

# Council Assessment Panel Meeting Agenda



Monday, 21 January 2019, at 5.30 pm, Colonel Light Room, Town Hall, Adelaide.

Presiding Member – Mr John Hodgson

Acting Presiding Member – Councillor Anne Moran

Specialist Members – Mr Ross Bateup, Mr Heath Edwards and Prof Mads Gaardboe

## 1. Confirmation of Minutes – 10/12/2018 [CAP]

*That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 10 December 2018, be taken as read and be confirmed as an accurate record of proceedings.*

## 2. Non-Complying Application - Nil

## 3. Applications for consideration on Merit

- |     |                     |   |
|-----|---------------------|---|
| 3.1 | <u>Subject Site</u> | <u>28 St John Street, Adelaide SA 5000 [Page 2]</u>   |
|     | Application No.     | DA/616/2018   |
|     | Proposal            | Demolish dwelling and remove a regulated tree and construct a two storey dwelling and swimming pool |
|     | Recommendation      | Development Plan Consent be GRANTED   |

## 4. Other Application - Nil

## 5. Other Business

- 5.1 List of Recent Lodgements for Planning Consent (2017/02505) [Page 141]
- 5.2 Other Business

## 6. Exclusion of the Public

- 6.1 Exclusion of the Public from attendance at the meeting to Consider Item 7.1 on a Confidential basis (2018/04291) [Page 149]
  - Regulation 13(2) (viii) (Legal Advice)
  - [Planning, Development and Infrastructure (General) Regulations 2017 (SA)]*

## 7. Matter for Consideration on a Confidential Basis

- |     |                     |  |
|-----|---------------------|--|
| 7.1 | <u>Subject Site</u> | <u>Various locations throughout Adelaide and North Adelaide [Page 151]</u> |
|     | Proposal            | Change in content of advertising display on payphones at various locations |

## 8. Closure

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## CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL ON 21/1/2019

<b>Item No</b>	<b>3.1</b>
Address	28 St John Street, Adelaide SA 5000
Proposal	Demolish dwelling and remove a regulated tree and construct a two storey dwelling and swimming pool, (DA/616/2018 – EP) [CAP]
Applicant	Anton Johnson Architect
Relevant Development Plan	7 June 2018
Lodgement Date	6 August 2018
Zone / Policy Area	Adelaide Historic (Conservation) Zone
Public Notification	Category 2
Application Type	Application Assessed on Merit
Delegations Policy	Unresolved Representations
<b>Recommendation</b>	<b>Development Plan Consent Be GRANTED</b>

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### ATTACHMENTS

#### Plans and Supporting Information

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### PERSONS SPEAKING BEFORE THE PANEL

#### Representors

- Ms Ann Elizabeth Young and Mr R. K. Young - 24 St John Street, Adelaide
- Mr T C Trimbell – 420 Gilles Street, Adelaide

#### Applicant

- Mr Anton Johnson, Architect on behalf of Mr C. L. Nairn and Ms F. H. English

## 1. **DESCRIPTION OF PROPOSAL**

- 1.1 Planning consent is sought for demolition of an existing free-standing single storey dwelling, removal of an existing regulated tree and construction of a two storey dwelling including garaging for two vehicles, swimming pool and three roof-mounted air-conditioning units.
- 1.2 The proposed building consists of a single storey section fronting St John Street with a roof height of 6.6 metres and a two storey rear section with a roof height of 8.4 metres.
- 1.3 A building floor area of 187 square metres is proposed (excluding garage).
- 1.4 Varying building materials and finishes will be used including rendered masonry walls, corrugated colorbond roofing and timber.

## 2. **DEVELOPMENT DATA**

<b>DESIGN CHARACTERISTICS</b>	<b>GUIDELINE</b>	<b>PROPOSED</b>
<b>Site area: 332 m<sup>2</sup></b>		
Plot ratio	0.8	0.56
Dwelling Unit Factor (DUF)	2	1
Building height - Storeys - Metres (ceiling height)	2 8.5 metres (max.)	2 8.4 metres
Private Open Space (POS) - % of total site area or m <sup>2</sup>	66.4 m <sup>2</sup> / 20%	69.5 m <sup>2</sup> / 21%
Landscaped Open Space (LOS) - % of total site area	25%	29%
Car parking and Access - Number of spaces	1 Space	1 Space

## 3. **BACKGROUND**

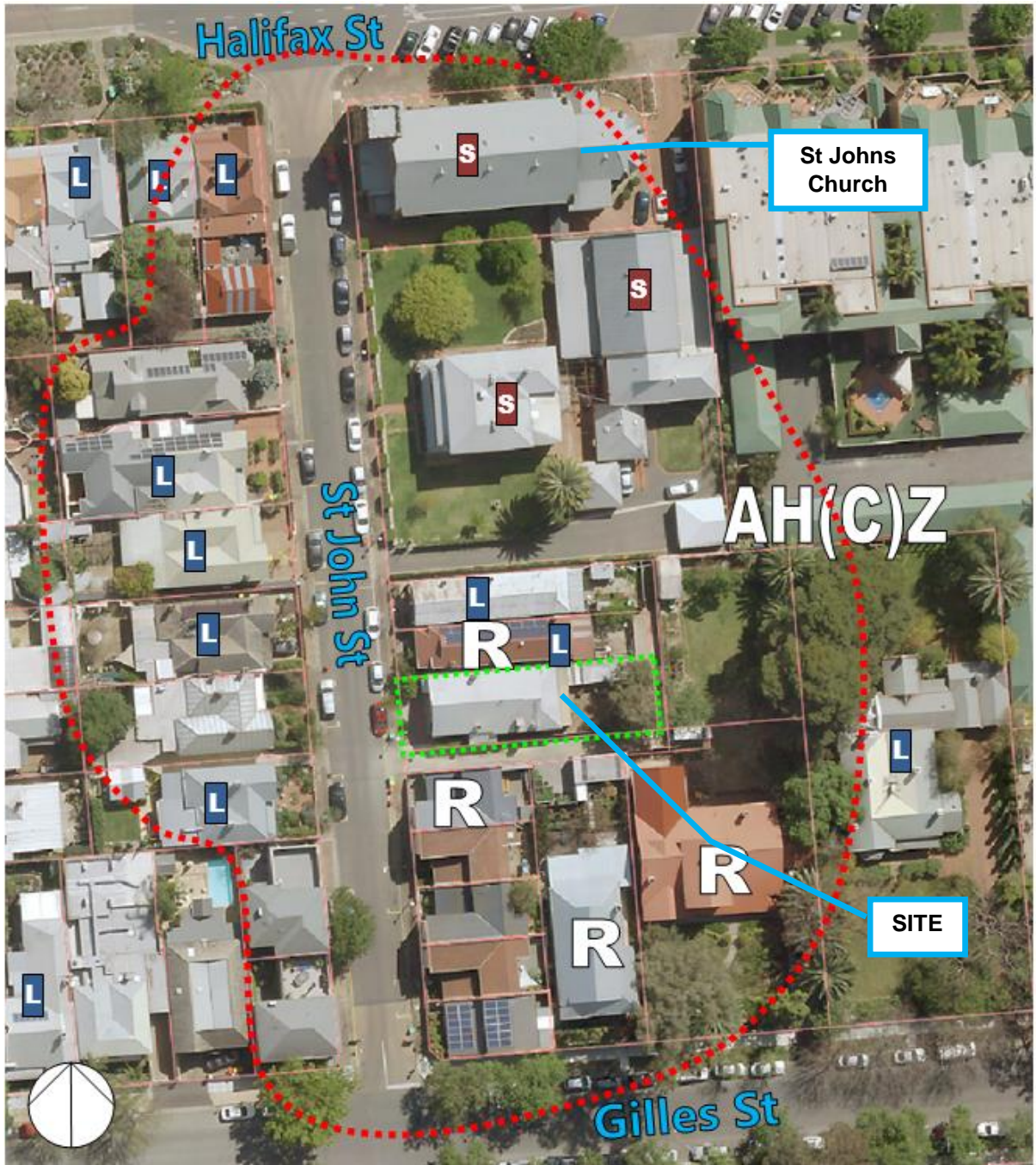
- 3.1 The applicant sought pre-lodgement advice regarding this proposal from Council's Heritage Advisors. This advice resulted in a number of design changes prior to lodgement. Refinements to the front façade, setbacks, fencing and materials have occurred.
- 3.2 Subsequent to public notification, during discussions with Administration, the applicant has recognised that overlooking from the upper level balcony into the adjacent property to the east at 424 Gilles Street required further investigation. The applicant initially proposed vertical metal blades projecting from the balcony to provide screening to the property however this has been replaced with balustrading of 1.6 metres height consisting of obscured glazing.

#### **4. SITE**

- 4.1 The subject site is located on the eastern side of St John Street, approximately 40 metres from the intersection with Gilles Street
- 4.2 The site has a frontage to St John Street of 9.75 metres and a depth of 34.14 metres. It has an area of approximately 332 square metres. This includes a right of way along the rear boundary of 2.44 metre width, over which No. 22 and 24 St John Street have right of way.
- 4.3 A right of way is located along the southern boundary of the subject site. The right of way provides free and unrestricted right of access to the subject land and adjacent properties at 420, 424 Gilles Street.
- 4.4 The site is not subject to any easements.
- 4.5 The site is occupied by a single storey detached dwelling that appears to have been constructed circa 1900 - 1920.
- 4.6 There is no fence erected between the dwelling and the adjacent dwelling to the north at 24 St John Street.

#### **5. LOCALITY**

- 5.1 The locality incorporates residential land uses with a mix of single and two storey buildings. A number of dwellings in the locality are State or Local Heritage Places. Of most significance is St Johns Anglican Church, the Dulwich Centre and St Johns Rectory Building located at the northern end of St John Street.
- 5.2 Dwellings on the western side of the street consist primarily of Victorian era asymmetrically fronted detached dwellings dating approximately from the 1880's.
- 5.3 The eastern side of St John Street is dominated by the Anglican church, manse and hall in the north and three (3) small gable fronted cottages to the south.
- 5.4 The southern end of the street is dominated by two storey contemporary dwellings which also front on to Gilles Street.
- 5.5 In summary, the locality has a residential character, with dwellings comprised of a range of styles and materials, on modestly-sized allotments with minimal side and front setbacks.








<b>KEY</b>			
	Subject Site		Local Heritage Place
<b>AH(C)Z</b>	Adelaide Historic (Conservation) Zone		State Heritage Place
<b>R</b>	Representor(s)		Policy Area Boundary
	Locality		

Photo 1 – The subject site viewed from St John Street



Photo 2 – Adjacent dwellings to the south at 30-38 St John Street



Photo 3 – Dwelling opposite subject site at 25 St John Street



Photo 4 – Right of way located south of the proposed site



Photo 5 – Subject site (on the left) and No. 24 St John St (on the right)



Photo 6 – Right of way with rear of 420 and 424-428 Gilles St visible on the left







	1600mm above the first floor level with the windows opening not more than 25%..
<p>The building is not in such a state of disrepair that justifies demolition. Repair and restoration are preferred to demolition as per the Development Plan criteria.</p> <p>The building appears to be structurally sound, capable of restoration, has limited salt damp along the front wall, the interior appears to be in very good condition and is thus deserving of retention.</p>	<p>The dwelling is not included in the City of Adelaide list of Local Heritage Places.</p> <p>The applicant's architect does not rely on in its opinion that the existing dwelling is in very poor condition to justify its demolition.</p>
<p>Concerned about the impact of the proposed swimming pool upon the structural integrity of 24 St John Street, which does not have a concrete foundation. This also applies to the original outside lavatory on the said premises.</p> <p>Request that an engineer's report be supplied regarding demolition, construction and excavation for the pool detailing how damage will not be caused to the adjacent building.</p>	<p>A structural engineer is engaged to design, document and supervise the construction of the new dwelling and the swimming pool. All works adjacent the neighbour's dwelling will be designed to take in consideration the stability of the adjoining land. This is not an uncommon occurrence with the city where high density developments often occur. The neighbour will be served with the appropriate notice in accordance with Section 60 of the Development Act 1993.</p>
<p>Parking and access should be organised by the builders so that the existing unrestricted rights of way for neighbours is not affected.</p>	<p>No response provided.</p>
<p>Concerned about the noise generated by the outdoors pool pump which is located next to the living area of 24 St John Street.</p>	<p>No response provided.</p>
<p>The east facing balcony impacts upon the privacy of adjacent neighbours.</p> <p>Prefer that no east-facing balcony be constructed. In the event that the balcony is retained, better screening is required.</p> <p>The 1.6 metre high screens on the balconies should be solid to prevent any</p>	<p>The proposal has been amended with a 1.6 metre high translucent glass balustrade to be applied to the eastern balcony to prevent overlooking into the adjacent property to the east.</p>

<p>overlooking into adjacent properties.</p> <p>The drawings understate the lines of sight.</p>	
<p>The northern screening is insufficiently low (at the base) to prevent overlooking into the kitchen and bathroom of No. 24.</p> <p>There should be no access from the northern upper level onto the balcony/ pergola and glazing should be non-openable and obscured to a height of 1.6 metres.</p> <p>An external privacy screen should be a maximum of 90cm from the window, opaque and at least 1.4 metres in height.</p>	<p>The privacy screen is designed to prevent overlooking from the first floor north facing rooms. The structure that supports this privacy screen also provides essential sun shading to the ground floor windows below and is also for maintenance purposes such as external window cleaning and general building maintenance. The flooring material is aluminium checker plate and incorporates a rainwater channel. Access is by one of the northern windows.</p> <p>The requested increase in the height of the screen to 1400mm is acceptable to the applicant.</p> <p>The distance between the northern wall of Bedroom 1 and the privacy screen is 900mm on the first floor plan.</p>
<p>The distance between buildings at No. 28 and 24 has been 1.15 metres for over 100 years. We seek that this separation distance be preserved to maintain amenity to the property.</p> <p>The new dwelling will be sited 50 centimetres closer to No. 24 according to our estimation of the boundary's location.</p> <p>The current space provides access to services. Building on the boundary as proposed will compromise access for the residents of No. 24.</p> <p>The 17.3 metre long 2 metre high masonry wall along the northern boundary, together with the height of the two storey component is unsympathetic to the Local Heritage Place at 24 St John Street.</p>	<p>Mr Young's representative makes reference to Council Wide PDC 23, which states:</p> <p><i>The set-back of low scale residential development from side and rear boundaries should progressively increase as the height of the development increases and side boundary walls should be located and limited in length and height to:</i></p> <p><i>(a) Minimise the visual impact on adjoining properties</i></p> <p>The proposed side set back follows closely with this Principle of Development Control. There is progressive increase in the side set back as the height of the development increases. The side setback for the two storey part of the proposed dwelling is 2.4m from the boundary on site that is only 9.754m wide.</p> <p>The term "side boundary wall" has been misconstrued suggesting that this refers to a boundary fence. PDC 23 refers specifically to side boundary walls to residential development not fences, irrespective of their materials or form of construction.</p> <p>It is noted that Mr Young does not take issue with the height and materials of the boundary fence. The masonry boundary fence is on the boundary as it is reasonably to be. It is neither appropriate nor reasonable for Mr Young to request that the entire development and the masonry boundary fence be relocated 500mm inside the applicant's property line.</p> <p>The distance between the new dwelling boundary wall and fence and the neighbour's dwelling will be approximately 650mm. This is a reasonable and adequate distance for access and exceeds the minimum distance of 600mm</p>

	(unless that wall is on the boundary) prescribed in the National Construction Code, Building Code of Australia for access for inspection and maintenance. Refer NCC SA6.2.
<p>Not convinced that the upper level will not be visible from St John Street.</p> <p>The second storey gable significantly increases the height of the proposed dwelling.</p>	<p>The two storey component is located towards the rear of the proposed dwelling. Mr Young's representative makes reference to the height of the proposed front façade gable as being higher than the typical heritage gable in the street. This is not correct. As the streetscape elevation illustrates the proposed gable will be the same height. As for the rear gable of the second storey section; this gable is set back 16.5 m from the street boundary and more than 25m from the centre of the opposite footpath. This rear gable is obscured from view by the roof of the single storey section.</p> <p>Please refer to the sightline drawing below. DPC- 02</p> <p>This drawing illustrates that when viewed from the opposite footpath the rear gable will be substantially, if not entirely, obscured from view by the roof on the front single storey part of the proposed dwelling. The rear gable was not shown on the Streetscape View elevation to more accurately represent what will be seen from the street as illustrated in this drawing. This sightline section is shown centreline and directly opposite the proposed dwelling to the top most peak of the rear gable.</p>
The bulk and scale of the proposed development is not in keeping with the historic nature and amenity of the locality and will dominate the streetscape.	The new dwelling has been designed to be in harmony and complement the predominant street character. This has been done with careful regards to maintaining the front setbacks, the height of the adjacent roof gutters, use of pitched roofs and front gable elements, selection of materials, a low front fence and the overall form, bulk and scale.
The materials are modern and contemporary and as such will soon become dated. It will therefore detract from the 'village' feel that the area currently has.	<p>Council Administration did not suggest a "reproduction cottage" but rather that a modern and contemporary approach to design which recognizes the parameters noted above.</p> <p>The design of the new dwelling has been undertaken in close consultation with Council's Heritage consultants. Preliminary design proposals were submitted to Council and reviewed in detail with the Heritage Consultants. Changes and amendments to the design were undertaken in response to the advice given prior to submission for Development Plan Consent.</p>
<p>Do not support removal of the tree as it provides a good amount of greenery to the local area.</p> <p>No justification is provided in our opinion for removal of the regulated tree. It appears to be in good health and attracts native bird life. Its</p>	<p>Mr and Mrs S &amp; M Psaltis have responded with concerns that the regulated tree assists to protect their privacy. Whilst this may have merit in the very short term, the tree is fully grown and is now deteriorating in health and vigour with a relatively short life expectancy.</p> <p>The applicant has had the subject tree assessed by a qualified Arborist, Dean Nicole. Dr Dean Nicolle is regarded as a premier authority on Australian natives. His report states:</p>

<p>retention would contribute to the ambiance of the area and help soften the appearance of the proposed development. Furthermore its retention would assist in preserving the privacy of No 424 Gilles Street.</p>	<ul style="list-style-type: none"> <li>• The species is exotic to the area (it is indigenous to the southwest coast of Western Australia)</li> <li>• Actual life expectancy of the tree is another &lt;5 – 15 years.</li> <li>• Useful life expectancy of the tree is another &lt;2 – 6 years.</li> <li>• Health: Below average and gradually deteriorating over time.</li> <li>• Vigour: Low</li> </ul> <p>In conclusion the Arborist has made the following recommendations:</p> <p>The subject tree is not worthy of enforcing development constraints on the site. I am therefore supportive of the removal of the tree in the case of any site redevelopment.</p> <p>Support of tree removal (in the case of site development) is made on the basis of:</p> <ul style="list-style-type: none"> <li>• The marginal suitability of the species to the local environmental conditions;</li> <li>• The reduced and gradually deteriorating health of the tree;</li> <li>• The short life expectancy of the tree;</li> <li>• The low to moderate but gradually increasing likelihood of whole of tree structural failure;</li> <li>• The lack of any faunal hollows or other important faunal habitats in the tree;</li> <li>• The non-indigenous and planted status of the tree;</li> <li>• The low biodiversity value of the tree; and the limited landscape value of the tree, which is associated with its relatively small overall size and obscured visibility from St John Street.</li> </ul> <p>Retention of the tree is clearly not recommended and would be unwise given the proposed redevelopment of the site. The matter of overlooking from the east balcony has therefore been addressed using screening devices on the balcony as detailed below.</p>
<p>There will be an unreasonable degree of overlooking from the rear balcony into the main living area (kitchen, dining and family room) and private open space of 424 Gilles Street.</p> <p>To overcome this concern, we request that the privacy screen be returned along the entire eastern edge of the balcony. Failing achievement</p>	<p>The proposal includes for full privacy screening of the southern side of the eastern balcony. This will be a fully complying screen as prescribed to prevent overlooking and detailed in the Development Plan - PDC36.1, PDC36.2 and PDC36.3. This screen also extends 200mm beyond the edge of the balcony. This screen encloses that part of the balcony which will be used as an outdoor area by the applicant.</p> <p>The one metre wide part of the balcony along the east side provides sun shading and protection of the windows and doors to the living room below and provides access for window cleaning to Bedroom 1 and for general maintenance.</p>

<p>of the above, a minimum distance of 1.5 metres along the eastern edge of the balcony could be acceptable</p> <p>The balcony screening should be solid in nature. Alternative materials such as frosted glass or solid timber should be considered.</p>	<p>Whilst not specifically for recreational use this part of the balcony is accessible therefore the addition of privacy screening in the form of 1.6 metre high translucent glass balustrade is now proposed</p>
<p>There are inconsistencies and inaccuracies in the proposed plans.</p>	<p>No inconsistencies in the proposed plans were intended. The omission of the rear upper gable from the Streetscape Elevation has been dealt with above.</p>

## 7. **REQUIRED EXTERNAL REFERRALS**

7.1 No external referrals required.

## 8. **SPECIALIST ADVICE**

### 8.1 **Local Heritage**

- The built form and character of St John Street is diverse with a local heritage place – a single fronted Edwardian era villa at 24 St John Street to the north of the property and on the southern side, a modern two storey townhouse development which is at odds with the Desired Character for the AHCZ. There are several Victorian era local heritage places opposite.
- The proposed development is supported. The form, scale and siting of the proposed new dwelling are considered to be consistent with the Desired Character for St John Street and with the Heritage Objectives and Principles for the Adelaide Historic (Conservation) Zone. The proposed dwelling is characterised by a prominent open gable which forms a notional front verandah and makes reference to traditional gabled facades in the locality. The width of the front gable is similar to that of a traditional Victorian era gable and the bulk of the main roof is well set back from the frontage.
- The proposed finishes – rendered masonry, timber and steel and colour scheme of ochre walls and Woodland Grey roof complement the heritage character of the area.
- The proposed powder coated steel fence makes reference to a traditional picket fence and is an appropriate style and height for the Policy Area.

### 8.2 **Traffic**

- There are no traffic/transport related objections to this development,
- Whilst a motorist may be required to undertake multiple point turns to enter/exit this is a common practice in this environment. The setback from the boundary will assist with maneuvering.

### 8.3 **Regulated Tree**

- In line with the supplied independent arborist report the recommendation to remove is not unreasonable in the circumstance.

**RELEVANT CITY OF ADELAIDE 2016-2020 STRATEGIC PLAN ACTIONS**

Whilst an assessment against the Strategic Plan is not required, the Development Plan is informed by Council's Strategic Plan Objectives and Actions as below:

SMART	GREEN
<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Work with private property owners and the State Government to embed better environmental performance into new and existing developments.</li> </ul>
LIVEABLE	CREATIVE
<ul style="list-style-type: none"> <li>Encourage growth in the full range of residential property development in a mixed-use environment in a manner that respects the human scale and different character of districts in the City.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

## 9. DETAILED ASSESSMENT

### 9.1 Summary of Zone Objectives & Principles

Subject DP Ref	Assessment	Achieved ✓ Not Achieved ✗
<b>Desired Character</b>	<ul style="list-style-type: none"> <li>Satisfies the desire for new residential development to be low density and high quality design.</li> <li>A high quality public environment is satisfied by the development presenting as single storey to the street, incorporating traditional design elements in a contemporary style that complements the existing historic character of St John Street.</li> </ul>	✓
<b>Objectives</b> O1-3	<ul style="list-style-type: none"> <li>Consistent with the Desired Character, conserving the historic character of the locality.</li> </ul>	✓
<b>Land Use</b> P1-3	<ul style="list-style-type: none"> <li>Residential flat buildings envisaged.</li> <li>Upper level considered to be adequately designed and sited to not be readily visible from public streets.</li> </ul>	✓
<b>Form and Character</b> P4-5	<ul style="list-style-type: none"> <li>Compatible with the heritage values and historic character of the Zone as discussed below.</li> <li>Contemporary design is compatible with the historic built form and visual character of dwellings in the street.</li> </ul>	✓
<b>Design and Appearance</b> P6-20	<ul style="list-style-type: none"> <li>The bulk and scale are appropriately managed to maintain the Desired Character of the Zone.</li> <li>Proposed design and materials compatible with adjacent heritage places and character of the locality as discussed below.</li> <li>The side setbacks of the single storey component are similar to existing dwellings in the street.</li> <li>Satisfies maximum building height, plot ratio and landscaped open space requirements.</li> </ul>	✓
<b>Fencing</b> P21-23	<ul style="list-style-type: none"> <li>Fencing is considered to be compatible with traditional fencing styles sought within the locality.</li> <li>Fences on side and rear property boundaries do not exceed the maximum height of 2 metres.</li> </ul>	✓
<b>Car parking</b> P24-27	<ul style="list-style-type: none"> <li>Existing laneway to be used.</li> <li>Parking will not be highly visible from St John Street, ensuring the prominence of the dwelling façade.</li> <li>Sufficient parking is provided</li> </ul>	✓



## 9.2 Summary of Council Wide Objectives & Principles

Subject	Assessment	Achieved
DP Ref		<p style="text-align: center;">✓</p> <p style="text-align: center;">Not Achieved</p> <p style="text-align: center;">✗</p>
<b>Housing choice</b> O6-8 P5-9	<ul style="list-style-type: none"> <li>The proposal adds modern housing to the locality.</li> </ul>	✓
<b>LOW SCALE RESIDENTIAL DEVELOPMENT</b>		
<b>Building Appearance &amp; Neighbourhood Character</b> O11-12 P17-21	<ul style="list-style-type: none"> <li>Considered to be an appropriate and compatible design as discussed below.</li> </ul>	✓
<b>Dwelling Setbacks</b> O13 P22	<ul style="list-style-type: none"> <li>Proposed street setback is consistent with the range of setbacks within the locality.</li> <li>Proposed setback of the two storey component is appropriate as it remains mostly unable to be seen from the street.</li> </ul>	✓
<b>Building Siting</b> O14 P23-24	<ul style="list-style-type: none"> <li>Building siting considered appropriate, further discussion relating to potential impact on adjoining dwellings below.</li> </ul>	✓
<b>Daylight &amp; Sunlight</b> O15 P25-28	<ul style="list-style-type: none"> <li>Consideration of overshadowing and access to sunlight outlined below.</li> </ul>	✓
<b>Private Open Space</b> O16 P29-34	<ul style="list-style-type: none"> <li>Sufficiently dimensioned and sized private open space is provided for.</li> </ul>	✓
<b>Visual &amp; Acoustic Privacy</b> O17 P35-38	<ul style="list-style-type: none"> <li>Overlooking from the upper level north-facing windows is resolved through the external screening positioned 900mm from the façade to a height of 1.4 metres above finished floor level. This is an acceptable solution resolving overlooking.</li> <li>Obscure glazing to 1.6 metres on the stair landing will prevent overlooking to the private open space of No. 420 Gilles Street to the South.</li> <li>Timber batten screens and obscure balustrades to 1.6 metres height proposed for the east-facing balcony sufficiently prevents overlooking to the private open spaces of adjacent dwellings.</li> </ul>	✓
<b>Adaptability</b> P39	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓

<b>Carports, Garaging &amp; Fencing</b> O18-19 P40-43	<ul style="list-style-type: none"> <li>Garaging is considered to be appropriate, being located at the side of the dwelling and will be somewhat visible obliquely from the public realm in St John Street. This arrangement enables an active residential building façade to the street.</li> <li>A significant number of nearby heritage places have tall solid fences which are not characteristic of historic fencing. The proposed front fence is more reflective of the historic fence heights, design and materials which were of low height, timber or cast iron and visually permeable.</li> </ul>	✓
<b>On-Site Parking &amp; Access</b> O20 P44-45	<ul style="list-style-type: none"> <li>Sufficient level of car parking, access and onsite manoeuvrability is provided.</li> </ul>	✓
<b>ENVIRONMENTAL</b>		
<b>Crime prevention through urban design</b> O24 P82-86	<ul style="list-style-type: none"> <li>Natural surveillance of the public realm is achieved.</li> <li>Proposed landscaping and fencing allows for views into and out of the site.</li> </ul>	✓
<b>Noise Emissions</b> O26-27 Noise Sources P89-94 Noise Receivers P95-100	<ul style="list-style-type: none"> <li>No acoustic information has been provided regarding the noise generated by the pool pump and roof-mounted air-conditioning units.</li> <li>If approved, standard conditions of approval regarding acoustic performance is recommended.</li> </ul>	✗
<b>Energy Efficiency</b> O30 P106-112 Residential Development P113-114	<ul style="list-style-type: none"> <li>Natural light and ventilation provided to all rooms.</li> <li>Sun shading has been provided to reduce summer heat loads.</li> <li>Natural cross-ventilation is achieved.</li> </ul>	✓
<b>Micro climate and sunlight</b> O33-34 P119-125	<ul style="list-style-type: none"> <li>Consideration of overshadowing and access to sunlight outlined below.</li> </ul>	✓
<b>Stormwater management</b> O35-39 P126-131	<ul style="list-style-type: none"> <li>No details of stormwater management have been provided and will be addressed by Council's standard conditions should approval be granted.</li> </ul>	✓
<b>Heritage &amp; Conservation</b> O42-45 P136-148	<ul style="list-style-type: none"> <li>As confirmed by Council's Heritage Advisor the proposed design, siting, detailing, ceiling heights and materials are considered to be compatible with the existing dwellings in the locality.</li> <li>Further consideration is given below in the detailed discussion.</li> </ul>	✓

<b>Built Form &amp; Townscape</b> O46-48 P167	<ul style="list-style-type: none"> <li>Satisfied as discussed below.</li> </ul>	✓
<b>Height, Bulk and Scale</b> P168-174	<ul style="list-style-type: none"> <li>Considered to be appropriate given setback of upper level and detailing of the ground floor.</li> <li>Satisfies building heights as noted below.</li> </ul>	✓
<b>Plot Ratio</b> P175	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Maximum Dwelling Density &amp; Floor Area</b> P176	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Landscape Open Space</b> P177	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Building Setbacks</b> P178-179	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Composition &amp; Proportion</b> P180-181	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Articulation &amp; Modelling</b> P182-186	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Materials, Colours &amp; Finishes</b> P187-190	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Sky &amp; Roof Lines</b> O49 P192-195	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Landscaping</b> O55 P207-210	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓
<b>Access &amp; Movement</b> O60 P224-225	<ul style="list-style-type: none"> <li>Safe and convenient access is considered to be provided via the existing crossover.</li> </ul>	✓
<b>Pedestrian access</b> O61-63 P226-232	<ul style="list-style-type: none"> <li>Satisfied.</li> </ul>	✓

<b>Bicycle Access</b> O64-65 P233-238	<ul style="list-style-type: none"> <li>No designated bicycle parking facilities are noted on the plans although sufficient area exists within the rear yard, dwellings and basement for storage.</li> </ul>	✓
<b>Car parking</b> O71-72 P251-265	<ul style="list-style-type: none"> <li>Sufficient parking is provided.</li> </ul>	✓
<b>Regulated Trees</b> O106-107 P296-298	<ul style="list-style-type: none"> <li>Satisfied.</li> <li>The Arborist report addresses the acceptability of removing the tree.</li> </ul>	✓

### 9.3 **Detailed Discussion**

#### Desired Character

The Desired Character for the Adelaide Historic (Conservation) Zone states:

*The Zone will provide good quality living environments, with a range of dwelling types, high level amenity and attractive streetscapes.*

*The Zone comprises historic and appealing residential areas located either side of Hutt Street in the heart of the City's south east corner. The Zone's historic character is established by the many cohesive groups of nineteenth century buildings many of which are individually of historic significance.*

*Those buildings are to be conserved and the historic character supported and enhanced by the redevelopment and replacement of discordant buildings; the careful attention to the subdivision pattern, siting, form and composition of new and replacement dwellings, also of building alterations and additions.*

*Established commercial land uses will be progressively redeveloped for residential purposes, enhancing the living conditions, residential amenity, and historic character of the Zone.*

*A high-quality public environment, with appropriate planting, will complement and contribute to the Zone's amenity. Traffic management will maintain accessibility for local traffic and visitors while emphasising pedestrian and cyclist safety and convenience.*

*In particular, the character of the following streets should be conserved and reinforced as follows:*

*(o) St. John Street*

*The townscape in the north-east is dominated by the substantial scale and richly detailed character of St John's Church, Meeting Hall and Rectory. Along the western frontage by a group of consistently sited, gable-fronted villas, complemented by a small group of narrow fronted cottages on the eastern frontage. This character should be maintained and reinforced.*

The Desired Character statement seeks that the small-scale residential character be preserved and enhanced by redevelopment. Whilst preservation and restoration of existing historic character buildings is sought, it is recognised that redevelopment that respects the existing character may be acceptable. The proposal is considered to achieve the desire for low density residential development compatible with the varied historic character and established residential amenity. The proposed low-scale to the street and façade and roof form sit comfortable within the established streetscape.

#### Land Use

Residential development in the form of detached dwellings is envisaged in the Zone.

The proposed two storey detached dwelling is a form of development envisaged and maintains the low density sought.

### Built Form and Design

A key consideration of the proposal is the overall form, scale, bulk and design and its compatibility or otherwise with the established character of the locality and Zone more broadly.

Policy Area PDC 14 allows development up to two storeys in height with a building height of 8.5 metres, which the proposal satisfies. The allowance of development up to this maximum height however is predicated on such developments being compatible with adjacent buildings in respect of their scale and siting and that there is no adverse impact on amenity.

The amenity of adjoining dwellings is considered further below. In terms of the compatibility of the proposal in relation to scale and siting it is considered that the proposed design has adequately addressed the desire of the Development Plan for a predominantly single storey presence to the street with the setback of the upper level set a sufficient distance from the public realm such that it will be hidden from view from most vantage points. The proposal has a front setback, fencing, ground floor ceiling height and general design/detailing at the ground level which is compatible with the heritage place to the north and more generally within the street. Council's Heritage Advisor has confirmed support for the proposal and is satisfied that the contemporary form of the building incorporates sufficient elements that make it compatible with existing structures.

### Residential Amenity

Consideration has been given to the impact of the siting, bulk and scale of the proposal on the adjoining cottages to the east and west of the subject land and dwellings to the rear.

Council Wide PDC 27 seeks the maintenance of at least two hours of direct sunlight between 9.00 am and 3.00 pm solar time on 22 June to either the northern facade or at least one ground floor habitable room window (excluding bathroom, toilet, laundry or storage room windows), of any neighbouring residential property and to at least 20 percent of that property's private open space, private landscaped open space or communal open space'. Administration has modelled the development in 3D to assess the extent of shadow likely to be cast by the development.

The orientation of the site is such that the majority of the shadow cast falls over the rear yards of 420 and 424 Gilles Street. The shadows cast over No. 420 falls over the rear of the yard comprising a carport and carport driveway/standing area and rear section of the garden. The north façade of the dwelling and that part of the garden nearest the dwelling will remain unshadowed. The large expanse of 424 Gilles Street and its location south-east of the subject site ensures that it will remain unshadowed by the proposed development until approximately 2pm on 22 June, thus Principle PDC 27 is satisfied.

The potential for overlooking from the upper level windows and balconies has been addressed by the applicant through the use of screening devices to the north, east and south facades.

For the south-facing windows to the stair landing, obscure glazing up to a height of 1.6 metres above finished floor level is proposed.

For the north-facing windows, a 1.4 metre high external screen mounted 900mm from the façade is proposed to prevent overlooking into the ground level windows of No. 24 St John Street.

The east facing balcony features two (2) separate screening devices comprising of timber lattice screens to the north and south edges of the balcony to a height of 1.6 metres which protrude 200mm beyond the balcony edge. These devices will comprise opening of no more than 25% in accordance with the Development Plan.

The east-facing balustrade of the balcony is composed of 1.6 metre high obscure glazing. This satisfies the Development Plan with regards to overlooking.

Whilst it is noted the proposal will result in changes to the extent and height of existing built form upon the site, it is not considered to negatively impact upon the outlook or amenity of adjoining development to a significant extent. The upper level is setback 2.4 metres from the northern boundary, is separated from properties to the south by a 3 metre wide right of way and is separated from properties to the east by a rear setback of 4.5 metres plus an additional 3.6 metre wide right of way. The proposed setbacks and height of the development are such that they are not considered to unreasonably enclose any of the adjoining dwellings or result in an unreasonable visual impact. The setbacks are considered compatible with, and reflective of, surrounding development which has an intimate and tightknit feel.

The dwelling is provided with adequate landscaped and private open space which exceed the minimum requirements. The internal and external amenity for future residents is considered to be satisfactory.

### Environmental

The proposed dwelling features sunshading to windows on the east, west and north facades to manage heat loading. Roof-mounted solar pool heating panel is proposed for the north-facing portion of the two storey section. In addition, the application has shown the notional location for future photovoltaic panels illustrating that such objects can be placed such that they will not be visible from public vantage points, being located behind the ridge line of the single storey section of the dwelling.

Natural light is available to each room and a reasonable amount of natural cross-ventilation is possible.

