



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 30 January 2023
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 30 January 2023, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present -	Presiding Member - Panel Member -	Nathan Cunningham Councillor Phillip Martin, Mark Adcock and Colleen Dunn
	Deputy Panel Member -	Prof Mads Gaardboe (Attending for Emily Nankivell)
Apology -	Panel Member -	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 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 - 12 December 2022

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 12 December 2022 be taken as read and be confirmed as an accurate record of proceedings.

2 Declaration of Conflict of interest

Nil

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

4 Item 3.1 - 112 O'Connell Street, North Adelaide

Representations Listed to be Heard and Heard

Representor:

Julie Johnson, 13 George Street, North Adelaide

Applicant:

Katerina Tsimouris

Decision

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 22031803, by Katerina Tsimouris and Zachary Kelly 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).**
 - **Proposed Development Details, Existing and Proposed Floor Plan Provided by Applicant on 15 September 2022**
 - **Marshall Day Acoustics – Little Dog Day Care Noise Assessment – Report Dated 21 November 2022**

2. **The acoustic attenuation measures proposed for installation within the Development as detailed in section 4.3 of the Report prepared by Marshall Day Acoustics dated 21 November 2022 forming part of this consent shall be installed within the Development to the reasonable satisfaction of the Relevant Authority. Such acoustic attenuation measures shall be operational prior to the occupation or use of the Development.**

3. **The number of dogs allowed on the premises shall be limited to no more than 20 dogs at any one time.**

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. Advertisements

This consent does not include advertisements for which a separate application must be submitted.

5 Item 3.2 - 69 Finnis Street, North Adelaide

Representations Listed to be Heard

Representors:

Eric Breda, Community Corporation 27589 (125 Mackinnon Parade, North Adelaide) [*Not present*]

Keith Teagle (Architect) on behalf of Jan and Ricard Rench of 3/125 Mackinnon Parade, North Adelaide

Applicant:

Matthew King and Marco Spinelli from URPS on behalf of the applicant

Decision

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 22032402, by Oren Klemich is granted Planning Consent subject to the following reserve matter, conditions and advices:

RESERVE MATTER

Pursuant to section 102(3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter shall be reserved for further assessment prior to the granting of Development Approval:

1. Details of the material of the front and side garden walls and the western facade of the dwelling shall be provided to reinforce the historic material palette that predominates in the locality to the reasonable satisfaction of the Relevant Authority.

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).**
 - **Architects Ink Drawing 22-1129DA01 Revision B**
 - **Architects Ink Drawing 22-1129DA02 Revision B**
 - **Architects Ink Drawing 22-1129DA03 Revision B**
 - **Architects Ink Drawing 22-1129DA04 Revision B**
 - **Landskap Landscape Concept package ref. No. 22.057 dated 09.11.2022**
 - **Letter from URPS dated 10 November 2022**

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. **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 Relevant Authority.**

4. **All collected drainage water from any planter boxes, seepage collection systems, water features, swimming pools and/or spas located on the Land shall be discharged to the sewer to the reasonable satisfaction of the Relevant Authority**

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5. **Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and be maintained.**
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6. **Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling.**
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7. **The parapet height of the garage to the rear shall not exceed RL 33.85.**
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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.

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.

8. 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/residentialparking/> or contact the Customer Centre on 8203 7203 for further information.

9. 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.

10. 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.

4 Applications assessed under PDI Act 2016 (SA) without Representations

Nil

5 Appeal to CAP for Assessment Manager's Decision Review

Nil

6 Other Business

Item 6.1 – Other Business

Nil

Item 6.2 – Other Business Raised at Panel Meeting

The Assessment Manager confirmed the CAP's feedback on the new planning system formed part the submission provided by Council as part of the Planning System Implementation Review initiated by the Minister for Planning.

Item 6.3 – Next Meeting

Monday 27 February 2023

Closure

The meeting closed at 7.07 pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Documents Attached:

Nil