



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 26 June 2023
at 5.30pm
in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 26 June 2023, at 5.30pm,
Colonel Light Room, Adelaide Town Hall

Present -	Presiding Member -	Nathan Cunningham
	Panel Member -	Mark Adcock, Colleen Dunn and Councillor Kieran Snape
	Deputy Panel Member -	Prof Mads Gaardboe
Apology -	Panel Member -	Emily Nankivell

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member will state:

'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.'

1 Item 1 - Confirmation of Minutes

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 29 May 2023, be taken as read and be confirmed as an accurate record of proceedings.

2 Item 2 - Declaration of Conflict of interest

Nil

3 Applications assessed under PDI Act 2016 (SA) with Representations

4 Item 3.1 - 108 Kermode Street, North Adelaide

Representations listed to be heard

Representors

- Greg Vincent on behalf of Dini Pty Ltd, 1 Bagot Street, North Adelaide (did not attend)

Applicant

- Josh Skinner of URPS Planning Consultants and Mark Beesley of Proske Architects on behalf of NJH Developments Pty Ltd (were available to answer questions from the Panel – no questions asked)

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, 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 23006347, by NJH Developments Pty Ltd is granted Planning Consent subject to the following conditions and advices:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
 - **Plans drafted by Proske Architects, project no. 22-031, drawing nos. PL00.A – PL05.A and PL06, PL07, all dated 19.5.2023**
 - **Landskap Landscape Concept Plans, Ref. no. 23.004 dated 22.2.2023**
 - **Siteworks and Drainage Plan drafted by Herriot Consulting, file no. C2302-032 sheet C1 Rev. B date of issue March 2023**
 - **Planning Report compiled by URPS, dated 26 May 2023**

2. **The applicant or the person having the benefit of this consent shall ensure that all storm water runoff 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 Relevant Authority**

3. **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 Relevant Authority.**

4. **Trees must be planted in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwellings and maintained.**

5. **Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwellings.**

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 City of Adelaide City Works Guide # 2: 'Works Impacting Council Assets' which can be located on Council's website <https://www.cityofadelaide.com.au/> and shall be to the reasonable satisfaction of the Relevant Authority.**

7. **The level of the internal vehicle hardstand area at the boundary shall match the invert level of the adjacent gutter plus 150mm at both the north and south sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure it matches the above alignment levels. The longitudinal profile across the width of the vehicle crossing shall comply with the ground clearance requirements of AS/NZS 2890.1-2004.**

8. The splay corner at the Kermode and Bagot Street corner of the site shall remain clear of obstructions and building works at all times.
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9. The privacy screening in the form of solid panel screens or integrated balcony planters as depicted on the plans granted consent described as east, west and elevations on Proske Architects drawing no. PL04.A and Section C-C on Landskap Concept Sections plan shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.

ADVISORY NOTES

1. Expiration Time of Approval

Pursuant to the provisions of Regulation 67 of the *Planning, Development and Infrastructure (General) Regulations 2017*, this consent/approval will lapse at the expiration of 2 years 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 2 years, 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.

2. Notifications

Pursuant to Regulation 93 of the Planning, Development and Infrastructure Act, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via planning@cityofadelaide.com.au or phone 8203 7185.

3. Appeal Rights

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

4. Access Rights

The access and internal manoeuvring and carparking areas serving these dwellings is on a shared basis. These areas cannot operate in isolation without shared use rights being established (via a free and unrestricted right of way or common property arrangements) or a variation being sought to the Planning Consent / Development Approval for alternate arrangements.

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. Demolition

Demolition and construction at the site should be carried out so that it complies with the construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007. A copy of the Policy can be viewed at the following site:
www.legislation.sa.gov.au.

7. Other Requirements

In addition to notification and other requirements under the Planning, Development and Infrastructure Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

8. 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.

9. Vehicle Crossing Place

There is no objection to the proposed new vehicle crossing place or closing the existing vehicle crossing place, however the new crossover will be constructed in stone and the redundant crossover is required to be closed and stone kerb reinstated. 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 alterations is required and the applicant can obtain a form at Driveway crossover application
<https://customer.cityofadelaide.com.au/forms/vehicle-crossing-application/>. 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. This includes activities that have received Development Approval. 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/business/permits-licences/city-works/

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.

5 Item 3.2 - 99-100 Brougham Place, North Adelaide

Representations listed to be heard

Representors

- Chris Harris – 14 Brougham Court, North Adelaide
- Rosemary Jones – 102 Brougham Place, North Adelaide (did not attend)
- James Hilditch on behalf of Paul and Bronwyn Smith – 88 Brougham Place, North Adelaide (did not attend)
- Sandy Wilkinson on behalf of David Sharpe – 97 Brougham Place, North Adelaide (did not attend)

Applicant

- Jason Cattonar of Future Urban on behalf of applicant, Tempo Constructions

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, 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 22037197, by Tempo Constructions is granted Planning Consent subject to the following conditions and advices:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
 - Plans drafted by BB Architects, project no. 22.22, drawing nos. DA00H, DA-01C, DA-02D, DA-03D, DA-04F, DA-05C, DA-06E, DA-07E, DA-08F, DA-09C, DA-10D, DA-16C, DA-17A, all dated 5 June 2023
 - Site Plan drafted by Structural Systems, job no. DT230222, drawing no. 01 stage PA issue 1, revised date 7 June 2023
 - Hydrological Analysis undertaken by Structural Systems, job no. DT230222, issue date 7 June 2023
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2. **The finished floor level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.**
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- 3. Prior to the issue of Development Approval or any demolition, the Certifying Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.**

