



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 11 December 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, 11 December 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

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 23 October 2023, 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

3.1 111 Mills Terrace, North Adelaide

Representations listed to be heard

Representors

- Mark Kwiatkowski of Adelaide Planning and Development Solutions (APDS) on behalf of Stephen and Lara Biggins of 152 Buxton Street, North Adelaide (not in attendance)
- Paul Reardon of 52 Barnard Street, North Adelaide (not in attendance)

- Helen Davis of 240 Childers Street, North Adelaide
Applicant
- James Levinson from Botten Levinson on behalf of Dino Verrochi of Eastern Building Group

Decisions

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

The Council Assessment Panel resolves that:

1. Development Application Number 22033267, by Eastern Building Group is GRANTED Planning Consent and is delegated to Council's Assessment Manager to apply appropriate reserved matter/s (in relation to landscaping of the front yard), conditions and advices.

3.2 233 Gilles Street, Adelaide

Representations listed to be heard

Representor

- Adam and Sarah Forza of 10 Charlotte Street, Adelaide

Applicant

- Adam Williams from Master Plan on behalf of Val Mohyla and Joshua Carrabs

Decisions

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.

The Council Assessment Panel resolves that:

1. Development Application Number 23026069, by Val Mohyla and Joshua Carrabs 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).**
 - **Plans and documentation by Mohyla Architects, drawing no. WD00 - WD07 & SK01, dated September 2023.**
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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.**
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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. 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. Boundary Work

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

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 or other structure located on a common boundary, a 'Notice of Intention' must be served on adjoining owners. It is recommended you contact the Legal Services Commission for further advice on 8463 3555.

6. Use of Dwelling

The dwelling addition has not been approved for use as tourist accommodation nor any form of ancillary accommodation such as a 'granny flat'. The use of the site for these purposes may be subject to a separate consent. It is recommended you seek advice from Council prior to using the site for any purpose other than a detached dwelling.

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 <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>.

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 thanked the Panel for their significant contribution/term on the City of Adelaide CAP.
- The Panel discussed the implications of recent decision *Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154* of the Supreme Court judgment in relation to matters such as CAP notes, deliberations, seriously at variance question, processes, condition considerations and scrutiny/risk.
- Live streaming of CAP meeting deferral noted by the Panel.

Item 6.3 – Next Meeting

29 January 2024

Closure

The meeting closed at 7.21 pm

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel