

**Council Assessment Panel**  
**Wednesday, 29 January 2025**

<b>Subject Site</b>	108 Gilbert Street, Adelaide
<b>Development Number</b>	22043012
<b>Nature of Development</b>	Demolish existing building and construct six level mixed use building, comprising office at ground level, apartment above and car parking.
<b>Representations</b>	Not Applicable
<b>Summary Recommendation</b>	Support Compromise Proposal
<b>Status</b>	Confidential - s13(2)(a) (ix) litigation

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Confidential

<b>DEVELOPMENT NO.:</b>	22043012
<b>AGENDA ITEM NUMBER:</b>	8.1
<b>APPLICANT:</b>	108 Gilbert Street Pty Ltd
<b>ADDRESS:</b>	108 Gilbert Street, Adelaide SA 5000
<b>AMENDED NATURE OF DEVELOPMENT:</b>	Demolish existing building and construct five level mixed use building, comprising office at ground level, apartments above and car parking
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Living Zone</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• Medium-High Intensity</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Design</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height – 14 metres or 4 levels</li> <li>• Minimum Building Height – 2 levels</li> <li>• Minimum Site Area – residential flat building – 100m<sup>2</sup></li> </ul>
<b>LODGEMENT DATE:</b>	27 March 2023
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2023.4 – 16 March 2023
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>REFERRALS STATUTORY:</b>	Minister responsible for the administration of the South Australian Housing Trust Act 1995 Environment Protection Authority
<b>REFERRALS NON-STATUTORY:</b>	Cleansing Heritage Assets and Infrastructure Traffic

**CONTENTS:**

**ATTACHMENT 1: Amended Plans & Supporting Information**

**ATTACHMENT 2: Report to CAP on 29 April 2024 and associated documentation**

All appendices and attachments are provided via this [link](#)

## 1. **BACKGROUND**

On 29 April 2024, the City of Adelaide Council Assessment Panel (CAP) considered application 22043012 to demolish the existing building and construct a six level mixed use building, comprising office at ground level, apartments above and car parking at 108 Gilbert Street, Adelaide.

The CAP refused the application for the following reasons:

- *at six levels, the proposal exceeds the maximum building height in City Living Zone PO 2.2, including the increased height referred to in Affordable Housing Overlay PO 3.2*
- *the proposal exceeds the density sought by Medium-High Intensity Subzone PO 1.1*
- *the proposal does not incorporate setbacks in accordance with City Living Zone PO 3.4*
- *the minimum site areas sought by the TNV for the City Living Zone will not be achieved*
- *ten of the two bedroom apartments will not meet the minimum floor area prescribed in PO 31.1*
- *the proposal does not incorporate pedestrian shelter desired in Design in Urban Areas PO 1.2*
- *there is insufficient soft landscaping sought by Design in Urban Areas PO 3.1 and 13.4*

An appeal against the decision has been lodged with the Environment, Resources and Development (ERD) Court (ERD-24-000059). As part of the appeal process, a compulsory conference was held on 1 August 2024. At the compulsory conference, the Court ordered the name of the appellant be changed to 108 Gilbert Street Pty Ltd. A new planning consultant and architect was also engaged.

The applicant ultimately confirmed a compromise proposal would be prepared and this has been provided to Administration for presentation before the CAP as follows:

- amended plans, waste report and traffic assessment report
- compromise statement identifying changes made to amended drawings and how the revised proposal responds to the specified reasons for refusal.

As this report relates to a current ERD Court Appeal, the CAP may elect to exclude the public from attendance at the meeting in accordance with Regulation 13(2)(a)(ix) of the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).

## 2. **AMENDED PROPOSAL**

The following amendments have been incorporated in the latest set of plans:

- number of apartments has decreased from 25 to 16
- height reduced by one 'building level' and 3.87 metres to five building levels and a height (including lift overrun and plant) of 19.7 metres
- distance between the first to fourth levels and the northern (rear) boundary of the site has increased from one metre to between 5.7 to 6.6 metres
- extent of glazing at ground level has increased along the Considine Place secondary frontage
- a canopy has been incorporated over the Gilbert Street footpath.

The applicant has made other amendments not directly related to the reasons for refusal as follows:

- reduction in car parking from 28 to 19 spaces
- increase in office floor area from 70m<sup>2</sup> to 103m<sup>2</sup>

- removal of solar panels from the roof
- amended building services configuration
- revised building expression and materials.

### 3. **DISCUSSION**

#### Building Height

##### *Reason for refusal:*

- *At six levels, the proposal exceeds the maximum building height in City Living Zone PO 2.2, including the increased height referred to in Affordable Housing Overlay PO 3.2*

The height of the building has been reduced from 21.9 metres to 19.7 metres (to the top of the lift overrun) which has been achieved by the removal of a building level and reduction in the floor to ceiling height of the ground level. However, floor to ceiling heights have been increased for the other levels which is expected to improve the amenity outcome for occupants.

The proposal still incorporates at least 15% of affordable housing as sought by Affordable Housing Overlay PO 1.2 and consequently benefits from PO 3.2 Affordable Housing Incentives, with an additional level over the maximum four levels stipulated in City Living Zone PO 2.2. Whilst over the original maximum building height of 4 levels and 14 metres per DPF 2.2, the height at five levels satisfies the maximum considering the benefit of the additional building level provided by PO 3.2 of the Affordable Housing Overlay. This only applies to building levels as there is no reference to metres in PO 3.2.

#### Reduction in apartment numbers

##### *Reasons for refusal:*

- *The proposal exceeds the density sought by Medium-High Intensity Subzone PO 1.1*
- *Ten of the two bedroom apartments will not meet the minimum floor area prescribed in PO 31.1*

'Medium density' is sought by PO 1.1 of the Medium-High Intensity Subzone, however this term is not defined in the Planning and Design Code. 'Medium net residential density' was originally used to interpret if the proposal was medium density or represented 'over development' of the site. Medium net residential density is defined in the Planning and Design Code as 35 to 70 dwelling units per hectare.

Having sought legal advice on this matter and interpretation of Zone PO 4.1 in relation to the minimum site area for a residential flat building, it has been determined this approach is incorrect. This example has been flagged with Council's Policy team for improvement. As there is no current definition of 'medium density' and the height and apartment areas in this compromise are appropriate, it is no longer considered an over development of the site.

In terms of the apartment areas, the internal floor area of each two bedroom apartment complies with the minimum internal floor area requirement of 65m<sup>2</sup>. The latest planning report refers to all apartments meeting the recommended minimum internal floor areas, however Administration calculated the one bedroom apartments falling short of the 50m<sup>2</sup> minimum at approximately 46.5m<sup>2</sup>. Whilst there is a small shortfall, the amenity will be acceptable for occupants with access to natural light, ventilation and private open space.

Increase in setbacks*Reason for refusal:*

- *The proposal does not incorporate setbacks in accordance with City Living Zone PO 3.4*

In terms of setbacks, a key concern was the northern elevation. It was considered a greater setback from this boundary would be beneficial for existing residential development to the north, reducing the bulk and scale of the building and to allow for landscaping along the northern portion of the site.

The amended proposal maintains built form to the boundary at ground level but has increased the setback of building at upper levels from one metre to between 5.7 and 6.5 metres (not including balconies). This has addressed concerns in relation to the setback to the northern boundary.

Minimum Site Areas*Reason for refusal:*

- *The minimum site areas sought by the TNV for the City Living Zone will not be achieved*

The applicant stated:

*In response to this reason, please refer to the justification I have provided under 'Reason 2' on Page 2 and note that the Technical and Numeric Variation (TNV) referred to, and relied upon, by the Assessment Panel has no role to play in the assessment of DA 22043012 or the compromise to which it relates, as neither PO 4.1 nor DPF 4.1(a) of the CL Zone refer, in any way, to this particular TNV. The Rules of Interpretation set out under Part 1 of the Code attest to this.*

This approach is now supported per the discussion regarding this matter above.

Canopy inclusion*Reason for refusal:*

- *The proposal does not incorporate pedestrian shelter desired in Design in Urban Areas PO 1.2*

The compromise proposal includes a canopy to the front of the building, providing pedestrian shelter to the footpath along Gilbert Street which is consistent with PO 1.2.

Landscaping*Reason for refusal:*

- *There is insufficient soft landscaping sought by Design in Urban Areas PO 3.1 and 13.4*

Additional landscaping is not provided with this compromise. The appellant has argued this is acceptable for the following reasons:

- site is currently devoid of vegetation
- existing building abuts primary and secondary boundaries and POs 3.1 and 3.2 of the City Living Zone allow for a replacement building to maintain this
- outdoor terraces and balconies have been designed to allow for planter boxes, resulting in visible landscaping on the northern, southern and western sides of the building
- PO 13.4 of the Design in Urban Areas does not apply to the site, as the site is adjoined on its southern and western sides by the road network, and the immediately adjacent properties are, like the site itself, located in the Medium – High Intensity Subzone, which is, as alluded to by PO 2.2 of the City Living Zone, characterised predominantly by medium-rise residential development, not low-rise residential development.

