



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 29 May 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, 29 May 2023, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present - Presiding Member - Nathan Cunningham
Panel Members - Mark Adcock, Colleen Dunn, Emily
Nankivell and Councillor Keiran Snape
Deputy Panel Member - Prof Mads Gaardboe

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 Confirmation of Minutes

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 1 May 2023, be taken as read and be confirmed as an accurate record of proceedings.

2 Declaration of Conflict of interest

Emily Nankivell declared a conflict of interest in relation to Development No. 22029840 - Item 3.2 – 12-16 Walter Street, North Adelaide as she has previously provided planning consulting services for an earlier version of this development and the applicant has been a client of the organisation where she is currently employed.

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

4 Item 3.1 - 107-109 O’Connell Street, North Adelaide

Representations listed to be heard

Representors

- Joseph Dimasi of PO Box 1188, North Adelaide (appears to be occupant of

property immediately adjacent to the west at 111 O'Connell Street, North Adelaide)
(not in attendance)

- Angela Gondzioulis c/o Ray White Commercial Adelaide, 113-115 O'Connell Street, North Adelaide (not in attendance)

Applicant

- Stewart Hocking of Masterplan on behalf of the Applicant (did not present but responded to questions from the Panel)

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 22033547, by Walter Ventura is granted Planning Consent subject to the following reserved matter, conditions and advices.

RESERVED MATTER

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

- **ensure acoustic treatments recommended in Echo Acoustic Assessment, dated 8 March 2023, will achieve required sound attenuation through further review by the relevant authority prior to the issue of Development Approval.**

Note - further conditions may be imposed on the Planning Consent in respect of the above matter.

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).**

- **Drawings prepared by Proske Architecture and Interiors, Project Number: 21.056 as follows:
- Drawing no. SK00.B, SK01, SK02.A, SK03.B, SK04, SK05.A, SK06, SK07**
- **Echo Acoustic Consulting – Acoustic Assessment dated 8 March 2023**

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2. **Prior to occupation or use of the building, the existing vehicular crossing at the Tynte Street frontage of the site must be reconstructed in accordance with Council's Urban Elements Catalogue and Standard Drawings and City**

Works Guidelines. The applicant shall submit a driveway crossover application and plans for the works for Council design approval including identifying levels along the boundary, footpath crossfalls and the stormwater outlet from the site.

- 3. All stormwater run-off from the development shall be collected in a system of gutters, pits and pipelines and discharged by gravity to the kerb and gutter of a public road in accordance with the National Construction Code, AS3500.3 and Council's City Works Guide #2 Works Impacting City of Adelaide Assets and Urban Elements Catalogue.**
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- 4. The designs of the vehicular access and off-street parking facilities shall comply with Australian Standards AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking*.**
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- 5. The privacy screening as depicted on the plans granted consent described as Proske Architects and Interiors - Drawing No. SK05.A 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 at all times.**
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Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

- 6. Prior to the commencement of site works, further information is to be submitted to the satisfaction of the relevant authority in consultation with Heritage South Australia on the design and construction methodology for the footing system, taking into account the initial and ongoing support and stability of the remnant western outbuilding wall.**
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- 7. Prior to the partial demolition of the western outbuilding, further documentation is to be submitted to the satisfaction of the relevant authority in consultation with Heritage South Australia on the details and extent of demolition, and on the details and extent of stabilisation, making good and conservation works to the remnant boundary wall.**
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Conditions imposed by Environment Protection Authority under Section 122 of the Act

8. Remediation works must be undertaken in accordance with the ‘Construction Management Plan 107-109 O’Connell Street, North Adelaide’, prepared by Land & Water Consulting, dated 20 March 2023 and must be overseen by a suitably qualified and experienced site contamination consultant.
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9. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

If a certificate of occupancy is not required pursuant to regulation 103 of the Planning, Development and Infrastructure (General) Regulations 2017, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

10. For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination consultant.
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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. Commencement and Completion

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.

3. 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).

4. 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 <https://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>.

5. Work Health and Safety

It is the responsibility of the persons undertaking works to ensure all works are undertaken in a safe and appropriate manner in accordance with Work Health and Safety Act obligations including but not limited to:

- ensuring the site is appropriately secure prior to any works commencing.

