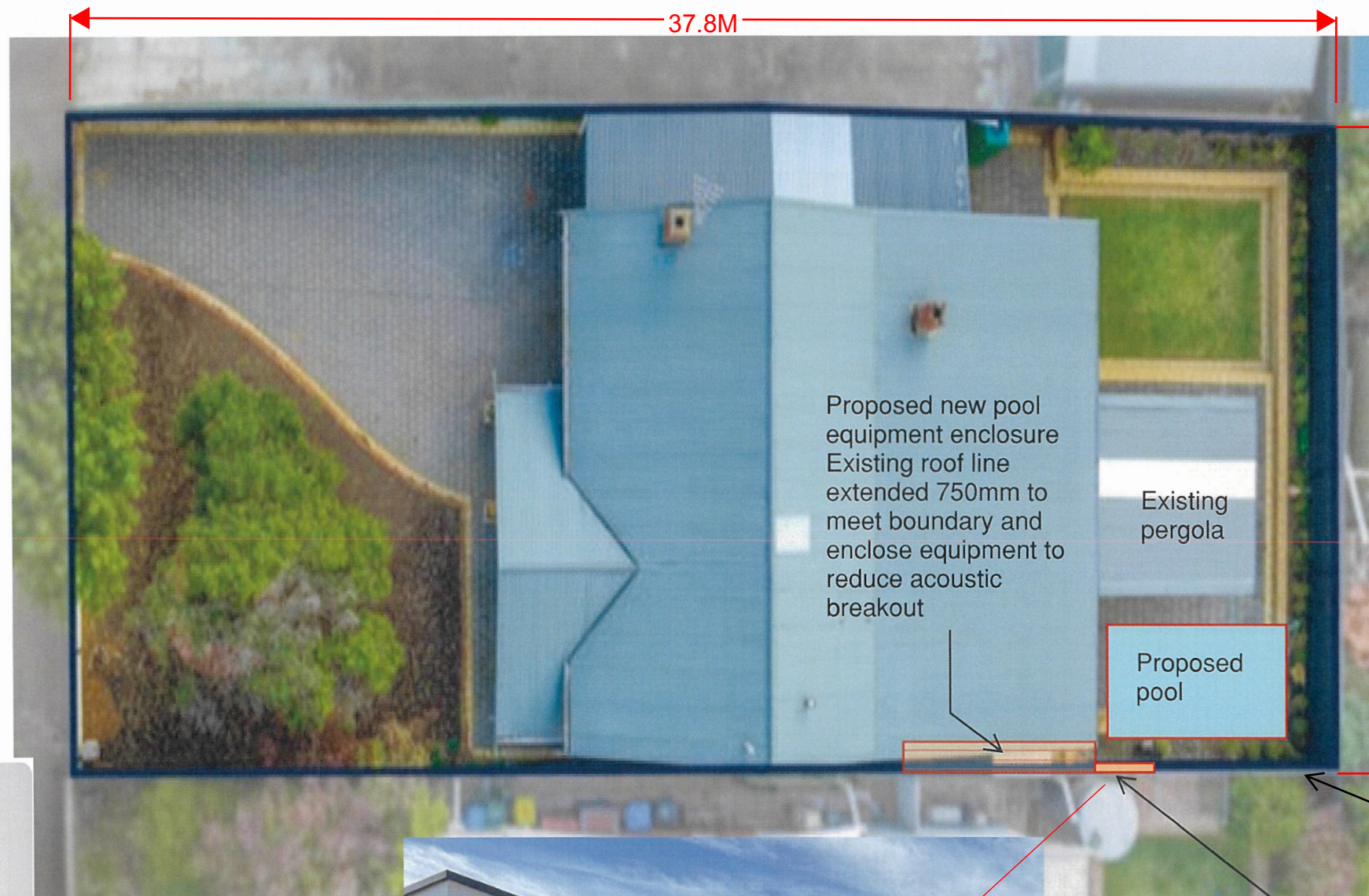
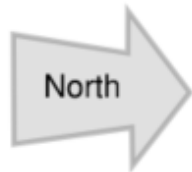
Rev: C

Sh: 6 of 12

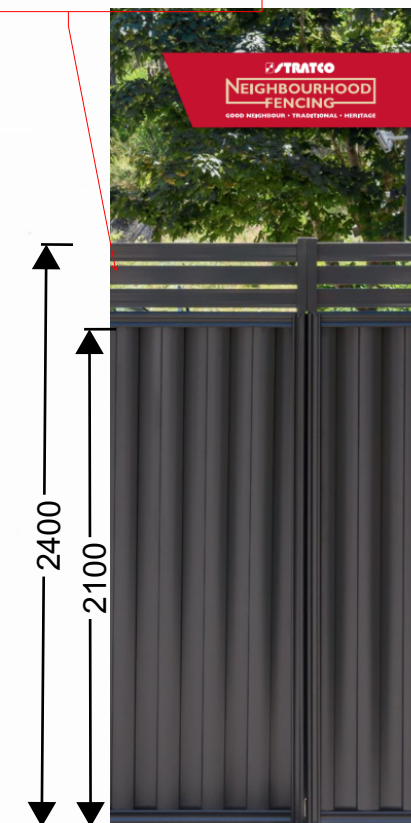
Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.

