

Minutes of the Meeting of the Council Assessment Panel

Held on Wednesday, 28 April 2021, at 5.32 pm
Colonel Light Room, Town Hall, Adelaide

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

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member stated:

'The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

Confirmation of Minutes

Item 1 – Confirmation of Minutes – 22 March 2021 [CAP]

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 22 March 2021, be taken as read and be confirmed as an accurate record of proceedings.

Declaration of Conflict of Interest

Nil

Applications assessed under Development Act 1993 with Representations [One]

Item 3.1 – 5 Albert Lane, Adelaide SA 5000, DA/564/2020 [DA] (SG) [CAP]

Representations Heard / Listed to be Heard and Heard

Representors:

Mr Sandy Wilkinson & Mr Clive Huggan on behalf of Mr Luke Stradwick and Ms Michelle Roesler of 316 and 318 Angas Street, Adelaide
[Sun Study Analysis video & additional overshadowing diagrams provided separately to Panel Members & Applicant prior to Panel Meeting referenced and viewed during address from

Mr Sandy Wilkinson. Congestion photographs referenced and viewed during address from Mr Clive Huggan]

Ms Elizabeth Rushbrook of 317 Wakefield Street, Adelaide
[City Maps viewed to clarify parcel of land]

Mr Tom Game for Mr John Gamble of 1/326 Angas Street, Adelaide

Ms Erica Gamble (known as Sally Gamble) of 1/326 Angas Street, Adelaide

Mr John Gamble on behalf of Mr Trevor Wright of 315A Wakefield Street, Adelaide

Mr Daniel Hains on behalf of himself and Mrs Susan Hains of 320 Angas Street, Adelaide

[Stills from Sun Study Analysis video – referenced & displayed during address, viewed by Applicant during meeting]

Mr Mark Anderson of 319 Wakefield Street, Adelaide *[Not Present]*

Applicant:

Mr James Hilditch (Hilditch Lawyers), Mr Matthew King (URPS) & Mr Mark Beesley (Proske Architects) on behalf of the Applicant

At 7.18 pm the Presiding Member adjourned the Panel meeting, to facilitate the drafting of reasons for refusing Development Plan Consent, and reconvened at 7.32 pm.

Decision

That the development, the subject of the application from Buik Holdings P/L to construct four level residential flat building including car parking on basement, ground and level one and apartments on levels two and three at 5 Albert Lane, Adelaide SA 5000 as shown on plans designated DA/564/2020:

Be REFUSED Development Plan Consent, subject to the following reason:

The proposal does not satisfactorily comply with the plot ratio, height and landscaped open space provisions relevant to the subject land and will consequently have a detrimental impact on the amenity of existing residential development in the locality. In particular the proposal fails to achieve the following provisions:

South East Policy Area 31

- Desired Character Statement
- Principles of Development Control 2, 3, 5, 6 and 7

[Applications assessed under PDI Act 2016 with Representations](#)

Nil

[Applications assessed under Development Act 1993 without Representations \[Two\]](#)

Item 5.1 – 263 Gilbert Street, Adelaide SA 5000, DA/458/2020 [DA] (PC) [CAP]

Decision

That the development, the subject of the application from Ms B Rugari for external and internal alterations, change of use to indoor recreation centre, gallery and studio at 263 Gilbert Street, Adelaide SA 5000 as shown on plans designated DA/458/2020:

1. Is not seriously at variance with the provisions of the Development Plan and

2. Be GRANTED Development Plan Consent, subject to the following conditions and advisory notes:

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:**

- Letter from applicant dated 11 September 2020,
- Marshall Day Acoustic report, numbered Rp 001 20200223, dated 30 November 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. **The acoustic requirements set out in the Marshall Day Acoustics report (Section 4.3 and Appendix C) shall be undertaken prior to commencement of the use and maintained to the reasonable satisfaction of Council.**

Reason: To ensure the development does not unreasonably impact upon the enjoyment of other land in the locality.

3. **The hours of operation shall be limited to 7:00am to 10:00pm seven days a week.**

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

4. **Music shall be limited to a maximum level of 77 dB(A) L_{Aeq} when measured at the source to the reasonable satisfaction of Council.**

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

Advisory Notes

1. **External Signs**

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

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 will lapse at the expiration of 24 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 24 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. Footpath Levels

The existing footpath level shall not be modified to suit the floor level of the entry point to the development, unless otherwise agreed to by the Council in writing.

Item 5.2 – 62 62A 64 64A 66 Hurtle Square, Adelaide SA 5000, DA/295/2020/B [DA] (EP) [CAP]

Decision

That the development, the subject of the application from Forme Projex to vary previous authorisation for construction of a nine-storey residential flat building with ground floor commercial tenancy and associated car parking - VARIATION - Internal and external alterations including reduction in dwellings from 40 to 34, reconfiguration of floor plans, facade changes including widened balconies, relocation of water mains services and reduction in bicycle parking at 62 62A 64 64A 66 Hurtle Square, Adelaide SA 5000 as shown on plans designated DA/295/2020/B:

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 advisory notes:

Reserved Matters

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):

1. **The applicant or person(s) having the benefit of this consent is requested to provide, prior to the granting of development approval, a report confirming that the development incorporates the necessary acoustic treatments and noise attenuation measure so as to achieve the minimum requirements as outlined in Council Wide Principle 98. In addition, the report will include an assessment of the noise output(s) from fixed domestic air-conditioning units located on the balconies to ensure that the development conforms with the requirements of the Environment Protection (Noise) Policy. The Council reserves the right to impose further conditions in relation to this reserved matter following receipt of the said acoustic report.**
2. **The applicant of the person(s) having the benefit of this consent is requested to provide, prior to the granting of development approval, design details of the pic perf doors of the fire pump room. The Council reserves the right to impose further**

conditions in relation to this reserved matter following receipt of the said acoustic report.

(Note: A further Decision Notification Form will be issued when the Reserved Matter has been satisfied with the provision of further information. No work can commence until these matters have been resolved and you have received Development Approval from Council).

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 Locus Architecture numbered DPC.004, DPC.005, DPC.006, DPC.007, DPC.008, DPC.009, DPC.010, DPC.011, DPC.012, DPC.013, DPC.014, DPC.018, DPC.032, DPC.033 all V1.5 dated 18 December 2020.
 - Planning Report prepared by Masterplan Planning Consultants dated 21 January 2021.
 - Mechanical, Electrical, Hydraulic and Fire Protection report by Bestec.
 - Traffic and Parking report prepared by Cirqa.