### Heritage and Conservation

Zoned PDC 6 states:

*Development of new buildings or building additions including those of innovative and contemporary design should demonstrate a compatible visual relationship with adjacent heritage places and other buildings that reinforce the desired character in terms of its:*

*(a) bulk and scale;*

*(b) width of frontage and the front and side boundary building set-back patterns;*

*(c) proportions and vertical and/or horizontal emphasis, exhibiting vertical openings and a high solid to void ratio in the composition of the principal building facade and other elevations presenting to a public road; and*

*(d) form and level of visual interest as determined by length and size of unbroken walling, treatment of openings and depths of reveals, roofline and silhouette, colour and texture of materials used, as well as detailing (without excessive use or mimicry of decorative elements and ornamentation) and design elements such as porches, verandahs and balconies where appropriate; and (e) public and private landscaped open spaces.*

Zone PDC 7 suggests that 'new buildings should utilise stone, brick and/or brick render as the main external finish to walls to complement the historic built form in the Zone'.

The overall design, detailing and external materials are considered to be appropriate for a site within the Adelaide Historic (Conservation) Zone and adjacent to a Local Heritage Place.

The proposed building draws from the detailing and proportions of the adjoining and nearby heritage places with a similar roof pitch, front façade width, ground floor ceiling height, front fence, setbacks and materials.

Council's Heritage Advisor has confirmed that '*The proposed development is supported. The form, scale and siting of the proposed new dwelling are considered to be consistent with the*

*Desired Character for St. John Street and with the Heritage Objectives and Principles for the Adelaide Historic (Conservation) Zone.'*

The garage is access by the right of way. This parking arrangement enables the entire frontage to be devoted to residential occupation, therefore minimising the presence of garaging within the streetscape.

The design of the front fence is considered satisfactory as it is low in height, visually permeable and its design is reflective of traditional picket fencing typical of the locality.

Overall the proposal is considered to be an appropriate contemporary building which adequately references and defers to adjoining and adjacent heritage places and character buildings within the locality.

#### Transport, Access and Parking

As noted above the proposal has an adequate level of car parking with 2 spaces for the dwelling.

The three metre width of the right of way requires vehicles to undertake a three-point turn to enter and exit the premises however this is not considered problematic by Council's Traffic Consultant given the limited number of premises sharing the space and that the manouvering will ensure that forward entry and exit of vehicles to St John Street is achieved.

The proposal utilises an existing crossover and therefore does not result in any impacts upon existing on street car parking. The access is considered to be safe and convenient.

#### Regulated Tree

The consultant arborist has undertaken a thorough analysis of the regulated tree, being a Willow Myrtle. Sufficient reasons exist to support removal of the tree. In particular its short useful life expectancy of and its poor form. The tree does not satisfy any of the criteria cited in council Wide Objective 107:

*Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*

- (a) significantly contributes to the character or visual amenity of the local area*
- (b) indigenous to the local area*
- (c) a rare or endangered species*
- (d) an important habitat for native fauna.*

On this basis, removal of the tree is supported.

#### **9.4 Conclusion**

The proposal seeks to demolish an existing single storey dwelling and remove a regulated tree and construct a two storey dwelling and swimming pool on the site. Whilst it is recognised that the bulk and scale of the built form will be significantly increased, the proposal satisfies a number of key criteria:

- The replacement of the existing dwelling with a well-considered contemporary development which draws upon the existing heritage character of the locality is supported.
- The proposal exceeds the minimum requirements in relation to private open space and landscaped open space.
- The building satisfies the plot ratio requirement
- The proposal provides an adequate level of on site car parking with minimal visual impact to the street.

- The potential impacts of the development on adjoining dwellings is also considered to be acceptable with the minimum requirements in relation to sunlight and shadowing being met.
- The level of amenity for future residents within the proposed dwelling is also considered to be acceptable.

The setback between the proposed development and the dwelling to the north is reduced by 50 centimetres, however it satisfies the minimum separation distance required by the Building Code of Australia and the requirements of the Development Plan. With respect to the Development Plan, the single storey portion of the dwelling that is located on the boundary comprises on third ( $1/3^{\text{rd}}$ ) of the length of the boundary, with the two storey element being set back 2.4 metres for a length of 10 metres, providing an adequate degree of separation, thereby not creating an unreasonable degree of enclosure for the occupants of 24 St John Street.

On balance the proposed development has a high reliance upon screening devices to protect the amenity of adjacent dwellings from overlooking. The proposal satisfies the broad range of quantitative and qualitative provisions within the Development Plan and in particular it presents to the street as a single storey dwelling that sits comfortably within the existing streetscape and does not detrimentally affect its historic character.

The proposal is not considered to be seriously at variance with the provisions of the Development Plan as it proposes a form of residential development and overall scale and intensity of development that is desired in the Zone.

It has been determined that, on balance, the proposal warrants Development Plan Consent.



## 10. **RECOMMENDATION**

That the development, the subject of the application from Anton Johnson Architect to demolish the existing dwelling and remove a regulated tree and construct a two storey dwelling and swimming pool at 28 St John Street, Adelaide SA 5000 as shown on plans designated DA/616/2018:

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:**
  - **Ground Floor plan - Drawing No WD01/03 Revision A**
  - **Upper Floor Plan - Drawing No WD02 Revision B**
  - **Roof Plan - Drawing No WD04 Revision A**
  - **Elevations (South and West) - Drawing No WD07 Revision A**
  - **Elevations (North and East) Drawing No WD08 Revision B**
  - **Sections 2-2 - Drawing No WD10 Revision A**
  - **Front Fence Elevation - Drg No 2018/306/SK13 Revision A**
  - **Tree Report by Dean Nicolle dated 26 February 2018**
2. **A dilapidation survey recording the condition of neighbouring dwellings 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 obscured glazing as depicted on the plans granted consent described as Upper Floor Plan DWG No. WD07 Revision A and Elevations DWG No WD08 Revision B 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.*
5. **The timber privacy screens as depicted on the plans granted consent shall be installed prior to occupation and thereafter shall be maintained to the reasonable satisfaction of Council at all times. The maximum slat gap of the timber screens to the balcony shall not exceed 25% of the total surface area of the screens.**

*Reason: To ensure that the Development does not unreasonably diminish the privacy of residents in adjoining properties.*
6. **The cantilevered privacy screen located along the upper level windows on the northern elevation as depicted on the plans granted consent shall be installed prior to occupation and thereafter shall be maintained to the reasonable satisfaction of Council at all times. The maximum visually permeable gap of the screen shall not exceed 25% of the total surface area of the screen.**

*Reason: To ensure that the visual privacy of the adjacent land is protected from overlooking.*

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 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.*

8. The noise level of any pool pump machinery 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 mechanical pool pump noise.*

9. A climbing plant of a species that is to the reasonable satisfaction of Council shall be established prior to occupation of the building and shall be maintained in such a manner as to adhere to the full expanse of the trellis screen on the southern elevation of the building and shall be maintained in good health.

*Reason: To visually soften the appearance of the rendered masonry wall.*

10. The maintenance walkway located between the northern privacy screen and the casual living room and bedroom 1 shall be used only for maintenance purposes and shall not be used as a balcony for recreation purposes.

*Reason: To ensure that the privacy of the adjacent land is preserved.*

11. 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.*

### Advices

1. 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.
2. 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.
3. 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.
4. 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).
5. Please contact Customer Centre on 8203 7203 for further information.

6. 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. 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](http://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](mailto:cityworks@cityofadelaide.com.au)

Fax: 8203 7674

In Person: 25 Pirie Street, Adelaide

**Item No. 3.1 – Attachments 1 – 112 (28 St John Street, Adelaide SA 5000)**

Pages 29 to 140

**ATTACHMENTS**

Plans and Supporting Information

- Plans and Elevations 1 – 19
- Response to Administration request for information 20 – 21
- Design Report 22 – 25
- Tree Report 26 – 34
- Survey Plan 35
- Certificate of Title 36 - 38

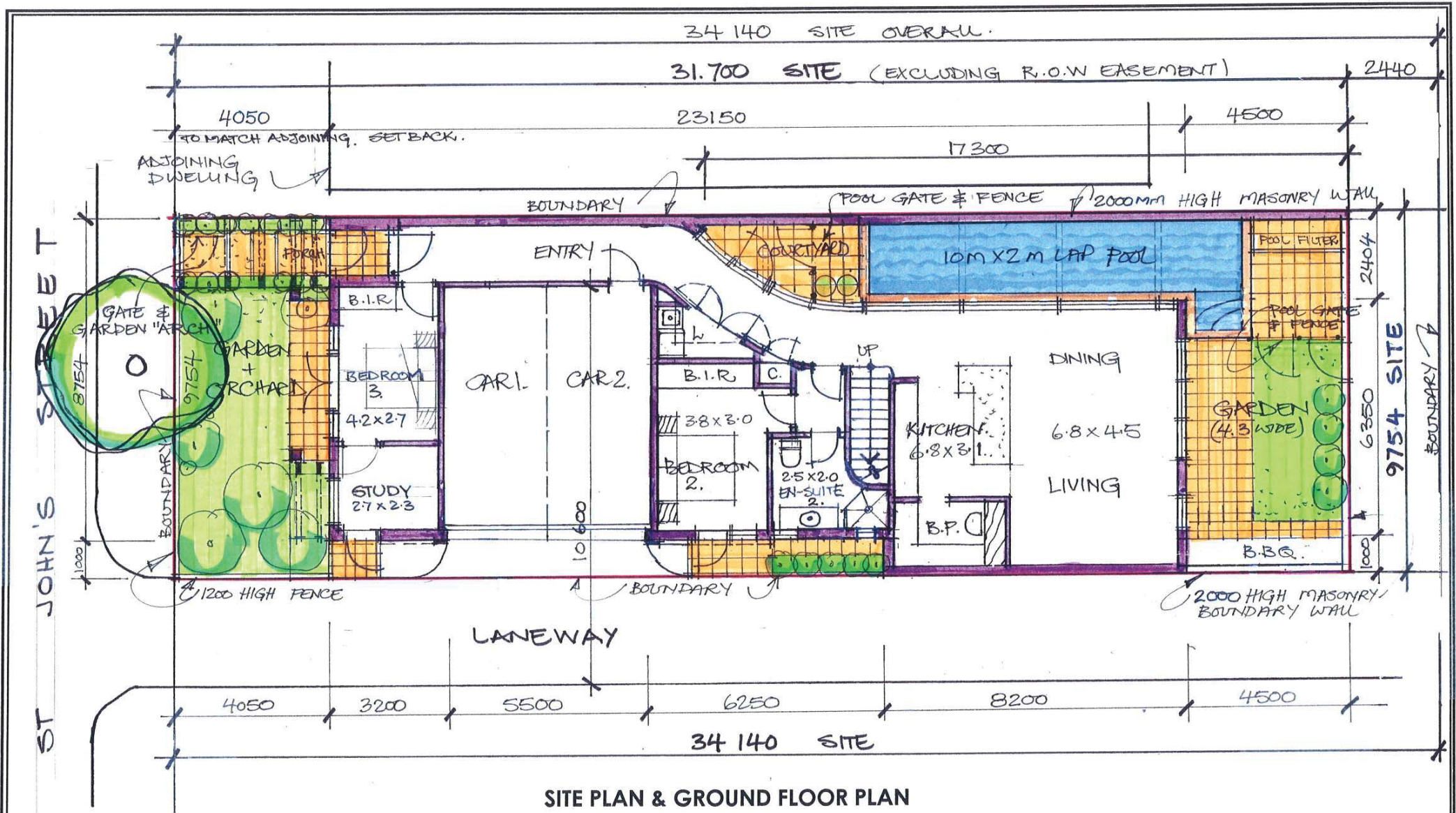
Response to Administration request for information 39 – 50

Comments from Public Notification 51 - 89

Applicant Response to Representations 90 - 110

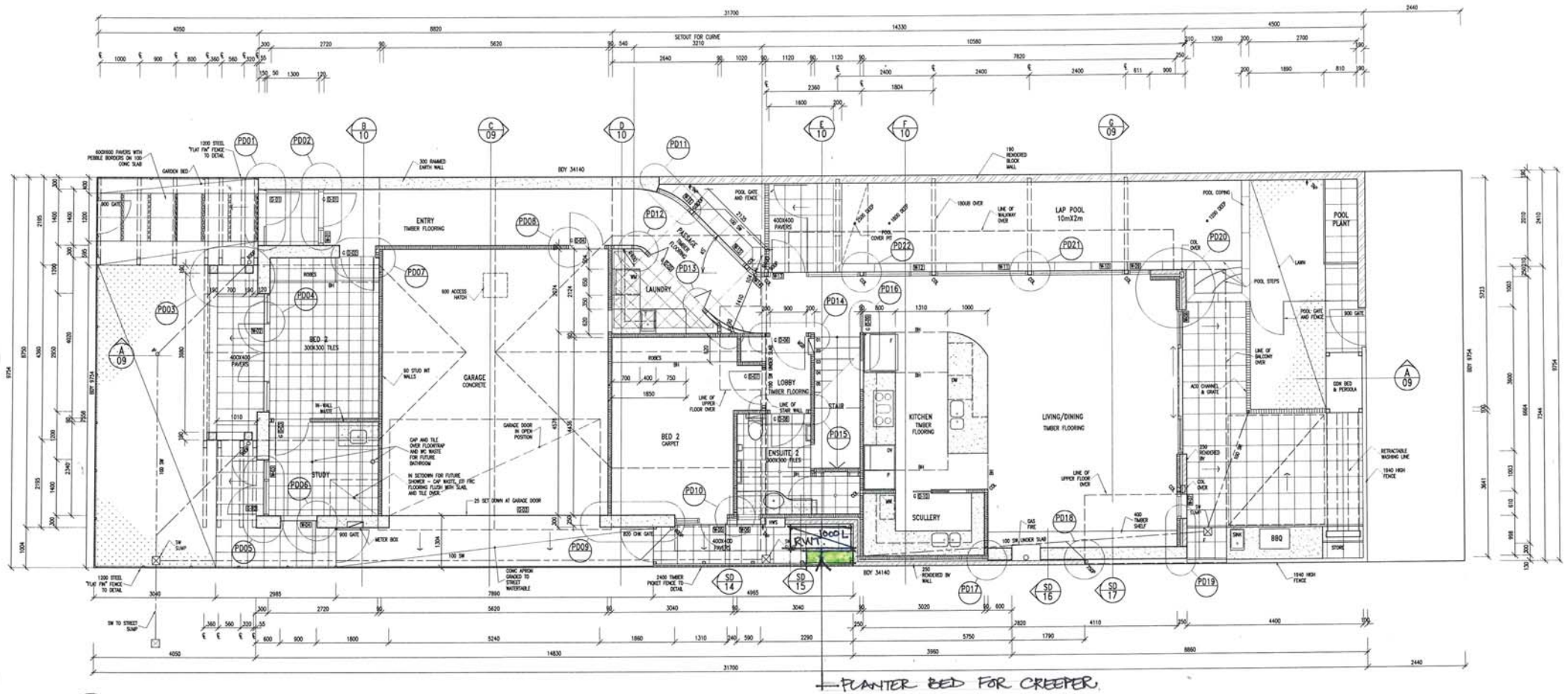
Council Heritage Advisor Report 111 - 112

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Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK01 Revision A

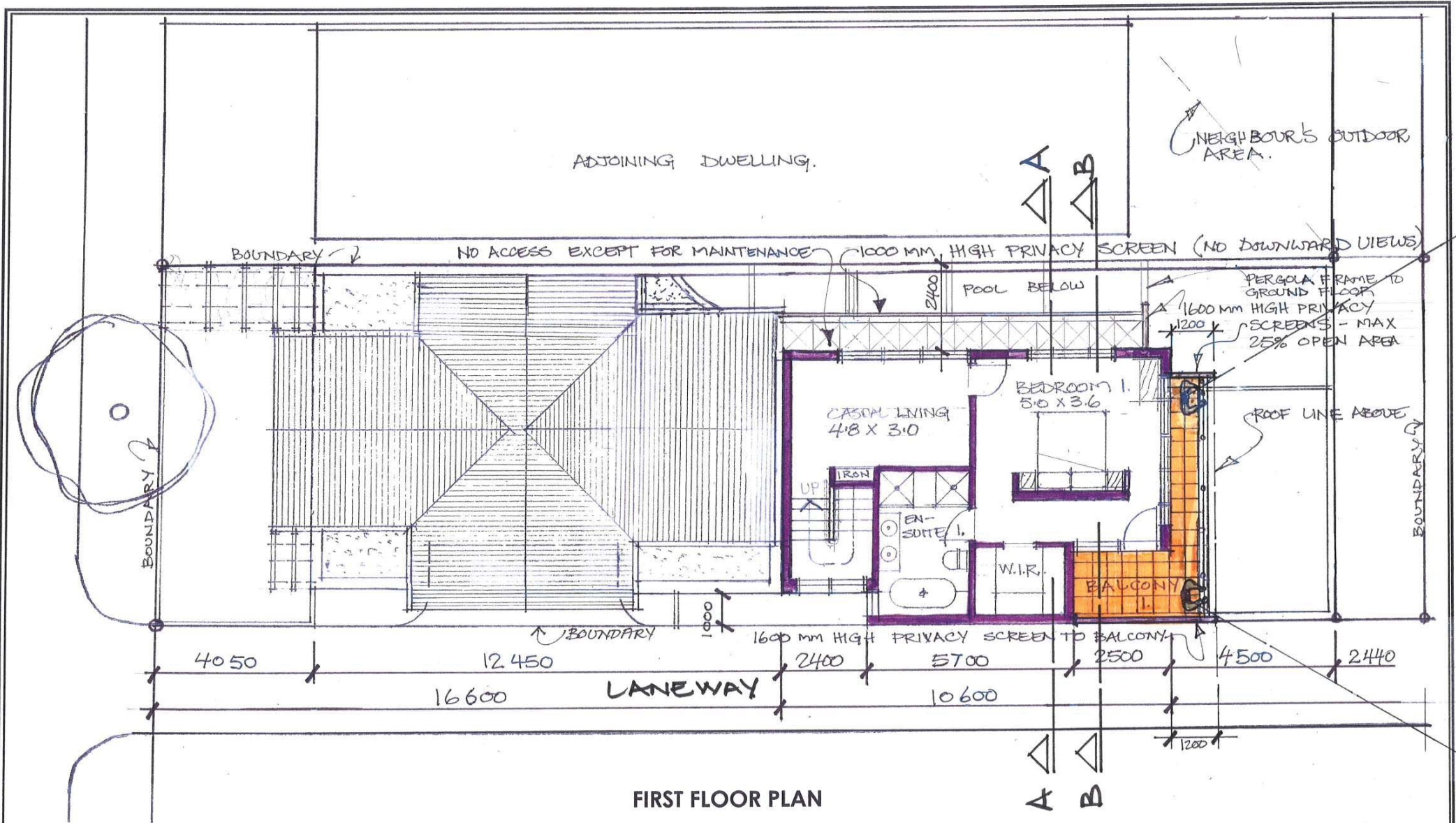
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 Email [a.johnson.architect@senet.com.au](mailto:a.johnson.architect@senet.com.au)



FLOOR PLAN 1:100 @ A3



ISSUE		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECT'S OFFICE IF ANY PROBLEMS ARISE.		
ANTON JOHNSON ARCHITECT 8 ARCH B/LLA, APM 50/578 USA 410 11 JANE STREET, FREWVILLE SA 5063 Tel: (08) 8338 3738 Fax: (08) 8338 0782 APM: 8370 1382 Mobile: 0407 619 342		
CLIENT FRANCIE ENGLISH & CRAIG NAIRN		
PROJECT 28 ST JOHN STREET ADELAIDE, SA		
DATE	OCT 2018	SCALE AS SHOWN
SHEET TITLE		
GROUND FLOOR PLAN		
PROJECT NO.	DRAWING NO.	REV. NO.
2018/306	WDO/03	B.



