

# Minutes of the Electronic Meeting of the Council Assessment Panel

Monday, 27 April 2020, at 5.35 pm

**Present –** Presiding Member – Mr Mark Adcock  
Panel Member – Councillor Arman Abrahamzadeh  
Specialist Members – Mr Marc Duncan, Ms Colleen Dunn & Prof Mads Gaardboe

## Item of Business

### **Item No. 1.1 - Temporary Addendum to CAP Meeting Procedures – Electronic Meetings (2019/02186) [CAP]**

**Decision** [Mover Councillor Arman Abrahamzadeh/Seconder Mr Marc Duncan]

That the City of Adelaide Council Assessment Panel approves the Addendum to the Meeting Procedures for remote meetings as set out in Attachment B to Item 1.1 on the Agenda for the meeting of the City of Adelaide Council Assessment Panel held on 27 April 2020.

## Confirmation of Minutes

### **Item No. 2 – Confirmation of Minutes – 24/2/2020 [CAP]**

**Decision** [Mover Mr Marc Duncan/Seconder Prof Mads Gaardboe]

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 24 February 2020, with the published correction identified on page 6 for Item No. 3.3, be taken as read and be confirmed as an accurate record of proceedings.

## Non-Complying Applications

Nil

## Application for consideration on Merit [Three]

### **Item No. 4.1 – 254-268 Hutt Street, Adelaide SA 5000, DA/851/2019 (HD) [CAP]**

#### DA/851/2019 - Disclosure of Conflict of Interest

Mr Marc Duncan disclosed a direct pecuniary interest in DA/851/2019 – 254-268 Hutt Street, Adelaide SA 5000, as he has an employment relationship with the planning firm which has lodged a representation in respect of this application, left the electronic meeting and moved to the waiting room at 5.40 pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.

Councillor Arman Abrahamzadeh disclosed an indirect interest in DA/851/2019 – 254-268 Hutt Street, Adelaide SA 5000, as there is a Certificate of Title amongst the documents in the submissions with a caveat shown by the South Australian Housing Trust who is his employer, left the electronic meeting and moved to the waiting room at 5.40 pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.

### Representations Heard

#### Representors:

- Mr Chris Vounasis on behalf of John Theodorakakos – 242-252 Hutt Street, Adelaide  
*[Plan (1994 approved floor plan) and Video (Client Behaviour) distributed to Panel Members and the Applicant prior to the meeting were not viewed during the meeting]*
- Mr Phil Brunning on behalf of Colorectal SA – Level 2, 321 South Terrace, Adelaide
- Mr Phil Brunning on behalf of Shayne White – Arab Steed Hotel, 241 Hutt Street, Adelaide
- Mr Phil Brunning on behalf of Vinit Patel – Shop 3, 242 Hutt Street, Adelaide
- Mr Phil Brunning on behalf of Wannee Muangpakorn – Shop 4, 242 Hutt Street, Adelaide
- Mr Phil Brunning on behalf of Nobuki Hayashi – Shop 5, 242 Hutt Street, Adelaide
- Mr James Levinson on behalf of J1 Nominees Pty Ltd – 270-280 Hutt Street, Adelaide

#### Applicant:

Mr Stuart Henry QC on behalf of the applicant, Hutt Street Centre

### Decision [Mover Ms Collen Dunn/Seconder Prof Mads Gaardboe]

That the development, the subject of the application from Hutt Street Centre to undertake alterations to the existing Community Care and Services Facility including internal demolition, construction of front foyer, rear extension, fencing and pergolas at 254-268 Hutt Street, Adelaide SA 5000 as shown on plans designated DA/851/2019:

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:**
  - **Plans drafted by Flightpath Architects, project no. 3582, drawing nos. SK00 – SK008, revision 01, dated 25/2/2020**
  - **Statement compiled by Flightpath Architects titled “Architectural and heritage design statement Hutt Street Centre Redevelopment”**
  - **Stormwater Management Plan compiled by Combe Pearson Reynold, Project no. 190219 dated 14 August 2019 and accompanying stormwater management plan, drawing no. 190219-C01, revision A**

**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.*

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2. **The finished floor level of the ground floor level at the entry point to the development shall match the existing footpath unless otherwise agreed to by the Council in writing.**

**Reason:** *To ensure public footpaths remain level and as such pedestrian safety and amenity is not compromised.*

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3. **Stormwater runoff from the proposed development must be contained within the property boundaries, collected and discharged to the existing Council underground stormwater infrastructure located within Hutt Street. All stormwater pipes shall be adequately sized to ensure a suitable flow to the stormwater pipe network.**

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

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4. **A sample of the proposed replacement stone and brick, together with a sample of any “face” repointing shall be provided to Council heritage staff for approval prior to undertaking the works, to the reasonable satisfaction of Council.**

**Reason:** *To ensure that the cultural value and setting of the heritage item is conserved.*

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5. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Council.**

**Reason:** *To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the Development.*

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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.

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## 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.

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## 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.

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## 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.

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## 5. Right of Way

The applicant shall ensure that the right of way to the rear of the property is not blocked or access restricted during the construction of the development herein approved.

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## 6. Damage to Council's Footpath / Kerbing / Road Pavement / Verge

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.

Extent of make-good works are to be agreed on site between City of Adelaide and the contractor. A formal submission via email to the City of Adelaide shall follow and be accepted, prior to works commencing.

The City of Adelaide will inspect the works after completion for standards and specification compliance. Any non-compliance will need to be rectified at the developers costs to Council's satisfaction.

Footpath reinstatements associated with works will need to match surrounding materials and pavement composition.

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## 7. 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.

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## 8. Consultation with Adjoining Owners

In addition to notification and other requirements under the Development Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

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## 9. Notification of Heritage Works

You are advised that you are required to notify Council's Heritage Unit (8203 7445) at least 24 hours prior to the commencement of work so that a Heritage Officer can discuss aspects of the work with the builder/contractor.

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## 10. 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

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### 11. 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.

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### 12. 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.

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### 13. Footpath Levels

The existing footpath level shall not be modified to suit the floor level of the entry point to the development, unless otherwise agreed to by the Council in writing.

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### 14. Lighting/Electrical/CCTV matters

- The proposed development works will not impact on the public lighting within the proximity of the development site. The existing street lighting installed on Hutt Street is owned by City of Adelaide and consists of light poles, lights and associated underground electrical cable and pits. There is a street light out the front of the property.
- All works undertaken shall be fit for purpose in the public realm.
- All modifications requiring temporary removal/relocation/provision of temporary lighting/reinstatement of existing Council and/or SA Power Network's public lighting (including associated infrastructure such as cabling etc.) shall meet Council's requirements and all costs shall be borne directly by the developer.
- If temporary hoarding or site works require modification of existing Council and/or SA Power Network's public lighting (including associated infrastructure such as cabling etc.) they shall meet Council's requirements and all costs shall be borne directly by the developer.
- Existing underground services shall be identified and marked in the locality prior to undertaking any excavation works.
- All damage to City of Adelaide's infrastructure, including damage to public lighting and underground ducting etc. caused by project works will be repaired to meet Council's requirements and at the cost of the developer.
- If building mounted lit signage is to be installed onto the building, further review and approvals will be required by City of Adelaide.
- CCTV cameras in the public realm are owned and maintained by the City of Adelaide. For any modifications to these assets, contact the City of Adelaide

for further advice on the process. SAPOL monitor these cameras and will also need to be consulted for their approval.

- All assets to be handed over to the City of Adelaide to own and maintain shall be constructed to Council's requirements and applicable legislative standards and requirements. All equipment gifted shall be Council's standards and applicable requirements.

Mr Marc Duncan and Councillor Arman Abrahamzadeh were re-admitted to the electronic meeting at 6.43 pm

#### **Item No. 4.2 – 11-13 Mills Terrace, North Adelaide SA 5006, DA/925/2019, (SG) [CAP]**

##### **Decision** [Mover Prof Mads Gaardboe/Seconder Ms Colleen Dunn]

That the development, the subject of the application from Ms A E Slattery for demolition of dwelling and outbuilding and construction of two, two storey semi-detached dwellings with basement parking and associated outbuilding, swimming pool and fences at 11-13 Mills Terrace, North Adelaide SA 5006 as shown on plans designated DA/925/2019:

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:**

##### **Plans prepared by The Galvin Group as follows:**

- Plot Ratio Plans, DWG No. CA04, dated 21 February 2020
- Space Plans, DWG No. CA05, dated 21 February 2020
- Site Plan, DWG No. CA06, dated 21 February 2020
- Dimensions, DWG No. CA07, dated 21 February 2020
- Streetscape & Cross Sections, DWG No. CA08, dated 21 February 2020
- Fencing Details, DWG No. CA09, dated 21 February 2020
- Elevations, DWG No. CA10, dated 21 February 2020
- Landscape & Pool Plan, DWG No. CA11, dated 21 February 2020
- Overlooking Drawings, DWG No. CA12, dated 21 February 2020
- Overlooking Images, DWG No. CA13, dated 21 February 2020

**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. **A dilapidation survey recording the condition of the dwelling at 16 Mills Terrace, North Adelaide, adjacent the subject site boundary shall be provided to Council prior to the commencement of works, to the satisfaction of Council. As well as recording fabric in good condition, the survey shall also record the location, type and dimensional extent of any existing physical damage to the dwellings that might be affected by the proposed works.**

**Reason:** *To provide a record prior to the commencement of the proposed works, as reference for the assessment of any potential subsequent damage.*

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3. **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.*

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4. **The privacy screening as depicted on the north and south elevations, DWG No. CA10, dated 21 February 2020 and the 'super advanced' tree species (minimum 3 to 4 metres height at planting) nominated in the landscaping plan DWG No. CA11, dated 21 February 2020 shall be installed/planted prior to occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.**

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

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5. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Council.**

**Reason:** *To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the Development.*

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6. **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.*



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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.

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### **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.

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### **3. Development within Easement**

The applicant or person having benefit of the Development is advised that any Development, paving or landscaping within the easement may need to be removed at any time to facilitate work within the easement for the Minister of Infrastructure.

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### **4. 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.

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### **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.

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### **6. Crossing Places**

#### **Crossing Made Obsolete**

The vehicle crossing place made redundant as a result of this development will be closed by Council and the applicant will be charged directly for the work. A quotation for the work will be provided by Council to the applicant prior to the work being undertaken.

### **New Vehicle Crossover**

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 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.

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### **7. Damage to Council's Footpath/Kerbing/Road Pavement**

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.

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### **8. 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.

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### **9. 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

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**Item No. 4.3 – Mainstyle Motors, 441 Morphett Street, Adelaide SA 5000, DA/914/2019 (EP) [CAP]**

**Decision** [Mover Ms Colleen Dunn/Seconder Prof Mads Gardboe]

That the development, the subject of the application from Mainstyle Motors P/L for a change of use to motor repair station and associated signage (retrospective) at Mainstyle Motors, 441 Morphett Street, Adelaide SA 5000 as shown on plans designated DA/914/2019:

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:**
  - **Graphica Mapping and Design – Floorplans & Elevations drawing 0712-001 R1>25.11.2019**
  - **Ekistics Report - Change of Use to Motor Repair Station and Advertising Signage (Retrospective) - Tenancy 1 - 441-445 Morphett Street, Adelaide.**

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

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2. **The hours of operation for the motor repair station on the land shall be limited to Monday to Friday inclusive from 8am to 9pm and shall be closed on weekends and public holidays to the reasonable satisfaction of Council.**

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

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3. **No panel beating, spray painting, angle grinding, welding or other such activities which produce unreasonable noise, vibration or atmospheric emanations shall be undertaken on the site to the reasonable satisfaction of Council.**

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

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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 impair or impinge upon the amenity of other land in the locality.*

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### **Advices**

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

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.

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

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.

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#### **3. Noise**

The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

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#### **4. Use of On-street Car Parking Spaces**

The applicant is reminded that on-street public car parking spaces must not be used to facilitate operation of the proposed business by the applicant. This includes undertaking inspection of customer vehicles by the operator, use of spaces to facilitate the manouvering of vehicles within the premises or collection of vehicles by customers.

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### **Other Applications**

Nil

### **Other Business**

#### **Item No. 6.1 – List of Recent Lodgements for Planning Consent (2017/02505) [CAP]**

The following application was called in for consideration by the Panel:

1. Record No. 57 – DA/181/2020 – 33- 45 Stafford Street, Adelaide SA 5000  
[Ms Colleen Dunn]

#### **Decision** [Mover Ms Colleen Dunn/Seconder Councillor Arman Abrahamzadeh]

That the report be received.

#### Other Business raised at Panel Meeting

##### **Item No. 6.2 – Other Business – CAP Meeting Procedures (2019/02186) [CAP]**

In response to Mr Marc Duncan seeking an opportunity to discuss the format/content of the CAP Meeting Procedures the Panel noted that all Panel Members would provide the Presiding Member in an e-mail items for consideration to which the Presiding Member and Assessment Manager would consolidate, distribute and facilitate informal discussion with Panel Members.

#### Next Meeting

25 May 2020

#### Closure

The meeting closed at 7.08 pm.

**Mr Mark Adcock  
Presiding Member  
City of Adelaide Council Assessment Panel**

#### Documents attached for reference

Nil