

Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 22 February 2021, at 5.30 pm

Colonel Light Room, Town Hall, Adelaide

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 1 – Confirmation of Minutes – 1 February 2021 [CAP]

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 1 February 2021, be taken as read and be confirmed as an accurate record of proceedings.

Non-Complying Applications (One)

Item 2.1 – 162-170 Pulteney Street, Adelaide SA 5000, DA/565/2020 [DA] (EP) [CAP]

Decision

That the development, the subject of the application from FUNLAB for change of land use from an indoor recreation centre with licensed entertainment to an indoor recreation centre with licensed entertainment and amusement machine centre with associated signage at 162-170 Pulteney Street, Adelaide SA 5000 as shown on plans designated DA/565/2020:

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 advisory notes:

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:**
 - **Statement of Effect from Masterplan dated December 2020.**
 - **Donaldson Design & Drafting – Drawing No. DA-0.10 Revision M dated 02-10-2020.**
 - **Donaldson Design & Drafting – Drawing No. DA-0.40 Revision M dated 02-10-2020.**

- Donaldson Design & Drafting – Drawing No. DA-1.00 Revision M dated 02-10-2020.
- Donaldson Design & Drafting – Drawing No. DA-0.400 Revision M dated 02-10-2020.
- Donaldson Design & Drafting – Drawing No. DA-0.30 Revision M dated 02-10-2020.

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. **The licensed premises on the Land shall be closed to the public at 3 am on any morning and shall not re-open to the public before 8 am on any morning.**

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

3. **No loudspeakers shall be placed on or in the fascia of the premises, balcony or in any adjacent outdoor area on the Land or on any adjacent footpath to the Land at any time.**

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

4. **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.

5. **Waste management shall be undertaken in accordance with the letter from Masterplan dated 8 February 2021, including;**

- collection 4 times per week; and

- waste bins to be located in the dedicated store area 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.

Advisory Notes

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. 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.

3. 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.

4. 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.

Applications for consideration on Merit (Two)

Item 3.1 – 231 Jeffcott Street, North Adelaide SA 5006, DA/652/2020 [DA] (SG) [CAP]

Representations Listed to be Heard

Representors:

Dr Quoc V. Do and Dr Thao M. Nguyen of 144 Barton Terrace West, North Adelaide *[Not Present]*

Applicant:

Mr Zeek Badman *[Not Heard in the absence of the Representor]*

Decision

That the development, the subject of the application from Mr Z Badman for demolition of existing structures, construction of two storey dwelling, inground pool, fencing and solar panels at 231 Jeffcott Street, North Adelaide SA 5006 as shown on plans designated DA/652/2020:

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 advisory notes:

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 Zeek Badman as follows:

- Site Context Plan, DWG No. SK102A, dated 3 November 2020
- Ground Floor Plan, DWG No. SK03B, dated 1 December 2020
- First Floor Plan, DWG No. SK04C, dated 8 February 2021
- Elevations, DWG No. SK05C, dated 8 February 2021
- Elevations, DWG No. SK06C, dated 8 February 2021

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 obscured glazing and screening depicted on DWG Nos. SK04C, SK05C and SK06C shall be installed 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.*

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. 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 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.*

Advisory Notes

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 24 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 24 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 visit <https://www.cityofadelaide.com.au/transport-parking/parking/residential-parking/> or contact the Customer Centre on 8203 7203 for further information.

5. 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.

6. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval.

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/business/permits-licences/city-works/

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.

Applications will require a minimum notice period of two to five business days, depending on the nature of work, and can be lodged online via

<https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

Item 3.2 – 54 Molesworth Street, North Adelaide SA 5006, DA/544/2020 [DA] (EP) [CAP]

Decision

That the development, the subject of the application from Mr W Owen for demolition of rear of dwelling and construct a two storey rear addition including a free-standing garage at 54 Molesworth Street, North Adelaide SA 5006 as shown on plans designated DA/544/2020:

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 advisory notes:

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:**

- **Dash Architects Project: DA203823 Drawing 02 Revision C**
- **Dash Architects Project: DA203823 Drawing 03 Revision C**
- **Dash Architects Project: DA203823 Drawing 04 Revision A**
- **Dash Architects Project: DA203823 Drawing 05 Revision C**
- **Dash Architects Project: DA203823 Drawing 06 Revision B**
- **Dash Architects Project: DA203823 Drawing 07 Revision B**
- **Dash Architects Project: DA203823 Drawing 08 Revision B**
- **Dash Architects Project: DA203823 Drawing 09 Revision C**
- **Dash Architects Project: DA203823 Drawing 10 Revision C**
- **Dash Architects Project: DA203823 Drawing 11 Revision B**

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 privacy screening as depicted on the plans granted consent numbered DA203823 Drawing 06 Revision B and DA203823 Drawing 11 Revision B shall be installed prior to the 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.