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. **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.

4. **The finished floor level of the ground floor level at the entry point to the development shall match the existing footpath unless otherwise agreed to by the Council in writing**

Reason: To ensure public footpaths remain level and as such pedestrian safety and amenity is not compromised

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' which is attached to this consent to the reasonable satisfaction of the Council.**

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

6. **Lighting shall be installed to the awning at street level on Hurtle Square 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.*

7. **Lighting shall be provided to the apartment entry on Hurtle Square and 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 areas with insufficient lighting.*

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 55dB(A) during daytime (7am to 10pm) and 45dB(A) during night time (10pm to 7am) 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.*

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 adopted on the Land at all times to the reasonable satisfaction of Council.

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

10. **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.*

11. This consent will lapse at the expiration of 24 months from the operative date of this consent

Reason: *To facilitate the preparation of building documentation.*

Advisory Notes

1. Street Numbering

Any street numbering which may have been indicated on this application has neither been approved nor denied. To avoid any potential confusion regarding the addressing of your development, it is recommended that you contact the Rates and Valuation Section to confirm the correct address prior to the commencement of marketing. The Rates and Valuation Section can be contacted on 8203 7128 or 8203 7129.

2. Commencement and Completion

Pursuant to Regulation 74, the Council must be given one business days' notice of the commencement and the completion of the building work on the site and any other relevant stages as specified in the attached "Notice to Council." To notify Council, contact City Planning via d.planner@cityofadelaide.com.au or phone 8203 7185.

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. Building and Encroachment Consent for Approval

Development Approval will not be granted until Building Rules Consent and Encroachment Consent have been obtained. 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. Encroachment Permit

An Encroachment Permit will be separately issued for the proposed encroachment into the public realm when Development Approval is granted. In particular your attention is drawn to the following:

- An annual fee may be charged in line with the Encroachment Policy.
- Permit renewals are issued on an annual basis for those encroachments that attract a fee.

- Unauthorised encroachments will be required to be removed.

Please contact the Approvals Section on 8203 7421 for further information.

6. Building Site Management Plan

A Building Site Management Plan is required prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:

- | | |
|----------------------------|-----------------------------------|
| - Work in the Public Realm | - Traffic Requirements |
| - Street Occupation | - Servicing Site |
| - Hoarding | - Adjoining Buildings |
| - Site Amenities | - Reinstatement of Infrastructure |
-

7. Site Theft

Unsecured building sites have been identified as a soft target for vandalism and theft of general building materials. The Eastern District Police and the City of Adelaide are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters, copper piping and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. Work with your builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised access and establishes clear ownership. If you have any further enquiries about ways to reduce building site theft, please contact the Eastern District Crime Prevention Section on 8463 7024 or visit www.police.sa.gov.au for further security advice. Alternatively, you can contact the City of Adelaide for further assistance and information by calling Jen West on 8203 7390.

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

9. 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.

10. 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.

11. 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.

12. 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.

Applications assessed under Development Act 1993 without Representations

Nil

Other Applications

Nil

Other Business

Item 8.1 – List of Recent Lodgements for Planning Consent (2017/02505) [CAP]

Decision

That the report be received

DA Undertakings – Application to be seen by Panel [CAP]

Nil

Other Business raised at Panel Meeting

Nil

Next Meeting

Monday 24 May 2021

Closure

The meeting closed at 7.50 pm.

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

Documents attached for reference.

Item 3.1 - DA/564/2020 – 5 Albert Lane, Adelaide SA 5000

- Document distributed separately – additional overshadowing diagrams.
- Referenced and viewed during representation – Congestion photographs
- Referenced and viewed during representation – Stills from Sun Study Analysis video



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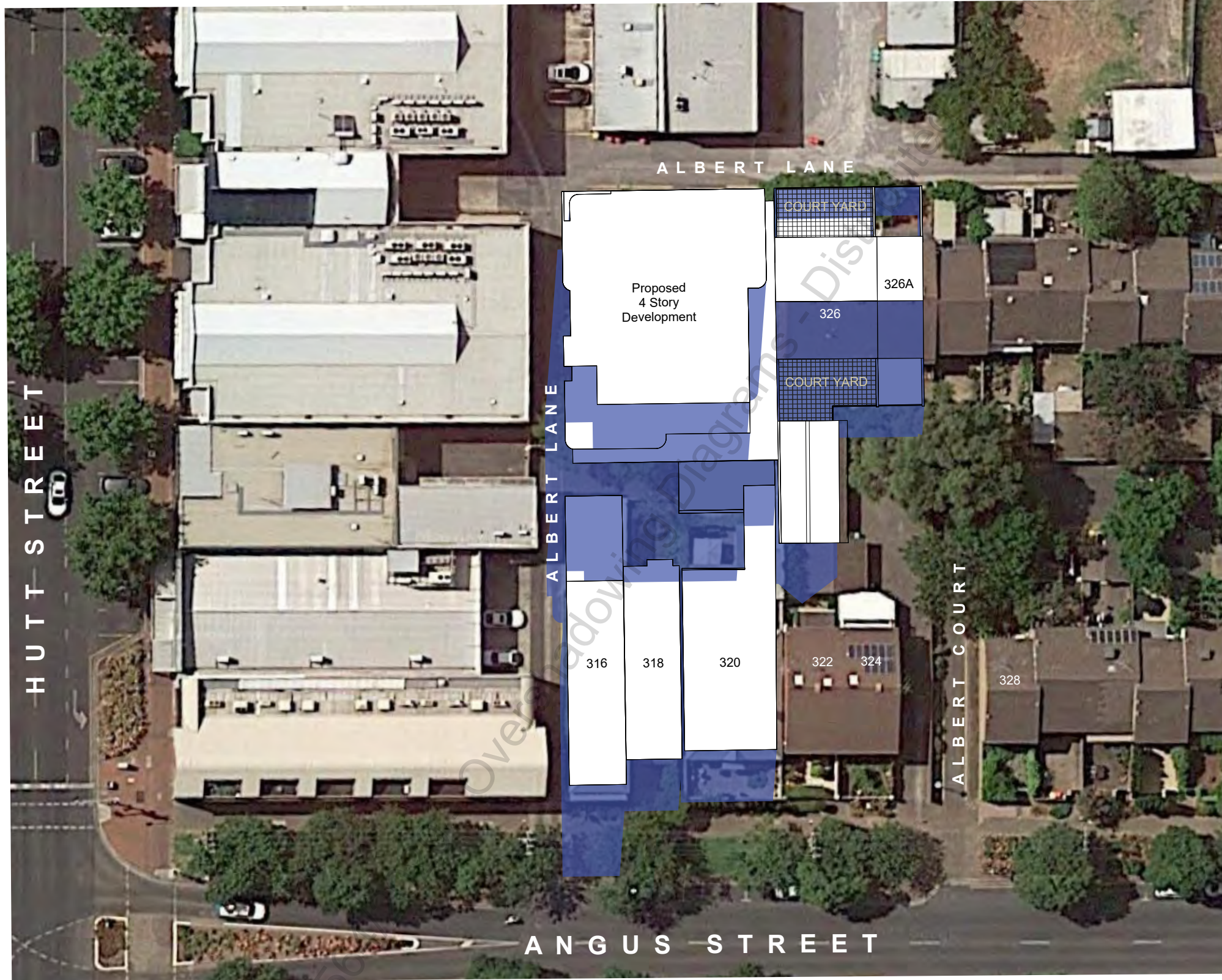
www.alexanderwilkinson.com.au
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ADELAIDE 5000

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drawn by: jcg checked by: AW
drawing number: SK01



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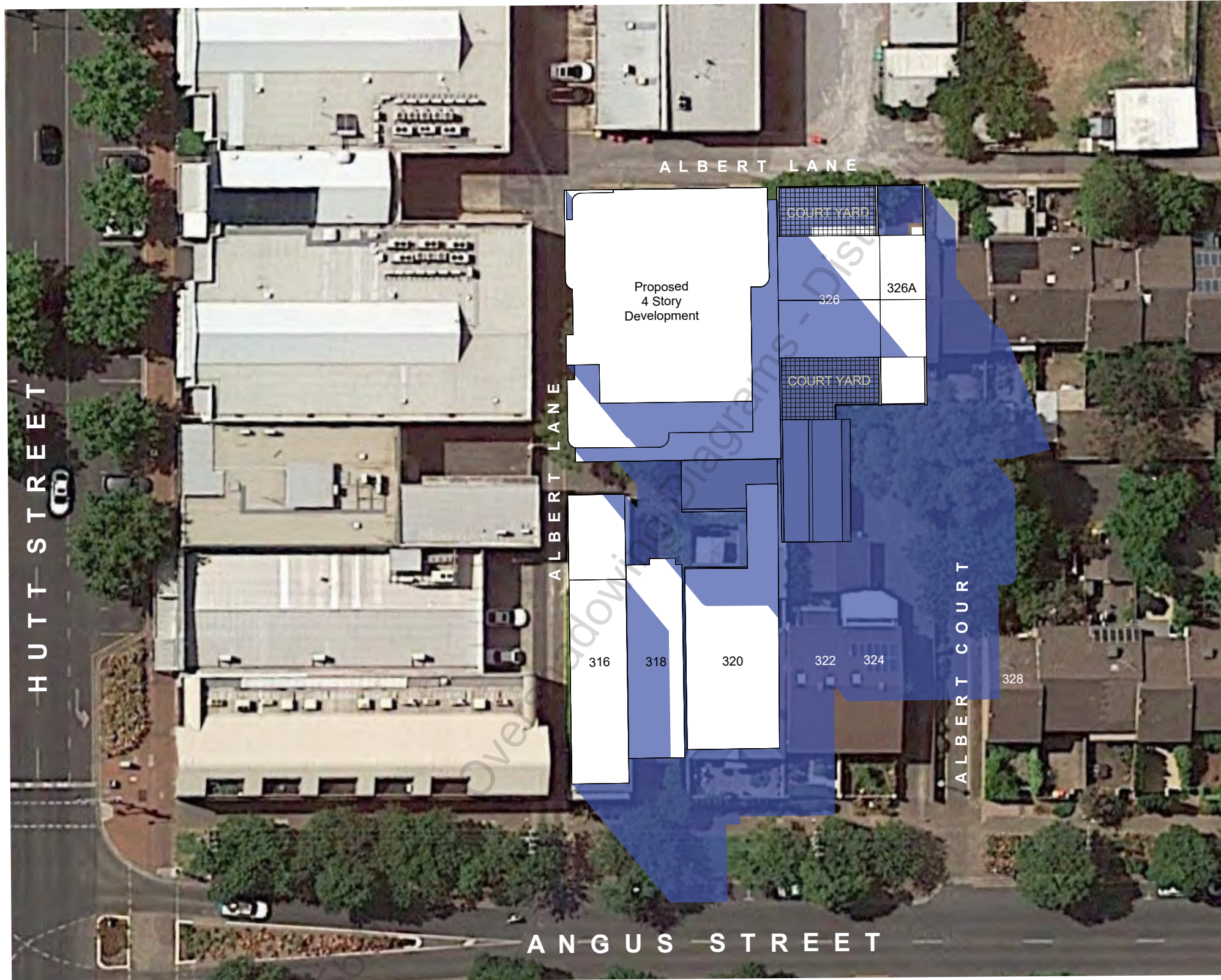
alex@alexanderwilkinson.com.au
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ADELAIDE 5000

date: 27/04/2021 scale: 1:500 at A3
drawn by: jcg checked by: AW
drawing number: SK02



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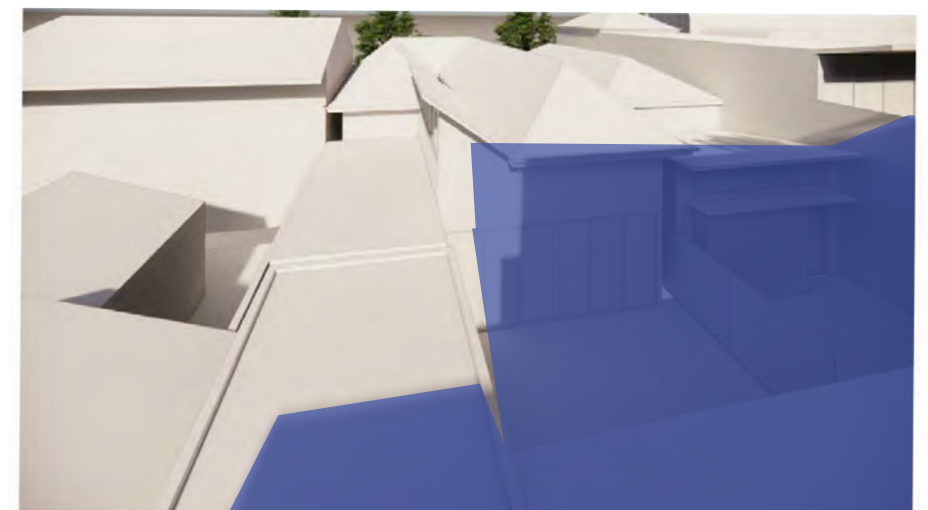
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316 ANGAS STREET L1 REAR (NORTH) P.O.S SUNSHADE ANALYSIS: PROPOSED DEVELOPMENT 12PM JUNE 21



