

# Minutes of the Meeting of the Council Assessment Panel

Held on Thursday, 18 April 2019, at 10.00 am, Colonel Light Room, Town Hall, Adelaide

**Present –** Acting Presiding Member – Councillor Anne Moran  
Specialist Members – Mr Ross Bateup, Mr Heath Edwards, Prof Mads Gaardboe

**Apologies -** Presiding Member – Mr John Hodgson

## Confirmation of Minutes

### Item No. 1 – Confirmation of Minutes – 25/3/2019 [CAP]

#### Decision [Mover Mr Heath Edwards/Seconder Prof Mads Gaardboe]

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 25 March 2019, be taken as read and be confirmed as an accurate record of proceedings.

## Non-Complying Applications [Three]

### Item No. 2.1 – 1-2 Brougham Place, North Adelaide SA 5006 (DA/672/2018 – MF) [CAP]

#### Representations Heard

Representors:

James Hilditch (Hilditch Lawyers) on behalf of Mr Robert Webb – 5 – 7 Brougham Place, North Adelaide.

Wayne Harris and Chris Abbott - 222 Brougham Place, North Adelaide.

Applicant:

Stuart Henry SC on behalf of applicant / owner

#### Decision [Mover Prof Mads Gaardboe/Seconder Mr Ross Bateup]

That the development, the subject of the application from Oxford Architects P/L to demolish the existing building and construct a three level residential flat building comprising parking and common lobby at ground, two apartments (one per each level) at 1-2 Brougham Place, North Adelaide SA 5006 as shown on plans designated DA/672/2018:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the concurrence of the State Commission Assessment Panel (SCAP) and subject to the following conditions and advices:

#### Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**
  - Drawings prepared by Oxford Architects P/L numbered SK01(B), SK02(B), SK03(A), SK04(B), SK05(B), SK06(B), SK07(B), SK08(B), SK09(B), SK10(B), SK11(B), SK12(B), SK13(B), SK14(B), SK15(B).

- **Statement of Effect and Response to Representations prepared by Future Urban Group.**
- **Heritage Impacts Assessment prepared by Bruce Harry and Assoc dated November 2018.**

to the reasonable satisfaction of the Council except where varied by conditions below (if any).

**Reason:** *To ensure that the development is undertaken in accordance with the plans and details submitted.*

2. **Samples of external materials, colours and finishes shall be provided to the satisfaction of Council in consultation with Heritage South Australia (Department for Environment and Water).**

**Reason:** *To understand the finished appearance of the development in the context of the adjacent State heritage places. In particular, to understand the visual compatibility of the proposed natural cement render wall on the common boundary with 5-7 Brougham Place, which will border the front garden setting of the State heritage place.*

3. **Clear sight lines for users of the car park entry shall be provided to ensure pedestrian safety along the Lefevre Terrace footpath and shall be provided at all times in accordance with in accordance with AS/NZS 2890.1:2004 Off-street Car Parking.**

**Reason:** *To ensure that the Development meets the requirements of the relevant Australian Standards.*

4. **All line marking for car park spaces and traffic signs on the Land shall conform to AS/NZS 2890.1:2004 Off-street Car Parking.**

**Reason:** *To ensure that the Development meets the requirements of the relevant Australian Standards.*

5. **The finished floor level of the ground floor level at the entry points to the development including the car park entry and exit points shall match the existing footpath unless otherwise agreed to by the Council in writing.**

**Reason:** *The Corporation of the City of Adelaide WILL NOT adjust footpath levels to suit finished building levels. The existing footpath levels are to be retained and entrance levels of the development must meet the existing back of footpath.*

6. **The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Council.**

**Reason:** *To ensure that adequate provision is made for the collection and dispersal of stormwater.*

7. **Lighting shall be provided to the apartment entry on Brougham Place and shall always be operational during the hours of darkness to the reasonable satisfaction of Council.**

**Reason:** *To ensure the development does not create areas with insufficient lighting.*

8. **The noise level of any air conditioning units located on the Land when assessed at the nearest existing or envisaged future noise sensitive location in or adjacent to the Land shall not exceed 50 dB(A) during daytime (7 am to 10 pm) and 40 dB(A) during night time (10 pm to 7 am) when measured and adjusted in accordance with the relevant environmental noise legislation in operation and applicable to the Land except where it can be demonstrated by the applicant or the person(s) having the benefit of this consent that a high background noise exists in which case such noise levels shall be to the reasonable satisfaction of the Council at all times.**

**Reason:** *To ensure that the acoustic amenity of the locality is not unduly affected by air-conditioning noise.*

- 9. A Stormwater Management Plan demonstrating that the development is designed to maximise use of stormwater, minimises pollutant transfer to receiving waters and protects downstream receiving waters from high levels of flow shall be provided prior to Development Approval to the reasonable satisfaction of Council.**

**Reason:** *To ensure the development has been designed and located to improve the quality of stormwater, minimise pollutant transfer to receiving waters, and protect downstream receiving waters from high levels of flow.*

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### **Advices**

1. Residential parking permits to allow parking on-street, adjacent the proposed development will not be considered as an appropriate means of providing parking for residents or those staying in the apartments.
2. A Building Site Management Plan is required prior to or at the time of application for Development Approval. The Building Site Management Plan should include details of such items as:
  - Work in the Public Realm
  - Street Occupation
  - Hoarding
  - Site Amenities
  - Traffic Requirements
  - Servicing Site
  - Adjoining Buildings
  - Reinstatement of Infrastructure
3. Development Approval will not be granted until a Building Rules Consent has been obtained. This may be obtained through either Council or a Private Building Rules Certifier. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
4. Pursuant to the provisions of Regulation 48 of the Regulations under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the development has been lawfully commenced by substantial work on the site of the development within such period, in which case the approval will lapse within 3 years from the operative date of the consent subject to the proviso that if the development has been substantially or fully completed within those 3 years, the consent will not lapse.
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.
6. 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.
7. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs because of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.
8. Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at [www.adelaidecitycouncil.com](http://www.adelaidecitycouncil.com)

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

**Please note:** Upfront payment is required for all city works applications.

Applications can be received via the following:

Email: [cityworks@adelaidecitycouncil.com](mailto:cityworks@adelaidecitycouncil.com)  
 Fax: 8203 7674  
 In Person: 25 Pirie Street, Adelaide

9. It is recommended that the applicant undertakes an acoustic assessment to determine whether the dwellings are appropriately insulated from external noise sources in the locality (including aircraft noise).

**Item No. 2.2 – St Mark's College, 61-113 Kermode Street, North Adelaide SA 5006 (DA/155/2019 – SG) [CAP]**

**Decision** [Mover Mr Heath Edwards/Seconder Mr Ross Bateup]

Pursuant to Section 39(4)(d) of the Development Act 1993 (SA) and Development Regulation 17(3)(b), the Panel determine to PROCEED with an assessment of the application.

**Item No. 2.3 – 2-8 Wellington Square, North Adelaide SA 5006 (DA/208/2019 – HD) [CAP]**

**Decision** [Mover Prof Mads Gaardboe/Seconder Mr Ross Bateup]

Pursuant to Section 39(4) (d) of the *Development Act 1993* (SA) and Development Regulation 17(3) (b), the Panel determine to PROCEED with an assessment of the application.

**Applications for consideration on Merit [Four]**

**Item No. 3.1 – Memorial Drive - Centre Court - B0370, War Memorial Drive, North Adelaide SA 5006 (DA/160/2019 – HD) [CAP]**

**Decision** [Mover Mr Heath Edwards/Seconder Prof Mads Gaardboe]

That the development, the subject of the application from Tennis SA Inc for the demolition of existing grandstand roofing and construction of free-standing roof structure at Memorial Drive - Centre Court - B0370 - War Memorial Drive, North Adelaide SA 5006 as shown on plans designated DA/160/2019:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following condition and advices:

### Condition

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**
  - Plans drafted by Cox Architecture, project no. 519004.00, drawing nos. DA-01 through to DA-17 inclusive
  - Development Application Report prepared by Aecom Australia Pty Ltd, dated 12 March 2019**to the reasonable satisfaction of the Council except where varied by conditions below (if any).**

**Reason:** *To ensure that the Development is undertaken in accordance with the plans and details submitted.*

### Advices

1. **Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

2. **Expiration Time of Approval**

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

3. **Boundaries**

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.

4. **Public Utilities**

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.

In addition you are advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

5. **Building Site Management Plan**

A Building Site Management Plan is required prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:

- Work in the Public Realm
- Street Occupation
- Hoarding
- Site Amenities
- Traffic Requirements
- Servicing Site
- Adjoining Buildings

- Reinstatement of Infrastructure

## 6. Site Theft

Unsecured building sites have been identified as a soft target for vandalism and theft of general building materials. The Adelaide Local Service Area Police and the Adelaide City Council are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. Work with your builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised vehicle access and establishes clear ownership. If you have any further enquiries about ways to reduce building site theft, please do not hesitate to contact the Adelaide Local Service Area Community Programs Section on 8463 7024. Alternatively, you can contact Adelaide City Council for further assistance and information by calling Nick Nash on 8203 7562.

## 7. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at [www.cityofadelaide.com.au](http://www.cityofadelaide.com.au)

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

**Please note:** Upfront payment is required for all city works applications.

Applications can be lodged via the following:

Email: [cityworks@cityofadelaide.com.au](mailto:cityworks@cityofadelaide.com.au)  
 Fax: 8203 7674  
 In Person: 25 Pirie Street, Adelaide

## Item No. 3.2 – 143-144 South Terrace, Adelaide SA 5000 (DA/856/2018 – MF) [CAP]

### **Decision** [Mover Mr Ross Bateup/Seconder Mr Heath Edwards]

That the development, the subject of the application from Park Terrace P/L to construct a nine level residential flat building comprising six dwellings with associated car parking and storage areas and change use of existing state heritage listed building to dwelling at 143-144 South Terrace, Adelaide SA 5000 as shown on plans designated DA/856/2018:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following reserved matter, conditions and advices:

### **Reserved Matter**

Pursuant to Section 33(3) of the *Development Act 1993*, the following matter/s should be reserved for further assessment prior to the granting of Development Approval, to the satisfaction of Council in consultation with the Department for Environment and Water. Conservation works to the State heritage place to be documented as requested, showing the following:

- All elevations at 1:100 scale showing extent of conservation works proposed.
- Documentation of stone and render repair methodology to walls and chimneys, including repairs, mortar removal and repointing method, including proposed mortar mix.
- Documentation of methodology for the removal of paint from masonry.
- Documentation of demolition methodology for the removal of the rear stone section of the heritage place and the method of demolition adjacent the rest of the dwelling.
- Documentation of rear elevation 'making good' works to the remaining wall, including treatment of masonry, removal of plaster and treatment of existing openings.
- Details of any works to the roof – sheeting repairs or replacement and treatment of parapets.
- Details of conservation works to the verandah/ balcony structure, including timber repairs and cast iron balustrading repairs.
- Paint colour selection more compatible with the era of significance of the State heritage place.
- Details of fixing and drainage management of proposed awning canopy to the rear (north) of State heritage place.
- Junction detail between the base of the State heritage place and proposed paving, is required, showing the treatment of existing DPC/ wall base and vents. Falls to paving to be confirmed, to ensure drainage is managed around the State heritage place.
- Documentation – plan, elevation and typical section detail at 1:50 scale of proposed incorporation of fire booster cabinet into side wall of State heritage place.
- Details of proposed SAPN fuse cabinet against north wall of State heritage place.
- Plans, elevations and reflected ceiling plans of proposed works to interior of State heritage place, showing significant features to remain, floor finishes and treatment of wet area flooring (including set downs) .

***Reason for Reserved Matter: Insufficient details provided in application to be able to ascertain conservation and adaptation works proposed and to confirm impact on the heritage values of the place. Demolition of the rear (north) former kitchen wing of the building only supported subject to restoration of State heritage place.***

### **Conditions**

1. The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:

- Drawings prepared by Angelo Ali Architects numbered
- Planning Report prepared by Access Planning

to the reasonable satisfaction of the Council except where varied by conditions below (if any).

**Reason:** *To ensure that the development is undertaken in accordance with the plans and details submitted.*

2. **Clear sight lines for users of the car park entry shall be provided to ensure pedestrian safety along the South Terrace footpath and shall always be provided in accordance with in accordance with AS/NZS 2890.1:2004 Off-street Car Parking.**

**Reason:** *To ensure that the Development meets the requirements of the relevant Australian Standards.*

3. **All line marking for car park spaces and traffic signs on the Land shall conform to AS/NZS 2890.1:2004 Off-street Car Parking.**

**Reason:** *To ensure that the Development meets the requirements of the relevant Australian Standards.*

4. **The finished floor level of the ground floor level at the entry points to the development including the car park entry and exit points shall match the existing footpath unless otherwise agreed to by the Council in writing.**

**Reason:** *The Corporation of the City of Adelaide WILL NOT adjust footpath levels to suit finished building levels. The existing footpath levels are to be retained and entrance levels of the development must meet the existing back of footpath.*

5. **The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Council.**

**Reason:** *To ensure that adequate provision is made for the collection and dispersal of stormwater.*

6. **Lighting shall be provided to the apartment entry and shall always be operational during the hours of darkness to the reasonable satisfaction of Council.**

**Reason:** *To ensure the development does not create areas with insufficient lighting.*

7. **The noise level of any air conditioning units located on the Land when assessed at the nearest existing or envisaged future noise sensitive location in or adjacent to the Land shall not exceed 55 dB(A) during daytime (7 am to 10 pm) and 45 dB(A) during night time (10 pm to 7 am) when measured and adjusted in accordance with the relevant environmental noise legislation in operation and applicable to the Land except where it can be demonstrated by the applicant or the person(s) having the benefit of this consent that a high background noise exists in which case such noise levels shall be to the reasonable satisfaction of the Council at all times.**

**Reason:** *To ensure that the acoustic amenity of the locality is not unduly affected by air-conditioning noise.*

8. **External materials, surface finishes and colours of the Development shall be consistent with the description hereby granted consent and shall be to the reasonable satisfaction of the Council.**

**Reason:** *To ensure a high standard of materials and finishes are used in the finished presentation of the building.*

9. **The final details of the ongoing waste management practices to be adopted by the applicant or the person(s) having the benefit of this consent, shall be submitted to and approved by the Council prior to the granting of development approval to the Development.**

**The applicant or the person(s) having the benefit of this consent shall ensure that such waste management practices are always adopted on the Land to the reasonable satisfaction of Council.**



**Reason:** *To ensure that adequate waste management practices are adopted during construction of the Development and during use.*

- 10. A Traffic Management Plan confirming access to the development is safe, convenient and suitable shall be prepared and provided to Council prior to the granting of development approval to the Development.**

**Reason:** *To ensure easy, safe and convenient access to the development is provided.*

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### Advices

1. Residential parking permits to allow parking on-street, adjacent the proposed development will not be considered as an appropriate means of providing parking for residents or those staying in the apartments.
2. A Building Site Management Plan is required prior to or at the time of application for Development Approval. The Building Site Management Plan should include details of such items as:
  - Work in the Public Realm
  - Street Occupation
  - Hoarding
  - Site Amenities
  - Traffic Requirements
  - Servicing Site
  - Adjoining Buildings
  - Reinstatement of Infrastructure
3. Development Approval will not be granted until a Building Rules Consent has been obtained. This may be obtained through either Council or a Private Building Rules Certifier. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
4. Pursuant to the provisions of Regulation 48 of the Regulations under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the development has been lawfully commenced by substantial work on the site of the development within such period, in which case the approval will lapse within 3 years from the operative date of the consent subject to the proviso that if the development has been substantially or fully completed within those 3 years, the consent will not lapse.
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.
6. 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.
7. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.
8. There is no objection to the proposed vehicle crossing place however the work will be undertaken by Council and the cost of the work will be charged to the applicant. Separate application for the crossing place(s) is required and the applicant can obtain a form from Customer Service, 25 Pirie Street, Adelaide, telephone 8203 7236. A quotation for the work will be provided by Council prior to the work being undertaken.

9. Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at [www.adelaidecitycouncil.com](http://www.adelaidecitycouncil.com)

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

**Please note:** Upfront payment is required for all city works applications.

Applications can be received by Council via the following:

Email: [cityworks@adelaidecitycouncil.com](mailto:cityworks@adelaidecitycouncil.com)  
 Fax: 8203 7674  
 In Person: 25 Pirie Street, Adelaide

10. The relevant planning authority is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.
- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
  - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

11. The relevant planning authority is requested to inform the applicant of the following requirements of the Aboriginal Heritage Act 1988.
- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

### **Item No. 3.3 – 32 Old Street, North Adelaide SA 5006 (DA/708/2018 – HD) [CAP]**

#### **Decision** [Mover Mr Heath Edwards/Seconder Mr Ross Bateup]

That the development, the subject of the application from Mr A G W Blenkle to construct a first floor addition over existing garage at 32 Old Street, North Adelaide SA 5006 as shown on plans designated DA/708/2018:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following conditions and advices:

### Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**
  - Plans drafted by Alexander Wilkinson Design, project no. 454BLE, drawing nos. SK00, SK01, SK02, SK03, SK04, SK05, SK06, SK07, SK08 and SK09
  - Schedule of materials, colours and finishes, received by Council on 29 March 2019.

to the reasonable satisfaction of the Council except where varied by conditions below (if any).

**Reason:** *To ensure that the Development is undertaken in accordance with the plans and details submitted.*

2. **External materials, surface finishes and colours of the Development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Council.**

**Reason:** *To ensure a high standard of materials and finishes used in the finished presentation of the Development.*

3. **The relocated air conditioning unit shall be painted to match the colour of the existing roof to the reasonable satisfaction of Council.**

**Reason:** *To ensure that the development minimises its visual impact*

4. **The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' which is attached to this consent to the reasonable satisfaction of the Council.**

**Reason:** *To ensure that adequate provision is made for the collection and dispersal of stormwater.*

5. **The noise level of any air conditioning units located on the Land when assessed at the nearest existing or envisaged future noise sensitive location in or adjacent to the Land shall not exceed 50dB(A) during daytime (7am to 10pm) and 40dB(A) during night time (10pm to 7am) when measured and adjusted in accordance with the relevant environmental noise legislation in operation and that is applicable to the Land except where it can be demonstrated that a high background noise exists in which case such noise levels shall be to the reasonable satisfaction of the Council at all times.**

**Reason:** *To ensure that the acoustic amenity of the locality is not unduly affected by air-conditioning noise.*

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### Advices

#### 1. **Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

#### 2. **Expiration Time of Approval**

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, in which case the approval will lapse within 3 years from the operative date of

the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

### 3. Boundaries

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.

### 4. Public Utilities

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.

In addition you are advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

### 5. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria).

Please contact Customer Centre on 8203 7203 for further information.

### 6. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at [www.cityofadelaide.com.au](http://www.cityofadelaide.com.au)

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

**Please note:** Upfront payment is required for all city works applications.

Applications can be lodged via the following:

Email: [cityworks@cityofadelaide.com.au](mailto:cityworks@cityofadelaide.com.au)  
 Fax: 8203 7674  
 In Person: 25 Pirie Street, Adelaide

## Item No. 3.4 – 125 Gilles Street, Adelaide SA 5000 (DA/35/2019 - PC) [CAP]

### Decision [Mover Mr Ross Bateup/Seconder Prof Mads Gaardboe]

That the development, the subject of the application from Etica P/L to change the use of the upper level from residence to restaurant at 125 Gilles Street, Adelaide SA 5000 as shown on plans designated DA/35/2019:

1. Is not seriously at variance with the provisions of the Development Plan and

2. Be GRANTED Development Plan Consent, subject to the following conditions and advices:

### **Conditions**

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**
- Turner Partners – 125 Gilles Street Adelaide – Floor Plan – Received 1 February 2019
  - 125 Gilles Street, Adelaide – Level 1 Floor Plan – Received 1 February 2019
  - E-mail correspondence from Etica – Subject: Additional planning information required – DA/35/2019 – regarding operation hours – Dated 11 February 2019
- to the reasonable satisfaction of the Council except where varied by conditions below (if any).

**Reason:** *To ensure that the Development is undertaken in accordance with the plans and details submitted.*

2. **The Land shall be used primarily for a restaurant, namely for the consumption of meals on the Land. The supply or consumption of liquor and/or any entertainment on the Land shall be ancillary at all times to that primary use of the Land for a restaurant to the reasonable satisfaction of the Council.**

**Reason:** *To ensure the Development does not unduly impair the enjoyment of other land in the locality.*

3. **Noise from the premises such as music and patron noise, when assessed at the nearest existing or envisaged future noise sensitive location, shall be less than 8dB(A) above the level of background noise in any octave band of the sound spectrum. Such noise levels shall be to the reasonable satisfaction of the Council at all times.**

**Reason:** *To ensure that the Development does not unduly impair or impinge upon the enjoyment of residents or users of adjoining properties.*

4. **Ancillary activities such as deliveries, collection, movement of private waste bins, goods, empty bottles and the like shall occur before 10.00 pm and after 7.00 am Monday to Saturday or after 9.00 am on a Sunday or Public Holiday.**

**Reason:** *To ensure that the Development does not unduly diminish the enjoyment of other land in the locality.*

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### **Advices**

#### **1. Street Numbering**

Any street numbering which may have been indicated on this application has neither been approved nor denied. To avoid any potential confusion regarding the addressing of your development, it is recommended that you contact the Rates and Valuation Section to confirm the correct address prior to the commencement of marketing. The Rates and Valuation Section can be contacted on 8203 7128 or 8203 7129.

#### **2. Commencement and Completion**

Pursuant to Regulation 74, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

### 3. Expiration Time of Approval

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent / approval will lapse at the expiration of 12 months from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the **development** has been substantially or fully completed within those 3 years, the approval will not lapse.

### 4. Previous Consent

The applicant should be aware that the conditions of approval and advices issued with the previous consent (DA/542/2011) where relevant remain valid and should be complied with.

### 5. Building Consent for Approval

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

### 6. Food/Hygiene Requirements

The applicant should ensure that the proposed development conforms to the Food Act, 2001, the Food Regulations, 2002 and Australian Food Safety Standards.

### 7. Food Business Notification Form

A food business notification form will need to be submitted to Environmental Health Services at least 14 days prior to business commencement. These forms may be obtained from our website <http://www.cityofadelaide.com.au/city-business/business-responsibilities/health-regulations/> or by contacting our office on 8203 7203.

### 8. Food Safety Standards

This development must comply with all relevant sections of the food safety standards, in particular to:

1. The designated hand wash basin should be located so that it is positioned next to the double bowl sink. This is necessary so that the hand washing facilities are readily accessible to employees in both the food preparation and front service area. Furthermore this hand wash facility should also be fitted with both liquid soap and paper towel dispensers.
2. The double bowl sink that is to be provided for washing dishes and food preparation utensils must be of commercial size to accommodate the type and size of equipment the premises will be required to use (domestic type sink will not be sufficient).
3. The fridge must be of sufficient size to store the food is such as way that it is protected from the likelihood of cross contamination (i.e. the fridge must be large enough to ensure raw foods can be stored separately to cooked/ready to eat food). The size of the fridge as per the plans provided only appears to be the size of a domestic fridge, which may not be sufficient for a commercial operation.
4. The cooking equipment (i.e. gas oven, electric oven and gas cooker) must be supplied with mechanical ventilation in accordance with AS1668.2-2002.
5. Adequate storage facilities must be provided for all dry ingredients to ensure the food is protected from the likelihood of contamination and that the environmental conditions under which it is stored will not adversely affect the safety and suitability of the food (i.e. dry ingredients must be stored on the premises and in food grade containers, preferably off the ground).
6. A separate storage area must be provided for cleaning products and equipment separate to both the food storage and preparation areas.

7. A separate storage area must be provided for staff personal belongings separate to both food storage and preparation areas.

There must be storage facilities provided to adequately contain the type and volume of waste produced by the activities of the business in an area separate to both the food storage and preparation areas.

#### Other Applications [One]

##### **Item No. 4.1 – 200 Hutt Street & 290 Halifax Street, Adelaide SA 5000 (DA/3/2018 - HD) [CAP]**

##### **Decision** [Mover Mr Heath Edwards/Seconder Mr Ross Bateup]

That the Environment, Resources and Development Court be advised that the Panel determined that:

1. The proposed development is not seriously at variance with the provisions of the Development Plan,
2. It does not support the amended proposal the subject of the application from Survab Nominees P/L and Mr R P Abbott to construct four storey dwelling with roof top terrace at 200 Hutt Street & 290 Halifax Street, Adelaide SA 5000 as shown on plans designated DA/3/2018.

#### Other Business

##### **Item No. 5.1 – List of Recent Lodgements for Planning Consent (2017/02505) [CAP]**

The following applications were called in for consideration by the Panel:

1. Record No. 28 – DA/212/2019 – 252-260 Pirie Street, Adelaide SA 5000 [Prof Mads Gaardboe & Mr Heath Edwards]
2. Record No. 29 – DA/214/2019 – 257-259 Pirie Street, Adelaide SA 5000 [Mr Heath Edwards]

##### **Decision** [Mover Mr Ross Bateup/Seconder Mr Heath Edwards]

That the report be received.

#### Other Business raised at Panel Meeting

Nil

#### Closure

The meeting closed at 10.53 am.

**Councillor Anne Moran  
Acting Presiding Member  
City of Adelaide Council Assessment Panel**

Documents attached for reference  
Nil