

Minutes of the Electronic Meeting of the Council Assessment Panel

Monday, 22 June 2020, at 5.30 pm

Present – Presiding Member – Mr Mark Adcock
Panel Member – Councillor Arman Abrahamzadeh
Specialist Members – Mr Marc Duncan, Ms Colleen Dunn & Prof Mads Gaardboe

Item of Business

Item No. 1.1 - Meeting Procedures - Review and Adoption of CAP Meeting Procedures (2019/02186) [CAP]

Decision [Mover Ms Colleen Duncan/Seconder Prof Mads Gaardboe]

That the City of Adelaide Council Assessment Panel adopts the Meeting Procedures as set out in Attachment A to Item 1.1 on the Agenda for the meeting of the City of Adelaide Council Assessment Panel held on 22 June 2020.

Confirmation of Minutes

Item No. 2 – Confirmation of Minutes – 25/5/2020 [CAP]

Decision

That the Minutes of the Electronic meeting of the City of Adelaide Council Assessment Panel held on 25 May 2020, be taken as read and be confirmed as an accurate record of proceedings.

Non-Complying Applications

Nil

Application for consideration on Merit [Two]

Item No. 4.2 – 149-151 Melbourne Street, North Adelaide SA 5006, DA/759/2018 (EP) [CAP]

Representation from Applicant Heard

Ben Green (Ben Green & Associates) accompanied by Frank Azzollini (Applicant), joined the meeting to respond to questions from Panel Members.

Decision

That the development, the subject of the application from Vito Group P/L to construct a 5 storey mixed use development comprising retail tenancy at ground level, 5 residential apartments and 4 tourist accommodation apartments at 149-151 Melbourne Street, North Adelaide SA 5006 as shown on plans designated DA/759/2018:

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:

- Drawings prepared by Spectra - Project Number 85.2017 Sheets 1 to 23 dated 10 June 2020
- Planning Report prepared by Ben Green and Associates dated 9 April 2020
- E-mail from Ben Green and Associates dated 10 June 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. Lighting to the canopy shall be installed in accordance with Council's guideline entitled "Under Verandah/Awning Lighting Guidelines" (attached to this consent) at all times to the reasonable satisfaction of the Council and prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of Council.

Reason: To ensure the Development does not create public areas with insufficient lighting.

3. Final details of the design, colour and finish of the balcony balustrades on the north façade of the building shall be submitted to Council prior to seeking Development Approval and shall be to the satisfaction of Council.

Reason: To ensure that the balustrades design integrates with and contributes to the Melbourne Street townscape.

4. Final details of the design, colour and finish of the plant screen on the roof sufficient to screen the air-conditioning units shall be submitted to Council prior to seeking Development Approval and shall be to the satisfaction of Council.

Reason: To ensure that the roof mounted plant is reasonably screened from view from adjacent buildings and from the public realm.

5. The finished floor level of the ground floor level at the entry points to the development including the car park entry and exit points shall match the existing footpath unless otherwise agreed to by the Council in writing.

Reason: The Corporation of the City of Adelaide WILL NOT adjust footpath levels to suit finished building levels. The existing footpath levels are to be retained

and entrance levels of the development must meet the existing back of footpath.

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- 6. 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.

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- 7. Lighting shall be provided to the apartment entry and shall always be operational during the hours of darkness to the reasonable satisfaction of Council.**

Reason: To ensure the development does not create areas with insufficient lighting.

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- 8. 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 55 dB(A) during daytime (7 am to 10 pm) and 45 dB(A) during night time (10 pm to 7 am) when measured and adjusted in accordance with the relevant environmental noise legislation in operation and applicable to the Land except where it can be demonstrated by the applicant or the person(s) having the benefit of this consent 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.

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

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

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- 10. The privacy screening as depicted on the plans granted consent described as Project Number: 85/2017Sheet 8, 9, 10, 11, 14, 15 and 16 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.

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- 11. The proposed tourist accommodation and apartments shall include noise attenuation measures to achieve the following:**

- (a) satisfaction of the sleep disturbance criteria in the bedrooms or sleeping areas of the development as defined by the limits recommended by the World Health Organisation;**

- (b) the maximum satisfactory levels in any habitable room for development near major roads, as provided in the Australian/New Zealand Standard AS/NZS 2107:2000 - 'Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors.**

Reason: *To ensure that the internal amenity for occupants are adequately insulated from external noise sources.*

Advices

1. Car Parking

Residential parking permits to allow parking on-street, adjacent the proposed development will not be considered as an appropriate means of providing parking for residents or those staying in the apartments.

2. Building Site Management Plan

A Building Site Management Plan is required prior to or at the time of application for Development Approval. The Building Site Management Plan should include details of such items as:

- Work in the Public Realm
 - Street Occupation
 - Hoarding
 - Site Amenities
 - Traffic Requirements
 - Servicing Site
 - Adjoining Buildings
 - Reinstatement of Infrastructure
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3. Building Rules Consent

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.

4. Expiration of Consent

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.

5. 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.

6. 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.

7. Damage to footpath / kerbing / road pavement / verge

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.

8. Signage

This consent does not include signage for which a separate application must be submitted.

9. Stormwater Disposal

With respect to any proposed storm water discharge from any allotment to the proposed private road/right of way, the applicant must ensure that there are no objections from the owners of any other properties with rights over the proposed right of way. The applicant must be prepared to create an easement within the proposed right of way for the purpose of storm water drainage, if required as a result of any proposed storm water discharge from any allotment to the proposed right of way.

10. 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.adelaidecitycouncil.com

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 received by Council via the following:

Email: cityworks@adelaidecitycouncil.com

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

11. Use of Commercial Tenancy

The applicant is advised that the ground level tenancy requires a separate planning consent in order to establish a specific future land use as the term 'commercial' does not have any legal status under the *Development Act 1993* and the *Development Regulations 2008*.

Item No. 4.1 – 143-144 South Terrace, Adelaide SA 5000, DA/16/2020 (EP) [CAP]

Decision

That the development, the subject of the application from Angelo Ali Architecture P/L to construct a nine level apartment complex to rear of site and construct an addition to existing heritage building and change of use to dwelling at 143-144 South Terrace, Adelaide SA 5000 as shown on plans designated DA/16/2020:

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*, the following matter/s should be reserved for further assessment prior to the granting of Development Approval, to the satisfaction of Council in consultation with the Department for Environment and Water.

Conservation works to the State heritage place to be documented as requested, showing the following:

- All elevations at 1:100 scale showing extent of conservation works proposed.
- Documentation of stone and render repair methodology to walls and chimneys, including repairs, mortar removal and repointing method, including proposed mortar mix.
- Documentation of methodology for the removal of paint from masonry.
- Documentation of demolition methodology for the removal of the rear stone section of the heritage place and the method of demolition adjacent the rest of the dwelling.
- Documentation of rear elevation 'making good' works to the remaining wall, including treatment of masonry, removal of plaster and treatment of existing openings.

- Details of any works to the roof – sheeting repairs or replacement and treatment of parapets.
- Details of conservation works to the verandah/ balcony structure, including timber repairs and cast iron balustrading repairs.
- Paint colour selection more compatible with the era of significance of the State heritage place.
- Details of fixing and drainage management of proposed awning canopy to the rear (north) of State heritage place.
- Junction detail between the base of the State heritage place and proposed paving, is required, showing the treatment of existing DPC/ wall base and vents. Falls to paving to be confirmed, to ensure drainage is managed around the State heritage place.
- Documentation – plan, elevation and typical section detail at 1:50 scale of proposed incorporation of fire booster cabinet into side wall of State heritage place.
- Details of proposed SAPN fuse cabinet against north wall of State heritage place.
- Plans, elevations and reflected ceiling plans of proposed works to interior of State heritage place, showing significant features to remain, floor finishes and treatment of wet area flooring (including set downs) .

Reason: *Insufficient details provided in application to be able to ascertain conservation and adaptation works proposed and to confirm impact on the heritage values of the place. Demolition of the rear (north) former kitchen wing of the building only supported subject to restoration of State heritage place.*

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:
 - Drawings prepared by Angelo Ali Architects numbered
 - Planning Report prepared by Access Planning
 - -mail from Angelo Ali dated 21 April 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. Clear sight lines for users of the car park entry shall be provided to ensure pedestrian safety along the South Terrace footpath and shall always be provided in accordance with AS/NZS 2890.1:2004 Off-street Car Parking.

