

Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 3 February 2020, at 5.30 pm, Colonel Light Room,
Town Hall, Adelaide

Present – Presiding Member – Mr Mark Adcock
Acting Presiding Member – Councillor Anne Moran
Specialist Members – Mr Marc Duncan, Ms Colleen Dunn & Prof Mads
Gaardboe

Confirmation of Minutes

Item No. 1 – Confirmation of Minutes – 16/12/2019 [CAP]

Decision [Mover Councillor Anne Moran/Seconder Ms Colleen Dunn]

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 16 December 2019, be taken as read and be confirmed as an accurate record of proceedings.

Non-Complying Applications

Nil

Application for consideration on Merit [Three]

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

Representations Heard

Representors:

Dr Ian Button and Dr Jenni Goold – 149 Barton Terrace West, North Adelaide
[PowerPoint referenced and viewed during address]

Applicant:

Mr Quoc Do and Ms Thao Nguyen

Decision [Mover Mr Marc Duncan /Seconder Prof Mads Gaardboe]

That the development, the subject of the application from Q Do and T M Nguyen to vary previous authorisation for demolition of existing dwelling and carport and construction of two storey detached dwelling with a cellar, double garage, roof terrace and reconstruction of existing front fence - VARIATION - internal and external alterations including reduction of rear setbacks, removal of cellar, alterations to roof terrace and removal of lift to roof terrace

at 144 Barton Terrace West, North Adelaide SA 5006 as shown on plans designated DA/1020/2018/A:

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:**

Plans prepared by Oxford Architects as follows:

- Site Plan, DWG SK02, stamped received 10 January 2020
- Ground Floor Plan, SK03, stamped received 10 January 2020
- First Floor Plan, SK04, stamped received 10 January 2020
- Roof Terrace Plan, SK05, stamped received 10 January 2020
- Elevations 1, SK06, stamped received 10 January 2020
- Elevations 2, SK06, stamped received 10 January 2020
- Section AA, SK08, stamped received 10 January 2020

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 plan granted consent described as West Elevation, SK07 and the upper level windows shown as opaque glazing on the West Elevation/East Elevation, SK07 and South Elevation SK04, all stamped received 10 January 2020, shall be installed prior to occupation of the Development and to the reasonable satisfaction of the**

Council. The windows shall be permanently fixed and translucent to a minimum height of 1.6 metres above the finished floor level.

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.*

Advices

1. Previous Consent

The applicant should be aware that the conditions of approval and advices issued with the previous consent (DA/1020/2018) where relevant remain valid and should be complied with.

2. 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.

3. Expiration Time of Approval

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.

4. 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.

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 Customer Centre on 8203 7203 for further information.

6. Damage to Council's Footpath/Kerbing/Road Pavement

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.

7. Fences Act 1975

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.

8. 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. 3.2 – Howland Court, 157-159 Childers Street, North Adelaide SA 5006 (DA/7/2019 - SG) [CAP]

DA/7/2019 - Disclosure of Conflict of Interest

Mr Marc Duncan disclosed a direct pecuniary interest in DA/7/2019 – Howland Court, 157-159 Childers Street, North Adelaide SA 5006, as he has an employment relationship with the planning firm which has provided assistance to one of the representors, left the meeting held in the Colonel Light Room at 5.54 pm and did not take part in any hearings, deliberations or decision of the Panel on the matter.

Representations Heard

Representors:

Mr Chris Vounasis (Future Urban) on behalf of Mr M. Mead and Ms A. Mead – 147 Childers Street, North Adelaide

Mr Jim Hurst on behalf of Mr Scott Griffin and Mrs Jacqui Griffin – 161 Childers Street, North Adelaide

[Photographs referenced and viewed during address]

Mr Jim Hurst and Mrs Cathy Hurst – 163B Childers Street, North Adelaide

Applicant:

Mr Adam Williams of Access Planning on behalf of the Applicant Helping Hand Aged Care Incorporated

Decision [Mover Ms Colleen Dunn/Seconder Mr Mark Adcock]

That the development, the subject of the application from Helping Hand Aged Care Incorporated for demolition of existing buildings and construction of a two-storey residential flat building comprising nine (9) retirement village residences ancillary to Helping Hand Aged Care at Howland Court, 157-159 Childers Street, North Adelaide SA 5006 as shown on plans designated DA/7/2019, is not seriously at variance with the provisions of the Development Plan but is REFUSED Development Plan Consent for the following reasons:

- Fails to strengthen, achieve and be consistent or compatible with the Desired Character of Hill Street Policy Area 1 and the North Adelaide Historic (Conservation) Zone through an inability to:
 - respect the low scale character

- appear as a single storey detached dwelling adjacent Childers Street
 - reinstate the prevailing building setbacks established by existing Heritage Places in the locality.
 - Is not considered to satisfy the following relevant Development Plan provisions:
 - Hill Street Policy Area 1 Desired Character, Objective 1 & 2 and PDC 11(d)(iii)
 - North Adelaide Historic (Conservation) Zone Objectives 1 & 2 and PDCs 1(b), 3(a)(b)(d), 5, 6, 8, 9
 - Council Wide Heritage and Conservation Objectives 43, PDC 141(a)(b), Heritage and Conservation – North Adelaide PDCs 162(a)(b)(c)(d), 164, 165
 - The development does not provide adequate private open space and visitor parking in accordance with CW PDC31 and CW PDC253(b)
-

Mr Marc Duncan re-entered the Colonel Light Room at 6.44 pm

Item No. 3.3 – 252-260 Pirie Street, Adelaide SA 5000 (DA/212/2019 – EP) [CAP]

Decision [Mover Councillor Anne Moran/Seconder Ms Colleen Dunn]

That the development, the subject of the application from Wilson Parking to use the existing building for car parking and the installation of associated signage at 252-260 Pirie Street, Adelaide SA 5000 as shown on plans designated DA/212/2019:

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 matter, conditions and advices:

Reserved Matter

Pursuant to Section 33(3) of the Development Act, 1993, a decision on the following matters are reserved for further assessment pending the provision of additional information (and must be resolved prior to granting of Development Approval:

- A parking plan detailing the provision of one (1) accessible parking bay with continuous accessible path of travel between the bay and any ticketing machine and the pedestrian access from the street
-

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:**
 - **GTA Consultants Car Park Layout Plan, Drawing No. S180730-SK01-P2, sheet 1 of 4 received 2 December 2019**
 - **Wilson Parking Annexure to Development Application 252-260 Pirie Street dated 29 March 2019**
 - **Annexure A Signage Details received 29 March 2019**
 - **URPS Written response dated 2 December 2019;**

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

2. **All line marking for car park spaces and traffic signs on the Land shall conform to AS/NZS 2890.1:2004 Off-street Car Parking.**

Reason: To ensure that the Development meets the requirements of the relevant Australian Standards.

3. **A parabolic mirror shall be installed at the exit to Pirie Street and shall be placed so as to provide exiting motorists view of pedestrians on the footpath.**

Reason: To ensure the safety of pedestrians on Pirie Street is adequately protected.

4. **The hours of operation for the car park on the Land on Monday to Friday shall be limited to 5 am to 9 pm.**

Reason: To ensure the Development does not unduly diminish the enjoyment of other land in the vicinity of the Development.

Advices

1. Development Approval will not be granted until a Building Rules Consent has been obtained. This may be obtained through either Council or a Private Building Rules Certifier. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.

2. Pursuant to the provisions of Regulation 48 of the Regulations under the Development Act 1993, this consent will lapse at the expiration of 12 months from the operative date of the consent unless the development has been lawfully commenced by substantial work on the site of the development within such period, in which case the approval will lapse within 3 years from the operative date of the consent subject to the proviso that if the development has been substantially or fully completed within those 3 years, the consent will not lapse.

3. The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

Other Applications

Nil

Council Assessment Panel – Meeting Minutes



Other Business

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

Decision [Mover Councillor Anne Moran/Seconder Ms Colleen Dunn]

That the report be received.

Other Business raised at Panel Meeting

Nil

Next Meeting

24 February 2020

Closure

The meeting closed at 6.53 pm.

**Mr Mark Adcock
Presiding Member
City of Adelaide Council Assessment Panel**

Documents attached for reference

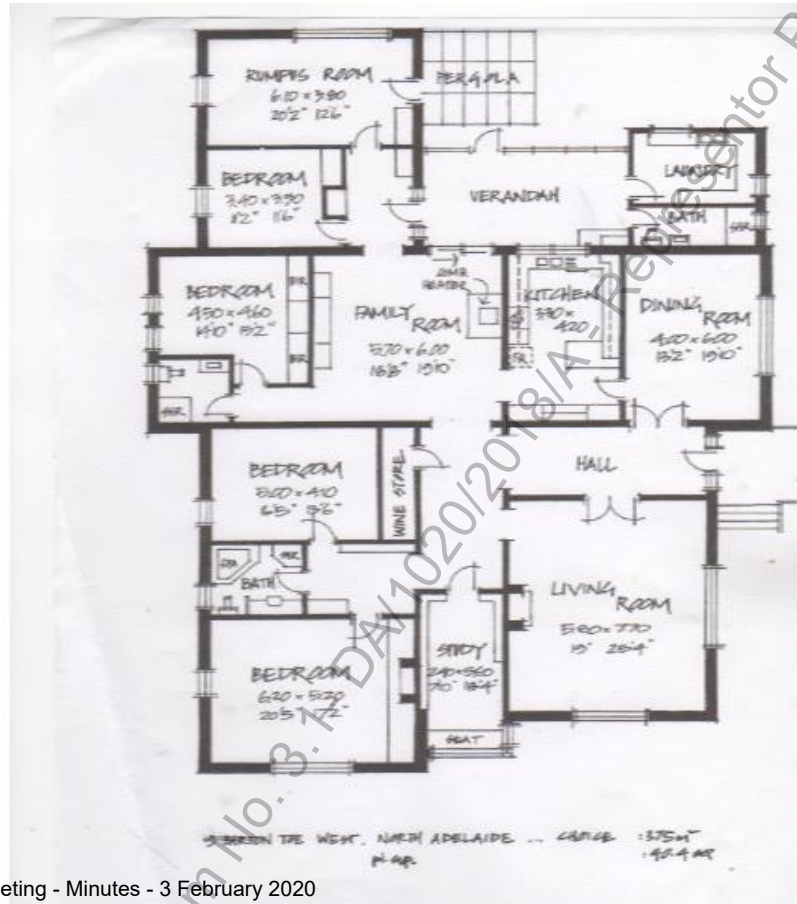
Item No. 3.1 - DA/1020/2018/A – 144 Barton Terrace West, North Adelaide SA 5006–
PowerPoint displayed by representor.

Item No. 3.2 - DA/7/2019 – Howland Court, 157-159 Childers Street, North Adelaide SA 5006
– Photographs displayed by representor.

Site plan



Our home floor plan- all bedrooms overlooked



Overlooking from upstairs balcony/windows

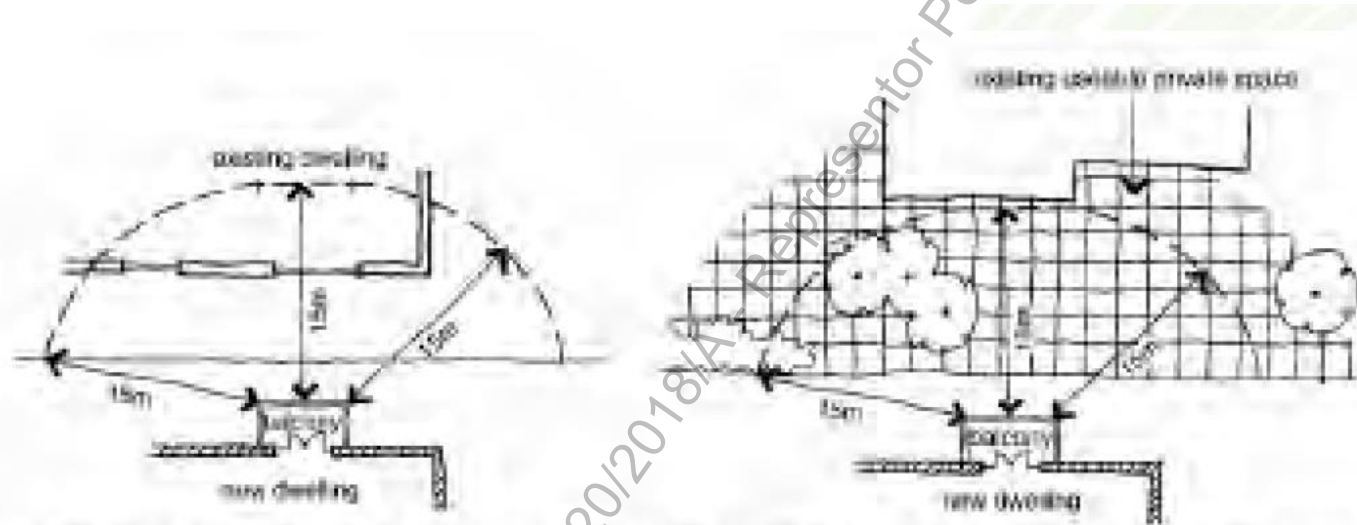


Figure 36.3 - direct view occurs if windows or outdoor areas overlooked are located within a horizontal distance of 15 metres from any point of the balcony or deck.

DA re overlooking

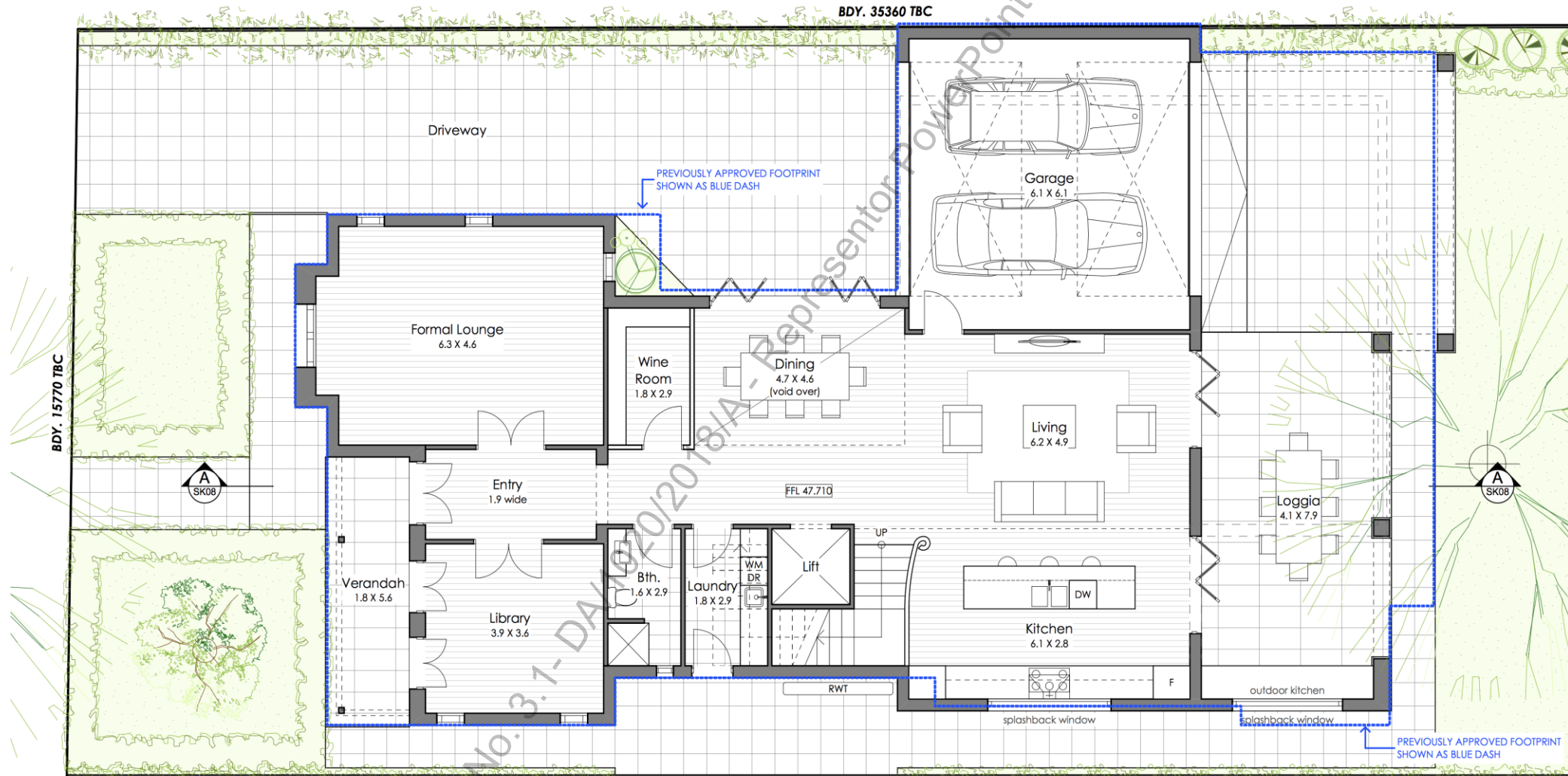
PDC 36 In the event that direct overlooking occurs from proposed upper level habitable room windows, external balconies, terraces, decks and roof gardens to habitable room windows and primary areas of private open space of adjacent dwellings, such direct overlooking should be minimised by:

- (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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Representation\Project Management\Correspondence\C001_v1_190314.docx 4
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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)

Side setback inadequate for wall width & construction



Current boundary- needing new wall construction



Current boundary



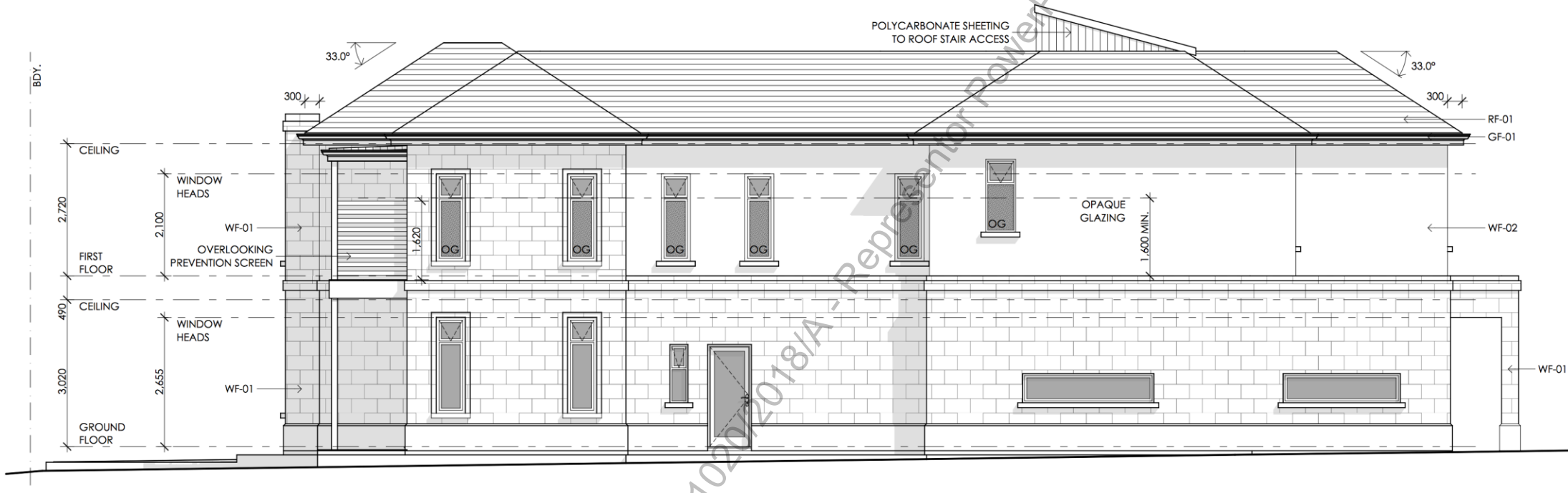
Excavation; required on applicants side for construction of retaining wall – water proofing, drainage, access.



as Marcus Rolfe states

“ given that the site is 559m² in area, this provides significant flexibility to achieve greater front and side boundary setbacks that are more sensitive to the adjoining state heritage place and would allow construction of the approved masonry wall as required by state heritage”.

