



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 23 September 2024
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 23 September 2024, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present - Presiding Member - Nathan Cunningham
Panel Members - Mark Adcock, Colleen Dunn, Robert Gagetti
and Deputy Lord Mayor, 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 22 July 2024, 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 75-76 South Terrace, Adelaide SA 5000

Representations listed to be heard

Representors:

- Joanne Roomes of 469 Morphett Street, Adelaide (not in attendance)
- Craig McCarthy of PO Box 6118 Halifax Street, Adelaide
- Jeffrey and Susan Collins of 17 Halls Place, Adelaide

- Susan Collins on behalf of Community Corp 20242, 17 Halls Place, Adelaide (Spoke with Jeffrey Collins)
- Andrew Cannon of 30-32 Halls Place, Adelaide
- Aaron Malcolm Gray of PO Box 7236 Hutt Street, Adelaide (not in attendance)

Applicant:

- Andrew Cass and Simon Grose of Advantage Planning on behalf of the applicant, Ormond Nominees Pty Ltd

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; and

The Council Assessment Panel resolves that:

2. Development Application Number 24020254, by Ormond Nominees Pty Ltd is granted Planning Consent for 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(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. **An amended roof plan confirming that the solar panel array is proposed to cover at least 20% of the roof area in accordance with Appendix A of the Sustainability Report by Lucid Consulting Australia, doc. no. LCE102408-002, dated 23 August 2024.**
2. **A full schedule or sample of external materials, finishes and colours of the development.**

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).**
 - **Site Plan by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A03, Rev. 04.**
 - **Floor Layouts by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A04, Rev. 03.**

- **Floor Layouts by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A05, Rev. 02.**
- **Level Setout by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A06, Rev. 04.**
- **Elevations by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A08, Rev. 03.**
- **Elevations by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A09, Rev. 02.**
- **Sections by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A10, Rev. 02.**
- **Sections by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A11, Rev. 02.**
- **Facade Legend by Looka Design, project name: 75-76 South Tce, project no. J000383, Drawing no. A12, Rev. 03.**
- **Colby Philips Waste Management Plan, dated 26 July 2024**
- **Lucid Sustainability Report, dated 23 August 2024**

2. The green walls depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.

3. A 4,000L rainwater tank shall be installed to collect water from 200m² of roof area and used for the flushing of toilets throughout the building in accordance with Appendix A of the Sustainability Report by Lucid Consulting Australia, Doc. No. LCE102408-002, dated 23 August 2024.

4. The balustrade glazing of the balconies on levels 1, 2 and 3 as depicted on the northern, eastern and western elevations shall be obscured to a minimum height of 1.5 metres above the finished floor level of the respective floors. Such glazing 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.

5. 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.

- 6. The finished floor level at the boundary of the site at all pedestrian access locations must match the existing back of footpath levels at the boundary.**
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ADVISORY NOTES

1. Development Approval Required

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

2. 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.

3. Commencement and Completion

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, 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. 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 8204 0289).

5. Right of Way

The applicant should ensure that any right of way on the land is not blocked or access restricted during the construction of the development herein approved.

6. Fences Act 1975

The applicant is reminded of the requirements of the *Fences Act 1975*. Should the proposed works include work involving a shared boundary, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

7. Crane Operations

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

8. City Works Permit

Any activity in the public realm, whether it be on the road or footpath (including the Adelaide Park Lands), requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities and fee calculator and online 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/Site 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, noting the City of

Adelaide as an interested party (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 five business days. For more information, contact cityworks@cityofadelaide.com.au.

9. Encroachment Permit

An Encroachment Permit will be separately issued for the proposed encroachment into the public realm when Development Approval is granted. In particular your attention is drawn to the following:

- An annual fee may be charged in line with the Encroachment Policy.
- Permit renewals are issued on an annual basis for those encroachments that attract a fee.
- Unauthorised encroachments will be required to be removed.
- Lighting under the canopy over the footpath is to be provided to Council standards (PP3-AS1158). The lighting must not be obtrusive and should be designed so that it does not shine into any adjoining residences and shall be operational during the hours of darkness at all times to the reasonable satisfaction of Council.

Please contact Permits on 8203 7421 or permits@cityofadelaide.com.au for further information.

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

6.1 Planning Policy Updates including Suggestions from Panel

- Adult Entertainment Premises Code Amendment public consultation closed and currently working through submissions

6.2 Other Business raised at Panel Meeting

Nil

6.3 Next Meeting - 28 October 2024

Closure

The meeting closed at 7.23 pm

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