It is agreed that whilst there is a shortfall, other improvements with the latest version result in the under provision not being fatal.

### Residential Interface

The incorporation of a greater setback from the northern boundary and the inclusion of north facing balconies creates potential for overlooking. The applicant has provided information indicating direct overlooking could occur from levels one and two. A two metre high privacy screen is proposed along the northern side of the north facing terraces on level 1 and a 1.5 metre high privacy screen is proposed along the northern side of the north facing balconies on level 2 to reduce overlooking.

Other balconies do not incorporate screening as the diagram provided indicates occupants of the apartments on levels 3 and 4 would not have direct views to habitable room windows or private open space areas of residential development to the north. For medium to high rise development there is no DPF for PO 16.1. Instead, this PO seeks development mitigate direct overlooking of habitable rooms and private open spaces of adjacent residential uses through off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so views are oblique rather than direct to avoid direct line of sight and to incorporate screening devices. The proposal is considered to adequately mitigate overlooking.

### General design quality

Whilst not a refusal reason, the previous report did indicate deficiencies in the design quality of the built form. The compromise proposal has improved design quality with an enhanced building expression, articulation and rhythm.

### Changes to application

Administration sought legal advice as to whether changes to the proposal were substantial enough to warrant the submission of a new application. The advice confirmed that whilst the number of dwellings and the height has been reduced, the massing of the built-form and its presentation to Gilbert Street are comparable. Further, whilst the floor plans of the apartments are different, the ground floor is similar in terms of the car park layout and the open colonnade on the western side. Consequently, the advice concluded a new application is not warranted, and public notification is not required. However, it will ultimately be for the ERD Court to determine if a new application and/or public notification will be required.

### Statutory Referrals

The original application included statutory referrals to the Environment Protection Authority for potential site contamination and the Minister responsible for the administration of the *South Australian Housing Trust Act 1995* for the affordable housing component. The direction provided to Council for both referrals remain valid as the compromise proposal has not altered these elements. Where relevant, conditions imposed by these authorities are included in the recommendation.

## **4. CONCLUSION**

It is acknowledged the appellant has made attempts to address reasons for refusal where they felt they are relevant and achievable. The compromise proposal has addressed most of the reasons for refusal including height, density, setbacks and design quality. The inclusion of a canopy to the front façade over the public realm is also positive. The amendments have assisted to make the compromise proposal more supportable compared to the refused proposal.

## 5. **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve 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. It delegates to the Assessment Manager to seek that the Environment, Resources and Development Court endorse the compromise plans for Development Application Number 22043012, by 108 Gilbert Street Pty Ltd subject to the following conditions and advices:

### **CONDITIONS**

#### **Conditions imposed by the Environmental Protection Authority**

1. **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.**
- 

2. **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 auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.**

#### **Conditions imposed by the Minister responsible for the administration of the South Australian Housing Trust Act 1995**

1. **The applicant must provide a minimum of 15% as 'affordable housing' in accordance with the Affordable Housing Land Management Agreement and as determined by the Government Gazette 8 September 2022 under regulation 4 of the *South Australian Housing Trust Regulations 2010*.**

#### **Planning Consent**

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 Enzo Caroscio Architecture, Job no. 24007, dated 18.12.2024**
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2. **The privacy screening as depicted on the plans granted consent, specifically on the west elevation (Considine Lane) on drawing no. A3.00 and north elevation on drawing no. A3.01 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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3. **The canopy shall include pedestrian lighting (Category P3-AS1158). The lighting shall operate dusk until dawn and not be obtrusive or shine into any adjoining properties.**
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4. The finished floor level at the boundary of the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.
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5. 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.
  - b) Comply with Council's City Works Guidelines and Standards and guidelines, 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) Identify the components of the development to be connected to the water reuse tank system.
  - e) Demonstrate the site stormwater system including water reuse tank generally achieves compliance with performance criteria of the Water Sensitive SA Insite Water Tool.
  - f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
  - g) An Operation and Management Plan for the water reuse system.
  - h) All collected drainage water from internal vehicle parking areas and groundwater seepage systems shall be discharged to the sewer system.
  - i) All redundant stormwater connections to the council drainage system must be removed and council lands restored.