318 ANGAS STREET REAR (NORTH) P.O.S SUNSHADE ANALYSIS: PROPOSED DEVELOPMENT 12PM JUNE 21



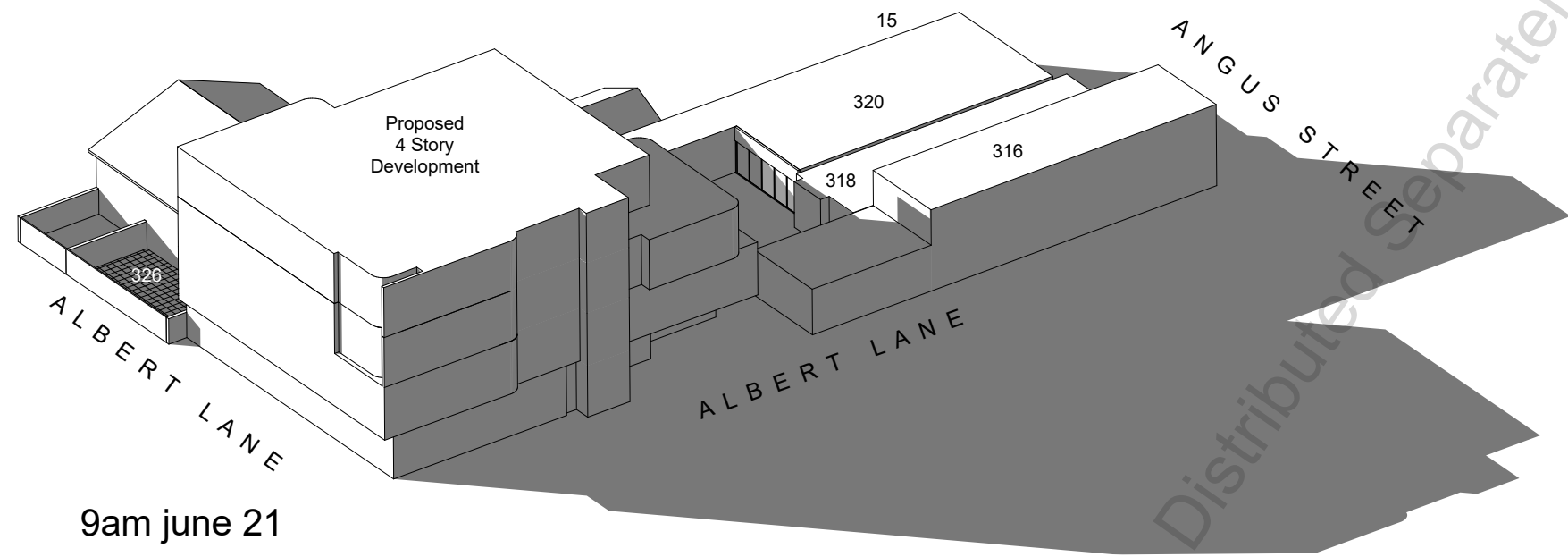
320 ANGAS STREET REAR (NORTH) P.O.S SUNSHADE ANALYSIS: PROPOSED DEVELOPMENT 12PM JUNE 21

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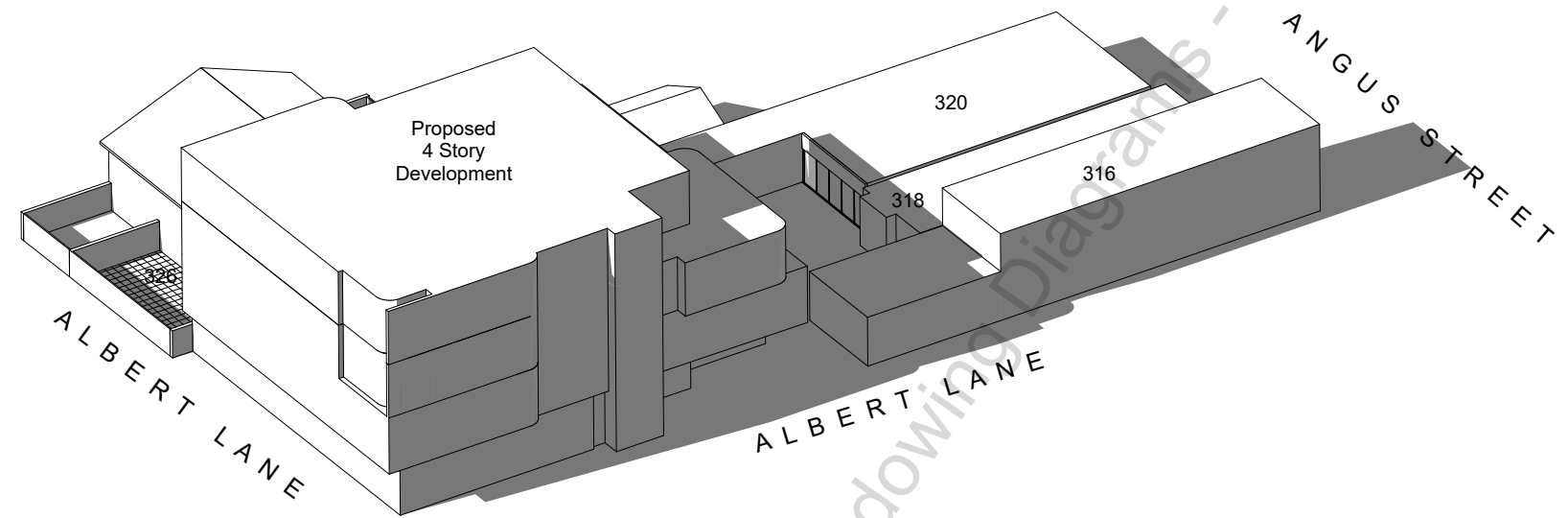
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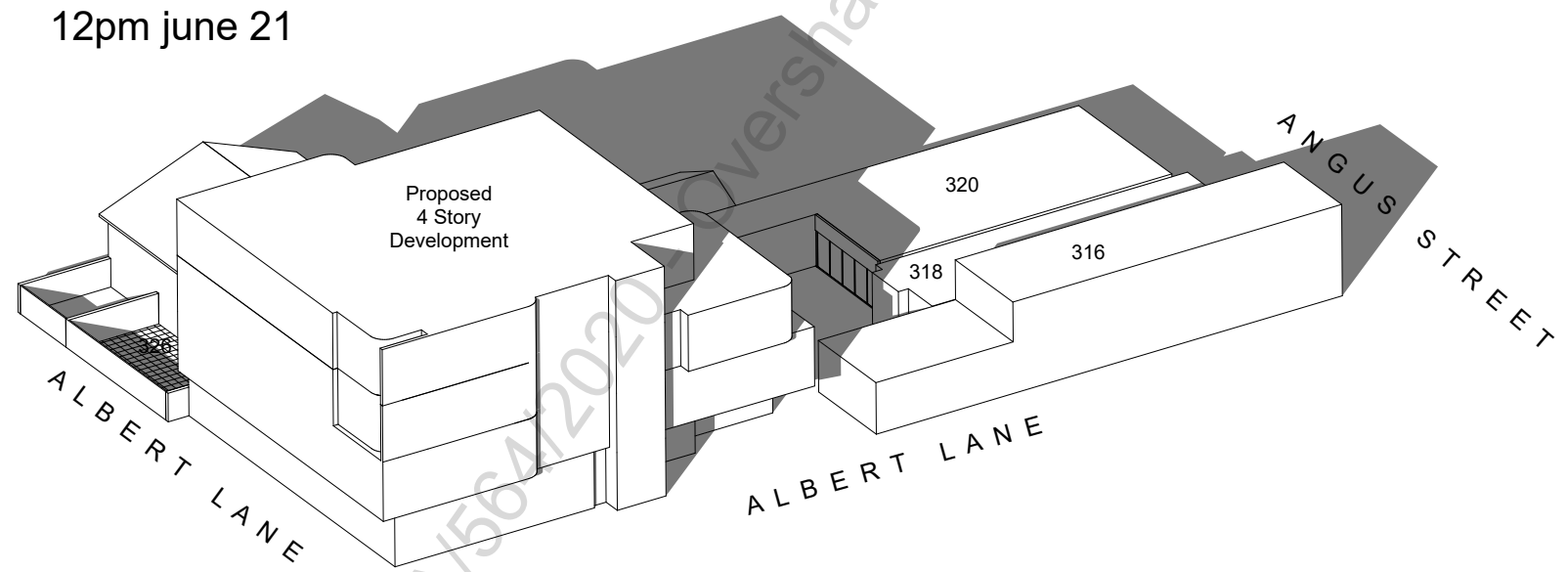
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9am june 21