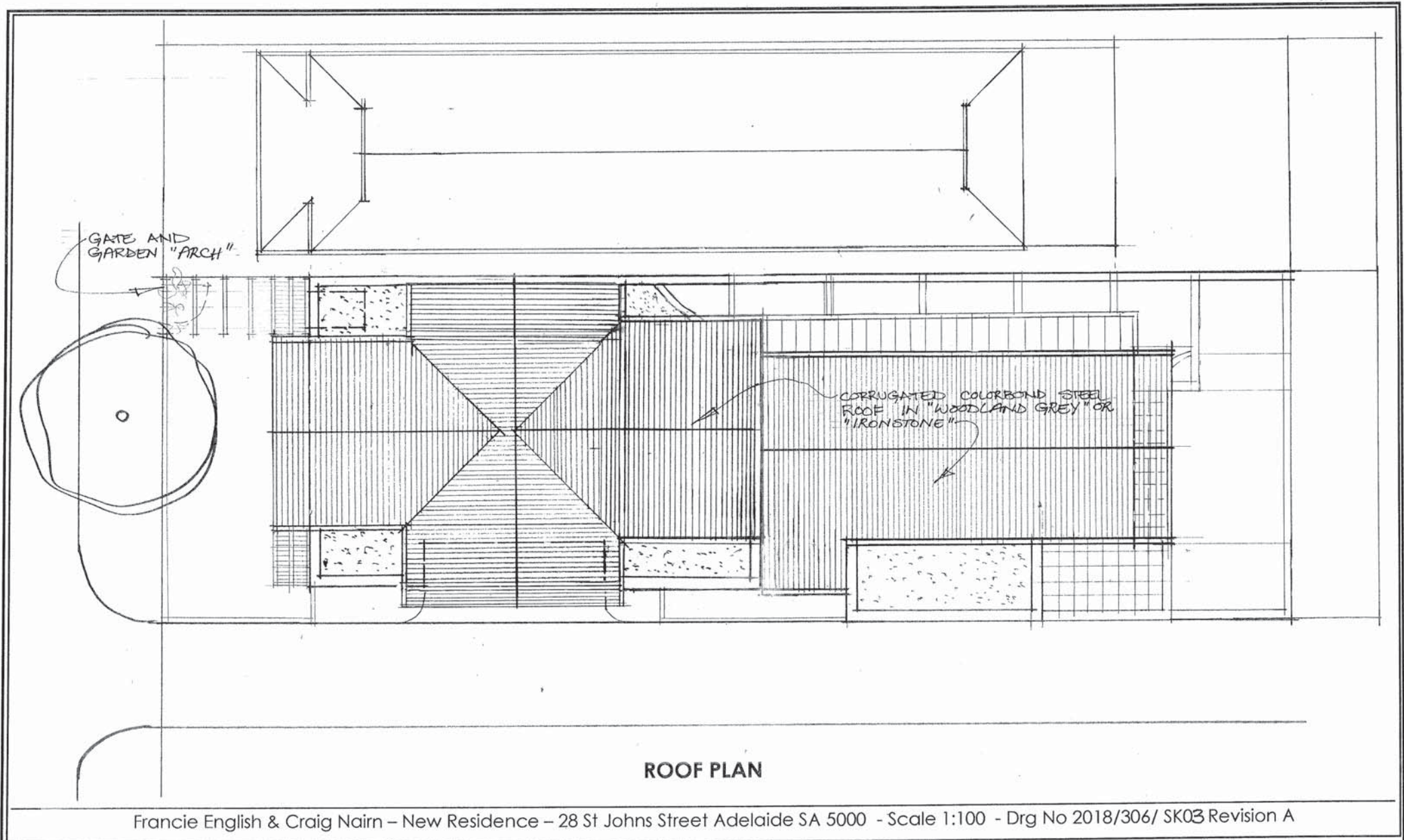
FIRST FLOOR PLAN

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK02 Revision B 03-10-2018

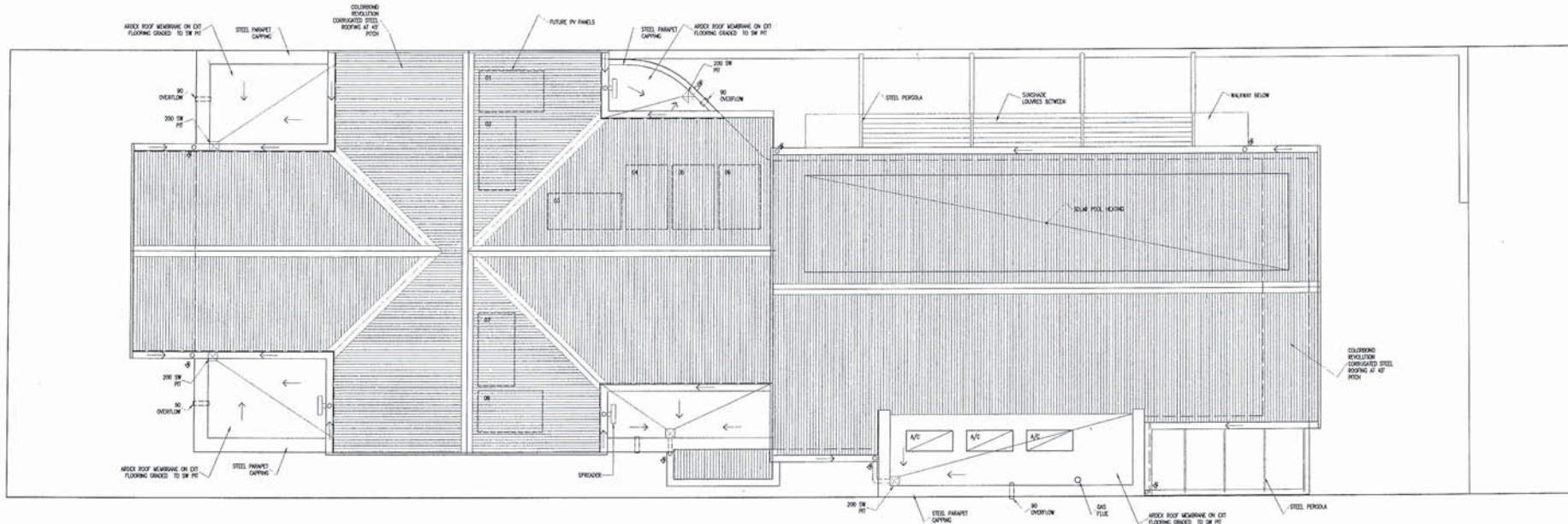
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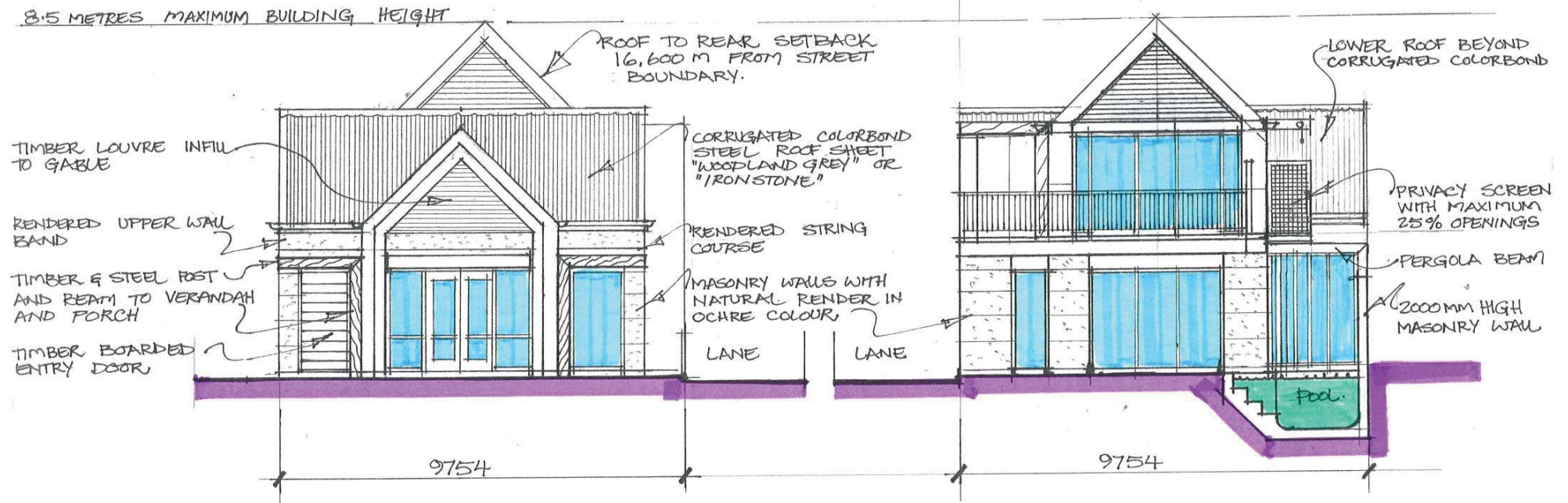


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ROOF PLAN 1:100 @ A3

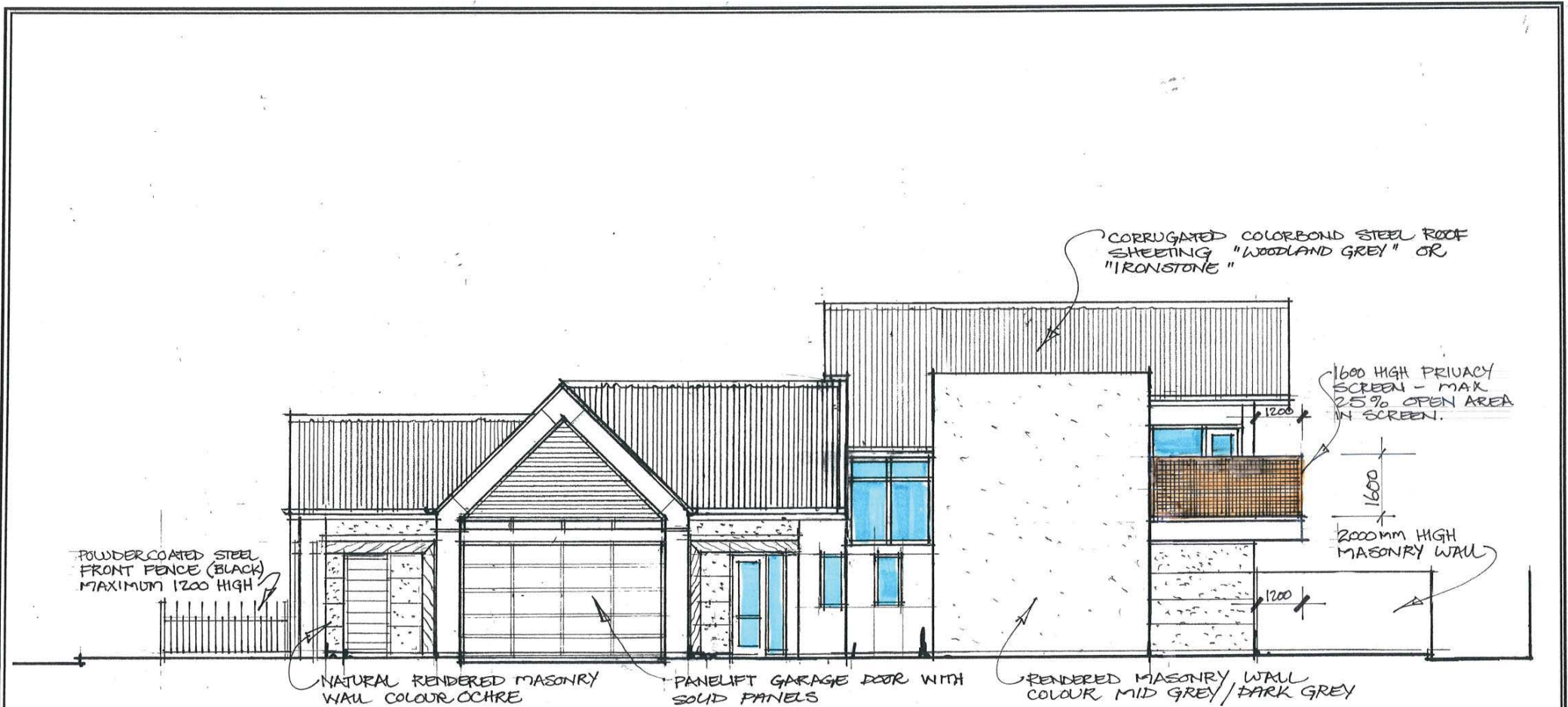
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CLIENT	FRANCIE ENGLISH & CRAIG NAIRN	
PROJECT	28 ST JOHN STREET ADELAIDE, SA	
DATE	OCT 2018	SCALE AS SHOWN
SHEET TITLE		
<b>ROOF PLAN</b>		
PROJECT NO.	DRAWING NO.	REV. NO.
2018/306	WD04	A



### WEST ELEVATION (STREET) & EAST ELEVATION

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK04-Revision A

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### SOUTH ELEVATION

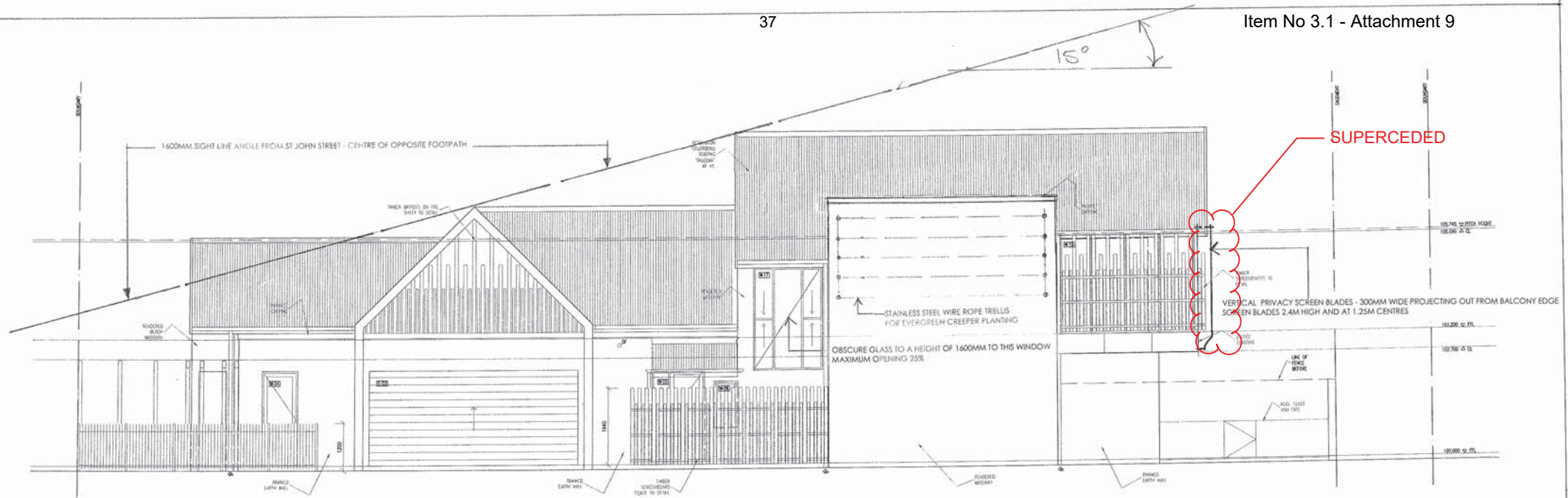
Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK05 Revision B 03-10-2018

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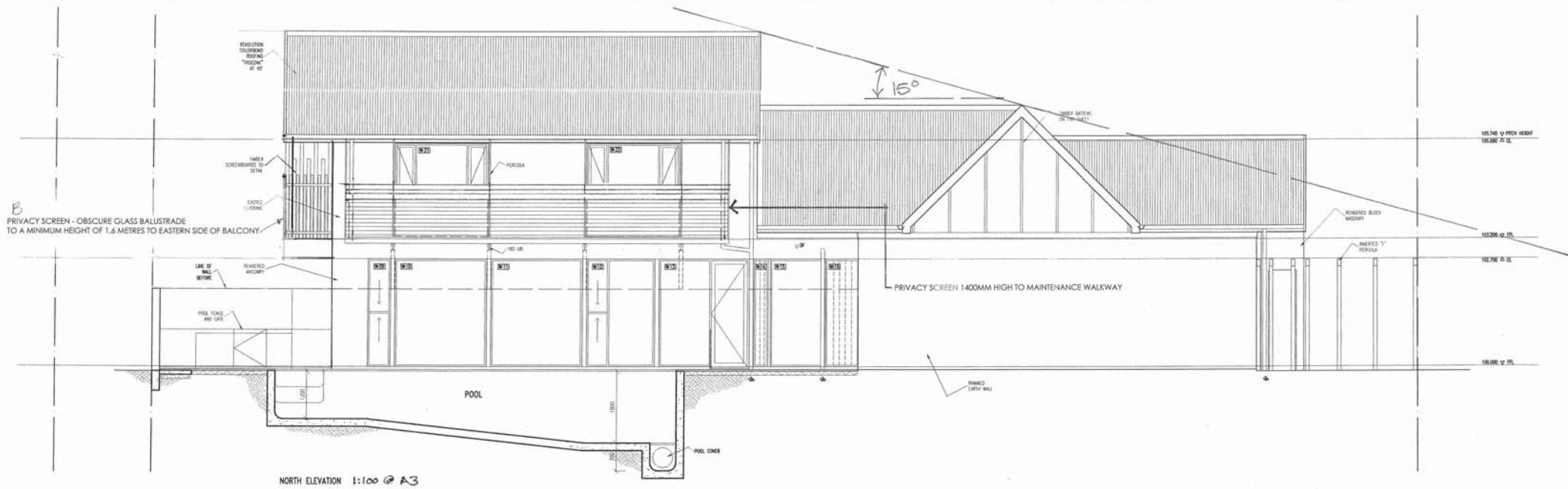
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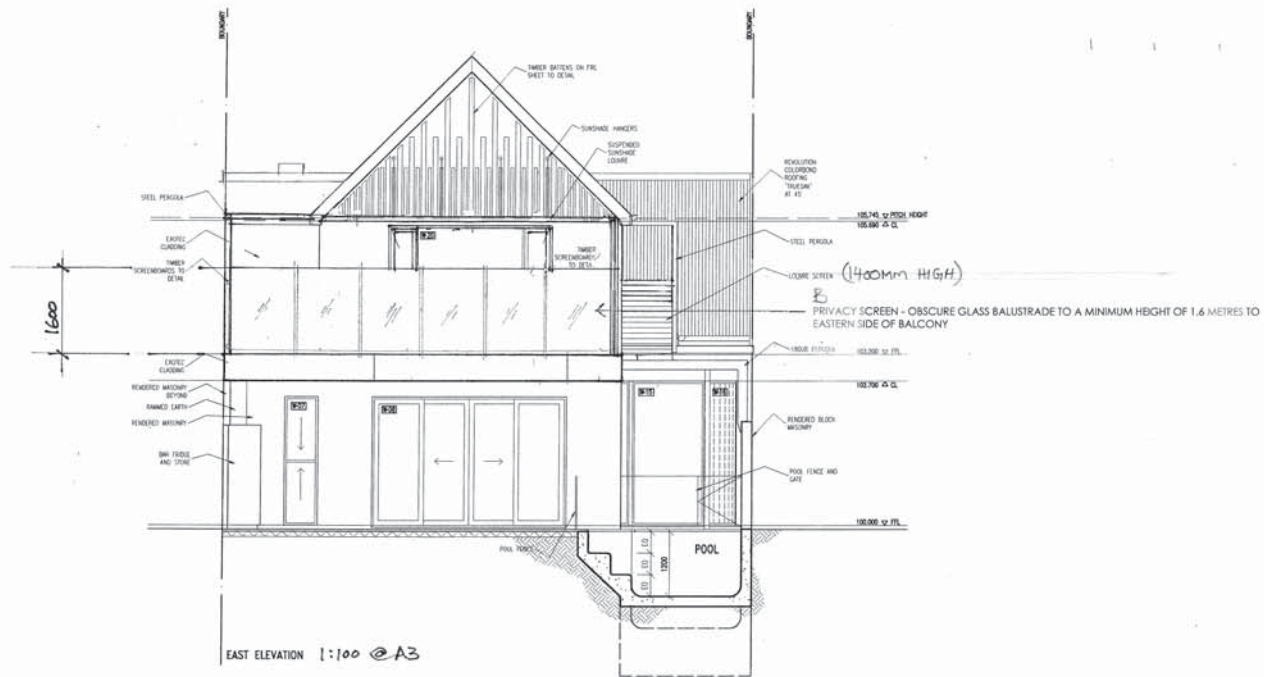
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LEGEND  
 DP DOWNPIPE  
 OF OVERFLOW

ISSUE		
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CLIENT	FRANCIE ENGLISH & CRAIG NAIRN	
PROJECT	28 ST JOHN STREET ADELAIDE, SA	
DATE	OCT 2018	SCALE AS SHOWN FOR A1
SHEET TITLE ELEVATIONS		
PROJECT No.	DRAWING No.	REV. No.
2018/306	WD07	A



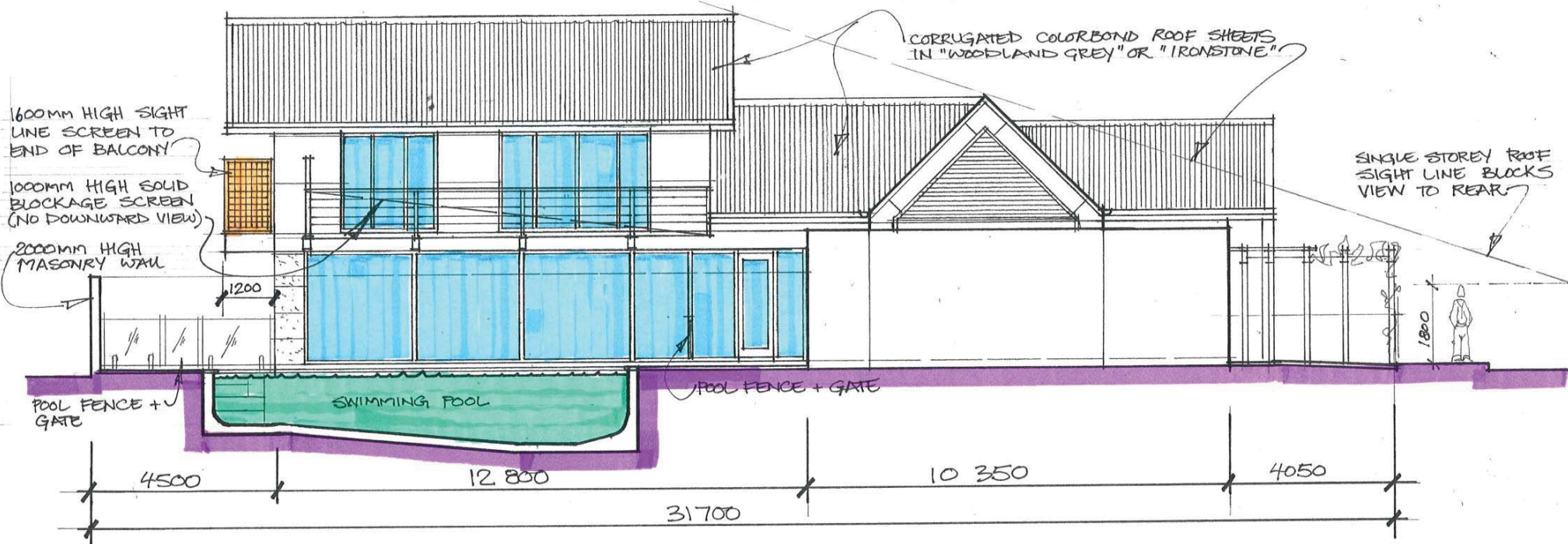
NORTH ELEVATION 1:100 @ A3



EAST ELEVATION 1:100 @ A3

LEGEND  
 DP DOWNPIPE  
 OF OVERFLOW

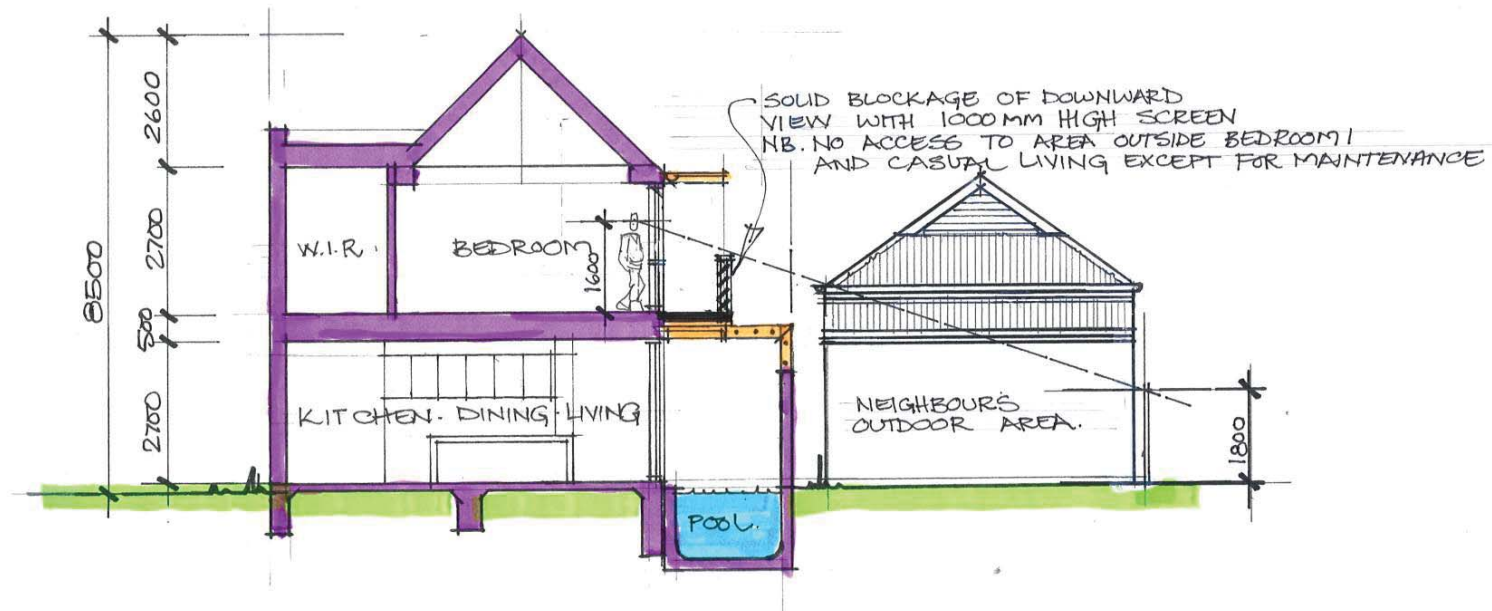
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CLIENT	FRANCIE ENGLISH & CRAIG NAIRN	
PROJECT	28 ST JOHN STREET ADELAIDE, SA	
DATE	OCT 2018	SCALE AS SHOWN
SHEET TITLE		
<b>ELEVATIONS</b>		
PROJECT NO.	DRAWING No.	REV. No.
2018/306	WD08	B



**NORTH ELEVATION**

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK06 Revision B 03.10.2018

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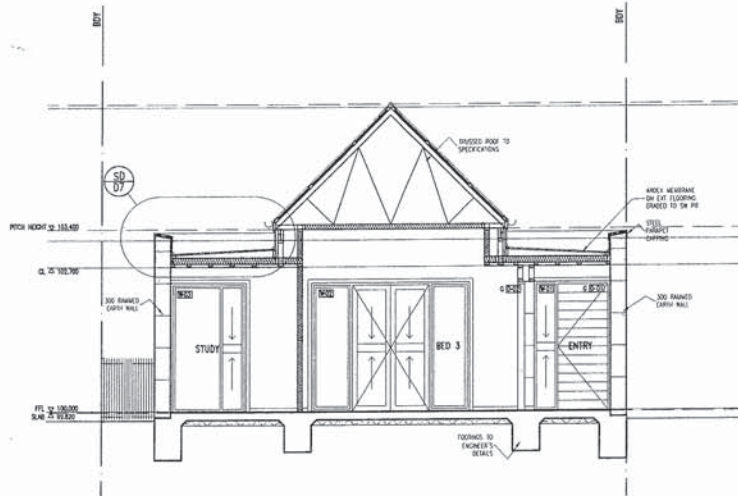


### SECTION A - A

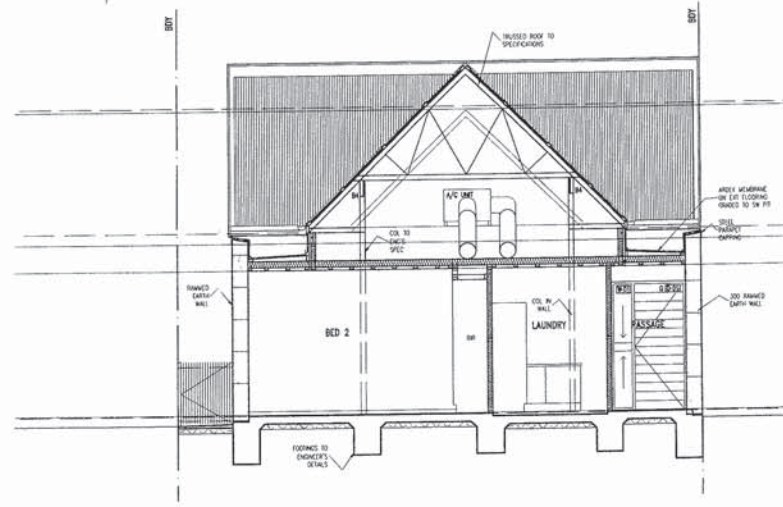
Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK07 Revision A

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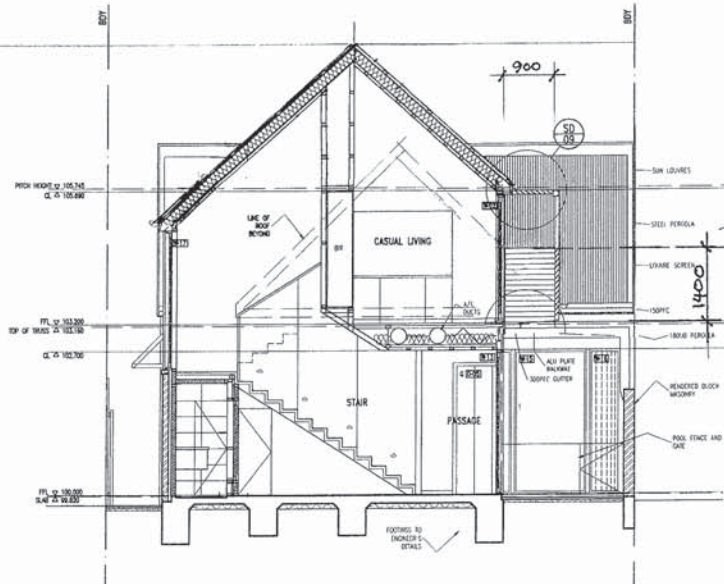




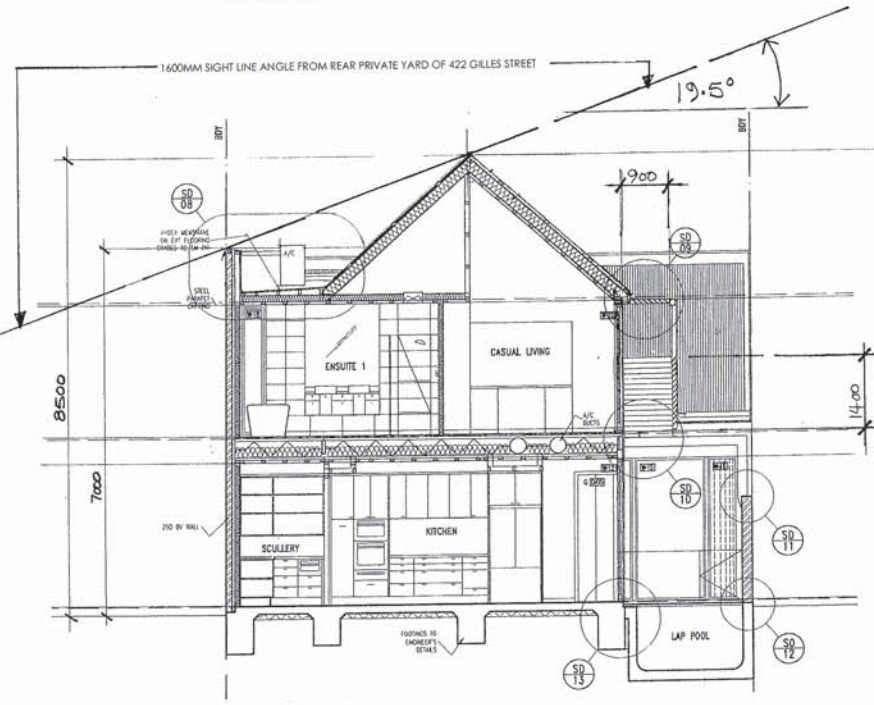
SECTION B  
1:100 @ A3



SECTION D  
1:100 @ A3



SECTION E  
1:100 @ A3

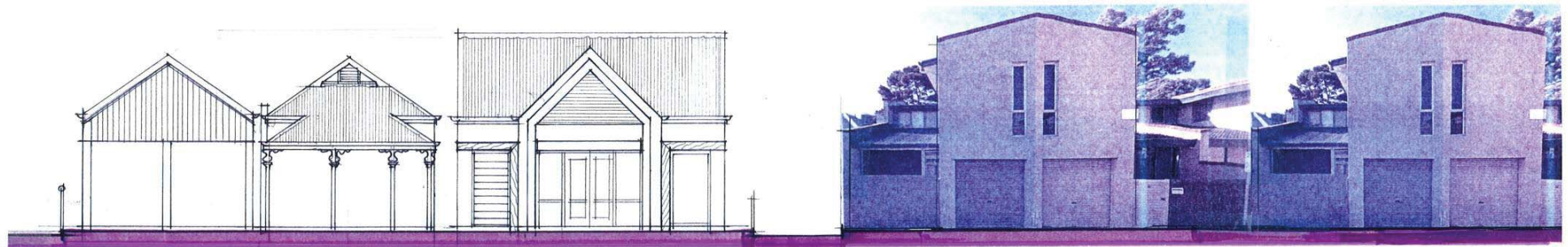


SECTION F  
1:100 @ A3

<b>ISSUE</b>		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECTS OFFICE IF ANY PROBLEMS ARISE.		
<b>ANTON JOHNSON ARCHITECT</b>		
B ARCH P/LA, ABN 50 078 484 470 11 JANE STREET, FREENVILLE SA, 5063 Tel: (08) 8338 3758 Fax: (08) 8338 0782 A/H: 8370 9382 Mobile: 0428 476 342		
<b>CLIENT</b>	FRANCIE ENGLISH & CRAIG NAIRN	
<b>PROJECT</b>	28 ST JOHN STREET ADELAIDE, SA	
<b>DATE</b>	OCT 2018	<b>SCALE</b> AS SHOWN 1:100
<b>SHEET TITLE</b>		
SECTIONS 2-2		
<b>PROJECT NO.</b>	<b>DRAWING NO.</b>	<b>REV. NO.</b>
2018/306	WD10	A



### ST JOHNS STREETSCAPE ELEVATION SIMULATED WITH VILLAS FROM OPPOSITE THE SITE



### ST JOHNS STREETSCAPE ELEVATION ACTUAL

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:150 - Drg No 2018/306/ SK08 Revision A

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### AERIAL PHOTOGRAPH WITH GROUND FLOOR PLAN INSERTED

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:250 - Drg No 2018/306/ SK09 Revision A

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Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 – Scale 1:1 00 – Drg No 2018/306/ SK10 REVISION B 03-p.2018

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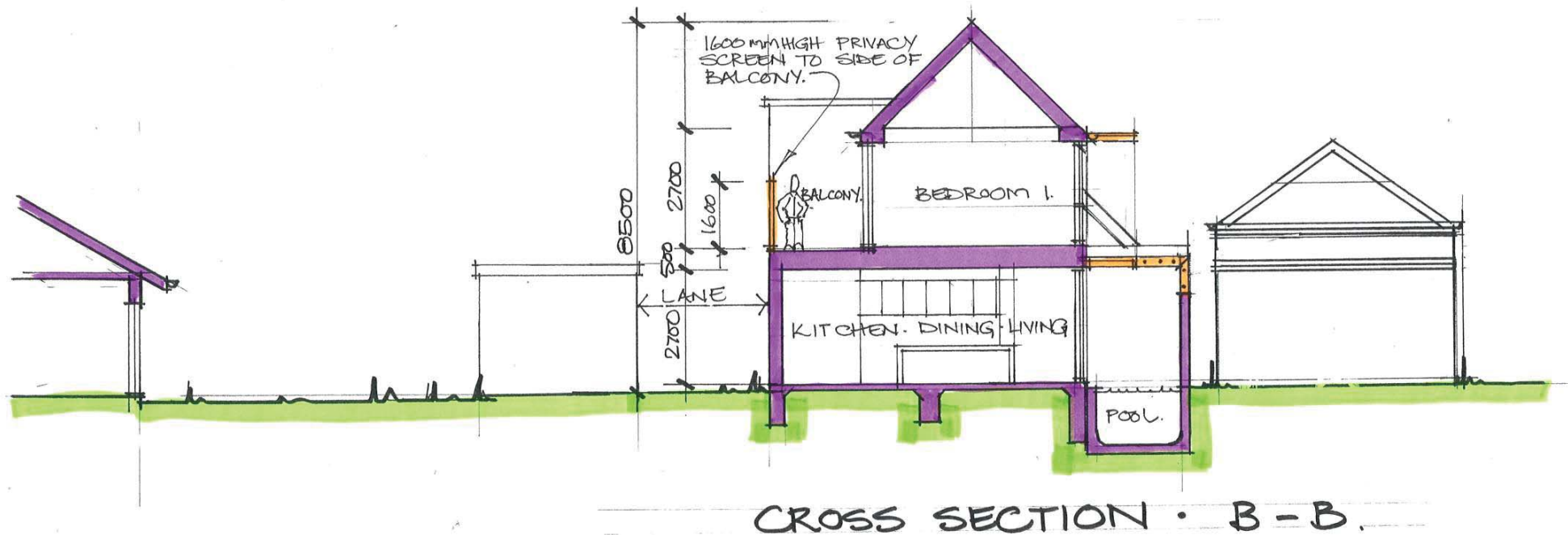
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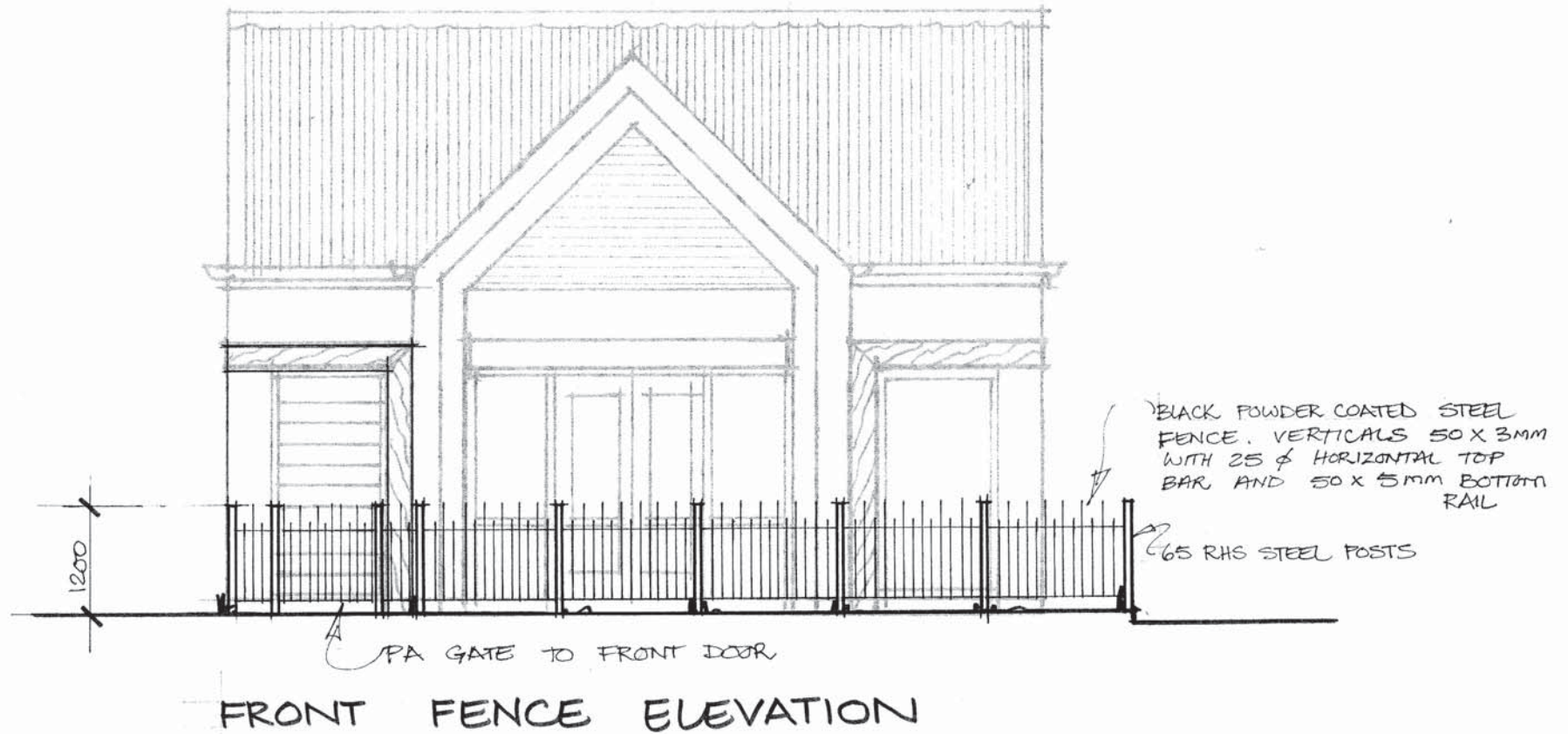
Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK11 Revision A

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Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/SK12, REVISION A 03-10-2018

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Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:50 - Drg No 2018/306/ SK13 Revision A 03.10.2018

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ABN 50 078 684 670

3 October 2018

Edouard Pool  
 Development Officer Planning  
 City of Adelaide  
 25 Pirie Street  
 Adelaide SA 5001

Dear Edouard,

**Development Application: DA /616/2018 – Additional Information**  
**28 St John Street, ADELAIDE, SA 5000**  
**Demolish dwelling and construct a part single storey part two storey detached dwelling,**  
**swimming pool and removal of significant tree**

In response to your letter dated 7 September 2018 I provide the following additional information to address the points raised in the preliminary assessment. Please refer to the attached amended and additional drawings:

2018/306/SK02 Revision B  
 2018/306/SK05 Revision B  
 2018/306/SK06 Revision B  
 2018/306/SK10 Revision B  
 2018/306/SK11 Revision B  
 2018/306/SK12 Revision B

I have copied your questions and addressed each item as follows:

1. The site is in the Adelaide Historic (Conservation) Zone. As such, new dwellings must comfortably integrate into their locality.  
 The applicant is very conscious of this objective and has designed a new dwelling which will integrate harmoniously into the existing historic streetscape. Please refer to the Design Report attached which addresses these matters in more detail.
2. Is the eave/gutter height similar to the adjacent cottages? In order to establish this reference to height datum's of adjacent structures where possible is recommended with streetscape elevations of the proposed building and adjacent buildings drawn to scale.  
 The eave/gutter height of the new dwelling will match very closely, if not exactly, with the adjacent cottage gutter heights. Please refer the Streetscape Elevation which shows the existing cottage adjacent the new dwelling with matching gutter heights. Please also refer to the Design Report attached which addresses these matters in more detail.
3. The gable roof form appears somewhat massive compared to the cottages and the older dwelling forms in the street. A reduction in the roof pitch and using a hipped roof form to the front section to reinforce the massing of the adjacent cottage to the north is advisable.  
 The size of front gable roof has been carefully modelled on the size of the front gables of the majority of the older historic dwellings in the street. In particular the size of gable has been matched with the two older villas directly opposite the site. These villas are the dominant dwelling form in the street and the new dwelling



acknowledges this streetscape character in a contemporary manner. Please refer to the Design Report attached which addresses the gable form in a lot more detail. To assist with the visualization of the proposal a perspective view of the new dwelling in the existing streetscape has been drawn and is included with this submission. Please see Drawing No 2018/306/SK11 Revision A.

4. Privacy of adjacent residential properties will be compromised by the upper level windows and deck. What measures are proposed to reasonably prevent undue overlooking?

The issue of overlooking from the upper level has been addressed in the submission. The design includes 1.6m high physical screens on both sides of the balcony to block to screen overlooking. Please also see comments in the next item.

5. A site analysis plan showing all adjacent properties to the north, south and rear including the outline of all dwellings and outbuildings is required in order to resolve the impact of potential overlooking.

The overlooking issues have been addressed in the design. The design includes 1.6m high physical screens on both sides of the balcony to block to screen overlooking. Plans and Sections showing sightlines are included in the attached drawings. In response to our discussion the screens have been extended to 1200mm wide on the 1000mm wide balcony. A person would have to lean forward and stretch out to see around the screens. These screens have been highlighted in colour on the amended elevations and sections. To supplement the drawings already submitted an aerial plan of the locality is submitted with sightlines and distances shown to show how the overlooking has been addressed. An additional section through the east balcony showing the 1.6m high screen has also been included.

6. Front fencing details are required.  
Please refer to the attached front fence details.

Yours sincerely



Anton Johnson

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# DESIGN REPORT

A NEW RESIDENCE

FOR

FRANCIE ENGLISH AND CRAIG NAIRN

AT

28 St Johns Street, Adelaide SA 5000

24 JULY 2018

**ANTON JOHNSON ARCHITECT**

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## DESIGN REPORT

New Dwelling at 28 St John Street, Adelaide SA 5000

Please refer to the attached drawings (Revision "A") for the proposed new residence at 28 St Johns Street, Adelaide SA 5000.

### 1. THE SITE

The site is located in the Adelaide Historic (Conservation) Zone. The proposed development is for a new part two storey dwelling in accordance with the Objectives for the zone in the Development Plan. The proposed new dwelling will be respectful and complement the predominant character of the detached dwellings in the street. The new dwelling will preserve and enhances the character and amenity of this residential area and adjoining areas. The existing dwelling is in very poor condition and this new dwelling will be a complimentary development to the heritage character of older neighborhood developments.

### 2. SET BACKS & FENCING

The new dwelling maintains the street setback pattern of the street and is consistent with the cottages to the north. The front wall of the new dwelling will closely line up with the front wall of the immediate adjoining cottage.

On the laneway side the proposed garage door previously had a setback which would have resulted in a "hole" in the front section of the dwelling. To address this, the garage door has been brought forward onto the building line to present a continuous "wall" of the dwelling to the lane and the street.

Fencing to the street front and part of the side lane will be low and no more than 1.2m high. The front fence will be kept continuous with the side fencing. The character of the fence will be an open style fence in a modern and contemporary design.

### 3. STREET BUILT FORM & CHARACTER

In developing a design for the new dwelling and in particular its facade to the street a close study was done of the two cottages to the north and the houses opposite. To compliment the adjoining cottage a contemporary "verandah" element is incorporated into the street facade. The height of the new "verandah" element will be similar to the eave/gutter height of the adjacent cottage. This "verandah" element will extend forward towards the street to also reflect the depth of the cottage verandah to the north.

The higher main roof of the new dwelling will also have its eave/gutter height to match the upper eave and gutter of the adjacent cottage. Great care has been taken to align these elements so as to and acknowledge and reinforce the verandah and roof of the cottage to the north.

A pitched roof and "gable" has been incorporated into the street facade in a contemporary manner in acknowledgement of the dominant street character. There is a strong representation of this gable and roof form in many of the houses in the street, and in particular in the houses directly opposite. In this way the new

dwelling both acknowledges this facade character whilst aligning with the height and verandah elements of the cottage to the north.

The scale and height of the gable on the new dwelling reflects closely the scale and height of the gables in the heritage houses in the street.

To illustrate this compatibility a street elevation has also been included with the very "out of character" townhouse development to the south of the site replaced with the houses opposite. It must be remembered that the roof "behind" the gable slopes away from the street and will not have the apparent scale or bulk that is shown in pure elevation.

During the design stages of the project a hipped roof form to the front section of the house was considered. However the roof form of the cottage to the north can only be seen in "front elevation" from St Johns street with the houses each side built very close up to this cottage. When this roof form was analysed with the plan layout of the new dwelling and considering the view from the street with the side facade to the lane being very visible it was found to be unhelpful in achieving a cohesive built form and strong relationship to the general street character.

#### 4. SELECTION OF MATERIALS

The roof material will be corrugated steel in keeping with the dominant roofing material in the street. The colour 'Woodland Grey' is proposed acknowledge the main roof colour in the street and to compliment with the red of the adjacent cottage. Woodland Grey is a recessive colour and not reflective thus keeping the new dwelling subdued.

The main wall material visible from the street will be natural render in a deep ochre colour. Horizontal joint lines will be introduced into the rendered face to imply a subtle 'plinth' 'wall' and 'string course' modulation to the walls. These will reflect the heights of the verandah elements and the main roof. Large section hardwood timber will be incorporated into the verandah. Other secondary elements will be of a lighter weight to acknowledge the modern and contemporary approach of the design in harmony with the heritage street character.

#### 5. STREET VIEW

The front room facing the street will be a habitable space being designed to be either a living room or bedroom. This will provide the dwelling with an "active" space to the street.

The proposed dwelling has a 2-storey component which is well set back to the rear. Sightlines taken from the footpath on the opposite side of the street demonstrate that this upper storey will not be seen when viewed from the front. A part may be visible from the oblique view when one is south of the site however this will only be a short and distant glimpse down the laneway.

The proposed garage faces the side lane to keep this "vehicular" element off the front façade to the street. The garage door is set on the same alignment as the side wall to reinforce the solid side wall character of the dwellings in the street.

There will be a side boundary fence to match the front fence all of which will be very visible from the street. I think a solid wall alignment would be better and also keep the side fencing continuous. (The service access to the rear of 422 Gilles St is further down the laneway and less visible from the street).

## 6. PLANNING REQUIREMENTS

## AREA CALCULATIONS – JULY 2018

**SITE AREA**

Site area including Easement  $34.14 \times 9.75 = 333$

Site area excluding Easement  $31.70 \times 9.75 = 309$

**PLANNING REQUIREMENTS**

## PLOT RATIO – FLOOR AREA

Site area including Easement Plot ratio  $333 \times 0.8 = 266\text{m}^2$

Site area excluding Easement Plot ratio  $309 \times 0.8 = 247\text{m}^2$

## PRIVATE OPEN SPACE

Site area including Easement Private Open Space  $333 \times 0.2 = 67\text{m}^2$

Site area excluding Easement Private Open Space  $309 \times 0.2 = 62\text{m}^2$

**PROPOSED DEVELOPMENT**

## FLOOR AREAS

Ground Floor inside of external walls excluding Garage  $125\text{m}^2$

First Floor inside of external walls excluding Balconies  $62\text{m}^2$

Total floor area Ground and First Floors  $187\text{m}^2$

## PRIVATE OPEN SPACE

Area of Private Open Space including Pool  $66$

## BUILDING HEIGHT

Maximum Building Height is  $8.5\text{m}$

**Calyptra Pty Ltd**  
trading as

**Dean Nicolle**

Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management)

PO Box 808 Melrose Park, SA 5039

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Arboriculture - Botany - Ecology - Eucalypt Research

**Tree Report –  
28 St John Street, Adelaide, SA**

**Arboricultural assessment of a regulated *Agonis flexuosa*  
(willow myrtle) tree in relation to a proposed development**



Arboricultural assessment and report requested by Anton Johnson of *Anton Johnson Architect*, on the 20<sup>th</sup> of February 2018.

Arboricultural report prepared by Dean Nicolle following a site inspection and tree assessment on the 26<sup>th</sup> of February 2018.

**Report dated the 26<sup>th</sup> of February 2018.**

*D.Nicolle, 26<sup>th</sup> Feb 2018, 28 St John Street Adelaide SA, Agon.flex*

1

## GENERIC SPECIES INFORMATION

### Species:

*Agonis flexuosa* var. *flexuosa* ('willow myrtle'; also known as 'willow peppermint', 'Western Australian peppermint' and 'Swan River peppermint').

### Distribution:

*Agonis flexuosa* is an evergreen species native to coastal regions in the far south-west of Western Australia, from north of Perth to near Bremer Bay. It varies in habit from a dense shrub in exposed coastal localities to a tree up to 15 metres tall in more sheltered situations, such as in forest vegetation where it occurs as an understorey species. The species is not considered rare or endangered. The species is not native to South Australia.

*Agonis flexuosa* has been commonly planted throughout the medium to high rainfall areas of southern Australia, particularly in urban areas including Melbourne and Adelaide. The species is planted throughout the Adelaide City Council area, where it is grown in parks and in private gardens for shelter, shade and as an ornamental tree.

### Identification:

*Agonis flexuosa* is a distinctive species and is unlikely to be confused with any other species in South Australia.

### Tree health:

*Agonis flexuosa* is usually a relatively short-lived species, with individuals over 100 years old being rare. The species is shallow (surface) rooted, and it is therefore relatively intolerant to soil disturbances (excavation, fill and compaction) occurring close to the tree.

*Agonis flexuosa* is only mildly drought tolerant, and trees of the species in Adelaide can suffer or die from prolonged summer drought unless supplementary irrigation is provided.

### Risks associated with the species:

The dense and crowded trunk division commonly seen in *A. flexuosa* can lead to complete whole-of-tree structural failure (in high-wind conditions) in older and larger individuals.

*Agonis flexuosa* is not subject to sudden branch failure in calm, warm weather as is the case with some trees.

### Key references:

Boland, Brooker, Chippendale, Hall, Hyland, Johnson, Kleinig, McDonald & Turner (2006). *Forest Trees of Australia 5<sup>th</sup> edition*. Pp. 198 – 199.



Figure 1. The subject tree, looking approximately east from the rear yard of 28 St John Street.

## TREE ASSESSMENT

Legal status: A **regulated** tree as defined by the *Development Act 1993*.

- *Species:* *Agonis flexuosa*
- *Trunk circ. at one metre:* 2.38 metres
- *Distance to dwelling/pool:* Not applicable for this species
- *Bushfire Risk:* Excluded area
- *Living/dead status:* Alive
- *Exemptions:* No generic exemptions
- *Listed on Adelaide DP:* Not listed on development plan

Current size: About 12 metres tall, average of 10 metres wide.

Trunk structure: Single trunk up to about one metre above ground level, where the trunk divides very irregularly into three primary leaders.

Crown structure: Upright-oval in shape, somewhat patchy but generally moderate in density, and weighted slightly to the north-east.



