



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 24 July 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, 24 July 2023, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

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

1 Confirmation of Minutes

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 26 June 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. 23009994 – Item 3.1 – 87 Childers Street, North Adelaide
- Development No. 23008935 – Item 3.2 – 17 Watson Street, North Adelaide

as her employer, Future Urban, undertook work on behalf of the applicants for both of these items.

Emily Nankivell was not in attendance at the meeting and so did not take part in any hearings, deliberations or decision of the Panel on the matters.

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

4 Item 3.1 - 87 Childers Street, North Adelaide

Representations listed to be heard

Representer

- Anthony Iasiello – on behalf of Judith Iasiello, 85 Childers Street North Adelaide

Applicant

- Nicholas Giannakodakis of Future Urban – on behalf of applicant, James Martin

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 23009994, by Rick D'Andrea 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).**
 - **Plans drafted by D'Andrea Architects, Sheet Nos. 0000, 2201, 2202, 2203 received by Council on 30 June 2023**
 - **Civil drawings drafted by Schmidt Bentley Engineering Consulting, Job No. SBEC 2303-46, sheet nos. C1.0, C1.1, C2.0, all issue A, all dated 5 April 2023**
 - **Detail and Level Survey drafted by Alexander Symonds, drawing no. 22A0380(0) MGA20P, dated 15 March 2022**

 2. **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 Relevant Authority.**
-

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. 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.

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. 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. Fences Act 1975

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. 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.

5 Item 3.2 - 17 Watson Street, North Adelaide

Representations listed to be heard

Representor

- James Dickson – 19 Curtis Street, North Adelaide (not in attendance)

Applicant

- Christopher Webber on behalf of applicant, Geoff Vella (did not present but responded to questions from the Panel)

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 23008935, by Geoff Vella C/O Future Urban 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).**
 - **Plans drafted by Goostrey Smith Design, sheets 1 to 6, amended 14 June 2023**
-

2. **The privacy screening as depicted on the plans granted consent described as Sheet 3, 4 and 5 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.**
-

3. **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 runoff shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.**
-

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. **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 palnning@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. 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 palnning@cityofadelaide.com.au or phone 8203 7185.

5. 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.
-

6 Item 3.3 - 31 Mann Terrace, North Adelaide

Representations listed to be heard

Representors

- Jillian Gardner of 1/12 East Pallant Street, North Adelaide (not in attendance)
- Dimitrios Moutos of 3/12 East Pallant Street, North Adelaide (not in attendance)
- Ruth Zanker of 26 East Pallant Street, North Adelaide (not in attendance)
- John Mason of Planning Chambers on behalf of John Tolland of 2/12 East Pallant Street, North Adelaide
- David Pyatt and Julie-Annie Yacoumis of 32 Mann Terrace, North Adelaide (in attendance but did not address the Panel)

Applicant

- Chelsea Jurek from URPS Planning Consultants on behalf of applicant Margherita Buselli

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 22034409, by Margherita Buselli is delegated to Council's Assessment Manager to refuse the application for the following reasons:
 - Visual impact/bulk and mass
 - Excessive site coverage
 - Lack of private open space
 - Excessive southern boundary wall length and height
 - Unreasonable overshadowing

7 Item 3.4 - 21-29 Halifax Street, Adelaide

Representations listed to be heard

Representors

- Sean Fewster of 37a Symonds Place, Adelaide
- Nick Chehade and Sheila Chehade of 109A Deveraux Road, Beaumont (a tabled presentation is included for information at the conclusion of the Minutes of the meeting)
- Jack Singh of 43/31 Halifax Street, Adelaide
- Paul Martinovich of 61/31 Halifax Street, Adelaide
- Robbie Porter of 27/31 Halifax Street, Adelaide
- David Yeung of 27 Symonds Place, Adelaide (not in attendance)
- James Roder on behalf of Nicholas Linke of 61/31 Halifax Street, Adelaide
- Sandra Nocum of 23A Symonds Place, Adelaide
- Paul Liew of 25 Symonds Place, Adelaide

Applicant

- Rob Gagetti and Ben Schnell of Ekistics on behalf of Big Easy Group/BYLD

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 23005009, by Byld SA Pty Ltd 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 matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- Demonstrate adequate acoustic attenuation treatment of the ceiling including lining of the roof and south light glazing, to be incorporated into the Building Rules documentation and to the satisfaction of the Assessment Manager.
- Confirmation patron access to Symonds Place is restricted and limited to emergency access only and the illuminated advertisement to this façade is removed.

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).
 - Plans and details prepared by CTRL – Project Ref: CS00.000/CSA22.002 – Drawing Nos. A1_100, A1_101, A1_600, A1_102, A1_604, A2_001, A2_002, A2_003

 2. The licensed premises (bar and restaurant) on the Land shall be limited to the following days/hours of operation:
 - Sunday and Monday: 7.00am to 10.00pm
 - Tuesday to Thursday: 7.00am to 11.00pm
 - Friday and Saturday: 7.00am to 12.00am (the following day)

 3. Immediately following the construction and commissioning of the speaker system, noise transfer testing shall be conducted and the findings shall be provided to the Relevant Authority. Based upon the testing, the music played shall be at a level that achieves Table 1: Noise Criteria (as described in the Sonus Report S7492C4 dated February 2023), externally at the nearest existing or envisaged noise sensitive location.
-

- 4. The noise from mechanical plant shall achieve the goal noise levels determined in accordance with Part 5 of the Environment Protection (Noise) Policy 2007.**
-

- 5. A noise limiting device shall be installed and maintained in accordance with Table 2: Proposed Ceiling Construction and Maximum Music Levels outlined in the Sonus Report S7492C4 dated February 2023.**
-

- 6. The use of the licensed premises (bar and restaurant) on the Land shall not include any live music, performances, or entertainment (excluding DJs).**
-

- 7. Airlocks shall be installed in accordance with the approved plans and shall be maintained in good working order.**
-

- 8. The licensed premises (bar and restaurant) on the Land shall not exceed an internal patron occupancy of 250 persons.**
-

- 9. Final details of external advertisement(s) to the Halifax Street frontage shall be provided prior to the issue of Development Approval, to the reasonable satisfaction of the Relevant Authority.**
-

- 10. The luminance of the illuminated advertisement(s) shall not result in excessive illumination or glare to the reasonable satisfaction of the Relevant Authority.**
-

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. Previous Consent

All previous stamped plans and documentation, including conditions previously granted Development Approval for Development Application ID 21033298 and 22037791 remain valid except where varied by this application and conditions.

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

Nil

9 Appeal to CAP for Assessment Manager's Decision Review

Nil

10 Other Business

The Panel thanked Senior Planner Edouard Pool for his work over many years. Edouard is leaving City of Adelaide to work at the Town of Gawler.

Closure

The meeting closed at 9.11 pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Council Assessment Panel – Meeting Minutes



Documents Attached:

Minute 6 - Item 3.4 - 31 Mann Terrace, North Adelaide – Tabled presentation

Nick and Sheila Chegade Presentation



