

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Wednesday 18 October 2023  
at Civic Centre, Council Chambers**

**KAURNA ACKNOWLEDGEMENT**

*Ngadlurlu tampinhi, ngadlu Kurna yartangka inparrinhi. Ngadlurlu parnuku tuwila yartangka tampinhi.*

*Ngadlurlu Kurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinhi. Parnuku yaitya, parnuku tapa purruna yalarra puru purruna.\**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

\*Kurna Translation provided by Kurna Warra Karrpanthi

**PRESENT:**

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

**APOLOGIES:**

**OFFICERS PRESENT:**

Mr Don Donaldson, Assessment Manager  
Mr Tim Bourner, Acting Team Leader Planning  
Mr Nicholas Bolton, Planning Officer  
Ms Sandy Beaton, Development Administration Officer

**CONFLICT OF INTEREST:** Nil

**CONFIRMATION OF MINUTES:**

MOVED: Colleen Dunn

SECONDED: Dr. Iwanicki

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 19 September 2023 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1 – 76 FAIRFORD STREET, UNLEY - 23020341**

Suzanne Cantor, representor, addressed The Panel regarding the above-mentioned application.

Julie Andrews, supported by Jason spoke on behalf of the applicant, John Hales, in support of the application.

MOVED: Dr. Iwanicki

SECONDED: Will Gormly

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23020341, by John Hales is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

**RESERVE MATTER**

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (*or select stage of Development Approval*):

- A comprehensive stormwater management plan

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

**CONDITIONS**

## **Planning Consent**

### Condition 1

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

### Condition 2

Permanently fixed privacy screens must be erected as shown on the north, east and west elevations on the approved plans prior to commencement of use of the dwelling additions and be must be maintained as an effective privacy screen thereafter.

### 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 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 5

That ancillary pool and/or spa equipment shall be entirely located within a sound attenuated enclosure prior to the operation of said equipment. Noise generated from ancillary pool and/or spa equipment must not exceed the maximum noise level recommended by the EPA. For this purpose, noise generated from ancillary pool / spa equipment shall not exceed 52 db(a) between 7am and 10pm and 45 db(a) between 10pm and 7am on any day, measured from a habitable room window or private open space of an adjoining dwelling.

## **ADVISORY NOTES**

### **Planning Consent**

#### Advisory Note 1

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

#### Advisory Note 2

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

#### Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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 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

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

**CARRIED UNANIMOUSLY**

**ITEM 2 – APPLICATIONS BEFORE THE ERD COURT – SUMMARY OF COURT APPEALS**

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

**OTHER BUSINESS:**

The Presiding Member declared the meeting closed at 6:50pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Wednesday 21 November 2023.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING

Wednesday 21 November 2023