

# Minutes of the Electronic Meeting of the Council Assessment Panel

Monday, 27 July 2020, at 5.30 pm

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

## Confirmation of Minutes

### Item No. 1 – Confirmation of Minutes – 22/6/2020 [CAP]

#### Decision

That the Minutes of the Electronic meeting of the City of Adelaide Council Assessment Panel held on 22 June 2020, be taken as read and be confirmed as an accurate record of proceedings.

## Non-Complying Applications

Nil

## Application for consideration on Merit [Four]

### Item No. 3.1 – 106-108 Tynte Street, North Adelaide SA 50060, DA/193/2020 (SG) [CAP]

#### Decision

That the development, the subject of the application from Franklin House P/L for demolition of existing building (restaurant) and construction of single storey building to be used as a restaurant at 106-108 Tynte Street, North Adelaide SA 5006 as shown on plans designated DA/193/2020:

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 Proske Architects as follows:**

- **Site Analysis Plan, DWG No. PL01.A, dated 25 May 2020**
- **Floor Plan, DWG No. PL02.B, dated 2 June 2020**

- **Proposed Stormwater and Roof Plan, DWG No. PL03.A, dated 26 March 2020**
- **Proposed South & West Elevations, DWG No. PL04.A, dated 26 March 2020**
- **Proposed North & East Elevations, DWG No. PL05.A, dated 26 March 2020**
- **Proposed Section, DWG No. PL06.A, dated 26 March 2020**
- **Proposed 3D Images, DWG No. PL07.A, dated 26 March 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. External materials, surface finishes and colours of the Development shall be consistent with the descriptions 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. Only background music is permitted and shall be played at a level where patrons can comfortably hold a conversation without having to raise voices.**

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

---

- 4. The hours of operation for the restaurant on the Land shall be limited to 7am to midnight Monday to Thursday, 7am to 1am the following day Fridays and Saturdays and 7am to midnight Sunday.**

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

---

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

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

---

- 6. 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.**

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

---

7. **A dilapidation survey recording the condition of the buildings at 104 Tynte Street and 110 Tynte Street, 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.*

---

### **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. Vehicle Parking in Lohrman Street**

The applicant is reminded that vehicles are not permitted to park in Lohrman Street.

---

#### **4. 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 – 58 Kingston Terrace, Adelaide SA 5000, DA/212/2020 (PC) [CAP]

#### Decision

That the development, the subject of the application from Ms J R H Clarson for internal and external alterations to existing part single/part two storey dwelling at 58 Kingston Terrace, North Adelaide SA 5006 as shown on plans designated DA/212/2020:

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 and details prepared by DESIGN 3 – Project Name: 58 Kingston Terrace North Adelaide:**
    - **Sheet No. sd 05.01, sd 05.02, sd 05.03, sd 05.04, sd 08.01, sd 09.01, sd 09.02, sd 09.03 and sd 09.04****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.*

#### 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. Requirements of the Heritage Places Act 1993

The applicant is advised 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 of Environment and Water (DEW) on 8124 4960.

---

## 4. Requirements of the Aboriginal Heritage Act 1988

The applicant is advised of the following requirements of the *Aboriginal Heritage Act 1998*:

- 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 – 10-20 Witcombe Street, Adelaide SA 5000, DA/204/2020 (PC) [CAP]

#### Decision

That the development, the subject of the application from HST Australia P/L to demolish existing building and construct single storey building containing five shop tenancies with associated car parking and signage at 10-20 Witcombe Street, Adelaide SA 5000 as shown on plans designated DA/204/2020:

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 and details prepared by SPECTRA – Project No. 18.2020A – Sheets 01/05 to 05/05 (5 pages) – Received 20 July 2020
- Plans and details prepared by SCA Engineers – Dwg No. 200404-C1/A, C2, C3/D and C4 – Received 20 July 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. 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 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.

---

4. The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Plant species shall be of low height or maintained to be of low height. 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.

---



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

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

---

### **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. 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.

---

#### **4. 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

---

#### 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.

---

#### 6. Openable Gates

It is advised that the gates to bin store shall remain shut when unused to maintain vehicle flow.

---

#### 7. 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.

---

#### 8. On Street Parking

The existing on-street parking will not be removed or altered to suit this development.

---

#### 9. Damage to Building

The City of Adelaide does not accept responsibility for any damage sustained to protruding elements of the building.

---

#### 10. Crossing made obsolete

The vehicle crossing place(s) 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.

---

### Item No. 3.4 – 247-249 Pirie Street, Adelaide SA 5000, DA/481/2019 (EP) [CAP]

#### DA/481/2019 - Disclosure of Conflict of Interest

Mr Marc Duncan disclosed a pecuniary interest in DA/481/2019 – 247-249 Pirie Street, Adelaide SA 5000, as he has an employment relationship with Future Urban which has provided assistance to one of the representors, left the electronic meeting and moved to the waiting room at 5.46 pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.



### Decision

That the development, the subject of the application from Wilson Parking to retrospectively change the use of the existing car park for ancillary use for premises in the locality at 247-249 Pirie Street, Adelaide SA 5000 as shown on plans designated DA/481/2019:

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 advice:

### 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:**

- Letter from Wilson Parking dated 8 July 2019
- Cirqa Car Pirie Street Parking Area Parking Layout – Sheet # 01\_SH01 dated 24 June 2020.
- URPS letter dated 2 December 2019
- URPS letter dated 29 June 2020
- E-mail from URPS dated 7 July 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. **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.

---

3. **The wording on the sign to be placed on Pirie Street shall replace ‘Strictly Ancillary Parking’ with ‘Private Car Park’.**

*Reason:* To ensure that the land is not used by the general public.

---

### Advices

1. **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.

---

Mr Marc Duncan was re-admitted to the electronic meeting at 5.55 pm

## Council Assessment Panel – Electronic Meeting Minutes



### Other Applications

Nil

### Other Business

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

##### DA Undertakings – Application to be seen by Panel

Nil

### Other Business raised at Panel Meeting

Nil

### Next Meeting

24 August 2020

### Closure

The meeting closed at 5.59 pm.

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

### Documents attached for reference

Nil