- If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.
 - addressing vehicle movements and safety related to demolition/construction activities through a Construction Traffic Management Plan (CTMP) prepared by a person with accreditation to prepare a work zone traffic management plan including details such as haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, traffic control plans incl. for pedestrians etc.
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6. 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.

7. Consultation with Adjoining Owners

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. Right of Way

The applicant should ensure that any right of way on the land is not blocked or access restricted at any time without agreement between parties who have interest in the Right of Way either during construction of the development herein approved or thereafter.

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

9. Aboriginal Heritage Act

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.
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10. Heritage Places Act

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.
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Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

11. Environment Protection Act 1993

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

5 Item 3.2 - 12-16 Walter Street, North Adelaide

Development No. 22029840 – Declaration of Conflict of Interest

Emily Nankivell declared a conflict of interest in relation to Development No. 22029840 - Item 3.2 – 12-16 Walter Street, North Adelaide as she has previously provided planning consulting services for an earlier version of this development and the applicant has been a client of the organisation where she is currently employed, left the meeting at 5.49 pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.

Prof Mads Gaardboe (Deputy Member) entered the meeting at 5.49pm and was present to participate in the hearings, deliberations and decision of the Panel on Item 3.2.

Representations listed to be heard

Representors:

- Andrew Luckhurst-Smith of Angas Securities, L14/26 Flinders Street, Adelaide (not in attendance)
- Marie Sexton of 46 Walter Street, North Adelaide
- Adam Durham of 47 Walter Street, North Adelaide (not in attendance)
- Kimberly Iremonger of 61 Walter Street, North Adelaide
- Deborah Hamilton of 58 Palmer Place, North Adelaide
- Elbert Brooks on behalf of Andrew Phillips of 30 Walter Street, North Adelaide
- Elbert Brooks on behalf of Heather Scribner of 30 Walter Street, North Adelaide
- Damian Dawson on behalf of JD Custodian PTY LTD of 133-135 Archer Street, North Adelaide
- Robert Farnan of 15 Boulton Street, North Adelaide (a tabled presentation is included for information at the conclusion of the Minutes of the meeting)
- Elbert Brooks on behalf of The North Adelaide Society Inc of PO Box 60, North Adelaide

Applicant:

- Skye MacDonald of Prime Space Projects and Enzo Caroscio (Architect)

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 22029840, by Walter Partnership is granted Planning Consent subject to the following reserved matters, conditions and advices.

RESERVED MATTERS

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- **resolution of the ground floor levels and treatment to Walter Place façade, including consideration of existing drainage/overland flows in accordance**

with Hazards (Flooding – Evidence Required) Overlay

- further resolution and refinement of the ground level façade cladding treatment to Walter Street having regard to required services.

Note - further conditions may be imposed on the Planning Consent in respect of the above matters.

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).
 - Plans and details prepared by Enzo Caroscio Architecture & Design – Job No. 21007 – Drawing/Drawing No: Site Plan/A1.00, Demolition Plan/A1.10, Ground Floor Plan/A2.00, First Floor Plan/A2.01, Level 2 Floor Plan/A2.02, Level 3 Floor Plan/A2.03, Level 4-5 Floor Plan/A2.04, Level 6-7 Floor Plan/A2.05, Level 8 Floor Plan/A2.06, Roof Plan/A2.07, South Elevation/A3.00, East Elevation/A3.01, North Elevation/A3.02, West Elevation/A3.03, Section 1/A3.10, Section B/A3.11, Balcony Screen Diagram/A3.12, Apartment Types/A4.00, Apartment Types/A4.01, Materials & Finishes/P35 – Dated 14 February 2023 – Revisions as printed
 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 relevant authority.
 3. The awning and underside of carpark entry shall include pedestrian lighting (Category P3-AS1158). The lighting shall operate dusk until dawn and not be obtrusive or shine into any adjoining properties.
 4. A dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site shall be provided prior to the issue of Development Approval or any demolition and to the reasonable satisfaction of the relevant authority.
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5. The design of the vehicular access and off-street parking facilities shall comply with Australian Standards AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.3-2015 Parking Facilities - Bicycle parking facilities and Australian Standard AS5124:2017 Safety of machinery - Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD). Off street parking facilities shall be constructed in accordance with the approved design and relevant Australian Standards prior to the occupation of the building and an Operation and Management Plan for the facilities be maintained on site at all times.