Owner Builder Proposal



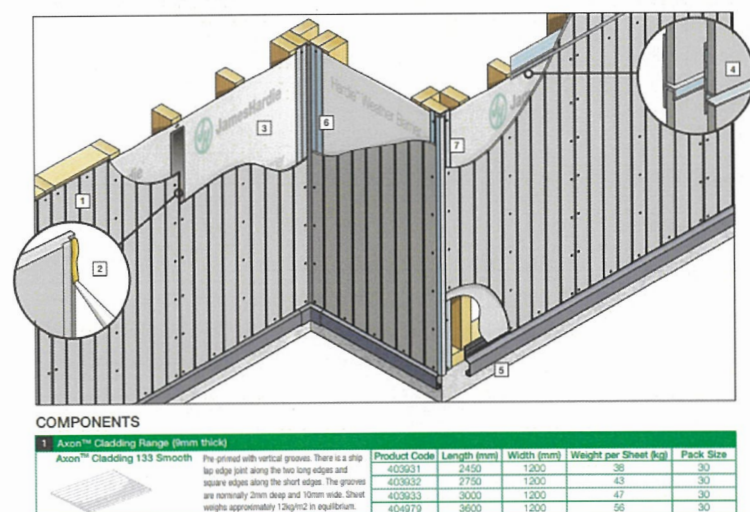


5mm gaps in topper slats  
AS 1926.1/2012



Replace existing 1800FFL fence replaced with 2100mm GN fence on concrete plinths including additional louvred slats section on top total height 2400mm

**\*Compliance note**  
Fence topping slats with maximum spacing 5mm no gaps to exceed 10mm to ensure no claimable element toe holes AS1926.1/2012 compliance



Recently applied elevated decking on adjacent property has direct line of site into client property. cladded wall matching existing roof profile screening proposed on boundary and pre approved in consultation with neighbouring property



Vertical clad wall continues 1870 mm past existing house @ 2980 mm high replacing screening for recently constructed raised decking in neighbouring residence ref to section detail

## Pool plant enclosure & screening details

Site Address: 58 Avenue Road Highgate 5063

Signature:

Ref: GOOD2025

Date: 18 November 2024

Drawn By: SP

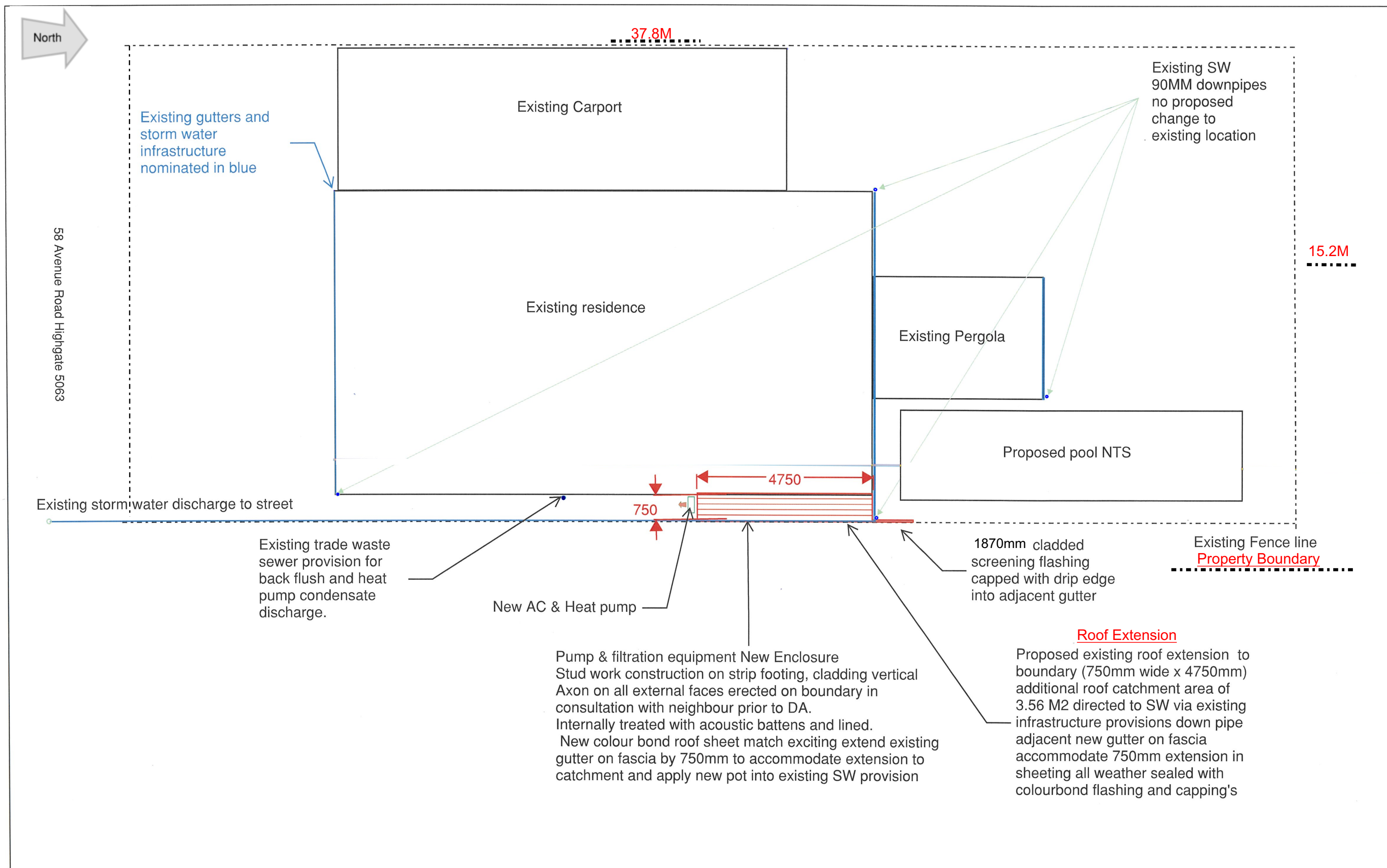
Rev: C

Sh: 7 of 12

Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.

Owner Builder Proposal





# Roof detail water catchment and trade waste

Date: 18 November 2024

Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.