12pm june 21



3pm june 21

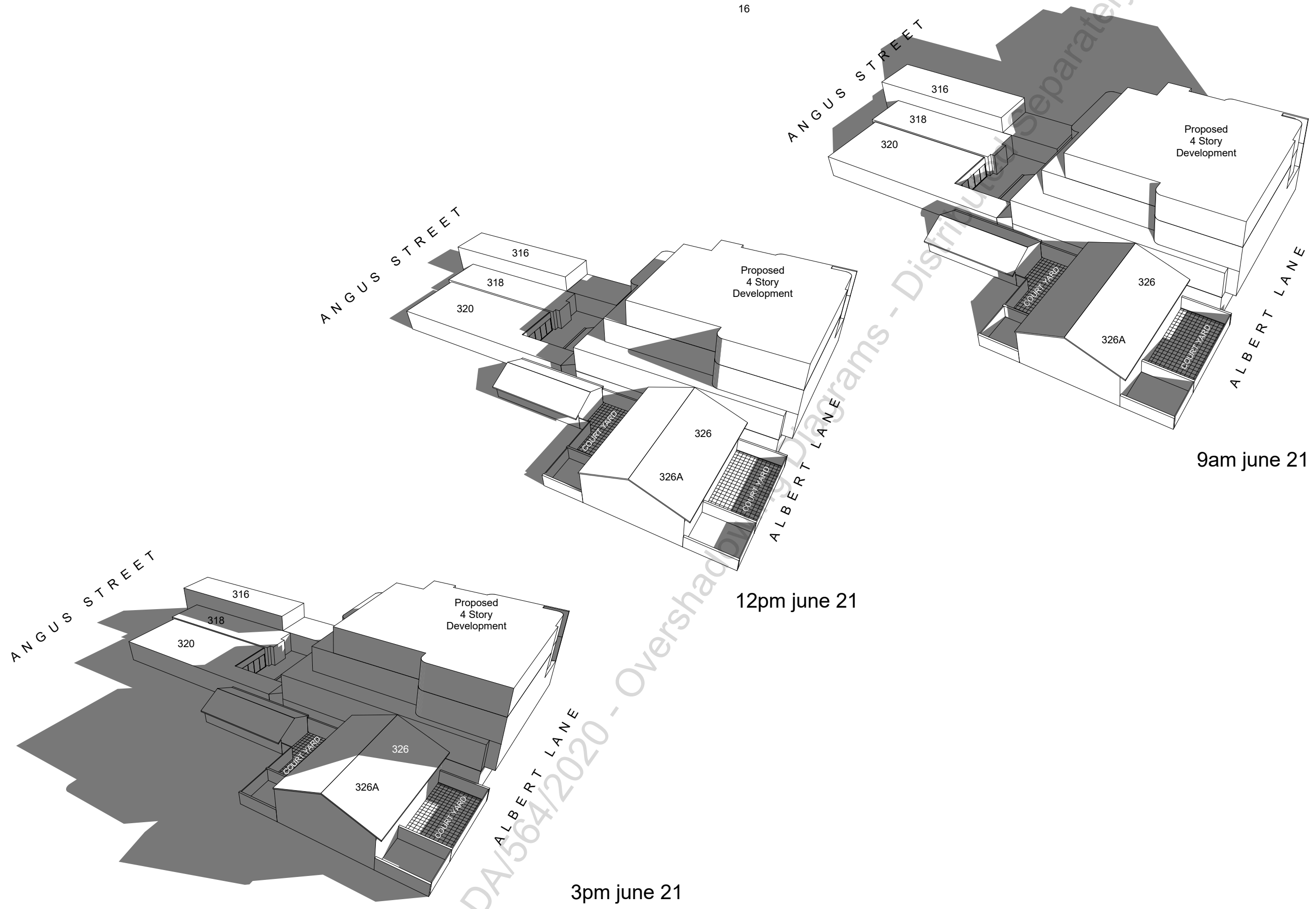
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9am june 21