6. All collected drainage water from any bin rooms, carwash areas, internal vehicle parking areas, planter boxes, seepage collection systems, groundwater seepage systems, other internal areas, water features, swimming pools and/or spas located on the Land shall be discharged to the sewer system.

7. Prior to the issue of Development Approval, the relevant authority shall be provided with stormwater drainage design plans, certified by a suitably experienced Civil Engineer that the design of the site drainage system and proposed development complies with the following specific requirements:

- a) Stormwater runoff from all surface areas must be collected in a system of gutters, pits and pipelines, swales etc. and be discharged together overflow pipelines from any rainwater tank(s) by gravity to Council's piped drainage system or Council's kerb and gutter on Walter Street.
- b) Comply with Council's City Works Guidelines and Urban Element Catalogue, Australian Rainfall and Runoff (A.R.R.), National Construction Code and Australian Standard AS3500.3-2021 'Stormwater Drainage',
- c) The Drainage Plan must detail the proposed site drainage system including layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes and details of the any water reuse system including tank size and pump system.
- d) Demonstrate the site stormwater system including water reuse tank generally achieves compliance with performance criteria of the Water Sensitive SA Insite Water Tool.
- e) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- f) An Operation and Management Plan for any water reuse system.
- g) The building is suitably designed to protect from water ingress and

damage from flows within adjacent lands including public road.

- h) **The site drainage system including water reuse system shall be maintained in an operational state at all times.**
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8. **Prior to the issue of a Development Approval, the relevant authority shall be provided with a detailed stormwater management plan and design for the development prepared and certified by a suitably experienced Civil Engineer demonstrating that discharge to Council land and the drainage system complies with the conditions of this consent and Council standards and guidelines.**
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9. **All components of the stacker carparks shall comply with Australian Standard AS5124:2017 Safety of Machinery - Equipment for Power Driven Parking of Motor Vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD) and all other relevant Australian Standards.**
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ADVISORY NOTES

1. Expiration of Consent

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. Commencement and Completion

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. Activity in Public Realm

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 <https://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>.

5. On-street 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.

6. Public Utilities

The applicant should 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.

In addition, the applicant is advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

7. Building Site Management Plan

A Building Site Management Plan is required prior to construction work beginning on site. 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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8. Vehicle Crossing Places

There is no objection to the proposed vehicle crossing place(s)/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. Separate application for the crossing place(s) is required and the applicant can obtain a form at Driveway crossover application <https://customer.cityofadelaide.com.au/forms/vehicle-crossing-application/>. A quotation for the work will be provided by Council prior to the work being undertaken.

9. Crane Operations

Any crane operations associated with the construction of the development will need to be undertaken with prior consultation with Adelaide Airport Limited.

10. **Work Health and Safety Act**

It is the responsibility of the persons undertaking works to ensure all works are undertaken in a safe and appropriate manner to Work Health and Safety Act and related obligations including but not limited to:

- ensuring the site is appropriately secure prior to any works commencing.
- if the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.
- addressing vehicle movements and safety related to construction through a Construction Traffic Management Plan (CTMP) prepared by a person with accreditation to prepare a work zone traffic management plan including details such as haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, traffic control plans incl. for pedestrians etc., related to demolition/construction activities.

11. **Public Infrastructure**

Prior to any occupation or use of the building all public infrastructure that is removed or damaged during construction works shall be reinstated to public authority requirements and specifications. All costs associated with these works shall be met by the Applicant.

12. **Redundant Vehicle Crossings and Drainage Connections**

Prior to any occupation or use of the building, the Certifying Authority shall ensure that all redundant vehicular crossings and property drainage connections to the site and any other redundant assets related to the development have been removed and land restored in accordance with Council's City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue.

13. **Affordable Housing**

The applicant is encouraged to market and offer for sale to an Eligible Buyer(s) in accordance with the Eligible Buyer criteria in the Government Gazette, 8 September 2022 (under regulation 4 of the South Australian Housing Trust Regulations 2010) and the HomeSeeker SA framework. Email homeseeker.partners@sa.gov.au for more information.

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

Nil

7 Appeal to CAP for Assessment Manager's Decision Review

Nil

8 Other Business

Nil

Closure

The meeting closed at 7.32 pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Documents Attached:

Minute 5 - Item 3.2 – 12-16 Walter Street, North Adelaide – Tabled presentation