Owner Builder Proposal

Site Address: 58 Avenue Road Highgate 5063

Drawn By: RG

Rev: E

Signature:

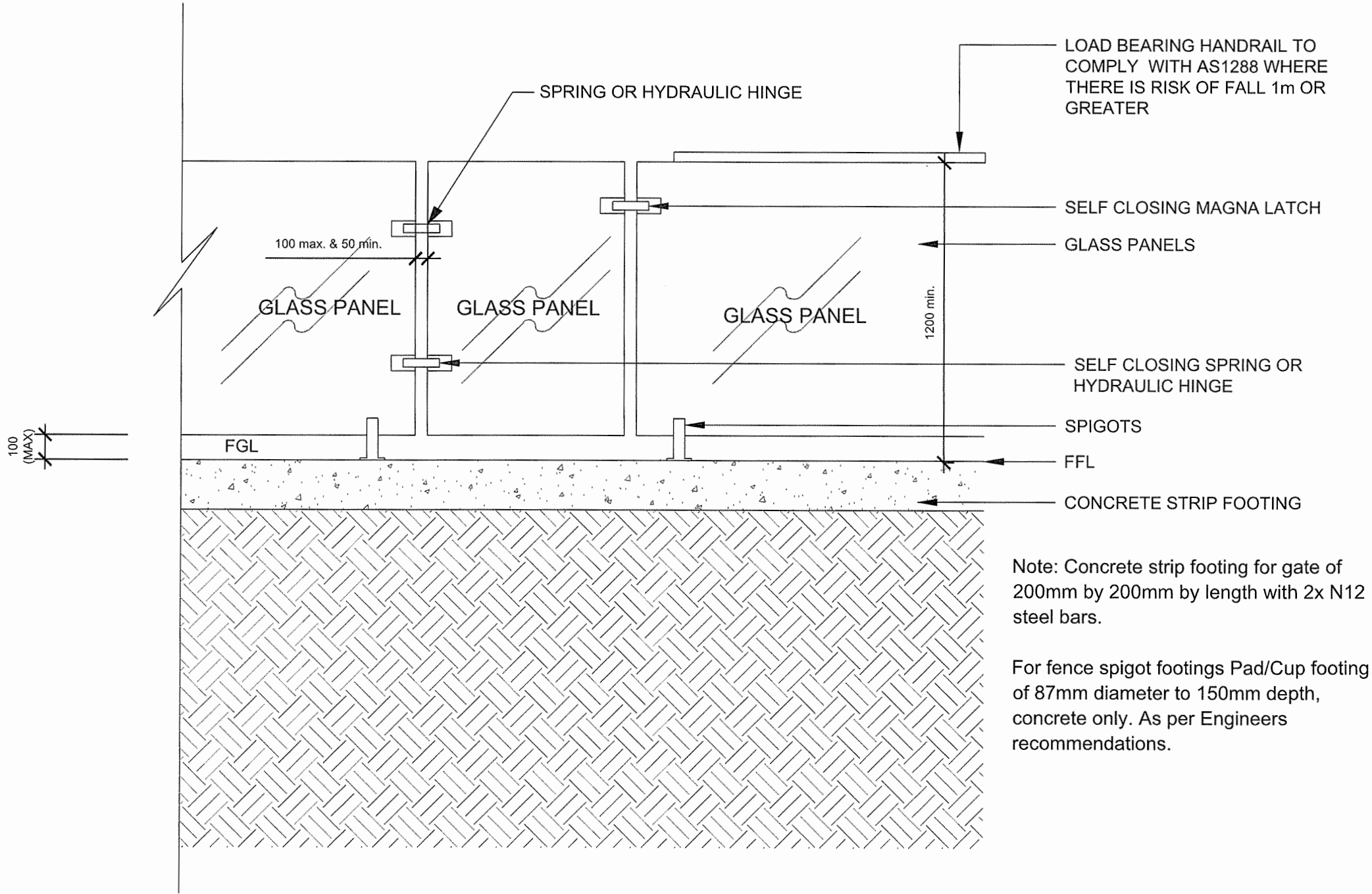
Ref: GOOD2025

Sh: 9 of 12

GLASS POOL FENCING TO COMPLY WITH AS/1926 - 2010

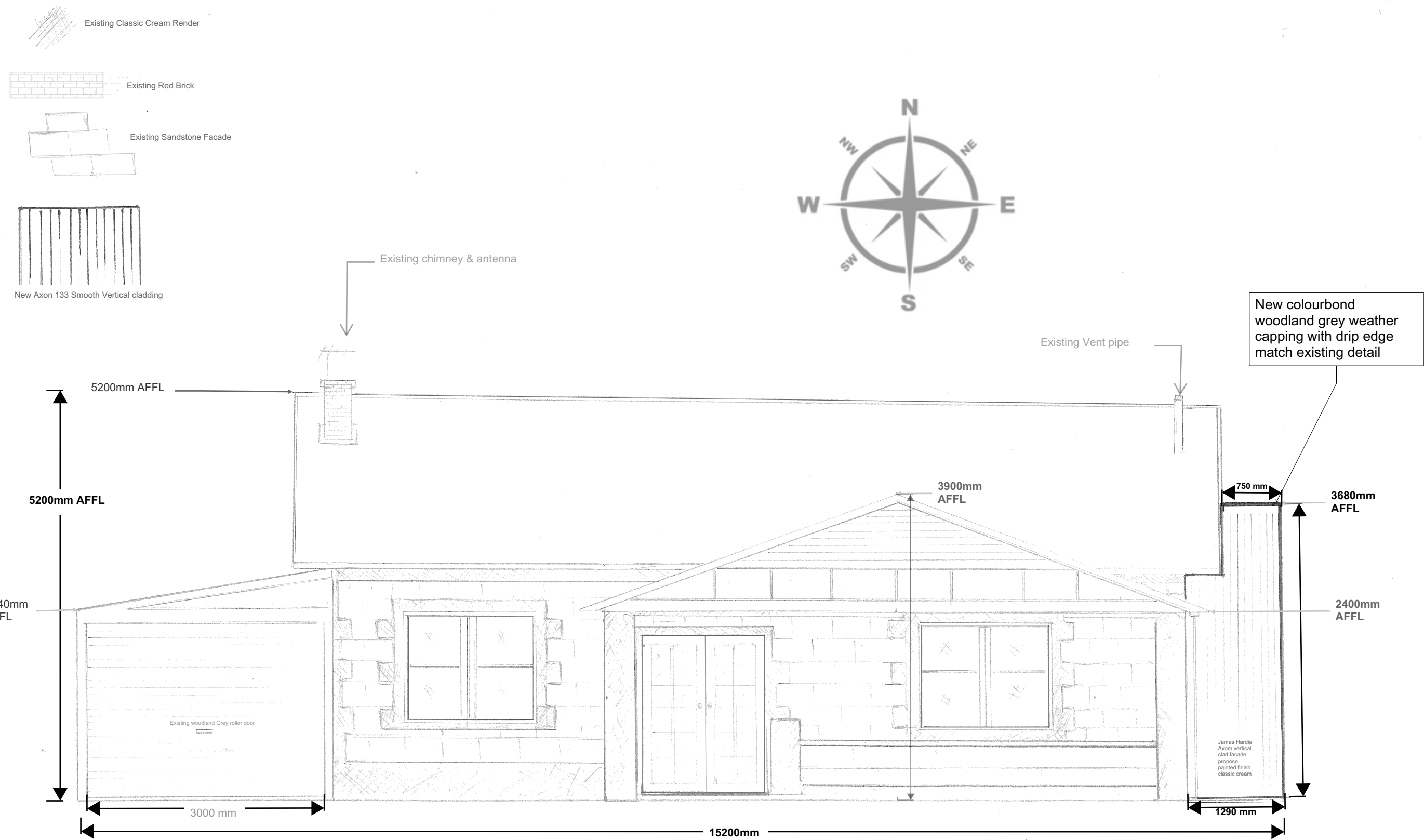
SPECIFICATIONS:

- Stamp approved toughened safety glass that meets the relevant Australian Standards
- 12 mm glass thickness for all panels
- Glass panels custom sized to fit but not greater than 2000 mm
- Standard panel height of 1200 mm
- Gap underneath and between panels between 50 and 100 mm
- 316 marine grade stainless steel self closing hinges and magna latches
- 316 Marine grade stainless steel spigots approximately 50 mm diameter and 300 mm long



FENCE DETAILS -Glass		Date: 18 November 2024		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road Highgate 5063		Drawn By: SP	Rev: A		
Signature:	Ref: GOOD2025	Scale: 1:20 at A3	Sh: 10 of 12		

1:50 @ A3 Print



Front Elevation 1:50 scale @ A3 print ( addition in <b>bold</b> )		"streetscape view"		Date: 10th June 2025		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road, Highgate 5063				Ref: Good2025	Rev: E		
Clients: Goodall- [REDACTED] & Ryan		Signature:		Sh: 11 of 12			

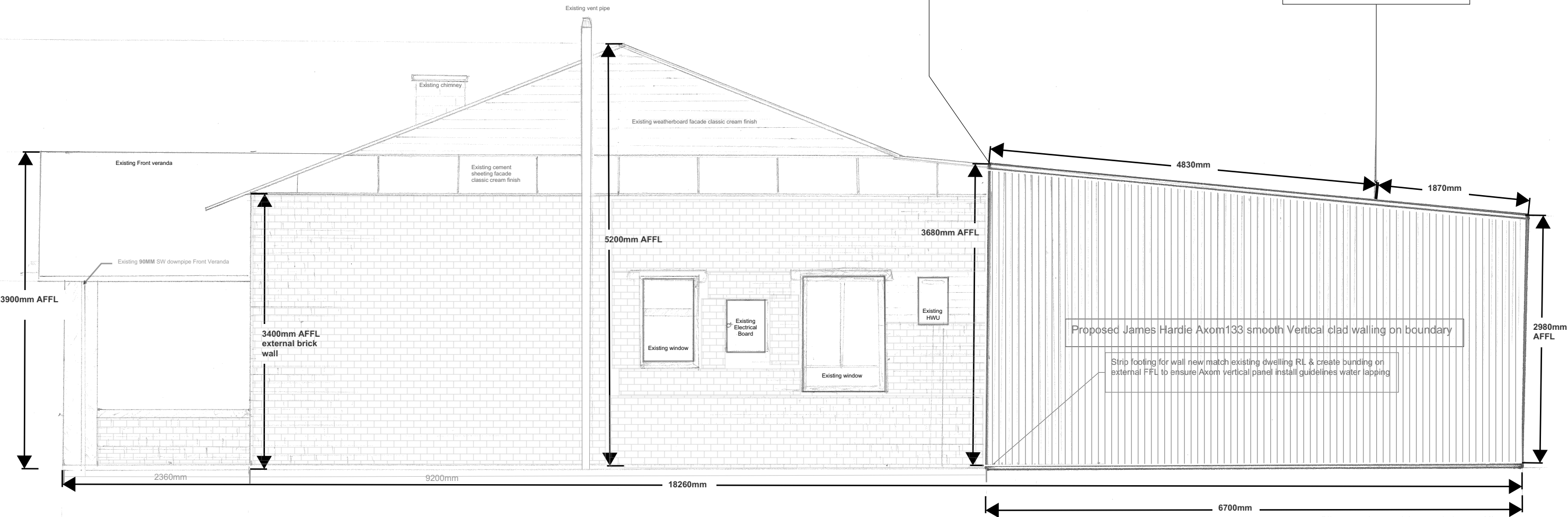
27

58 Avenue Road



New roof & nib wall section  
colourbond capping weather  
seal with drip edge

New roof section matching  
existing roof pitch profile  
finishing @ existing gutter  
line. Nib wall continues on  
boundary Nth 1870mm past  
existing gutter line creating  
privacy screening per plan  
details



Side elevation 1:50 scale @ A3 Print		Date: 10th June 2025		Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions and levels prior to commencement and notify the Builder immediately.	Owner Builder Proposal
Site Address: 58 Avenue Road, Highgate 5063		Ref: Good2025	Rev: E		
Clients: Goodall- & Ryan	Signature:		Sh: 12 of 12		



## **ATTACHMENT 2**

# Details of Representations

## Application Summary

Application ID	25004895
Proposal	Construction of an in-ground swimming pool with associated safety features and dwelling addition (to house pool pump equipment)
Location	58 AVENUE RD HIGHGATE SA 5063

## Representations

Representor 1 - [REDACTED]

Name	[REDACTED]
Address	[REDACTED]
Submission Date	01/05/2025 03:47 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

**Reasons**

Neighbouring property. Objection: Removal of neighbouring fence without consultation, and addition of vertical clad wall. As the joint neighbour of concern, I object strongly to the vertical clad wall. The height of 2980mm overshadows our pergola and completely removes all afternoon sun into our property. This wall is not required for the construction, it was purely added for aesthetic and to create a 'feature wall'. I consent to the pool's dimensions and closeness to our existing boundary, on the conditions that there will be no objections to any future proposal to a pool/spa within the same bounds at similar dimensions on our side of fencing. I consent to the pool pump enclosure on our boundary with the condition that stormwater guttering is ensured so that rainwater/stormwater does not flow onto neighbouring property. Other consent condition is that colour is approved by neighbour and that acoustic noise is kept to minimum as per application. I consent to neighbour friendly fence of height 2100mm (+300mm louvre slats) which runs on eastern boundary. I propose instead a fence built from front of house to pool pump enclosure, then from pool pump enclosure (northside) to rear boundary. Colour of fence in line with our property. I request clarification on total height on fence from ground level. (Pg7of10) is unclear whether 2400mm includes height of concrete plinth. States total height of 2400mm, is this from ground level. I request clarification is whether fire code is adhered to. Northern side of property is built to boundary with enclosed garage. Southern side is proposing fully enclosed pump shed. Confirming this adheres to code. I consent to pool, and pump enclosure, but strongly object to vertical clad wall that has no bearing on construction, and which overshadows our entire pergola and removes all afternoon natural light. Without the removal of the vertical clad wall completely, I, as neighbouring property will object to this application in its entirety.

## Attached Documents

IMG_7320-1495693.jpeg	
IMG_7313-1495694.jpeg	30
IMG_7274-1495695.jpeg	











### **ATTACHMENT 3**

## Re: Public Notification Representation- 25004895.

In response to representation submitted 1/5/25 within public notification period received by applicant 16/5/25.

We would like to address [REDACTED] concerns in a proactive and neighbourly manner for mutually agreeable outcome.

The application process started in Feb 2025, we look to progress in a timely manner as the existing A/C system serving our property has surpassed its commercial lifecycle, exiting A/C unitary is noisy / inefficient and cannot be replaced until the new plant enclosure progresses.

Submission Date 01/05/2025 03:47 PM

Submission Source Online

Late Submission No

Would you like to talk to your representation at the decision-making hearing for this development? Yes

My position is I support the development with some concerns **Noted & Understood**

Reasons

Neighbouring property. Objection: Removal of neighbouring fence without consultation, and addition of vertical clad wall. As the joint neighbour of concern, I object strongly to the vertical clad wall. The height of 2980mm overshadows our pergola and completely removes all afternoon sun into our property. This wall is not required for the construction, it was purely added for aesthetic and to create a 'feature wall'.

Consultation with adjoining property was undertaken on 23/2/25 tabling Revision C documents, discussing satisfactory solutions addressing acoustics and privacy whilst endeavouring to provide "sunset sight line" request... subsequently revision D documentation reduced screening height was submitted by applicants.

Noting Neighbouring property's elevated decking and 2700mm slatted screening erected on boundary within the last 12mths without our consultation, created privacy concerns as provides direct line of site into our backyard, acoustic breakout has now been an ongoing concern due to elevated position / proximity to existing fence line and our son's bedroom. The addition of acoustic screening currently detailed is to mitigate the run on from recent additions on neighbouring property.

Neighbouring pergola is north facing and elevated it receives all day sun, noting in peak summer solstice the sun sets behind our current roofline however winter months our proposed acoustic screening does not obstruct sunset.



I consent to the pools dimensions and closeness to our existing boundary, on the conditions that there will be no objections to any future proposal to a pool/spa within the same bounds at similar dimensions on our side of fencing.

**We provide full support for future proposal of pool in similar dimensions and proximity. Spa would be subject to additional acoustic treatments and progression of the current vertical clad wall proposal Rev D. Both potential future applications subject to rules / regulations / council approvals, we will be amicable and fully supportive.**

I consent to the pool pump enclosure on our boundary with the condition that stormwater guttering is ensured so that rainwater/stormwater does not flow onto neighbouring property.

**Noted with thanks and confirm stormwater / guttering is detailed in current proposal.**

Other consent condition is that colour is approved by neighbour and that acoustic noise is kept to minimum as per application. **Confirm colour selection by neighbours on boundary.**

**Noted and agreed neighbour satisfaction on aesthetics & acoustics is of importance to us. As discussed during consultation for clarity we would paint cladded enclosure classic cream, open to colour matching white same as render applied on their elevated decking additions. Pertaining to acoustics - our son's bedroom is adjacent all pumps will be carefully selected rubber isolated and housed in a double acoustic lined enclosure.**

I consent to neighbour friendly fence of height 2100mm (+300mm louvre slats) which runs on eastern boundary. I propose instead a fence built from front of house to pool pump enclosure, then from pool pump enclosure (northside) to rear boundary. Colour of fence in line with our property. **(Monument)** I request clarification on total height on fence from ground level. (Pg7of10) is unclear whether 2400mm includes height of concrete plinth. States total height of 2400mm, is this from ground level.