12pm june 21

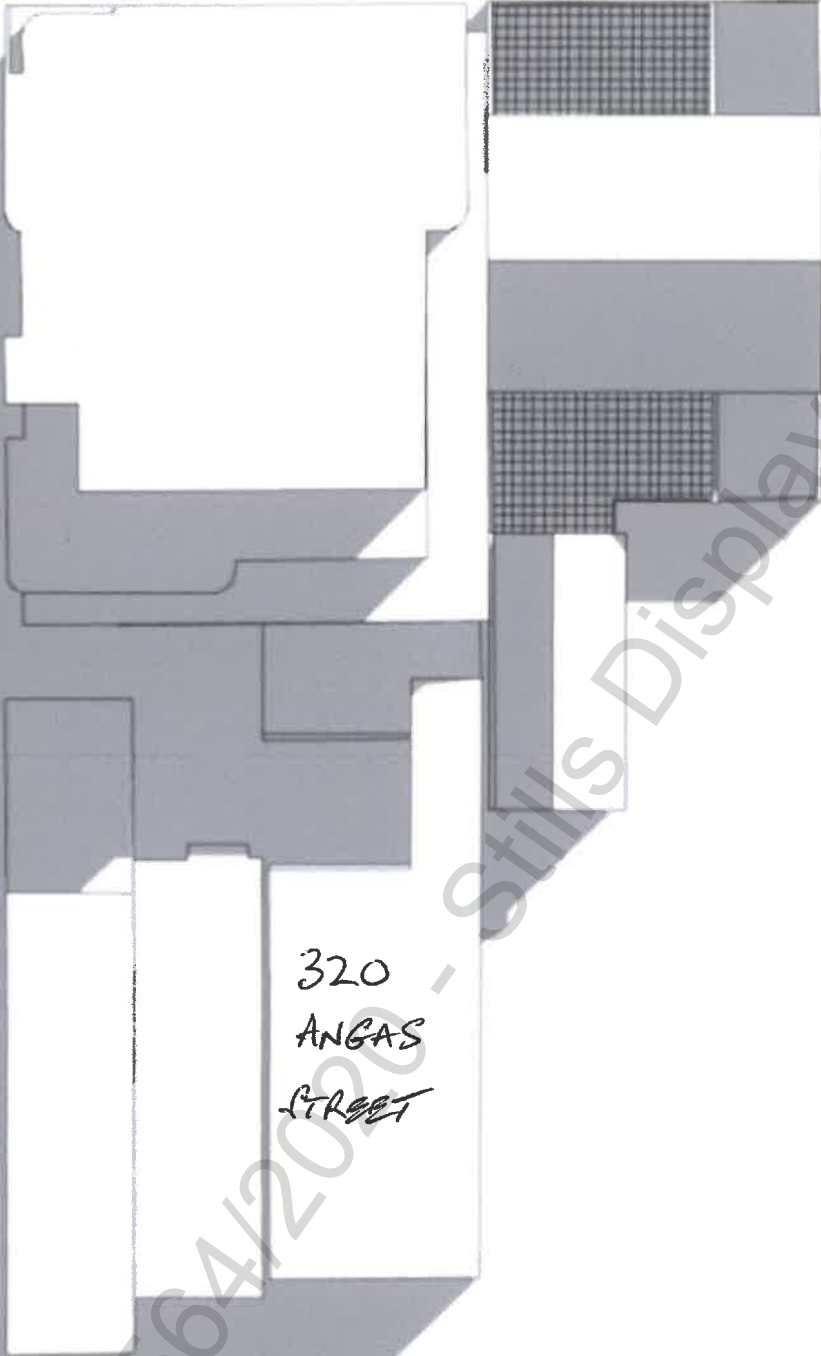
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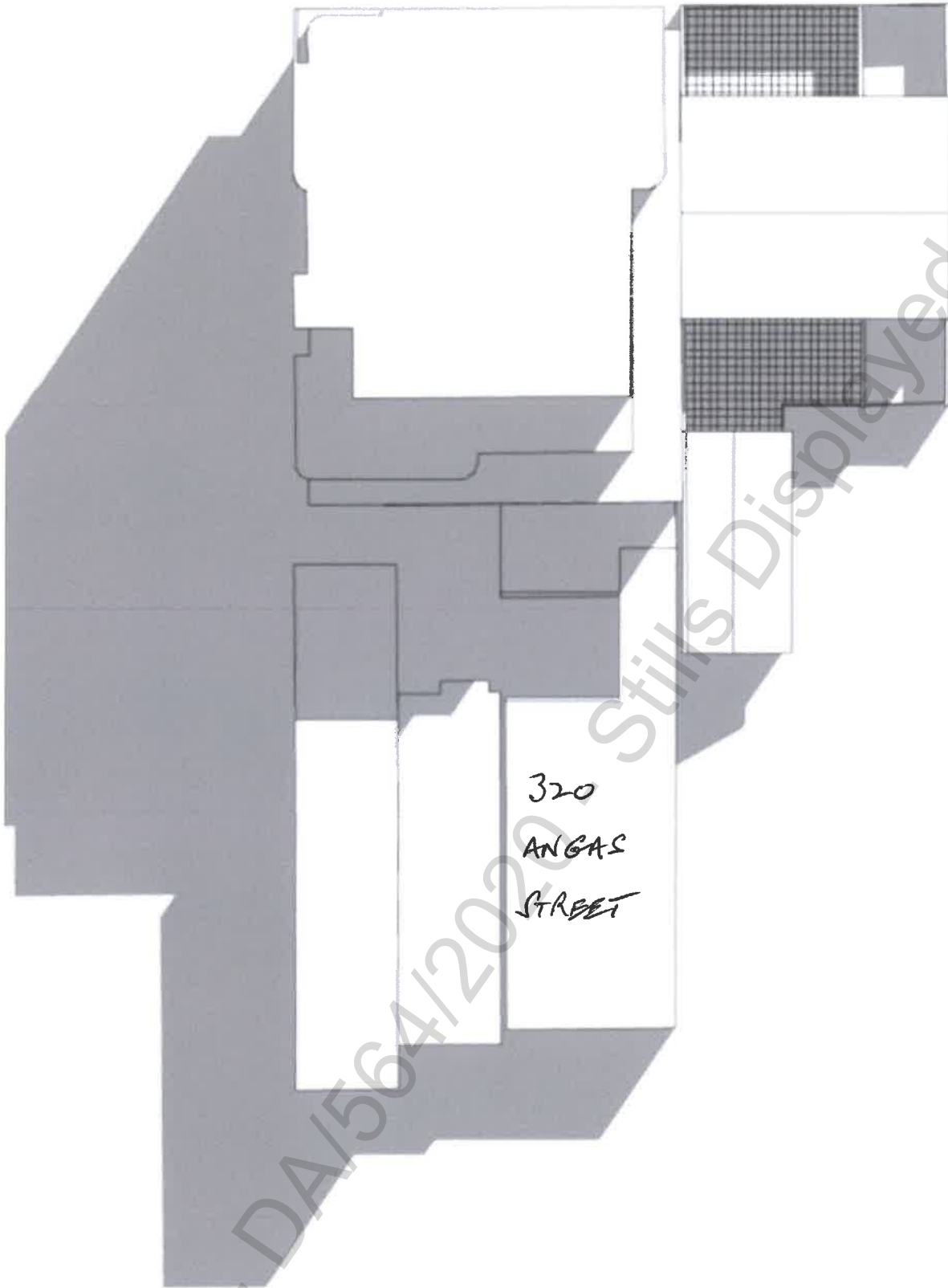
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- Electricity box





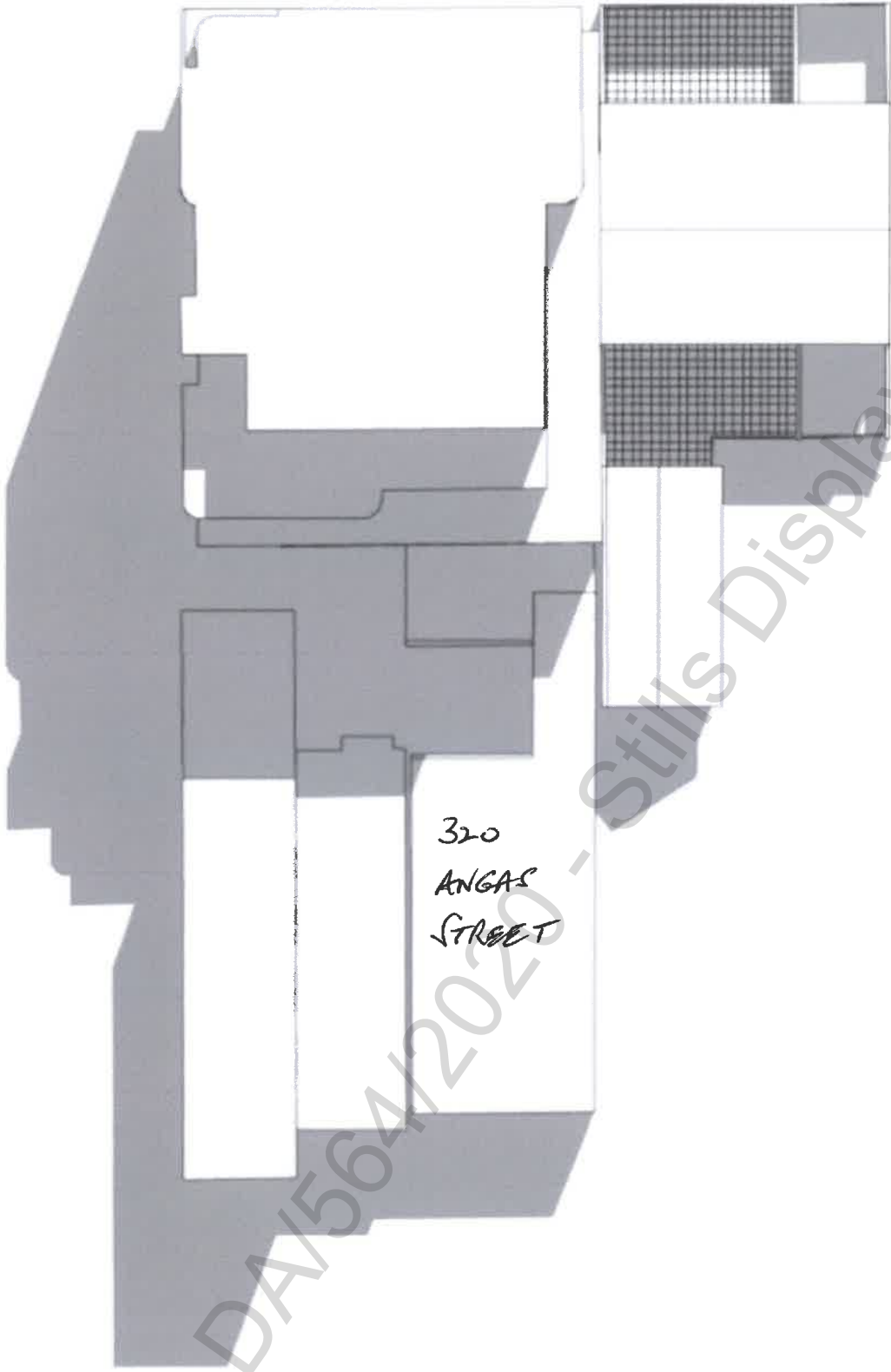
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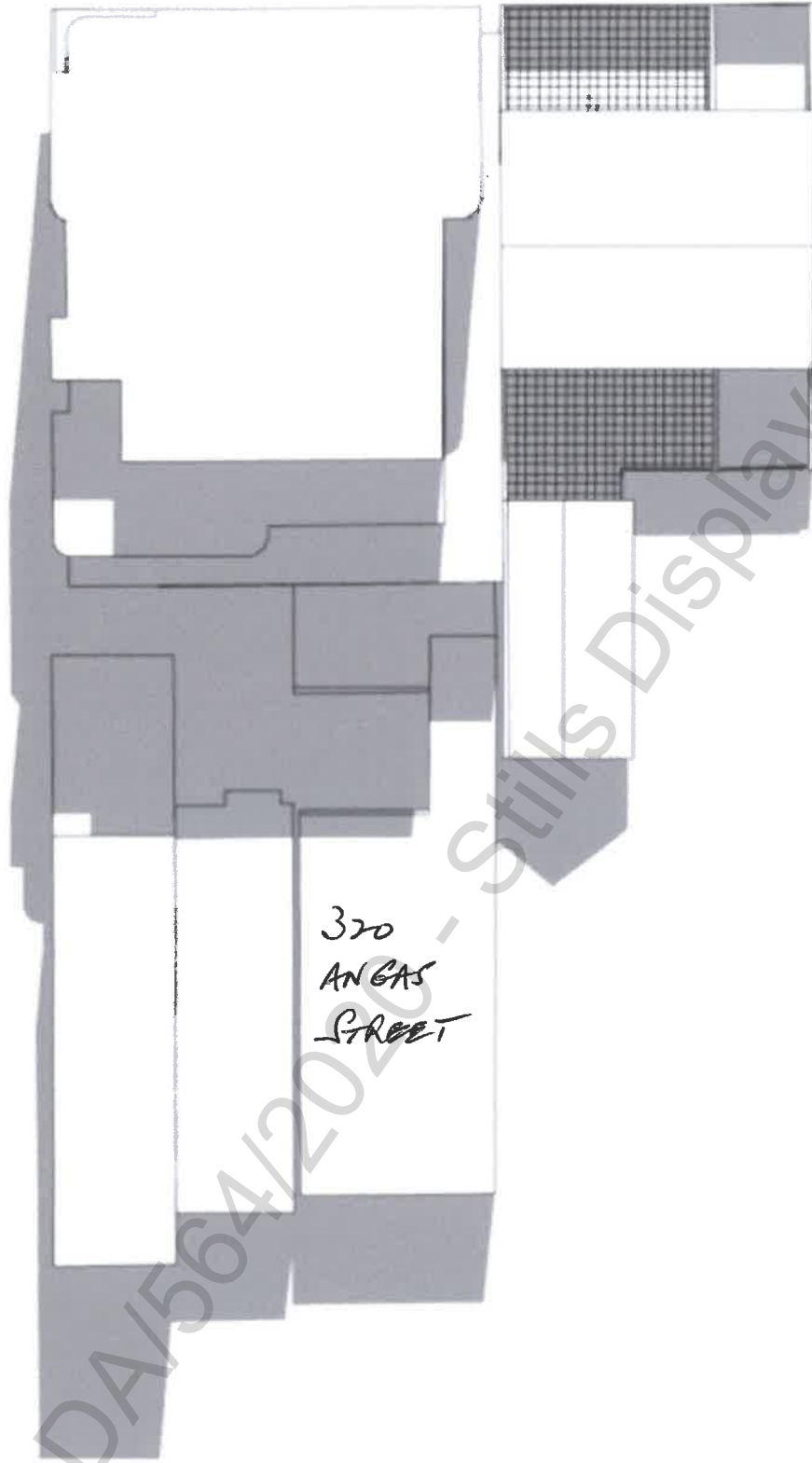


