

CITY OF ADELAIDE
COUNCIL ASSESSMENT PANEL

Annual Report 2022

February 2023

ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

DOCUMENT PROPERTIES

Contact for enquiries and proposed changes

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1. PURPOSE

The City of Adelaide Council Assessment Panel (CAP) has been established pursuant to section 82 and 83 of the *Planning, Development and Infrastructure Act 2016*.

The CAP is the relevant authority for granting of planning consent for performance assessed development applications that are publicly notified, subject to delegations.

This report provides an overview of the performance of CAP during 2022 in terms of attendance at meetings, number and development value of applications determined, details relating to public notification and the number of appeals.

It should be noted some of the figures referred to in this report rely on the PlanSA reporting system which is subject to ongoing improvements.

Attendance of Panel Members

At the end of 2022, nine meetings of the Panel had been held with three cancellations. The attendance record between 1 January 2022 up to and including 31 December 2022 is provided as follows:

Panel Member	Meetings Held	Attended	Apology
Nathan Cunningham (Presiding Member)	9	9	-
Colleen Dunn	9	9	-
Emily Nankivell	9	8	1
Mark Adcock	9	8	1
Professor Mads Gaardboe (Deputy Member)	9	3*	-
Councillor Abrahamzadeh (Council Member)	9	7	2**

* Professor Mads Gaardboe as the Deputy Member had reduced attendance

** Councillor Arman Abrahamzadeh was an apology due to Caretaker period associated with the 2022 Council Elections

2. PLANNING DECISIONS

Tables 2.1 and 2.2 refer to the level of development applications in 2022 compared with 2021. The figures do not include development applications for which the State Planning Commission is the Relevant Authority (Schedule 6 and Section 131 applications).

At its meeting on 31 January 2022, the CAP determined to continue to assess development applications that were publicly notified with speaking representations. This is based on the model of delegations provided by the Local Government Association. If there are no speaking representations, the application is delegated to the Assessment Manager for a decision.

TABLE 2.1 – TOTAL DEVELOPMENT APPLICATIONS			
YEAR	DAs SUBMITTED	ASSESSMENT MANAGER DELEGATION	DEVELOPMENT COST
2021	992	454	\$178.76 million
2022	936	568	\$260.9 million

- 2021 DAs Submitted and Development Cost figures include 200 development applications submitted prior to implementation of planning reforms on 19 March 2021
- 2021 Assessment Manager Delegation figure does not include 200 development applications submitted prior to implementation of planning reforms on 19 March 2021 where Council was the Relevant Authority or where either CAP or other Accredited Professionals were the Relevant Authority
- 2022 Assessment Manager Delegation figure does not include development applications where either CAP or other Accredited Professionals were the Relevant Authority

TABLE 2.2 – APPLICATIONS DETERMINED BY CAP				
YEAR	DAs ASSESSED	SUPPORT ADMINISTRATION'S RECOMMENDATION	AGAINST ADMINISTRATION'S RECOMMENDATION	DEVELOPMENT COST
2021	27	23 (all granted)	4 (2 granted & 2 refused)	\$45.63 million
2022	13	12 (11 granted & 1 refused)	1 (refused)	\$24.05 million

3. PUBLIC NOTIFICATION

Table 3.1 refers to the level of public notification activity in 2022, compared with 2021. The figures do not include development applications for which the State Planning Commission is the Relevant Authority (Schedule 6 and Section 131 applications).

TABLE 3.1 – PUBLIC NOTIFICATIONS				
YEAR	APPLICATIONS PUBLICLY NOTIFIED	REPRESENTATIONS RECEIVED FOR CAP APPLICATIONS	SPEAKING REPRESENTATIONS	DAs DETERMINED BY CAP
2021	41 (4.1% of all DAs lodged)	75	45	27
2022	33 (3.5% of all DAs lodged)	106	39	13

4. APPEALS INITIATED

Only two development applications were refused by the Panel in 2022 and both applications were appealed by applicants as follows:

- 22 Brougham Place, North Adelaide (DA 21032920)
Variation to DA/210/2020 - Alterations to previously approved addition including internal wall changes and additional upper living spaces
 - Compromise proposal accepted by CAP and granted planning consent via Court Order on 25 August 2022.
- 5 Albert Lane, Adelaide (DA 21037088)
Construct four level residential flat building including car parking on basement, ground and level one and apartments on levels two and three
 - Compromise proposal accepted by CAP on 21 November 2022, awaiting progress through the Environment, Resources and Development Court.

Another application granted planning consent by the Panel was subject to a judicial review in late 2022 challenging the validity of the planning consent as follows:

- 100 East Terrace, Adelaide (DA 21039762)
Part change of use to function facility with associated construction of outbuilding, carport and alterations and additions to State Heritage Place
 - Matter ongoing.

5. ANALYSIS AND ADVICE

The Panel is fulfilling its requirements set out in its Terms of Reference. The figures demonstrate the Panel undertook its obligations in an effective and efficient manner.

5.1 Analysis

There was a high level of participation from Panel members in 2022 with few apologies. An overall 45 attendances were required for Panel Members and there were only four apologies. Two apologies were for the Elected Member and occurred during the Caretaker period of the 2022 Council Elections.

The number of planning applications considered by the Panel reduced considerably between 2021 and 2022 from 27 to 13. This is reflective of the implementation of Planning Reforms on 19 March 2021, whereby fewer development applications are publicly notified. The total number of development applications notified reduced from 41 in 2021 to 33 in 2022. Interestingly, while few applications were publicly notified, the number of representations received was significantly higher. This reflects the broader approach to public notification which allows any member of the public to provide feedback.

The consistency of the CAP supporting Administration recommendations was high, at 92.3% in 2022. One application was determined against the Administration recommendation.

The number of Appeals against CAP decisions is considered low, at only two in 2022. There was also a judicial review challenging the validity of a planning consent granted by the CAP.

5.2 Advice to Council

Council Assessment Panel Members made the following additional comments during the meeting on 27 February 2023:

- The figures do not reflect the complexity of development applications being assessed by the Panel.
- Development applications being assessed by the City of Adelaide Council Assessment Panel are often highly complex as a result of the unique inner city context.