

Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 27 May 2019, at 5.31 pm, Colonel Light Room, Town Hall, Adelaide

Present – Presiding Member – Mr John Hodgson
Acting Presiding Member – Councillor Anne Moran
Specialist Members – Mr Ross Bateup, Mr Heath Edwards, Prof Mads Gaardboe

Confirmation of Minutes

Item No. 1 – Confirmation of Minutes – 18/4/2019 [CAP]

Decision [Mover Mr Heath Edwards/Seconder Mr Ross Bateup]

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 18 April 2019, be taken as read and be confirmed as an accurate record of proceedings.

Non-Complying Applications

Nil

Applications for consideration on Merit [Three]

Item No. 3.1 – 144 Barton Terrace West, North Adelaide SA 5006 (DA/1020/2018 - SG) [CAP]

Representations Listed to be Heard and Heard

Representors:

Ms Jenni Goold and Mr Ian Button– 149 Barton Terrace West, North Adelaide
[PowerPoint presentation utilised]

Mr Con and Mrs Jasmin Kapiris – 142 Barton Terrace West, North Adelaide
[Withdrawn]

Ms Gemma Gordon – 231 Jeffcott Street, North Adelaide *[Withdrawn]*

Applicant:

Mr Graham Burns of MasterPlan SA and Mr Andrew Stevens of Stevens Architects Pty Ltd on behalf of Mr Quoc Do and Ms Thao Nguyen

Decision [Mover Councillor Anne Moran/Seconder Mr Ross Bateup]

That the development, the subject of the application from Q Do and T M Nguyen for the demolition of existing dwelling and carport and construction of two storey detached dwelling with a cellar, double garage, roof terrace and the reconstruction of an existing front fence at 144 Barton Terrace West, North Adelaide SA 5006 as shown on plans designated DA/1020/2018:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following conditions and advices:

Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**

- **Site Plan, DWG No 1, Rev dated 15 April 2019**
- **Cellar Floor Plan, Issued 25 November 2018**
- **Ground Floor Plan, DWG No 7, Rev dated 15 April 2019**
- **Upper Floor Plan, DWG No 8, Rev dated 15 April 2019**
- **Roof Terrace Plan, DWG No 5, Rev dated 15 April 2019**
- **North and West Elevations, DWG No 2, Rev dated 15 April 2019**
- **South and East Elevations, DWG No 3, Rev dated 11 April 2019**
- **Western Site Lines Section, DWG No 15, dated 15 April 2019**
- **Landscape Plan, DWG No 10, dated 15 April 2019**
- **3D Perspective, stamped received 9 May 2019**

to the reasonable satisfaction of the Council except where varied by conditions below (if any).

***Reason:** To ensure that the Development is undertaken in accordance with the plans and details submitted.*

2. **A dilapidation survey recording the condition of the dwelling at 231 Jeffcott Street, North Adelaide, adjacent the subject site boundary shall be provided to Council prior to the commencement of works, to the satisfaction of Council. As well as recording fabric in good condition, the survey shall also record the location, type and dimensional extent of any existing physical damage to the dwellings that might be affected by the proposed works.**

***Reason:** To provide a record prior to the commencement of the proposed works, as reference for the assessment of any potential subsequent damage.*

3. **External materials, surface finishes and colours of the Development shall be consistent with the descriptions hereby granted consent and shall be to the reasonable satisfaction of the Council.**

***Reason:** To ensure a high standard of materials and finishes used in the finished presentation of the Development.*

4. The privacy screening as depicted on the plans granted consent described as West Elevation, DWG No 2, Rev dated 15 April 2019, South and Elevations, DWG No 3, Rev dated 11 April 2019, Western Site Lines Section, DWG No 15, dated 15 April 2019, shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To ensure that the Development does not unreasonably diminish the privacy of residents in adjoining properties.

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 Council.

Reason: To ensure that stormwater runoff does not have an adverse impact upon the public realm.

6. The noise level of any air conditioning units located on the Land when assessed at the nearest existing or envisaged future noise sensitive location in or adjacent to the Land shall not exceed 50dB(A) during daytime (7am to 10pm) and 40dB(A) during night time (10pm to 7am) when measured and adjusted in accordance with the relevant environmental noise legislation in operation and that is applicable to the Land except where it can be demonstrated that a high background noise exists in which case such noise levels shall be to the reasonable satisfaction of the Council at all times.

Reason: To ensure that the acoustic amenity of the locality is not unduly affected by air-conditioning noise.

7. Privacy screening with height of 1600mm above the finished floor level shall be installed to the western side of the first floor balcony. The screening shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To ensure that the Development does not unreasonably diminish the privacy of residents in adjoining properties.

8. Details regarding the roof material including the colour, shall be provided prior to the issue of Development Approval to reasonable satisfaction of Council.

