

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 23 January 2024  
at Civic Centre, Council Chambers**

**KAURNA ACKNOWLEDGEMENT**

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

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

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

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

\*Kurna Translation provided by Kurna Warra Karrpanthi

**PRESENT:**

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

**APOLOGIES:**

**OFFICERS PRESENT:**

Mr Don Donaldson, Assessment Manager  
Mr Tim Bourner, Senior Planning Officer  
Ms Amelia DeRuvo, Planning Officer  
Ms Sandy Beaton, Development Administration Officer

**ITEM 3 - 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 December 2023, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 4.1 – 86A East Avenue, CLARENCE PARK - 23015618**

Andrew Carr, representor, addressed the Panel regarding the above-mentioned application.

Graham Pring, representor, addressed the Panel regarding the above-mentioned application.

Tiffany Hall, Building Consultant, from Rossdale Homes, spoke on behalf of the applicant in support of the application.

MOVED: Will Gormly

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23015618, by Rossdale Homes is GRANTED Planning Consent subject to the following conditions:

**RESERVED MATTER**

Reserve Matter 1

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

- An amended Siteworks and Drainage Plan showing the stormwater outlet located a minimum of 3m from the trunk of the street tree, and 0.5m from any street furniture, street pole, infrastructure service pit or other stormwater or utility infrastructure.

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

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

A rainwater tank shall be installed with a minimum retention volume of 4000L and minimum detention volume of 1000L with the rainwater tank storage connected to at least 60% of the roof area, and connected to one toilet and either the laundry cold water outlets or hot water service and includes a 20-25mm diameter slow release orifice at the bottom of the detention component of the tank in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

#### Condition 4

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 5

A small tree, which has a minimum mature height of 4m, a minimum mature spread of 2m and a minimum soil area around the tree within the development site of 10m<sup>2</sup> and minimum dimension of 1.5m, shall be planted in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

#### Condition 6

The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

#### Condition 7

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

## 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

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 7

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.

**CARRIED**

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

The Senior Planning Officer provided an update on the appeal lodged against the Panel’s refusal for the demolition of a dwelling at 7 Thornber Street, Unley Park.

MOVED: Will Gormly

SECONDED: Terry Sutcliffe

That the report be noted.

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS:**

The Assessment Manager discussed arranging a briefing for members on the implications of a recent Supreme Court decision affecting the operations of council assessment panels. The briefing is to be arranged in conjunction with the February CAP meeting.

The Presiding Member declared the meeting closed at 6:41PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 20 February 2024.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 20 February 2024