**Current proposal offered x3 new fence panels CW slatted screening and concrete plinths noting the property is sloping as mentioned during consultation, concrete plinths would be recessed into existing ground level to ensure the fence has a relative level confirming will not exceed total 2400 max at its highest point in rear of property.**

**Current proposal Rev D offered to install x3of 2400L x 2100H (+300) new fence panels at no material cost to neighbour in the back yard with agreement to replace dilapidated front fencing in separate project where costs would be split 50/50.**

**In the interests of progressing current Rev D proposal inclusive of acoustic screening detailed, we would offer to pay material costs for applying new 1800 H good neighbour fence in front section from enclosure to front of dwellings to replace dilapidated fence section at nil materials cost on the basis access and installation is coordinated both sides.**



I request clarification is whether fire code is adhered to. Northern side of property is built to boundary with enclosed garage. Southern side is proposing fully enclosed pump shed. Confirming this adheres to code.

The James Hardie smart boundary fire & acoustic product was carefully selected with data sheet provided to council 25/2/25 attached confirming code compliance. The product is specifically designed for the applicant's proposal (data sheets reattached to response)

I consent to pool, and pump enclosure, but strongly object to vertical clad wall that has no bearing on construction, and which overshadows our entire pergola and removes all afternoon natural light. Without the removal of the vertical clad wall completely, I, as neighbouring property will object to this application in its entirety.

Thank you for your consent on pool location and enclosure on boundary.

We look to fast track and address the final concern being the acoustic / privacy cladded screening section of the Rev D proposal with below points of consideration.

The screening / nib walling section is required as the elevated decking on neighbouring property encroaches on our privacy, we wish to pursue current proposal as tabled to mitigate concerns. Had the same consultation process been afforded to us prior to construction of elevated deck and 2700 open screening on boundary recently, we would have proactively worked with neighbours on solutions that negated the request for screening sections.

We have now in this response offered to pay material cost to ensure all boundary fence are upgraded from current dilapidated state, inclusive of combining front fence section into works package at a nil cost to neighbour on proviso full approval be receipted on Rev D submission in timely manner to progress works ASAP.

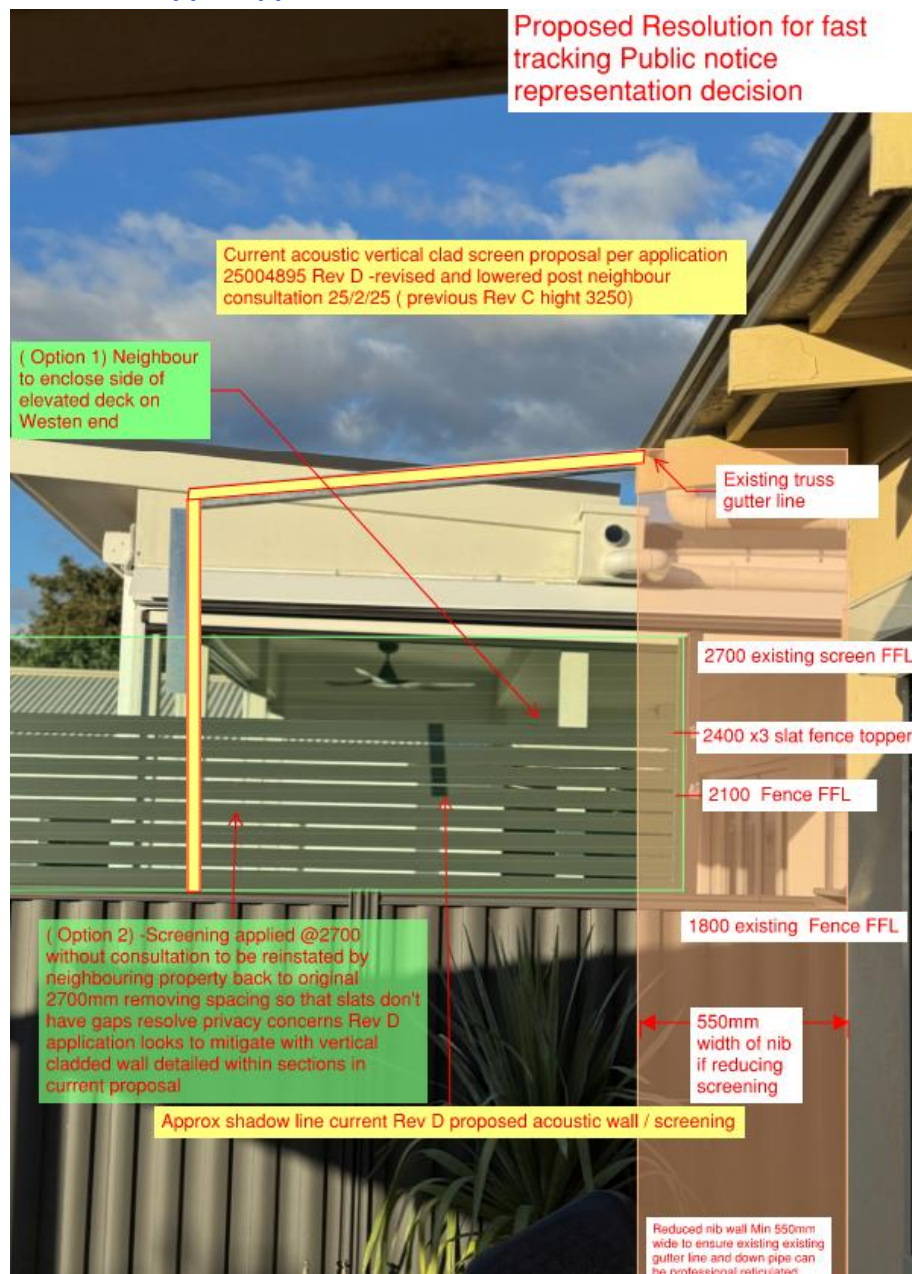
Our preference remains progress per Rev D submission should the council assessment deem fit for purpose as provides solution to acoustic / privacy concerns currently present from recent additions applied on neighbouring property.

