

Minutes of the Electronic Meeting of the Council Assessment Panel

Held via Zoom on Monday, 31 January 2022, at 5.30 pm

Present – Presiding Member – Nathan Cunningham
Panel Member – Councillor Arman Abrahamzadeh (Deputy Lord Mayor)
Specialist Members – Mark Adcock, Colleen Dunn & Emily Nankivell

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 – 15 November 2021 [CAP]

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 15 November 2021, be taken as read and be confirmed as an accurate record of proceedings.

Declaration of Conflict of Interest

Nil

Report to CAP

Item 2.1 – Council Assessment Panel – Delegations, Adoption of Meeting Procedures and Meeting Schedule [2021/02599] [CAP]

Mark Adcock left the meeting at 5.41pm and re-joined the meeting 5.42pm

Decision

That the City of Adelaide Council Assessment Panel:

1. Delegates powers of an Assessment Panel as Relevant Authority under the *Planning, Development and Infrastructure Act 2016 (SA)* as follows:

- 1.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016 (SA)* the powers and functions under the *Planning, Development and Infrastructure Act 2016 (SA)* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to this report 31/01/2022 and entitled Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel and marked Attachment A) are hereby delegated this 31 January 2022 to the City of Adelaide's Assessment Manager, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 1.2 Such powers and functions may be further delegated by the City of Adelaide's Assessment Manager in accordance with Section 100(2)(c) of the *Planning Development and Infrastructure Act 2016 (SA)* as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
2. Endorses and adopts the Meeting Procedures set out in Attachment B to Item 2.1 on the Agenda for the meeting of the City of Adelaide Council Assessment Panel held on 31 January 2022, subject to:
 - The deletion of the word 'the' and inclusion of the word 'to' after the word 'Subject' in 1.1.
 - The deletion of the word 'is' after the word 'attendance' in 1.4.5.
 - The inclusion of the words 'or Planning Rules (as relevant) in 8.3.6.1 after the words 'Development Plan'.
3. Endorses the 2022/23 Meeting Schedule set out in Attachment C to Item 2.1 on the Agenda for the meeting of the City of Adelaide Council Assessment Panel held on 31 January 2022.

Applications assessed under Development Act 1993 (SA) with Representations

Nil

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

Item 5.1 – Development No. 21032920 – 22 Brougham Court, North Adelaide SA 5006 [DA] (EP) [CAP]

CAP acknowledged that:

1. The address referenced:
 - on Page 47 of the Meeting Agenda Document – 'Persons Speaking Before Panel' for the Representor listed and
 - on Page 48 of the Meeting Agenda Document – 'Background' in paragraph 2.3 incorrectly identified 24-26 Brougham Court rather than 18 Brougham Court.
2. The address referenced on Page 64 of the Meeting Agenda Document – '9.5 Detailed Discussion - Daylight & Sunlight', incorrectly identified 24 Brougham Court rather than 18 Brougham Court.

Representations Heard

Representors:

Matthew Gershwitz on behalf of himself and Katy Gershwitz of 18 Brougham Court
Ian Vagg on behalf of Joan Duldig of 24 Brougham Court, North Adelaide

Applicant:

Phillip Gaertner and Cassandra Hunter
Kim Kelso (Building Designer) on behalf of the applicant

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016 (SA)*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21032920, by Phillip Gaertner and Cassandra Hunter is refused Planning Consent subject to the following reasons:
 - Its bulk and scale are excessive, reducing the access to views of the sky and creating an excessive sense of enclosure to the rear habitable rooms and private open spaces, not satisfying City Living Zone Building Setbacks PO 3.1 – 3.5 + Historic Area Overlay PO 2.2 and 2.4, Site Coverage PO 2.1 + Historic Area Overlay PO 6.2.
 - Microclimatic impacts upon the adjacent dwellings at 18 and 24 Brougham Court will reduce the amenity of their private open space and closest habitable rooms through heat generation to the north and reduction of sunlight, leading to a cooling effect to the south, not satisfying Planning and Design Code, Design Overlay – Design Objective DO 1 and Design in Urban Areas 14.1 – 14.2.
 - The proposal is unreasonably large resulting in greatly deficient provision of open space, being in contradiction of the established character of the locality, not satisfying North Adelaide Low Intensity Sub-zone Desired Objectives DO 1 and DO 2 and Design in Urban Areas Performance Outcome PO 3.1.

Applications assessed under Development Act 1993 (SA) without Representations

Nil

Applications assessed under PDI Act 2016 (SA) without Representations

Nil

Other Applications

Nil

Council Assessment Panel – Electronic Meeting Minutes



Other Business listed in Agenda

Nil

Other Business raised at Panel Meeting

Nil

Next Meeting

Monday 28 February 2022

Closure

The meeting closed at 7.09 pm.

Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel

Documents attached for reference

Nil