Reason: To ensure a high standard of materials and finishes used in the finished presentation of the Development.

Advices

1. 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.
2. Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent / approval will lapse at the expiration of 12 months 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 12 months, 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. 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.
4. No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria).

Please contact Customer Centre on 8203 7203 for further information.

5. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.
6. 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.
7. Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

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

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.

Please note: Upfront payment is required for all city works applications.

Applications can be lodged via the following:

Email: cityworks@cityofadelaide.com.au

Fax: 8203 7674
In Person: 25 Pirie Street, Adelaide

Item No. 3.2 – 36 Old Street, North Adelaide SA 5006 (DA/48/2019 - HD) [CAP]

Representations Listed to be Heard and Heard

Representors:

Ms Nicky Renshaw on behalf of herself and Mr Franklin Kovilpillai – 209 Stanley Street, North Adelaide

Applicant:

Mr Michael Wilkinson the owner and Mr Oli Scholz of Scholz Vinall Design, 36 Old Street, North Adelaide

Decision [Mover Prof Mads Gaardboe/Seconder Mr Ross Bateup]

That the development, the subject of the application from Mr O Scholz to construct alterations and additions to upper level of existing dwelling at 36 Old Street, North Adelaide SA 5006 as shown on plans designated DA/48/2019:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following reserved matters, conditions and advices:

Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**
 - **Plans drafted by Scholz Vinall, drawing nos. WGMW/DPC/01 – WGMW/DPC/08 inclusive****to the reasonable satisfaction of the Council except where varied by conditions below (if any).**

Reason: *To ensure that the Development is undertaken in accordance with the plans and details submitted.*

2. **External materials, surface finishes and colours of the Development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Council.**

Reason: *To ensure a high standard of materials and finishes used in the finished presentation of the Development.*

3. **The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Council.**

Reason: *To ensure that adequate provision is made for the collection and dispersal of stormwater.*

- 4. The privacy screening in the form of window shrouds depicted on the plans granted consent described as “proposed south and east elevations”, plan nos. 05 and 07 shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.**

Reason: *To ensure that the Development does not unreasonably diminish the privacy of residents in adjoining properties.*

Advices

1. 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.

2. Expiration Time of Approval

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, 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. 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.

4. Public Utilities

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

In addition you are advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

5. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria).

Please contact the City of Adelaide Customer Centre on 8203 7203 for further information.

6. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. 48 hours' notice is required before commencement of any activity.

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

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.

Please note: Upfront payment is required for all city works applications.

Applications can be lodged via the following:

Email: cityworks@cityofadelaide.com.au
 Fax: 8203 7674
 In Person: 25 Pirie Street, Adelaide

Item No. 3.3 – 217-220 Brougham Place, North Adelaide SA 5006 (DA/944/2018 – HD) [CAP]

Decision [Mover Councillor Anne Moran/Seconder Mr Ross Bateup]

That the development, the subject of the application from Ms C J Walker for replacement of air conditioning unit to rear portion of roof (retrospective) at 217-220 Brougham Place, North Adelaide SA 5006 as shown on plans designated DA/944/2018:

1. Is not seriously at variance with the provisions of the Development Plan and
2. Be GRANTED Development Plan Consent, subject to the following conditions and advices:

Conditions

- The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**

- **Aerial photo showing location of air conditioning unit**
- **Daikin FDYQ250 ducted unit specification**

to the reasonable satisfaction of the Council except where varied by conditions below (if any).

***Reason:** To ensure that the Development is undertaken in accordance with the plans and details submitted.*

- The air conditioning unit the subject of this consent shall only be operated during daytime hours (7am to 10pm).**

***Reason:** To ensure that the development does not unduly impact on the amenity of the locality.*

Advices

- 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.
- Pursuant to the provisions of Regulation 48 under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, 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.
- 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.
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

In addition you are advised that the installation of an SA Power Networks transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.

Other Applications

Nil

Other Business

Item No. 5.1 – List of Recent Lodgements for Planning Consent (2017/02505) [CAP]

The following application was called in for consideration by the Panel:

1. Record No. 34 – DA/287/2019 – 132-140 Ward Street, North Adelaide SA 5006
[Councillor Anne Moran]

Decision [Mover Councillor Anne Moran/Seconder Prof Mads Gaardboe]

That the report be received.

Other Business raised at Panel Meeting

Nil

Closure

The meeting closed at 6.46 pm.

**Mr John Hodgson
Presiding Member
City of Adelaide Council Assessment Panel**

Document attached for reference

Item No. 3.1 - DA/1020/2018 – 144 Barton Terrace West, North Adelaide – PowerPoint presentation viewed during Representations Heard.







PDC 8 In a locality where single storey development prevails or is desired in accordance with the relevant desired character, low profile solutions to two storey development that are located to the rear of an existing building, may be appropriate subject to no adverse impacts on the historic character of the streetscape and overshadowing and privacy impacts on neighbouring land. (underlining added)

Council Wide Principle of Development Control 162 also states:

Development on Land Adjacent to a Heritage Place

PDC162 Development on land adjacent to land containing a Heritage Place should demonstrate design consideration of the relationship with the Heritage Place (without necessarily replicating its historic detailing) by establishing compatible:

- (a) scale, bulk and setbacks;**
- (b) proportion and composition of design elements;**
- (c) form and visual interest (as determined by play of light and shade, treatments of openings and depths of reveals, roofline and silhouette, colour and texture of materials and details, landscaping and fencing);**



Locality – upper section of Barton Terrace West as seen from the Jeffcott Street approach to the North Adelaide Historic Conservation Zone.

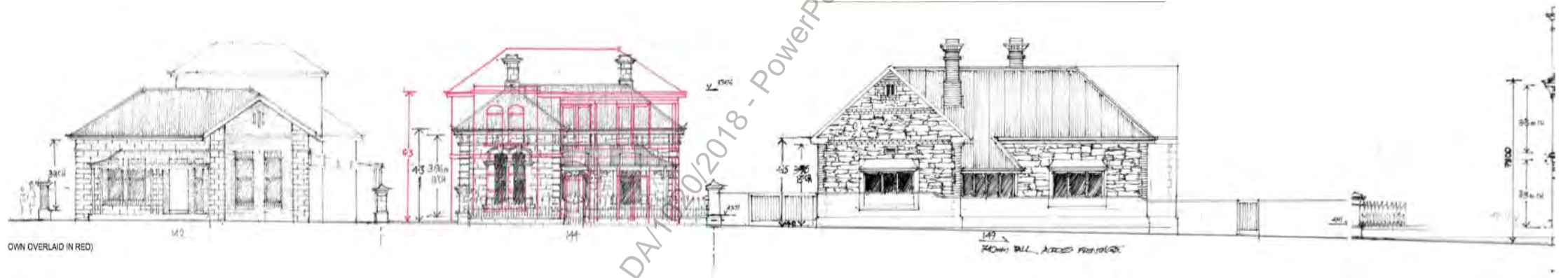
Development on Land Adjacent to a Heritage Place

PDC162 Development on land adjacent to land containing a Heritage Place should demonstrate design consideration of the relationship with the Heritage Place (without necessarily replicating its historic detailing) by establishing compatible:

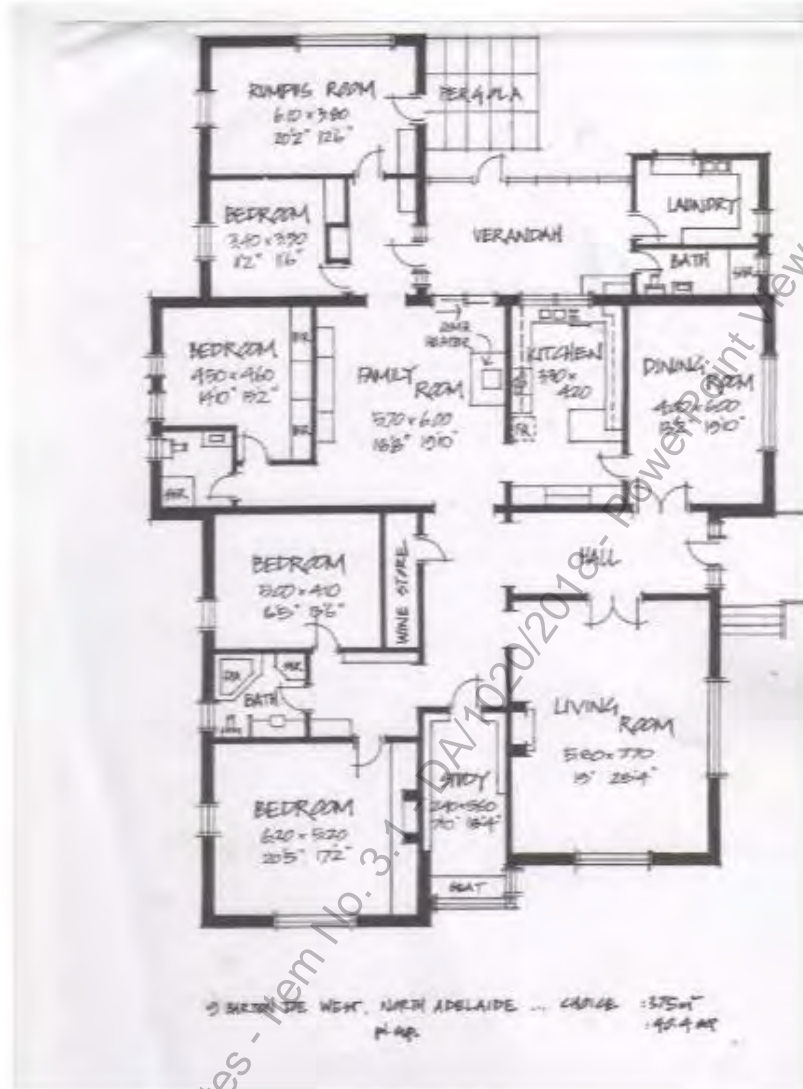
- (a) scale, bulk and setbacks;
- (b) proportion and composition of design elements;
- (c) form and visual interest (as determined by play of light and shade, treatments of openings and depths of reveals, roofline and silhouette, colour and texture of materials and details, landscaping and fencing);
- (d) width of frontage and boundary set-back patterns; and
- (e) vehicle access and carparking arrangements.

PDC 163 Development on land adjacent to a Heritage Place and sited in prominent locations, such as corners or at the termination of vistas where a strong presence is desirable, should have a scale and detail equal to that of the Heritage Place.

PDC 165 Development that is visible from the street should match the building levels and storey heights of adjacent Heritage Places. (underlining added)



- 9 Where consistent building set-backs from front, side and rear allotment boundaries prevail, new development should be consistent with these established setbacks. Where a consistent building set-back is not evident in a particular locality, new buildings should not project forward of Heritage Places adjacent the development site. Building to side boundaries (other than for party walls in semi-detached, row dwellings or residential flat buildings) or to a rear boundary is generally inappropriate, but may be considered where it is demonstrated that there will be no detrimental effect on residential amenity or adjacent Heritage Place(s).



PDC 36 In the event that direct overlooking occurs from proposed upper level habitable room windows, external balconies, terraces, decks and roof gardens to habitable room windows and primary areas of private open space of adjacent dwellings, such direct overlooking should be minimised by:

- (a) setting buildings back from boundaries;**
- (b) screening devices such as:**
 - (i) canopy projections above windows to minimise viewing down into rooms;**
 - (ii) horizontal projecting sills to restrict downward overlooking;or**

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- (iii) side window or balcony screens to restrict sideways/oblique overlooking;**
- (c) orientating windows to avoid direct views; and**
- (d) landscaping. (underlining added)**

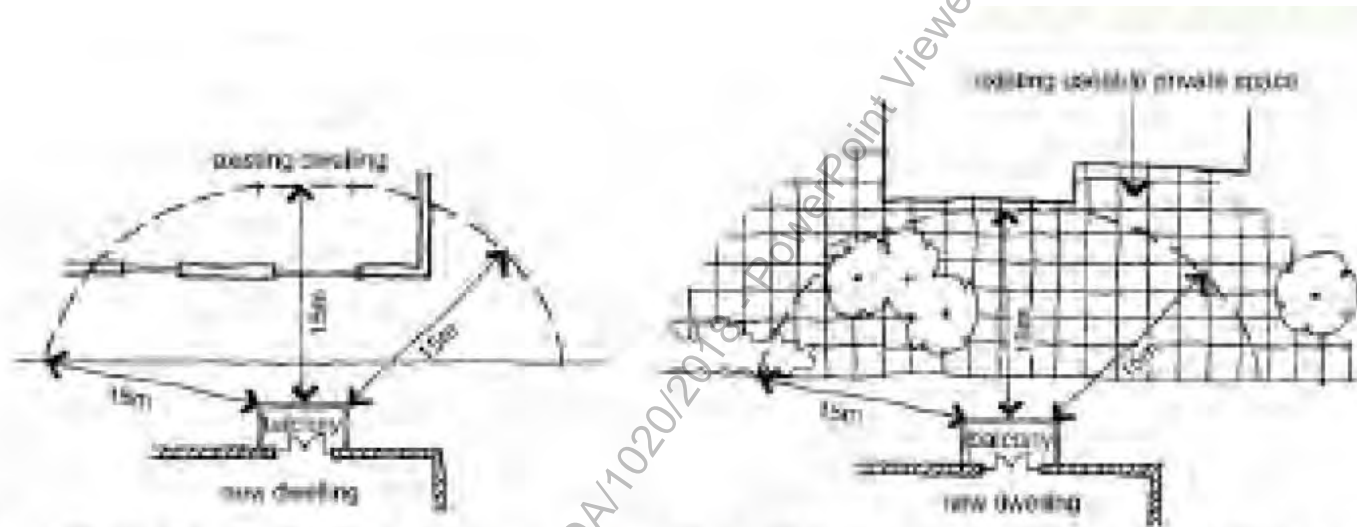


Figure 36.3 - direct view occurs if windows or outdoor areas overlooked are located within a horizontal distance of 15 metres from any point of the balcony or deck.