- 4. 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 Relevant Authority.**

- 5. The design of the vehicular access and off-street parking facilities shall comply with Australian Standards AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking.**

- 6. The privacy screening as depicted on the plans granted consent described as east elevation on drawing no. DA-07E, west elevation on drawing no. DA-08F and south elevation on drawing no. DA-09C shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.**

- 7. Prior to any occupation or use of the building, the Certifying Authority must ensure that all redundant vehicular crossings and property drainage connections to the site and any other redundant assets related to the development have been removed and lands restored in accordance with Council's requirements including City Works Guide Works Impacting City of Adelaide Assets and Urban Elements Catalogue.**

- 8. Trees must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwellings and maintained.**

- 9. Rainwater tanks must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwellings.**

- 10. All stormwater run-off from the development including awnings shall be collected in a system of gutters, pits and pipelines and discharged to the kerb and gutter of a public road in accordance with the stamped plans and documentation, National Construction Code, relevant Australian Standards including AS3500.3:2021 and Council's City Works Guide #2 Works Impacting City of Adelaide Assets and Urban Elements Catalogue.**

ADVISORY NOTES

- 1. Expiration Time of Approval**

Pursuant to the provisions of Regulation 67 of the *Planning, Development and Infrastructure (General) Regulations 2017*, this consent/approval will lapse at the expiration of 2 years 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 2 years, 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.

2. Notifications

Pursuant to Regulation 93 of the Planning, Development and Infrastructure Act, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via planning@cityofadelaide.com.au or phone 8203 7185.

3. Appeal Rights

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

4. Access Rights

The access and internal manoeuvring and carparking areas serving these dwellings is on a shared basis. These areas cannot operate in isolation without shared use rights being established (via a free and unrestricted right of way or common property arrangements) or a variation being sought to the Planning Consent / Development Approval for alternate arrangements.

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. Demolition

Demolition and construction at the site should be carried out so that it complies with the construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007. A copy of the Policy can be viewed at the following site: www.legislation.sa.gov.au.

7. Other Requirements

In addition to notification and other requirements under the Planning, Development and Infrastructure Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

8. 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.

9. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval. 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/business/permits-licences/city-works/

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.
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6 Item 3.3 - 94 Childers Street, North Adelaide

Representations listed to be heard

Representors

- Fiona Shepley – 19 Barton Place, North Adelaide (did not attend)
- Yoland Higgs
- Annie Matsouliadis – 94 Childers Street, North Adelaide (did not attend)
- Scott Twine of URPS Planning Consultants on behalf of Tim Randall & Vyla Ellis – 88 Childers Street, North Adelaide
- David Cobbledick – 15 Barton Place, North Adelaide
- Sean Deslandes – 94 Childers Street, North Adelaide (did not attend)
- Ann and David Wald – Unit 7/124 Barton Terrace West, North Adelaide (did not attend)

Applicant

- Neville Brandon

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, 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 21019569, by Neville Brandon is delegated to Council's Assessment Manager to refuse for the following reasons:
 - Fails to achieve North Adelaide Low Intensity Subzone Desired Outcome 1 and PO 1.1
 - Site area
 - Side and rear setbacks
 - Boundary wall length and height
 - Inconsistency with Heritage Overlay
 - Impact on amenity of neighbours
 - Insufficient landscaping
 - Inadequate light and ventilation for some liveable rooms
 - Masonry fencing details not adequately addressed

The meeting was adjourned at 7.05pm and resumed at 7.09pm

7 Item 3.4 - 76 South Terrace, Adelaide

Representations listed to be heard

Representors

- Joanne Roomes, 469 Morphett Street, Adelaide (indicated will not speak)
- Thomas Ladewig – 29 Halls Place, Adelaide (did not attend)
- Andrew Cannon – 32 Halls Place, Adelaide
- Susan Collins on behalf of Community Corporation No. 20242 Inc – 17 Halls Place, Adelaide
- Jeffrey Collins – 17 Halls Place, Adelaide
- Zachary Barnard – 13 Halls Place, Adelaide (did not attend)
- Dominic Rugari – 77 South Terrace, Adelaide
- Craig McCarthy – 74 South Terrace, Adelaide
- Tessa Muscardin – 19 Halls Place, Adelaide (did not attend)

Applicant

- John Mason and Damian Dawson of Planning Chambers on behalf of the applicant
- Simon Voss as the applicant also answered Panel's questions

Decision

That the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, 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 22034970, by Carlisle Developments Pty Ltd is Refused Planning Consent subject to the following reasons:
 - exceeds maximum prescribed building height and does not positively respond to the local context at variance with CCZ PO 4.1
 - insufficient ground floor active frontage not meeting over height criteria designated in CCZ PO 4.2
 - not satisfactorily manages interface with residential uses in terms of building proportions and massing in accordance with CCZ PO 5.1
 - negative visual impacts to residential living areas at variance with CCZ PO 5.1 and Design in Urban Areas PO 12.3 and 12.4
 - portions of building above maximum building height not recessive in form or design and at variance with CCZ PO 5.2
 - will not reinforce prevailing datum heights and parapet levels on South Terrace expressed in Zone PO 3.2
 - siting, orientation and design will rely on mechanical systems for heating and cooling at variance with Design in Urban Areas DO1(d) and PO 4.1 and 4.2.

8 Item 4 - Applications assessed under PDI Act 2016 (SA) without Representations

9 Item 5 - Appeal to CAP for Assessment Manager's Decision Review

10 Item 6 - Other Business

Closure

The meeting closed at 8.25pm

**Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel**