

Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 30 September 2019, at 5.30 pm, Colonel Light Room,
Town Hall, Adelaide

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

Confirmation of Minutes

Item No. 1 – Confirmation of Minutes – 9/9/2019 [CAP]

Decision [Mover Councillor Anne Moran/Seconder Mads Gaardboe]

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 9 September 2019, be taken as read and be confirmed as an accurate record of proceedings.

Non-Complying Application

Nil

Application for consideration on Merit [Two]

Item No. 3.1 – 39 Mills Terrace, North Adelaide SA 5006 (DA/122/2019, SG) [CAP]

DA/122/2019 - Disclosure of Conflict of Interest

Councillor Anne Moran disclosed a direct personal interest in DA/122/2019 – 39 Mills Terrace, North Adelaide, as the matter before the Panel relates to a development to which she is a neighbour of both parties, a friend with one party, an acquaintance with the other and her son has given preliminary advice/information to them although not acting as a lawyer for them on the matter which she considers an actual conflict, left the meeting held in the Colonel Light Room at 5.31 pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.

Representations Listed to be Heard and Heard

Representors:

Ms Emma Herriman of HWL Ebsworth Lawyers on behalf of Mr Wayne Owen and Ms Deborah Miller – 36 Mills Terrace, North Adelaide

Applicant:

Mr James Levinson of Botten Levinson Lawyers on behalf of the applicant Ms Anna Newington

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

That the development, the subject of the application from Ms A K S Newington to replace retaining wall and construct replacement fence along portion of western rear boundary at 39 Mills Terrace, North Adelaide SA 5006 as shown on plans designated DA/122/2019:

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:**

- **Site Plan, prepared by Spectra, DWG No 114.2018 Sheet 1 of 3, dated December 2018**
- **Section and Plan View, prepared by Spectra, DWG No 114.2018 Sheet 2 of 3, dated December 2018**
- **Elevations, prepared by Spectra, DWG No 114.2018 Sheet 3 of 3, dated December 2018**
- **Site Plan, prepared by SCA Engineers, DWG No 190237-S1/A, dated February 2019**
- **Sections, prepared by SCA Engineers, DWG No 190237-S2/A, dated 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.*

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 / 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.

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. 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.

5. Fences Act 1975

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 a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

Councillor Anne Moran re-entered the Colonel Light Room at 6.04 pm

Item No. 3.2 – 382 Gilles Street, Adelaide SA 5000 (DA/657/2018/A, SG) [CAP]

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

That the development, the subject of the application from Mr T Quagliata and Ms J A Sansom to vary previous authorisation to demolish rear of existing dwelling and construct two storey addition and retaining walls - VARIATION - Internal and external amendments including - 2.7m internal pitching height resulting in 200mm height increase, an additional window at ground level and obscured glazing instead of screening for upper level master bedroom window at 382 Gilles Street, Adelaide SA 5000 as shown on plans designated DA/657/2018/A:

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 prepared by Grieve Gillett Anderson as follows:

- **Ground and Floor Plan, DWG No. A2101 Rev 2, dated 6 September 2019**
- **Elevations, DWG No. A3101, dated 6 September 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 descriptions 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 upper level bedroom window as depicted on Elevations, DWG No A3101, dated 6 September 2019, shall be windows that are permanently fixed. Such windows shall be translucent to a minimum height of 1,600mm above the finished upper floor level. Such windows shall be installed prior to the occupation or use of the Development to the reasonable satisfaction of the Council.**

Reason: *To ensure that the Development does not unreasonably diminish the privacy of residents in adjoining properties.*

- 4. The applicant or the person having the benefit of this consent shall ensure that all storm water run off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Council.**

Reason: *To ensure that stormwater runoff does not have an adverse impact upon the public realm.*

Advices

6. 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.

7. 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.

8. 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.

9. 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.

10. Fences Act 1975

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 a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

11. 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

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

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

Council Assessment Panel – Meeting Minutes



Other Applications

Nil

Other Business

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

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

That the report be received.

Other Business raised at Panel Meeting

Discussion ensued during which the Presiding Member acknowledged the constructive and well-informed contribution of Panel members to and for Panel deliberations and the excellent standard of administrative support provided to the Panel over the last 2 years.

Closure

The meeting closed at 6.10 pm.

**Mr John Hodgson
Presiding Member
City of Adelaide Council Assessment Panel**

Documents attached for reference

Nil