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

- 3. 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.*
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- 4. The finished floor level of the ground floor level at the entry points to the development including the car park entry and exit points shall match the existing footpath unless otherwise agreed to by the Council in writing.**
- Reason: The Corporation of the City of Adelaide WILL NOT adjust footpath levels to suit finished building levels. The existing footpath levels are to be retained and entrance levels of the development must meet the existing back of footpath.*
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- 5. 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.*
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- 6. Lighting shall be provided to the apartment entry and shall always be operational during the hours of darkness to the reasonable satisfaction of Council.**
- Reason: To ensure the development does not create areas with insufficient lighting.*
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- 7. 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 55 dB(A) during daytime (7 am to 10 pm) and 45 dB(A) during night time (10 pm to 7 am) when measured and adjusted in accordance with the relevant environmental noise legislation in operation and applicable to the Land except where it can be demonstrated by the applicant or the person(s) having the benefit of this consent 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.*
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- 8. External materials, surface finishes and colours of the Development shall be consistent with the description hereby granted consent and shall be to the reasonable satisfaction of the Council.**
- Reason: To ensure a high standard of materials and finishes are used in the finished presentation of the building.*
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- 9. The final details of the ongoing waste management practices to be adopted by the applicant or the person(s) having the benefit of this consent, shall be**

submitted to and approved by the Council prior to the granting of development approval to the Development.

The applicant or the person(s) having the benefit of this consent shall ensure that such waste management practices are always adopted on the Land to the reasonable satisfaction of Council.

Reason: To ensure that adequate waste management practices are adopted during construction of the Development and during use.

10. The garage for the free-standing dwelling shall have an opening of at least 5 metres width.

Reason: To ensure easy, safe and convenient vehicular access.

Advices

1. Duration of Development Plan Consent

This Development Plan Consent is valid for a period of 2 years from the date of this Notification, unless this period is extended by Council. The authorisation will lapse if Building Rules Consent has not been obtained within 2 years of the date of this Notification.

2. Residential Parking Permits

Residential parking permits to allow parking on-street, adjacent the proposed development will not be considered as an appropriate means of providing parking for residents or those staying in the apartments.

3. Building Site Management Plan

A Building Site Management Plan is required prior to or at the time of application for Development Approval. The Building Site Management Plan should include details of such items as:

- Work in the Public Realm
 - Street Occupation
 - Hoarding
 - Site Amenities
 - Traffic Requirements
 - Servicing Site
 - Adjoining Buildings
 - Reinstatement of Infrastructure
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4. Building Consent for Approval

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.

5. Expiration Time of Approval

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.

6. 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.

7. Boundaries

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.

8. Damage to Council's Footpath / Kerbing / Road Pavement / Verge

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.

9. Vehicle Crossing Places

There is no objection to the proposed vehicle crossing place however the work will be undertaken by Council and the cost of the work will be charged to the applicant. Separate application for the crossing place(s) is required and the applicant can obtain a form from Customer Service, 25 Pirie Street, Adelaide, telephone 8203 7236. A quotation for the work will be provided by Council prior to the work being undertaken.

10. 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.adelaidecitycouncil.com

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 received by Council via the following:

Email: cityworks@adelaidecitycouncil.com

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

11. Heritage

The relevant planning authority is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.

- If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

12. Aboriginal Heritage

The relevant planning authority is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.

- If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

Other Applications

Nil

Other Business

Item No. 6.1 – List of Recent Lodgements for Planning Consent (2017/02505) [CAP]

DA Undertakings – Application to be seen by Panel

Nil

Decision

That the report be received.

Council Assessment Panel – Electronic Meeting Minutes



Other Business raised at Panel Meeting

Nil

Next Meeting

27 July 2020

Closure

The meeting closed at 6.03 pm.

Mr Mark Adcock
Presiding Member
City of Adelaide Council Assessment Panel

Documents attached for reference

Nil