Roof hatch western aspect



WEST ELEVATION

Scale 1:100 @ A3

CITY OF ADELAIDE
 ADDITIONAL DOCUMENTS RECEIVED
 DA/1020/2018/A
 10/01/2020

Roof hatch- visual impact



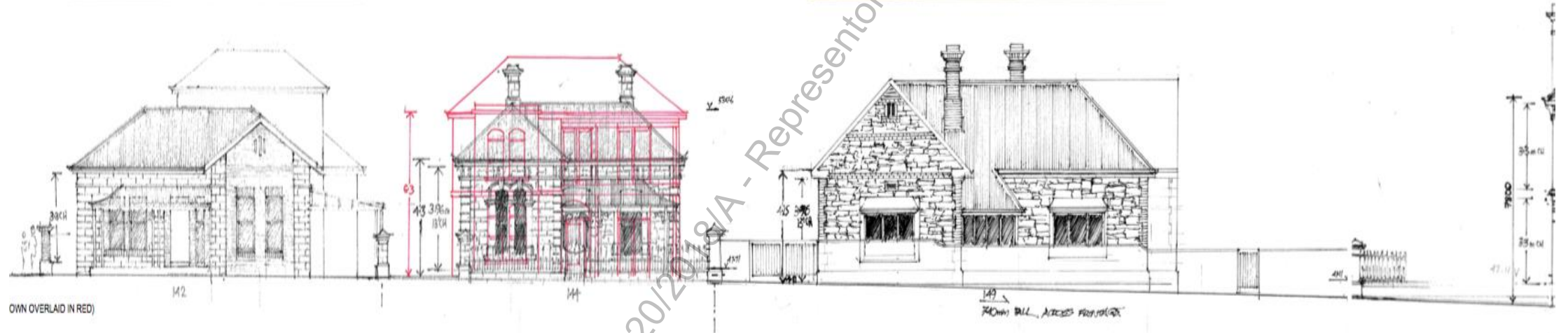
Additional height increase- From Planning report

Proposed Height Increase

The overall height of the proposal above existing ground level has increased by 1.1 metres compared to the previous approval. The changes are summarised in Table 9.1 below:

	Original Application	Current Application	Difference
Height to top of rooftop terrace staircase roof	8.2 metres	9.3 metres	1.1 metre increase
Height to pitch of roof	8.4 metres	8.7 metres	300mm increase
Upper level ceiling height	6.4 metres	6.6 metres	200mm increase

Over shadowing heritage building on right- an additional metre has been added above this shown in red



Development on Land Adjacent to a Heritage Place

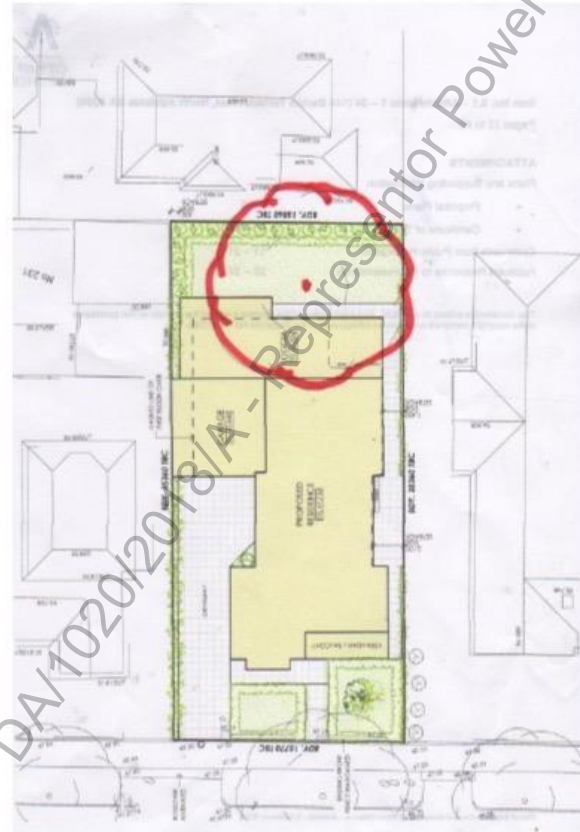
PDC162 Development on land adjacent to land containing a Heritage Place should demonstrate design consideration of the relationship with the Heritage Place (without necessarily replicating its historic detailing) by establishing compatible:

- (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)

Increased footprint/ impact on tree



summary

- 1. Balcony privacy screen to western end to at least 1.6m as previously required CAP 27/5/19 condition 7
- 2. Side setbacks to accommodate build of approved boundary wall DA261/2018 (as per State Heritage)
- 3. Roof construction- material to be consistent in corrugated iron
- 4. Roof terrace- consideration of flush hatch
- 5. Roof Garden purpose and ensuring privacy to our property
- 6. Increase in height- now significantly higher than our State Heritage In home
- 7. Increase in footprint- the original southern envelope be retained and not extended due to bulk In the small space and impact of tree.
- 8. Overlooking- fixed obscured windows

In Summary

We support a new home, want to be good neighbours but feel this proposal doesn't fit with heritage issues, over looking or accommodate the approval DA for the boundary wall.

The planner has again recommended approval, **we request it be deferred to sort the above issues.**



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);**



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)





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

- 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).