The site drainage system including water reuse system must be maintained in an operational state and in accordance with the certified stormwater drainage design plans at all times.

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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.
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7. 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 and AS 2890.3-2015 Parking Facilities - Bicycle parking facilities. All components of the Stacker Carparks must 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. 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.
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8. **Prior to the issue of Development Approval or any demolition, the Relevant Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.**
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9. **Prior to any occupation or use of the building all public infrastructure 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.**
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### **ADVISORY NOTES**

#### **1. Environment Protection Authority**

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.

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#### **2. 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.

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#### **3. 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.

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#### **4. Commencement and Completion**

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business day's 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](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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#### **5. Building Consent for Approval**

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

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## 6. 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](mailto:cityworks@cityofadelaide.com.au)

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## 7. 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.

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## 8. Mechanical Car Parking System

Council has not assessed the loading capacity of the proposed mechanical car parking system. The loading capacity of the system and the weight of each specific vehicle proposed to be parked within the device must be checked to confirm the vehicle is able to be accommodated by the device.

## 8 Matters for Consideration on a Confidential Basis

### 8.1 108 Gilbert Street, Adelaide

#### 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. Authority is delegated to the Assessment Manager to seek that the Environment, Resources and Development Court endorse the compromise plans for Development Application Number 22043012, by 108 Gilbert Street Pty Ltd by way of consent Order, subject to the following conditions or conditions of similar effect as determined satisfactory to the Assessment Manager:

#### **CONDITIONS**

##### **Conditions imposed by the Environmental Protection Authority**

1. **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.**

- 
2. **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 auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.**

##### **Conditions imposed by the Minister responsible for the administration of the South Australian Housing Trust Act 1995**

1. **The applicant must provide a minimum of 15% as 'affordable housing' in accordance with the Affordable Housing Land Management Agreement and as determined by the Government Gazette 8 September 2022 under regulation 4 of the *South Australian Housing Trust Regulations 2010*.**

#### **Planning Consent**

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 Enzo Caroscio Architecture, Job no. 24007, dated 18.12.2024**
-

- 2. The privacy screening as depicted on the plans granted consent, specifically on the west elevation (Considine Lane) on drawing no. A3.00 and north elevation on drawing no. A3.01 shall have a maximum 25% openings and 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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- 3. The canopy shall include pedestrian lighting (Category P3-AS1158). The lighting shall operate dusk until dawn and not be obtrusive or shine into any adjoining properties.**

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- 4. The finished floor level at the boundary of the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.**

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- 5. 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.**
  - b) Comply with Council's City Works Guidelines and Standards and guidelines, 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) Identify the components of the development to be connected to the water reuse tank system.**
  - e) Demonstrate the site stormwater system including water reuse tank generally achieves compliance with performance criteria of the Water Sensitive SA Insite Water Tool.**
  - f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.**

- g) An Operation and Management Plan for the water reuse system.**
- h) All collected drainage water from internal vehicle parking areas and groundwater seepage systems shall be discharged to the sewer system.**
- i) All redundant stormwater connections to the council drainage system must be removed and council lands restored.**

**The site drainage system including water reuse system must be maintained in an operational state and in accordance with the certified stormwater drainage design plans at all times.**

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- 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.**
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- 7. 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 and AS 2890.3-2015 Parking Facilities - Bicycle parking facilities. All components of the Stacker Carparks must 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. 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.**
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- 8. Prior to the issue of Development Approval or any demolition, the Relevant Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.**
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9. **Prior to any occupation or use of the building all public infrastructure 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.**
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### **ADVISORY NOTES**

1. **Environment Protection Authority**

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.

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2. **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.

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3. **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.

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4. **Commencement and Completion**

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business day's 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](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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## 5. Building Consent for Approval

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

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## 6. 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](mailto:cityworks@cityofadelaide.com.au)

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## 7. 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.

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## 8. Mechanical Car Parking System

Council has not assessed the loading capacity of the proposed mechanical car parking system. The loading capacity of the system and the weight of each specific vehicle proposed to be parked within the device must be checked to confirm the vehicle is able to be accommodated by the device.

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Matter to remain Confidential

The Council Assessment Panel resolves that:

1. Item 8.1 having been dealt with on a confidential basis (information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place) remain confidential until the matter has been finalised.
2. Item 8.1 be excluded from the Minutes [Regulation 14(4) *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*]

CONFIDENTIAL