



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 22 August 2022
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 22 August 2022, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present - Presiding Member - Nathan Cunningham
Panel Members - Councillor Arman Abrahamzadeh (Deputy
Lord Mayor), Mark Adcock, Colleen Dunn
and Emily Nankivell

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member stated:

‘The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

1. Item 1 - Confirmation of Minutes - 27 June 2022

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 27 June 2022, be taken as read and be confirmed as an accurate record of proceedings.

2. Item 2 - Declaration of Conflict of interest

Nil

3. Item 3 - Applications assessed under PDI Act 2016 (SA) with Representations

4. Item 3.1 - Subject Site 116 Stanley Street, North Adelaide SA 5006, Development No. 22014161

Representations Listed to be Heard and Heard

Representors:

Nic Jordan, 68 Kingston Terrace, North Adelaide

Joanne Barker, PO Box 3043 North Adelaide [*Not Present*]

Sarah Frances Boxall and Madeleine Melody Boxall, 112A-114 Stanley Street,
North Adelaide [*Displayed photos*]

Mae-Lin Hendry, 118 Stanley Street, North Adelaide

Applicant:

Alisanne Boag – 116 Stanley Street, North Adelaide

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22014161, by Alisanne Boag and Chris Boag is granted Planning Consent subject to the following conditions:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
 - **DRAWING No.20-597.DA02 Rev C, dated 15.06.2022, titled 'Demolition'**
 - **DRAWING No.20-597.DA03 Rev C, dated 15.06.2022, titled 'Ground Floor'**
 - **DRAWING No.20-597.DA04 Rev C, dated 15.06.2022, titled 'First Floor'**
 - **DRAWING No.20-597.DA05 Rev C, dated 15.06.2022, titled 'Roof Plan'**
 - **DRAWING No.20-597.DA08 Rev C, dated 15.06.2022, titled 'Elevations - North & South'**
 - **DRAWING No.20-597.DA09 Rev C, dated 15.06.2022, titled 'Elevations - East and West'**
 - **DRAWING No.20-597.DA012 Rev C, dated 15.06.2022, titled 'Sections - North'**
 - **DRAWING No.20-597.DA15 Rev C, dated 15.06.2022, titled 'Privacy Screen Details'**
2. **The applicant or the person having the benefit of this consent shall ensure that all storm water runoff 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 Relevant Authority.**

3. **Privacy screening as depicted on 'Privacy Screen – Details' for those windows shown on 'Elevations - North & South' shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority.**

4. **The studio, located above the garage, shall not be occupied by persons unrelated to the occupants of the principal dwelling on the subject site, to the reasonable satisfaction of the Relevant Authority.**

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

5. **New structure required to support the second storey shall not be located within the front room and passage.**

Reason: Structural information not available at planning consent stage. The internal attributes of heritage significance are primarily embodied in the front room and passage.

6. **New structure required to support the second storey shall not be located within the front passage.**

Reason: Structural information not available at planning consent stage. The internal attributes of heritage significance are primarily embodied in the front room and main passage.

ADVISORY NOTES

1. Expiration Time of Approval

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years 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 2 years, 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.

2. Appeal Rights

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is

asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

3. Notifications

Pursuant to Regulation 93 of the Planning, Development and Infrastructure Act, 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 or phone 8203 7185.

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.

5. Fencing

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.

6. Demolition

Demolition and construction at the site should be carried out so that it complies with the construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007. A copy of the Policy can be viewed at the following site: www.legislation.sa.gov.au.

7. Other Requirements

In addition to notification and other requirements under the Planning, Development and Infrastructure 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.

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

8. Please note 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 must cease and

the SA Heritage Council must 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.

9. Please note 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) is to be notified under Section 20 of the Aboriginal Heritage Act 1988.

5. Item 4 - Applications assessed under PDI Act 2016 (SA) without Representations

Nil

6. Item 5 - Appeal to CAP for Assessment Manager's Decision Review

Nil

7. Item 6 - Other Business

8. Item 6.1 - Other Business

Nil

9. Item 6.2 - Other Business raised at Panel Meeting

The Panel noted that:

- Investigation of options and technology for interactive live streaming will progress.
- A State Government Panel is to review state planning and development rules.
- Seb Grose will be the Assessment Manager from 29 August to 31 December 2022.

10. Item 6.3 - Next Meeting

Monday 26 September 2022

11. Item 7 - Exclusion of the Public

Exclusion of the Public from attendance to receive, discuss or consider Information/Matter in confidence

Item 8.1 – 22 Brougham Court, North Adelaide

Section 13(2) (a) (ix) information relating to actual litigation, or litigation that the

assessment panel believes on reasonable grounds will take place [*Planning, Development and Infrastructure (General) Regulations 2017 (SA)*]

Decision

That the public be excluded from this part of the meeting of the City of Adelaide Council Assessment Panel dated 22/8/2022, (with the exception of members of Corporation staff who are hereby permitted to remain) to enable the Panel to receive, discuss or consider information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place associated with Item 8.1 - 22 Brougham Court, North Adelaide.

There were no members of the public or members of City of Adelaide staff not directly involved with the matter to leave the Colonel Light Room at 6.38pm.

12. Item 8 - Matters for Consideration on a Confidential Basis

13. Item 8.1 - Subject Site 22 Brougham Court, North Adelaide SA 5006, Development No. 21032920

Document is Restricted

14. Matter Considered in Confidence to remain Confidential

Item 8.1 – Subject Site 22 Brougham Court, North Adelaide SA 5006, Development No. 21032920

Decision

The Council Assessment Panel resolves that:

1. Item 8.1 having been dealt with on a confidential basis (information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place) remain confidential until the matter has been finalised.
2. Item 8.1 be excluded from the Minutes [*Regulation 14(4) Planning, Development and Infrastructure (General) Regulations 2017 (SA)*]

15. Closure

The meeting closed at 6.44pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Documents Attached:

Item 3.1 – Development No. 22014161 – Images displayed by Representor - Sarah Frances Boxall

Photos from 114 Stanley Street towards 116 Stanley Street as at August 2022