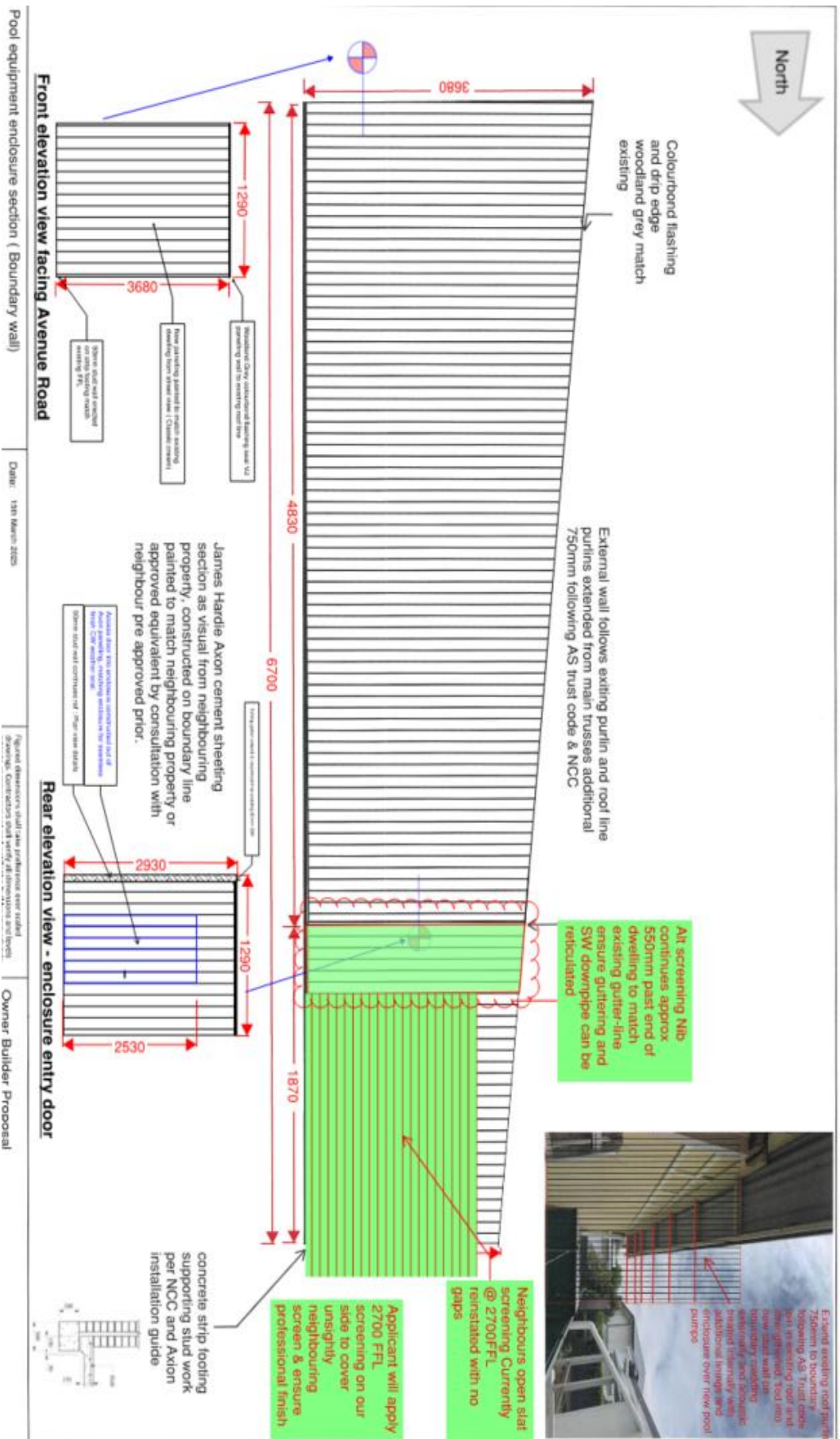
We welcome site attendance from council assessor at earliest convenience and would suggest attending in the afternoon with [REDACTED] to review the only remaining constraint being afternoon sunset line of sight from elevated deck.

As we are motivated to close out and progress, we table in a proactive manner the following contingencies for consideration should the council rule that alternative screening solutions be pursued.

Neither Alt screening solutions are preferred, the current Rev D proposal provided the best streetscape finishes and highest acoustic outcomes.

1. Remove the objected screening section for boundary wall, finishing enclosure at existing gutter line ensuring SW management can be reticulated ( Ref Image)  
Neighbouring property must fully enclose West side of pergola to reduce privacy and acoustic concerns, we will still supply new rear fence at nil cost, front fence costs split 50/50
2. Remove the objected screening section for boundary wall, finishing enclosure at existing gutter line ensuring SW management can be reticulated ( Ref Image)  
Neighbouring property to reinstate 2700mm screening on boundary with no gap's slats butted together to remove line of sight, costs associated with new fence front and rear to be split 50/50 or remain as existing fence with rear 1800mm fence 3 slat fence topper applied.





**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:** July 15<sup>th</sup> 2025

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**APPEALS - 3**

<b>Development Application / Subject Site</b>	<b>Nature of Development</b>	<b>Decision authority and date</b>	<b>Current status</b>
DA25005852 – 169 Goodwood Road, Millswood	Removal of Significant Tree (River Red Gum)	Refused under delegation, April 14 <sup>th</sup> 2025	Appealed to ERD, conference scheduled July 29 <sup>th</sup> 2025
DA23021294 – 3 Lynton Avenue, Millswood	Demolition of a Representative Building	Refused under delegation, May 12 <sup>th</sup> 2025	Appealed to ERD, conference scheduled July 23 <sup>rd</sup> 2025
DA25007577 – 17 Birks Street, Parkside	Alterations to existing dwelling	Refused under delegation, May 1 <sup>st</sup> 2025	Appealed to ERD, conference scheduled July 28 <sup>th</sup> 2025

# **UNLEY COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2024 - 2025**

**July 2025**

## **CONTENTS**

BACKGROUND

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AUTHORITIES APPEALS

APPLICATION NUMBERS

MEETING DATA



## **BACKGROUND**

The functions of the Council Assessment Panel (CAP) are:

1. To act as a delegate of the Council in accordance with the requirements of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and any relevant instrument of delegation;
2. To provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the PDI Act; and
3. To perform other functions (other than functions involving the formulation of policy) assigned to the CAP by the PDI Act or the *Planning, Development and Infrastructure Regulations 2017* (the PDI Regulations) from time to time.

