



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 12 December 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, 12 December 2022, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present -

Presiding Member -	Nathan Cunningham
Panel Members -	Mark Adcock, Colleen Dunn and Emily Nankivell
Deputy Panel Member -	Prof Mads Gaardboe (Attending for Panel Member vacancy)

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 Kaurna 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 Kaurna 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 - 21/11/2022

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 21 November 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 31 McLaren Street, Adelaide, SA 5000 Development No. 22018116

Representations Listed to be Heard and Heard

Representors:

Barbara Chapman of 38 McLaren Street, Adelaide [*Not present*]

Helena Oakey on behalf of herself and Shaun Oakey of 33 McLaren Street, Adelaide

Applicant:

Matiya Marovich from Sans Arc Studion

Decision

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 22018116, by Sans Arc Studio is granted Planning Consent subject to the following conditions and advices:

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).**

- DWG No. A0.04, dated 17.10.2022, titled Demolition Plan
- DWG No. A1.01, dated 17.10.2022, titled Site Plan
- DWG No. A1.02, dated 17.10.2022, titled Floor Plans
- DWG No. A1.04, dated 17.10.2022, titled Roof Plan
- DWG No. A1.09, dated 17.10.2022, titled Landscape Plan
- DWG No. A2.01, dated 17.10.2022, titled Elevations
- DWG No. A8.02, dated 17.10.2022, titled Schedules
- DWG No. A8.50, dated 17.10.2022, titled View from McLaren

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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.**

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3. **Frosted glass to 1550mm above FFL as depicted on '3 Elevation - South' in DWG A2.01 Rev A, dated 17.10.2022, 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.**
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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.

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 - Planning System Implementation Review

The following summary of City of Adelaide feedback for the Planning System Implementation Review was before Panel Members:

Planning System Implementation Review

City of Adelaide Feedback Summary

The purpose of this summary is to provide Council Assessment Panel members with a brief overview of Council feedback for the Planning System Implementation Review.

General

- positive to see review being undertaken
- Expert Panel is being proactive in seeking early intervention on key issues.

What is Working Well

- SAPPA (South Australian Property and Planning Atlas)
- e-planning system has streamlined processes, however simple fixes could yield further improvements.

Assessment & Efficiency Improvements

Planning

- removal of third party appeal rights resulting in reduced input for representors and complicating assessment process
- policies specific to local areas lacking and could be improved
- prioritising system fixes needs to occur together with Councils
- reduce 'all code assessed' development for simple applications
- deemed consents should not be issued outside of the DAP
- reporting needs to be improved as different reports provide varying data
- \$10 million threshold for SCAP applications should be increased

- concern Crown Development being assessed outside of the DAP
- the DAP should withdraw proposals when not passed verification after certain time
- ongoing system complexities
- assessment clocks not always functioning properly
- searchability of Code could be improved.

Building

- Expert Panel appears to be strongly focused on planning
- system should be better utilised to support compliance and enforcement
- effective and useful online reporting required to support building compliance
- support Expert Panel enabling building notification process via mobiles
- improve Essential Safety Provision maintenance reporting
- consider 2018 Building Confidence report (by Shergold Weir)

Heritage

- Historic Area statements need updating (Expert Panel supporting this)
- status of heritage listings and heritage policy requires strengthening, including education, communication and compliance.

In response to the Assessment Manager precis of the City of Adelaide feedback for the Planning System Implementation Review, the Panel indicated support for the feedback commenting in particular as follows:

- \$10 million threshold for SCAP applications – The CAP suggested this threshold be removed and that assessment / decision making powers return to Council and its CAP. It is time to revisit the trigger/s which led to the change of process from approx. 2008. The change was introduced at a specific time for specific circumstances with a different political and regulatory environment. The system has changed with a very different operating environment the CAP arrangement is much more tightly regulated; including Ministerial Codes of Conduct and the Accredited Professionals obligations
- Accredited Professional Group – Limited non planning expertise is noted. Suggested that the mechanisms to enable/support inclusion of non-planning disciplines be revisited.

10 Item 6.2 - Other Business Raised at Panel Meeting - Acknowledgment and Expression of Appreciation - Former CAP Member Arman Abrahamzadeh and Assessment Manager Helen Dand

Independent Presiding Member, Nathan Cunningham acknowledged:

- and thanked former Deputy Lord Mayor Councillor Arman Abrahamzadeh for his work, commitment, and professional contribution on the Panel during his term, having adopted the Code of Conduct required and praised the Deputy Lord Mayor for delivering in a difficult role that requires a separate consideration from the role of an elected member when part of the Panel.
- the final meeting of retiring Assessment Manager Helen Dand and thanked her for the great support provided to himself and the Panel, congratulating her on behalf

of the Panel and the Panel thanked her with acclamation.

11 Item 6.3 - Next Meeting

Monday 30 January 2023

Closure

The meeting closed at 6.14 pm

**Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel**

Documents Attached:

Nil