

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday 21 November 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:**

Ms Colleen Dunn  
Mr Terry Sutcliffe  
Mr Will Gormly  
Professor Mads Gaardboe (Deputy)

**APOLOGIES:**

Mr Brenton Burman  
Dr. Iris Iwanicki

**OFFICERS PRESENT:**

Mr Gary Brinkworth, Assessment Manager  
Mr Tim Bourner, Senior Planning Officer  
Ms Amelia DeRuvo, Planning Officer  
Ms Ailar Zakeri, Cadet Planning Officer  
Ms Sandy Beaton, Development Administration Officer

\* Denotes Change

**CONFLICT OF INTEREST:** Nil

**APPOINTMENT OF ACTING PRESIDING MEMBER:**

In the absence of the Presiding Member, the Assessment Manager called for nominations for an acting Presiding Member.

MOVED: Colleen Dunn

SECONDED: Prof Gaardboe

That Terry Sutcliffe be appointed Acting Presiding Member for the meeting.

**CARRIED UNANIMOUSLY**

**CONFIRMATION OF MINUTES:**

MOVED: Colleen Dunn

SECONDED: Will Gormly

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Wednesday 18 October 2023 as printed and circulated, be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1 – 6 RIVERDALE ROAD, MYRTLE BANK - 23021659**

Sue Leitch, representor, addressed the Panel regarding the above-mentioned application.

Will Leitch, representor, addressed the Panel regarding the above-mentioned application.

Jason Cattonar, from Future Urban, and Ben Wilson, from Cirqa, 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 23021659, by Daniel Thyer and Sam Efraimsen 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 hours of operation of the premises not exceed the following period:

- 6:15am to 8:30pm Monday to Friday
- 8:00am to 5:00pm Saturday and Sunday

#### Condition 3

No more than 18 classes will be run during any one week with no more than 4 classes per day. There must be a minimum of 30 minutes gap between class finish and start times.

#### Condition 4

Classes will not cater for, nor accommodate more than 10 participants at any one time.

#### Condition 5

Classes commencing prior to 7am on any day shall have a maximum of 5 participants.

## **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

The development must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 6

No signage has been included as part of the subject application. The applicant is advised that some forms of signage will require a separate Development Approval prior to being installed.

**CARRIED UNANIMOUSLY**

**ITEM 2 – UNIT 1-4 4 SIMPSON PARADE, WAYVILLE - 22028452**

Phillip Brunning, from Phillip Brunning & Associates, spoke on behalf of representors Spero & Barbara Morris, regarding the above-mentioned application.

David Hutchison, applicant, addressed the Panel in support of the application.

MOVED: Will Gormly

SECONDED: Prof Gaardboe

It is recommended that the Council Assessment Panel resolve that:

3. 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
4. Development Application Number 22028452, by David Hutchison is granted Planning Consent subject to the following Reserved Matters and 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 stormwater being discharged into Glen Osmond Creek with evidence provided by a suitably qualified person(s) ensuring that the following matters are addressed:
  - The stormwater outlet will not impact on the integrity of the channel wall; and
  - That no part of the outlet protrudes physically into the channel water flow, ensuring hydraulic efficiency of the water flow is maintained.

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. All external paintwork must be completed within 2 months of the erection of the residential flat building.

#### 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

Each dwelling shall have a rainwater tank installed with a minimum retention volume of 2000L 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 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 for each dwelling 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.

#### Condition 8

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.

## ADVISORY NOTES

### Planning Consent

#### Advisory Note 1

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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

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 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

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.

**CARRIED**

**ITEM 3 – 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.

**ITEM 4 – CITY OF UNLEY COUNCIL ASSESSMENT PANEL MEETING DATES 2024**

MOVED: Colleen Dunn

SECONDED: Will Gormly

That the Council Assessment Panel resolve that:

1. The report be received.
2. The meetings of the Unley Council Assessment Panel for 2024 be set as:
  - 23 January
  - 20 February
  - 19 March
  - 16 April
  - 21 May
  - 18 June
  - 16 July
  - 20 August
  - 17 September
  - 15 October
  - 19 November
  - 17 December

**CARRIED UNANIMOUSLY**

**OTHER BUSINESS:**

Will Gormly encouraged other independent members to become paperless, as he has recently done with support from Council Administration.

The Presiding Member declared the meeting closed at 7:26PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 19 December 2023.

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**PRESIDING MEMBER**

**DATED**     /     /

NEXT MEETING  
Tuesday 19 December 2023