

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday May 19<sup>th</sup> 6:00PM  
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  
Mr Terry Sutcliffe  
Ms Yvonne Svensson  
Ms Colleen Dunn  
Mr David Brown

**APOLOGIES:**

**OFFICERS PRESENT:**

Mr Tim Bourner, Assessment Manager  
Ms Amelia De Ruvo, Senior Planning Officer  
Mr Shawn Shepley, Development Administration Officer

**ITEM 3 - CONFIRMATION OF MINUTES:**

MOVED: Terry Sutcliffe

SECONDED: Yvonne Svensson

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday 21 April 2026, as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 4.1 – 25 Foster Street Parkside - 26003100**

Kate Barrie, Representor, addressed the Panel regarding the above-mentioned application.

Theresa James from Future Urban, spoke on behalf of the applicant in support of the application.

MOVED: Terry Sutcliffe

SECONDED: Colleen Dunn

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 26003100, by Beverina Pty Ltd C/- Future Urban 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 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

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 5

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.

Condition 6

Any lights on the subject land must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.

Condition 7

General delivery vehicles shall only service the development between the hours of 7am and 7pm on any day.

**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

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

#### 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

No signage has been included as part of the subject application, The applicant is advised that some forms of signage (e.g. illuminated signage, signage located above a verandah) will require a separate Development Approval prior to being installed.

#### Advisory Note 10

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Local Nuisance and Litter Control Act 2016*.

**CARRIED UNANIMOUSLY**

### **ITEM 4.2 – 13 Commercial Road Hyde Park - 25026151**

Roger Klem, representor, addressed the Panel regarding the above-mentioned application.

Greg Vincent from MasterPlan, spoke on behalf of the applicant in support of the application.

MOVED: Yvonne Svensson

SECONDED: David Brown

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 25026151, by James Kitson is REFUSED Planning Consent subject to the following reasons

- PO 2.1 - Historic Area Overlay - The proposed development, that is visible to the public realm, is of a form and scale that is not consistent with the prevailing historic characteristics of the historic area.
- PO 7.1 - Established Neighbourhood Zone – the proposed development exceeds the desired boundary wall length not sufficiently managing visual and overshadowing impacts to the adjoining property.
- PO 9.1 - Established Neighbourhood Zone – that the proposed development does not provide sufficient setback from the rear boundary that is consistent with the prevailing development pattern

**The motion was LOST**

MOVED: Colleen Dunn

SECONDED: Terry Sutcliffe

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 25026151, by James Kitson is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

## **RESERVE MATTERS**

### Planning Consent

#### 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 Stage:

- *A revised landscaping plan be provided including a planting schedule and removing all inconsistencies to the architectural plans to the internal floor 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

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

Tree Protection Zones shall be provided for the regulated street tree located in Warwick Avenue. The development must be undertaken in accordance with the recommendations of the arborist report prepared by Arborman, date 16 December 2025, and any pruning of regulated or significant trees should be undertaken under the guidance of a qualified arborist.

#### Additionally:

- A Project Arborist must be nominated prior to commencement of works. The project arborist will supervise any works within the NRZ of the street tree.
- A Tree Protection Zone and other protection measures should be installed prior to any site development works commencing.
- This Tree Protection Plan is to be communicated to all site personnel at the start of their employment and/or where their activities may impact the Tree Protection Zone
- Any works within the NRZ of the street trees located on Warrick Avenue verge must be undertaken by non-destructive methods such as hand-digging or hydro-vac.
- Tree protective barrier mesh should be installed during the demolition and construction phase with no materials to be stored within the NRZ at any time.
- 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.

#### 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

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 6

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 of an adjoining dwelling.

### **ADVISORY NOTES**

#### Planning Consent

##### Advisory Note 1

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#### 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

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 8

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

#### Advisory Note 9

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
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- 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.

**CARRIED**

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

The Team Leader Planning provided an update on the following appeals lodged to the ERD Court:

- 224B Cross Road, Unley Park – Removal of two (2) significant Eucalyptus camaldulensis (River Red Gum) trees. Hearing scheduled for 3 June 2026
- 56 Third Avenue, Forestville – Dwelling alterations and two storey addition including partial demolition of the existing dwelling, demolition of a carport and construction of an outbuilding (garage). Hearing scheduled for 9 June 2026.

MOVED: Colleen Dunn

SECONDED: Yvonne Svensson

That the report be noted and received.

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS**

Council Assessment Panel members requested that Council engage with St Louis Care management regarding the operational matters raised by the representor.

The Panel would like to thank Shawn Shepley for his work and contribution over the past 6 months managing the CAP meetings in his role of Development Administration Officer.

The Presiding Member declared the meeting closed at 7.30pm.

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16 June 2026.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 16 June 2026

\* Denotes Change