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 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 amenity of the locality is not adversely impacted upon by noise emissions.

5. Prior to granting of development approval to the Development the applicant or the person(s) having the benefit of the consent shall submit to Council samples of the final selection of all external materials, surface finishes and colours of the Development so as to ensure that such samples are consistent with the consent. Such samples 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 building.

6. Prior to granting of development approval to the Development the applicant or the person(s) having the benefit of the consent shall submit to Council details of the front fence design including picket profiles, spacings and painting/treatment so as to ensure compatibility with the heritage character of the building to the reasonable satisfaction of Council.

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

7. **Prior to granting of development approval to the Development the applicant or the person(s) having the benefit of the consent shall submit to Council details of the design of the window security grilles so as to ensure compatibility with the heritage character of the building to the reasonable satisfaction of Council.**

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

Advisory Notes

1. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved.

2. Building Site Management Plan

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
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3. 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.

4. 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.

5. Work on or near 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.

6. 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.

7. Crossing Place

There is no objection to the proposed vehicle crossing place/alterations to the existing vehicle crossing place(s), however the work will be undertaken by Council and the cost of the work will be charged to the applicant. A separate application for the crossing place(s) is required and the applicant can obtain a form from Customer Service, 25 Pirie Street, Adelaide, or telephone 8203 7236. A quotation for the work will be provided by Council prior to the work being undertaken.

8. Damage to Council Infrastructure

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.

Other Applications

Nil

Other Business

Item 5.1 – List of Recent Lodgements for Planning Consent (2017/02505) [CAP]

Decision

That the report be received

DA Undertakings – Application to be seen by Panel [CAP]

Nil

Item 5.2 – Council Assessment Panel Transitional Matters under the *Planning Development & Infrastructure Act 2016 (SA) (2019/02186)* [CAP]

The Panel acknowledged that Attachment D was redistributed to Panel Members so that the changes with a simple mark-up displayed for the revised Part 4 heading and new Part 5.

Decision

That the City of Adelaide Council Assessment Panel determines that:

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016 (SA)* the powers and functions under the *Planning, Development and Infrastructure Act 2016 (SA)* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to this report 22/02/2021 and entitled Council Assessment Panel Delegations Under the Planning Development and Infrastructure Act 2016 and marked Attachment A) are hereby delegated this 22 February 2021 to the City of Adelaide's Assessment Manager, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the City of Adelaide's Assessment Manager in accordance with Section 100(2)(c) of the *Planning Development and Infrastructure Act 2016* as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
3. The amended Meeting Procedures as set out in Attachment E to Item 5.2 on the Agenda for the meeting of the City of Adelaide Council Assessment Panel held on 22 February 2021 be endorsed and adopted, subject to the removal of item 5.4.3.

The Panel noted that the word 'dog' would be replaced with 'day' in 21.1.3 in Instrument C and that the auto numbering within the amended Meeting Procedures would be corrected and with the removal of item 5.4.3 renumbered accordingly.

Other Business raised at Panel Meeting

Item 5.3 – Other Business – ERD Compromise Proposals [CAP]

The Assessment Manager, in response to discussion regarding the public hearing of ERD compromise proposals, undertook to:

- Prepare a report for the March 2021 Panel meeting canvassing options/issues/impacts of consideration/discussion in confidence or public.
- Facilitate an out of session discussion for Panel Members with legal advisors.

Next Meeting

22 March 2021

Council Assessment Panel – Meeting Minutes



Closure

The meeting closed at 6.07 pm.

Mr Mark Adcock
Presiding Member
City of Adelaide Council Assessment Panel

Documents attached for reference.

Nil