## **TERMS OF REFERENCE**

The Terms of Reference for the CAP require that it reports annually to Council in respect of the following matters:

1. The use of the provisions of Regulation 13(2) of the PDI Regulations;
2. Disclosure by CAP Members of interests pursuant to clause 7 of the Minister's Code of Conduct issued under Schedule 3 of the PDI Act;
3. Resignation of a CAP Member;
4. The incidence of items deferred by the CAP;
5. The adjournment of consideration of development applications;
6. Any matter that would improve the effectiveness of, or expedite the decisions of the CAP; and
7. Any other matters upon which the CAP is required to report to the Council or thinks fit to report.

This report is submitted in accordance with these requirements.

## **DISCUSSION**

### ***Membership***

The previous two-year term of the CAP came to an end on 28 February 2025. Membership of the Panel prior to that date comprised the following members:

- Brenton Burman (Presiding Member)
- Colleen Dunn (Independent Member)
- Terry Sutcliffe (Independent Member)
- Dr Iris Iwanicki (Independent Member) – resigned August 2024
- Will Gormly (Independent Member)
- Prof Mads Gaardboe (Deputy Independent Member)

## **ITEM 8.1**

### **UNLEY COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2024-2025**

The following members were appointed by Council for a two-year term from March 2025:

- Brenton Burman (Presiding Member)
- Colleen Dunn (Independent Member)
- Terry Sutcliffe (Independent Member)
- David Brown (Independent Member)
- Yvonne Svensson (Independent Member)
- David Storey (Deputy Independent Member)

The Independent Members are persons accredited at Planning Level 2 under the Accredited Professional Scheme as required under the Planning and Development Act.

#### ***Meeting Procedures and Delegated Authorities***

At its first meeting of the new term of the CAP in March 2025, the Panel adopted the existing Instrument of Delegation and amended Meeting Procedures.

#### ***Appeals***

Table 3 provides a summary of appeals against CAP decisions for the financial year. Figure 1 provides a historical comparison of appeals data. The number of appeals lodged in 2024/2025 showed a small increase from previous years. Five appeals were lodged during the reporting period:

- 1 was settled by way of a compromise
- 1 was withdrawn
- 3 are ongoing

#### ***Application Numbers***

Table 2 provides a summary of the number of applications considered by the CAP, concurrence with officer's recommendations, meeting attendance, site meetings and special meetings.

Application numbers in 2024/25 were higher than 2023/24. Overall, 17 applications were considered by the Panel for the financial year compared to 13 the year before. Of the 17 applications, 16 decisions (94.12%) by the Panel concurred with the staff recommendation (notably higher than the year before at 84.6%).

#### ***Meetings***

Meeting attendance by members was in line with previous years. The Deputy member attended 5 meetings, 4 of which occurred during the previous member term, following the resignation of independent member Iris Iwanicki in August 2024. Across the 2024/25 period there were three occurrences in which only 3 regular independent members were present.

#### ***Policy Matters***

The panel submitted its annual report for 2023/24 to Council at the August 2024 meeting. No matters of policy were submitted to Council during the reporting period.

**ITEM 8.1****UNLEY COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2024-2025*****Table 1: Matters to be reported to Council – 2024/25***

2024-2025	Use of Reg 13(2) of the PDI (General) Regulations (confidential item)	Disclosure by Panel Members of interests pursuant to Sec 83(1)(g) of the PDI Act (Conflict of Interest)	Resignation of a Panel Member	Incidence of items deferred by the Panel	Adjournment of consideration of development applications	Other matters upon which the CAP is required to report to the Council or thinks fit to report
July	0	0	0	0	0	1
August	NO MEETING					
September	0	2	1	0	0	0
October	1	0	0	0	0	0
November	0	0	0	0	0	0
December	NO MEETING					
January	0	0	0	0	0	0
February	NO MEETING					
March	0	0	0	0	0	0
April	0	0	0	0	0	0
May Special	0	0	0	1	0	0
May	0	0	0	0	0	0
June	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>

***Table 2: Applications and Meeting Data***

2024-2025	No. of Items	No. where CAP concurred with Officer's Recommendation	Meeting Attendance (no. of CAP members)	Meeting Attendance (no. of Deputy members)	Site Meetings	Special Meetings
July	1	1	5	0	0	0
August	NO MEETING					
September	4	4	3	1	0	0
October	3	3	4	1	0	0
November	1	1	3	1	0	0
December	NO MEETING					
January	1	0	3	1	0	0
February	NO MEETING					
March	1	1	5	0	0	0
April	2	2	5	0	0	0
May Special	1	1	5	0	0	1
May	1	1	5	0	0	0
June	2	2	4	1	0	0
<b>Total</b>	<b>17</b>	<b>16</b>	<b>42</b>	<b>5</b>	<b>0</b>	<b>1</b>
<b>Average</b>	<b>1.7</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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**UNLEY COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2024-2025**

*Table 3: Summary of Appeals - 2024/25*

APPEALS							
YEAR	LODGED	Upheld	Dismissed	Withdrawn	Compromise	Ongoing	TOTAL
2024/25	5	0	0	1	1	3	5

*Figure 1: Historical Comparison of Appeals Data*