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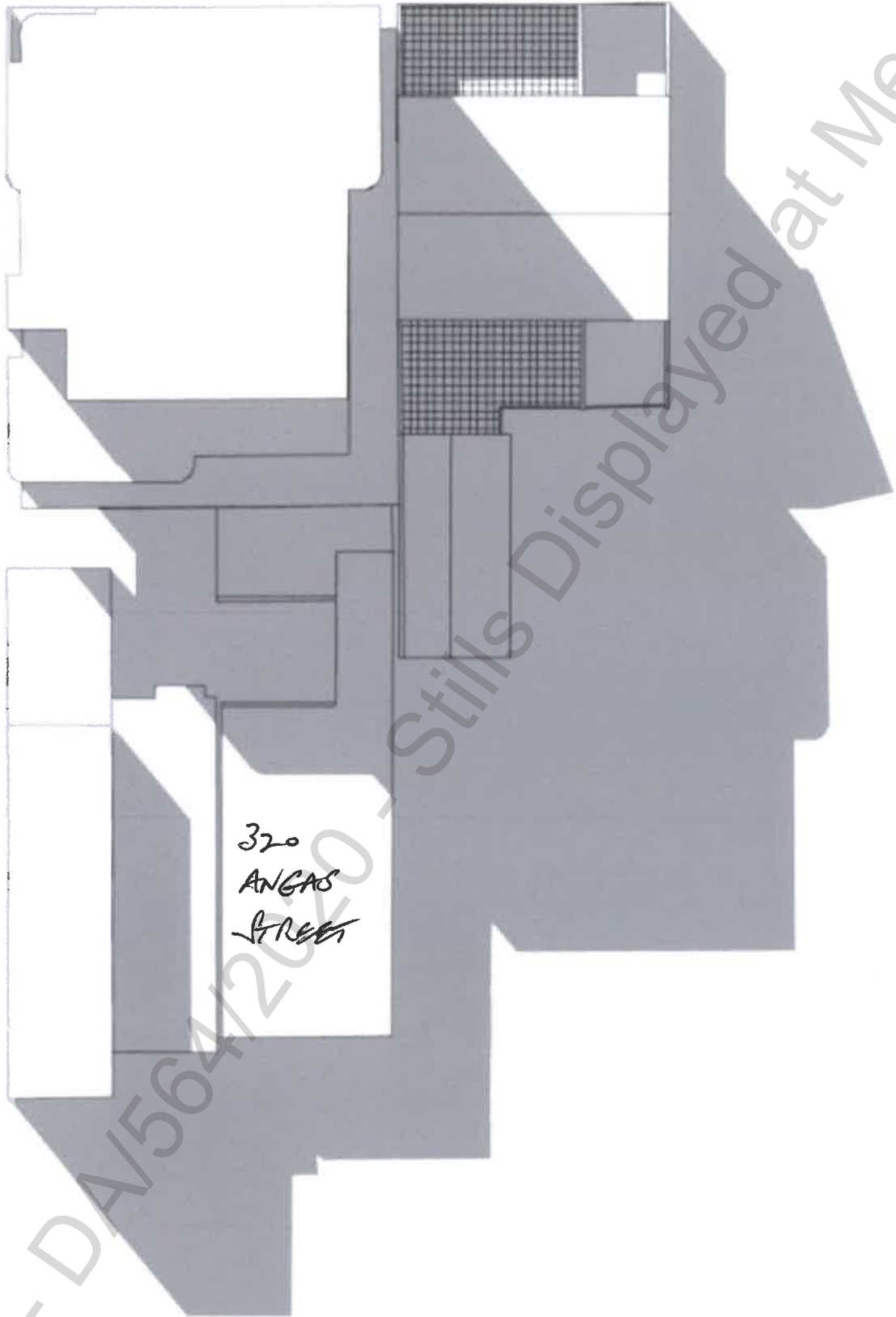
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