<u>Anticipated size:</u>	Effectively fully-grown under the existing environmental and site conditions and considering the age, health and structure of the tree.
<u>Species origin:</u>	The species is exotic to the area (it is indigenous to the south-west coast of Western Australia).
<u>Tree origin:</u>	Certainly planted.
<u>Biodiversity value:</u>	Low (a reproductively mature but relatively small specimen of a locally exotic Australian native species; no bird-habitable hollows are evident).
<u>Estimated age:</u>	30 – 60 years.
<u>Actual life expectancy:</u>	Another <5 – 15 years.
<u>Useful life expectancy:</u>	Another <2 – 6 years.
<u>Health:</u>	Below average and gradually deteriorating over time.
<u>Vigour:</u>	Low.
<u>Borer activity:</u>	None visibly evident.
<u>Termite activity:</u>	None visibly evident but probably in the primary trunk junctions considering the species, age, health and structure of the tree.
<u>Fungal wood decay:</u>	None visibly evident but probably in the primary trunk junctions considering the species, age, health and structure of the tree.
<u>Basal structure:</u>	Well buttressed and apparently sound.
<u>Trunk structure:</u>	The junction between the three primary leaders is acute and structurally inferior.
<u>WTSF likelihood:</u>	The likelihood of <u>Whole-of-Tree Structural Failure</u> is currently considered to be <b>low to moderate and gradually increasing over time</b> .
<u>Branch structure:</u>	Generally poor. Many branch junctions are acutely angled and structurally inferior. Some upper canopy dieback is evident (Figure 2).
<u>BF likelihood:</u>	The likelihood of <u>Branch Failure</u> is currently considered to be <b>low to moderate and gradually increasing over time</b> .
<u>Failure history:</u>	The tree has evidence of the past failure of branches up to 130 mm in diameter (small to medium-sized branches), probably associated with high wind events.
<u>Risk to safety:</u>	Currently <b>low to moderate and acceptable</b> . The relatively low risk to safety is partly associated with the relatively small size of the tree.

Tree-caused damage: The tree has not caused any substantial and visible damage to substantial structures of value.

Landscape value: Low to moderate. The tree is relatively small is of relatively obscured visibility from St John Street (see Figure 3)



*Figure 2. Looking up into the canopy of the tree from within the rear yard of 28 St John Street. Note the patchy upper canopy dieback, associated with the gradually deteriorating health of the tree.*



*Figure 3. The subject tree (ringed yellow); looking approximately east from St John Street. Note the relatively small size of the tree (especially in relation to the large Pinus halepensis - Aleppo pine that is visible behind) and its obscured visibility from the St John Street streetscape.*

**ADDRESSING THE DEVELOPMENT PLAN  
Adelaide (City), consolidated 20 June 2017**

**REGULATED TREES  
OBJECTIVES**

***Objective 106: The conservation of regulated trees that provide important aesthetic and environmental benefit.***

The tree does not provide an important aesthetic benefit to the local area. The tree is relatively small and is of relatively obscured visibility from St John Street (see Figure 3).

The tree is not of *important* environmental benefit, due to the locally exotic status of the species and lack of any faunal hollows in the tree.

***Objective 107: Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:***

***(a) significantly contributes to the character or visual amenity of the locality***

The tree does not provide a *significant* contribution to the character and amenity of the local area. The tree is relatively small and is well setback from St John Street.

***(b) indigenous to the local area***

The tree is of a species that is not indigenous to the local area.

***(c) a rare or endangered species***

The tree is of a species that is not listed as rare or endangered in South Australia.

***(d) an important habitat for native fauna.***

The tree is a reproductively mature specimen but relatively small tree of a locally exotic Australian native species. No faunal hollows are evident. Therefore, the tree does not represent an *important* habitat for native fauna.

## PRINCIPLES OF DEVELOPMENT CONTROL

**296 *Development should have minimum adverse effects on regulated trees.***

The tree is not considered to be worthy of enforcing development constraints on the site.

**297 *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:***

**(a) *the tree is diseased and its life expectancy is short***

The tree is not unusually diseased, but it does have a short Useful Life Expectancy, of <2 to 6 years.

**(b) *the tree represents a material risk to public or private safety***

The tree currently represents a low to moderate and acceptable level of risk to safety, mainly due to the relatively small overall size of the tree.

**(c) *The tree is causing damage to a building***

The trees are not currently causing or threatening to cause substantial damage to a building.

**(d) *development that is reasonable and expected would not otherwise be possible***

I defer to the expertise of a planner to assess what development is reasonable and expected for the site. However, in my opinion, the tree is not considered to be worthy of enforcing development constraints on the site in any case.

**(e) *the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.***

No work is proposed for the removal of dead wood, treatment of disease, or is in the general interests of the health of the trees.

**298 *Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.***

Not applicable (no tree-damaging activity is proposed).

## RECOMMENDATIONS

The subject tree is not worthy of enforcing development constraints on the site. I am therefore supportive of the removal of the tree in the case of any site redevelopment.

My support of tree removal (in the case of site development) is made on the basis of:

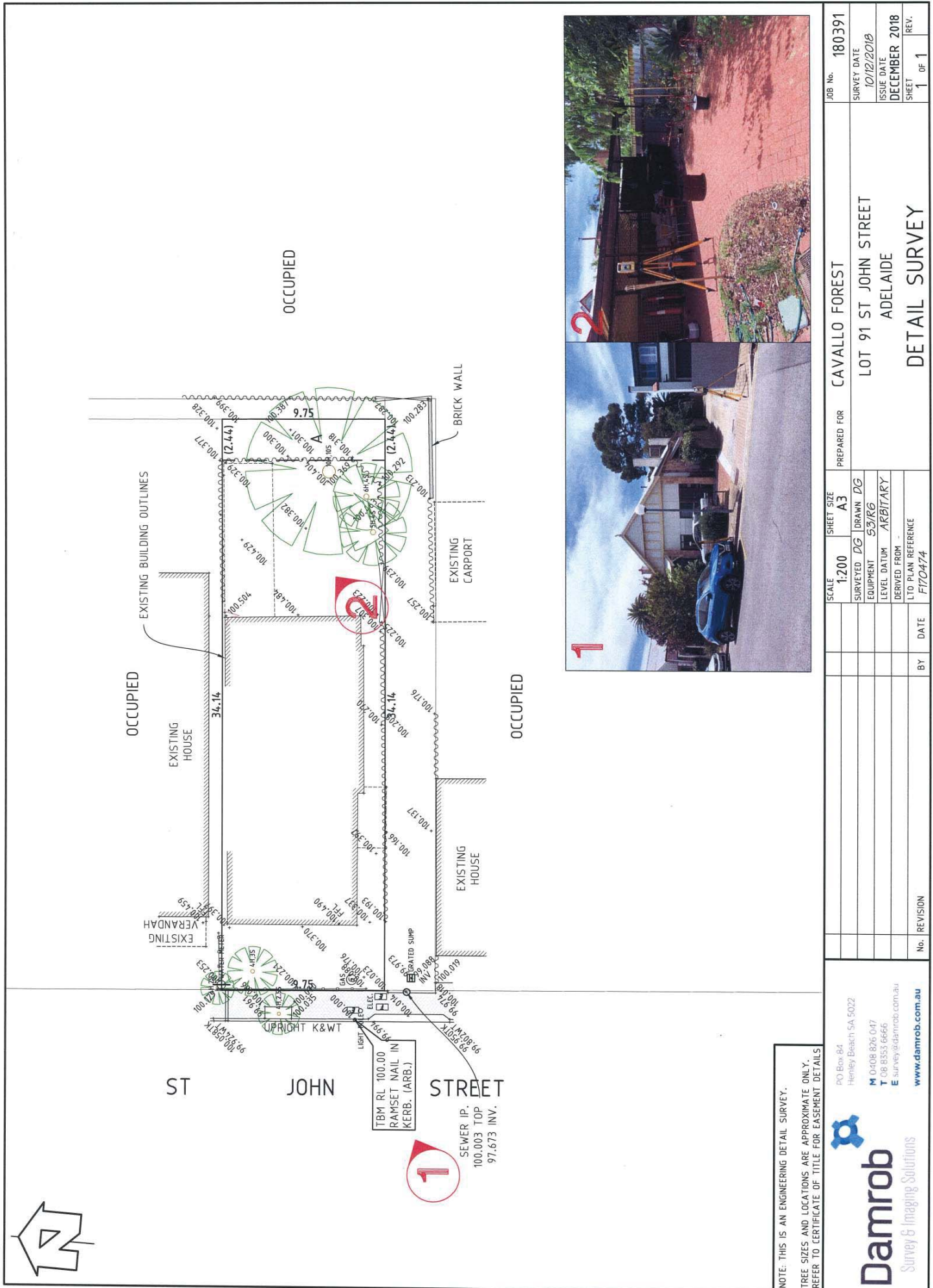
1. The marginal suitability of the species to the local environmental conditions;
2. The reduced and gradually deteriorating health of the tree;
3. The short life expectancy of the tree;
4. The low to moderate but gradually increasing likelihood of whole of tree structural failure;
5. The lack of any faunal hollows or other important faunal habitats in the tree;
6. The non-indigenous and planted status of the tree;
7. The low biodiversity value of the tree; and
8. The limited landscape value of the tree, which is associated with its relatively small overall size and obscured visibility from St John Street.

Removal of this tree requires Council development approval, due to its regulated status as defined by the *Development Act 1993*.

I thank you for the opportunity to provide this arboricultural assessment and report. If you require further information or clarification please contact me for assistance.



Dean Nicolle  
Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management).



NOTE: THIS IS AN ENGINEERING DETAIL SURVEY.  
 TREE SIZES AND LOCATIONS ARE APPROXIMATE ONLY.  
 REFER TO CERTIFICATE OF TITLE FOR EASEMENT DETAILS

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SCALE	1:200	SHEET SIZE	A3	PREPARED FOR	CAVALLO FOREST	JOB No.	180391
SURVEYED	DG	DRAWN	DG	SURVEY DATE			
EQUIPMENT	53/RG	LEVEL DATUM	ARBITRARY	10/12/2018			
DERIVED FROM	-	LTD PLAN REFERENCE	F10474	ISSUE DATE			
BY		DATE		DECEMBER 2018			
No.	REVISION	BY	DATE	SHEET			
				1 OF 1			
				REV.			
				1			

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5331 Folio 901

Parent Title(s)	CT 3265/186		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	27/03/1996	Edition 12	Edition Issued 27/12/2017

## Estate Type

FEE SIMPLE

## Registered Proprietor

FRANCIE HELEN ENGLISH  
CRAIG LARRY NAIRN  
OF 9 WILLIAM LANE ADELAIDE SA 5000  
AS JOINT TENANTS

## Description of Land

ALLOTMENT 91 FILED PLAN 170474  
IN THE AREA NAMED ADELAIDE  
HUNDRED OF ADELAIDE

## Easements

SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED A (T 725665)  
SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A  
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B

## Schedule of Dealings

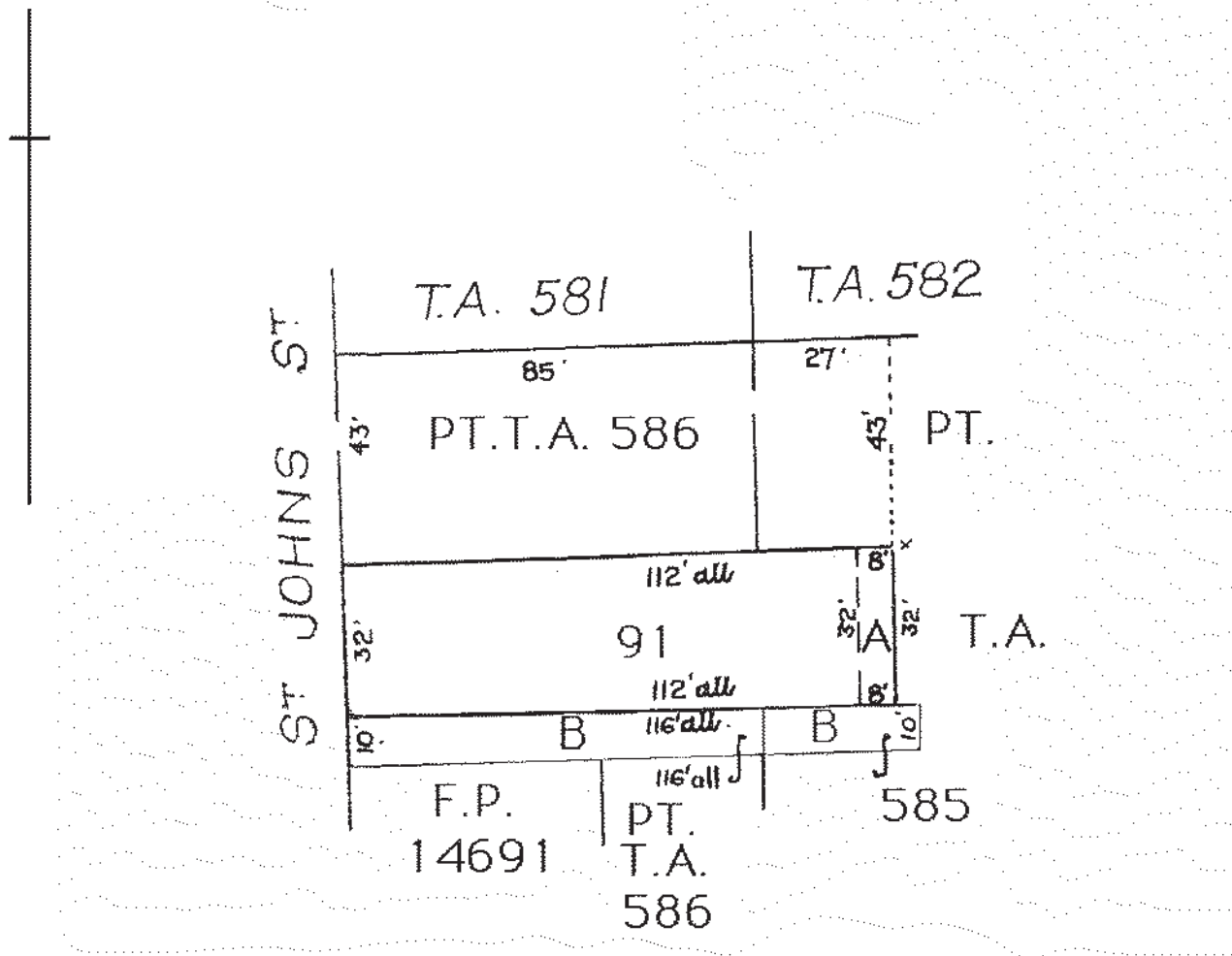
NIL

## Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



This plan is scanned for Certificate of Title 3265/186  
See title text for easement details.



DISTANCES ARE IN FEET AND INCHES FOR METRIC CONVERSION	
1 FOOT	= 0.3048 metres
1 INCH	= 0.0254 metres

Note : Subject to all lawfully existing plans of division



# S.A. LANDS TITLES OFFICE RE-IDENTIFICATION PLAN

66

PLAN NUMBER  
Item No 3.1 - Attachment 38

## FP 170474

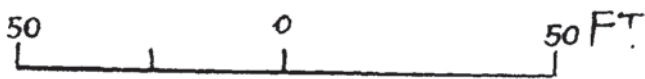
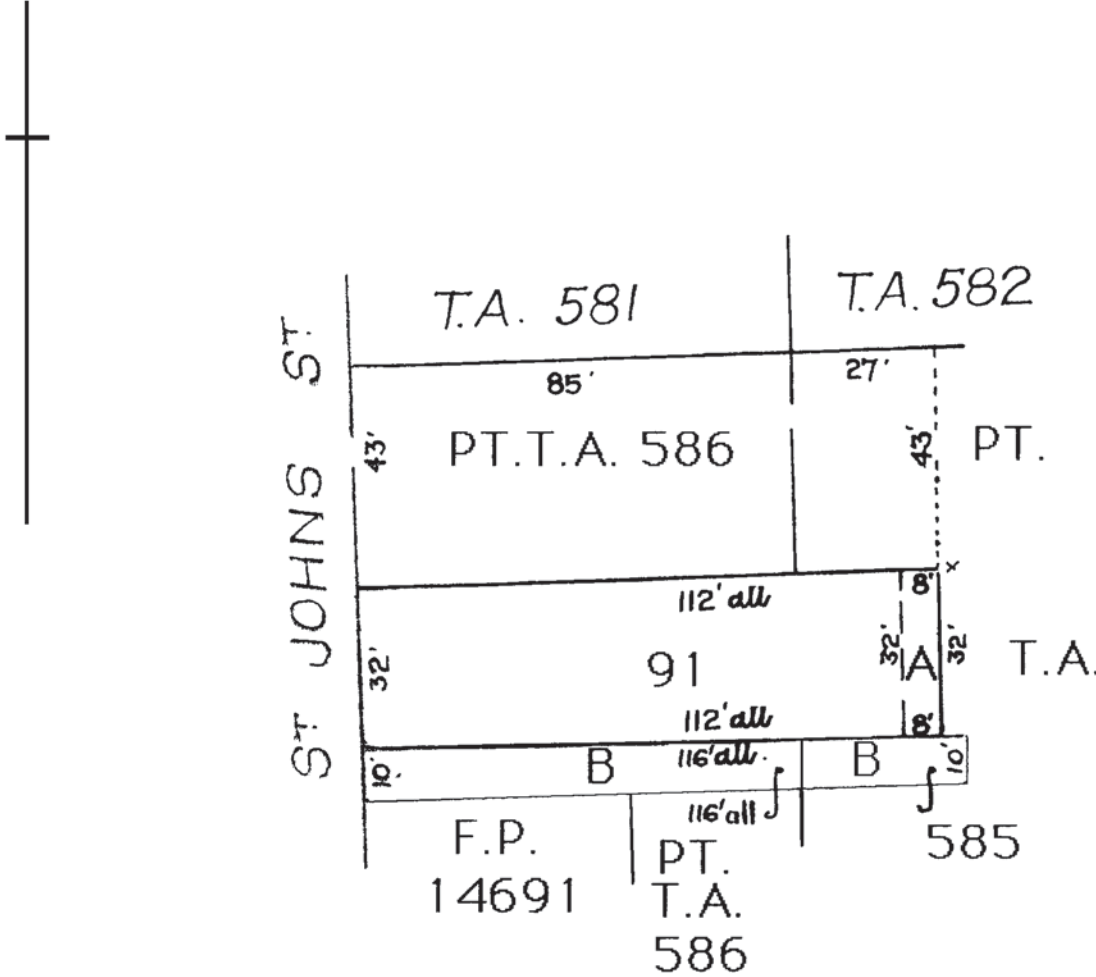
SHEET 1 OF 1

ACCEPTED FOR FILING  
19/12/1995

*[Signature]*  
REGISTRAR-GENERAL

AREA : ADELAIDE  
LGA : CORP OF THE CITY OF ADELAIDE  
HUNDRED : ADELAIDE  
SECTION : P T 585

This plan is scanned for Certificate of Title 3265/186  
See title text for easement details.



DISTANCES ARE IN FEET AND INCHES  
FOR METRIC CONVERSION

1 FOOT	=	0.3048 metres
1 INCH	=	0.0254 metres

Note : Subject to all lawfully existing plans of division

City of Adelaide Council Assessment Panel Meeting - Agenda - 21 January 2019

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# ANTON JOHNSON ARCHITECT

B.ARCH R.A.I.A.

11 JANE STREET, FREWVILLE SA 5063

Tel: (08) 8338 3738 Mobile: 0409 676 342

ABN 50 078 684 670

21 December 2018

Edouard Pool  
Senior Development Planning Officer  
Adelaide City Council

Dear Edouard,

## Development Application: DA/616/2018

28 St John Street, ADELAIDE SA 5000

Demolish dwelling and construct a two storey, swimming pool and remove a regulated tree

### REQUEST FOR ADDITIONAL INFORMATION

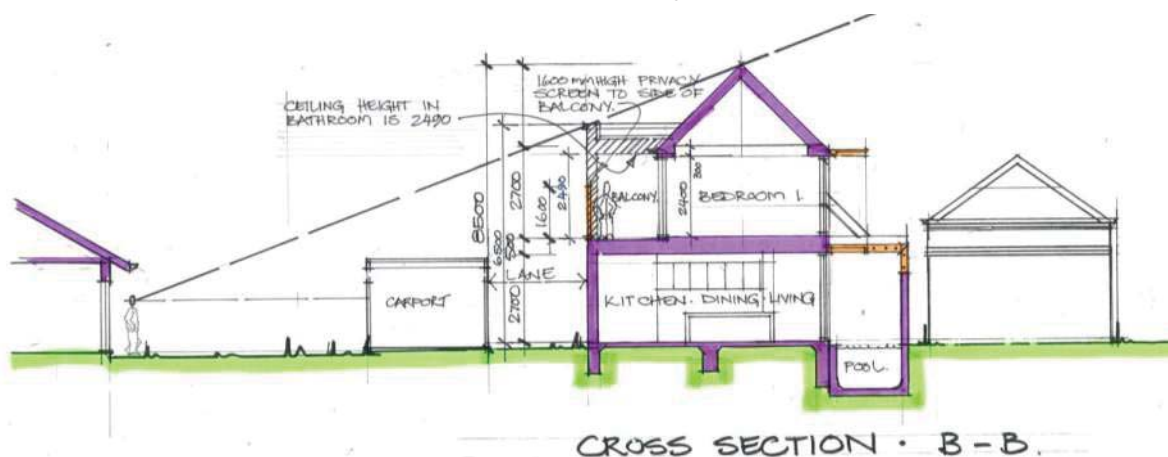
I refer to your letter dated 26 November 2018 and respond as follows:

#### A. Items 1, 2, 3 and 4: Reduction in height of the boundary wall on southern façade.

It has been suggested that the height of this wall could be reduced to reduce its perceived bulk for the occupants of 422 Gilles St. It should be noted that the wall is 7m high and not 8.5m as noted in the representation from the occupants of 422 Gilles St.

The applicant has been very cognisant of the scale of the proposed development and has, in the design, kept heights as low as possible. Every effort has been made in the design to keep this wall low. The rooms immediately behind this wall have a flat roof over them and a ceiling height inside of only 2.49m. Similarly the living room on the ground floor below has a ceiling height of only 2.7m. To reduce heights further is not reasonable given that the ground floor room is the main living room and 2.7m ceiling height is, if anything, already low. Upstairs the bathroom and WIR have a very low ceiling height of 2,49m. A flat roof cannot get flatter. All rooms immediately behind this wall have ceiling heights which are already low.

The pitched roof behind this wall is set back and will generally not be visible from the rear private area of 422 Gilles St. Thus the perceived bulk of this elevation as raised in the letter will not be as dominant as described. Please refer to the section drawing below showing the wall in question, the rooms behind and their ceiling heights and the sightline over the top of the wall to the pitched roof behind. Lowering the pitch of this roof is of no benefit to the occupants of 422 Gilles St and would reduce amenity for the applicant.



Given that reducing the wall height is not possible the suggestion of "greening" the wall will be adopted. The planter bed adjacent to the ground floor ensuite will be planted with a climbing creeper as proposed and a creeper on stainless steel cables will be installed on the upper part of the wall. This is the section that is partially visible to the occupants of 422 Gilles St. This creeper can be serviced from the first floor balcony adjacent. This would also add interest to the upper part of the wall and address the request detailed in Item 4 in your letter.

### B. Your Item 5: Privacy Screens

The use of screening devices is proposed in the Development Plan as an acceptable method of preventing overlooking. This is set out in full in PDC 36 and more specifically in **Design Techniques 36.1(c) and 36.2(c) and 36.2 (d)**. All privacy screens proposed in this application will fully comply with the design and heights as prescribed in PDC 36 and more specifically Design Techniques 36.1(c) and 36.2(c) and 36.2 (d).

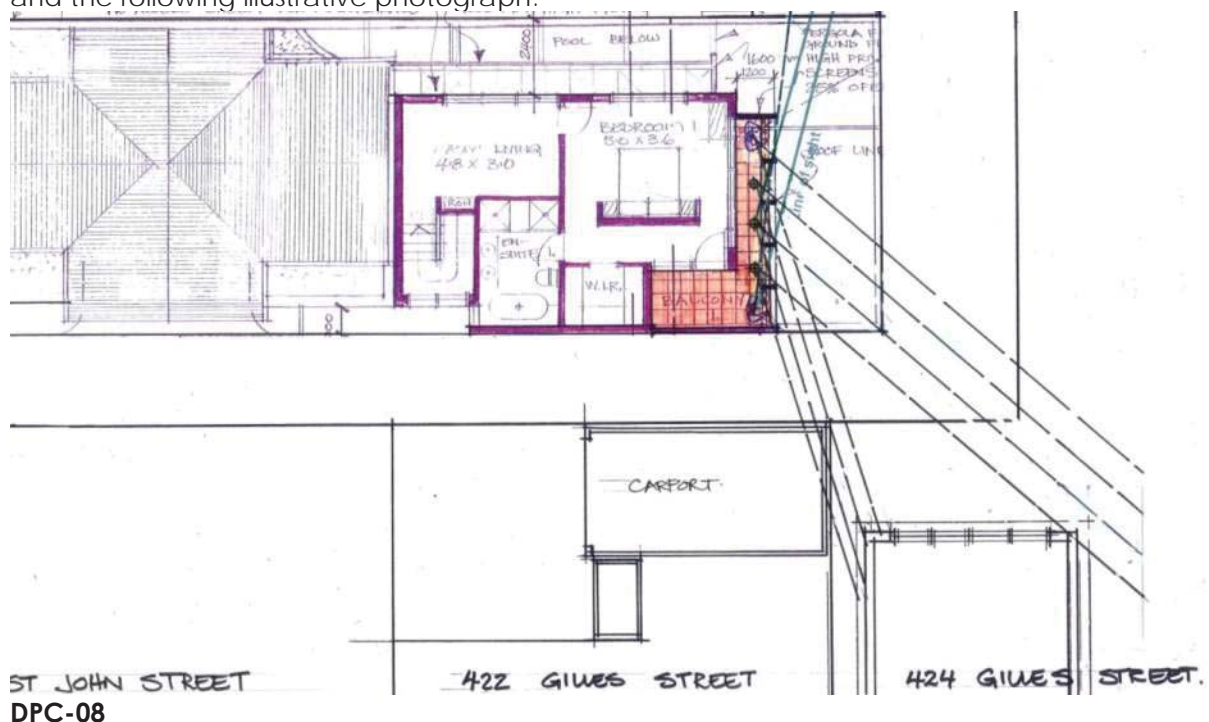
The 1m wide east facing balcony has a fixed privacy screen on its northern and southern ends which is 1200mm wide. The extension of these screens by another 1 metre is structurally not possible as they will be cantilevered out from the balcony edge by 1.2m. The weight and wind loads on such a cantilevered screen are beyond the scope of domestic construction. The weight and wind loads on such a screen would require a substantial steel structure similar to what one sees supporting road signs over main roads. An alternative method of providing additional screening is therefore proposed below.

#### B/1: 424-428 Gilles Street.

The current proposal includes for full privacy screening of the southern side of the eastern balcony to address overlooking of the southern part of 424-428 Gilles Street. This privacy screen will be a fully complying screen as prescribed and detailed in the Development Plan - PDC36.1, PDC36.2 and PDC36.3. This screen also extends 200mm beyond the edge of the balcony. This screen encloses that part of the balcony which will be used as an outdoor area by the applicant.

The one metre wide part of the east balcony provides the essential sun shading and protection of the windows and doors to the living room below. In addition it provides access to clean the windows to Bedroom 1 and for general maintenance.

In your letter, Item 5 you have advised that better privacy protection of the southern portion of the garden of 424 - 428 Gilles Street is highly encouraged. In recognition of this advice additional privacy screening to the east balcony is proposed as detailed on the plan below and the following illustrative photograph.



This proposal for additional screening comprises vertical screening blades of aluminum box sections projecting out 300mm deep and positioned at a minimum of 1250mm centres along the eastern balcony edge.

The privacy blades will be in a natural colour. The photo below is an illustration of what will be installed on the outer side of the east balcony.



### DPC-09

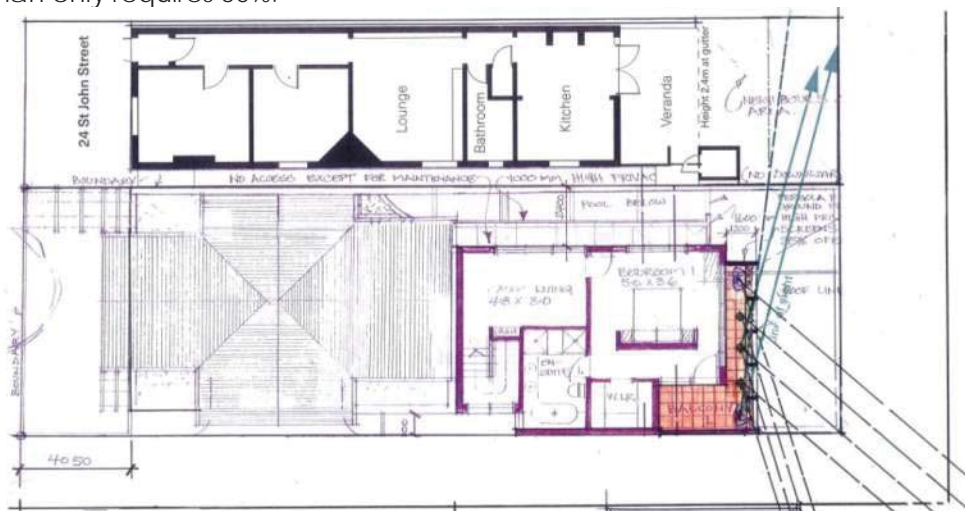
When viewed from a point directly east of the proposed dwelling the privacy blades will appear as seen in the right hand side of the photo.

However when viewed from the southern portion of the garden of 424 – 428 Gilles Street (the area that is required to have privacy) the privacy blades will appear as seen in the left hand side of the photo. Due to the angled direction of the view from the east balcony to the southern portion of the garden of 424 – 428 Gilles Street the blades will form a solid screen to provide the privacy.

### B/2: 24 St John St

Similarly you have also noted that for the rear yard to 24 St John St that an observer on the balcony could alter their vantage point and observe more of the rear yard by standing in the southern portion of the balcony. I have presented in my letter addressing the representation from the owners of 24 St John St that the privacy screen as designed in the application does provide the required screening as required by the Development Plan.

Notwithstanding the above compliance the proposed vertical screening blades will also provide screening to the very oblique sightlines as described thus affording even greater screening to the rear yard of 24 St John St than what is required by the Development Plan. As shown on the plan below these screening blades will provide almost an effective 100% screening of the useable private open space to 24 St John Street when the Development Plan only requires 50%.



DPC-07

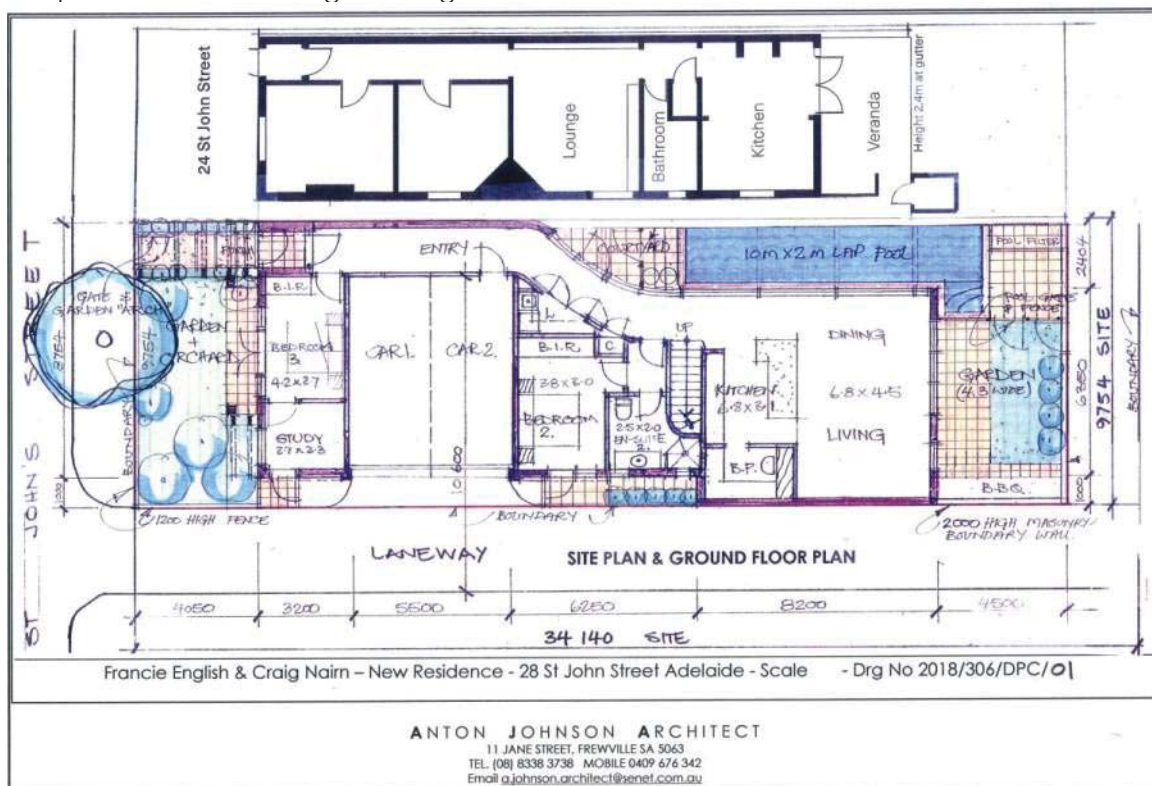
### C: Your Item 6: Removal of Existing Tree

This aspect has been fully addressed by the specialist arborist Dean Nicolle in his report and also addressed in my letter in response to the representations Item 3.1. Of note is the very short life span remaining for the tree and that the privacy concerns expressed by the occupants of 424-428 Gilles Street have been fully addressed by the additional screening added to the east side of the balcony. Refer item B/1: 424-428 Gilles Street above.

### D. Your Item 7: Fence Height and Amenity for 24 St John St

Please refer to the site survey as requested. The distance between the two existing dwellings has been measured by the occupants of 24 St John St as 1.15m. The survey indicates that the existing dwelling at 28 St John St is offset 330mm at front and 160mm at rear corner of the house inside the north boundary. The survey indicates that the dwelling at 24 St John St will be in excess of 800mm clear of the boundary. Please also refer to my response to your Dot Point 1 below.

As requested I attach below a plan of the proposed dwelling and a plan of the dwelling at 24 St John St showing the location of the existing windows. In addition the survey plan shows the position of the existing dwellings at 24 and 28 St John St.



With reference to the plans a number of items are noted:

- a) Currently the existing dwelling (No 28) extends for almost the full length of the dwelling at No 24 and across all windows. The existing fence beyond the dwelling towards the rear fence is 2.2 to 2.3m high. The new dwelling will extend past the first window and thereafter the two storey part is set back 2.4m from the boundary. The proposed new boundary fence is 1.9m high which is significantly less than the eave height of the existing dwelling on No 28 and the existing fence beyond the dwelling towards the rear.
- b) The proposed boundary fence which is 1.9m high is also a complying "swimming pool boundary fence". The regulations for a "swimming pool boundary fence" require the fence to be a minimum of 1800mm high and be non climbable on the swimming pool side. You have proposed lowering the masonry fence to 1.6m and introducing lattice or louvres above this to 2m. Unfortunately this would make the fence non-complying as a pool fence on the boundary.



800mm is a very reasonable and adequate distance for access down the side of the dwelling and exceeds the minimum the distance of 600mm prescribed in the National Construction Code, Building Code of Australia for reasonable access for inspection and maintenance.

**Refer NCC SA6.2. (A copy of this document has been provided in my previous letter)**

#### **Dot Point 2**

The overlooking from the stairway window has been addressed. Please refer to my letter in response to the representations, **Item 4.3 Privacy and overlooking – South windows to the Stairway**. For reference it is copied here:

*The south facing windows in the stairway have the potential of allowing overlooking of part of the rear garden. Whilst this is not truly a habitable space with only intermittent use whilst moving from one floor to the other the applicant agrees to amend the glazing to these windows. It is confirmed that the southern windows to the stairway will be fitted with obscure glazing to a height of 1600mm above the first floor level.*

#### **Dot Point 3**

The few inconsistencies in the drawings have been addressed. Please refer to my letter in response to the representations, **Item 1.4 Inconsistencies in the proposed plans**.

CAD Drawings: To further confirm the accuracy of the development proposal CAD drawings of the new dwelling and site development are now submitted with this letter. These are also the drawings that will be approved for Building Rules Consent (BRC). The drawings have been amended to include the additional privacy screening and the sightlines.

Please refer to these attached drawings as part of this application. The followings additional drawings are submitted.

2018/306/WD01/03A

2018/306/WD02A

2018/306/WD04A

2018/306/WD07A

2018/306/WD08A

2018/306/WD10A

Please note that these CAD drawings accord with the DPC drawings already submitted. The CAD drawings have been provided now to assist in expediting the issue of the final Development Approval notification. When this DPC application is approved the DPC drawings for the proposed development will match with the BRC drawings.

#### **Dot Point 4**

The flooring in the proposed northern balcony has been addressed. Please refer to my letter in response to the representations, Item 1.4. The surface is solid "checker plate" to also provide the necessary sun shading for the windows below. The space whilst trafficable will only be accessed through a window for maintenance purposes such as window cleaning.

### **F. CONCLUSION**

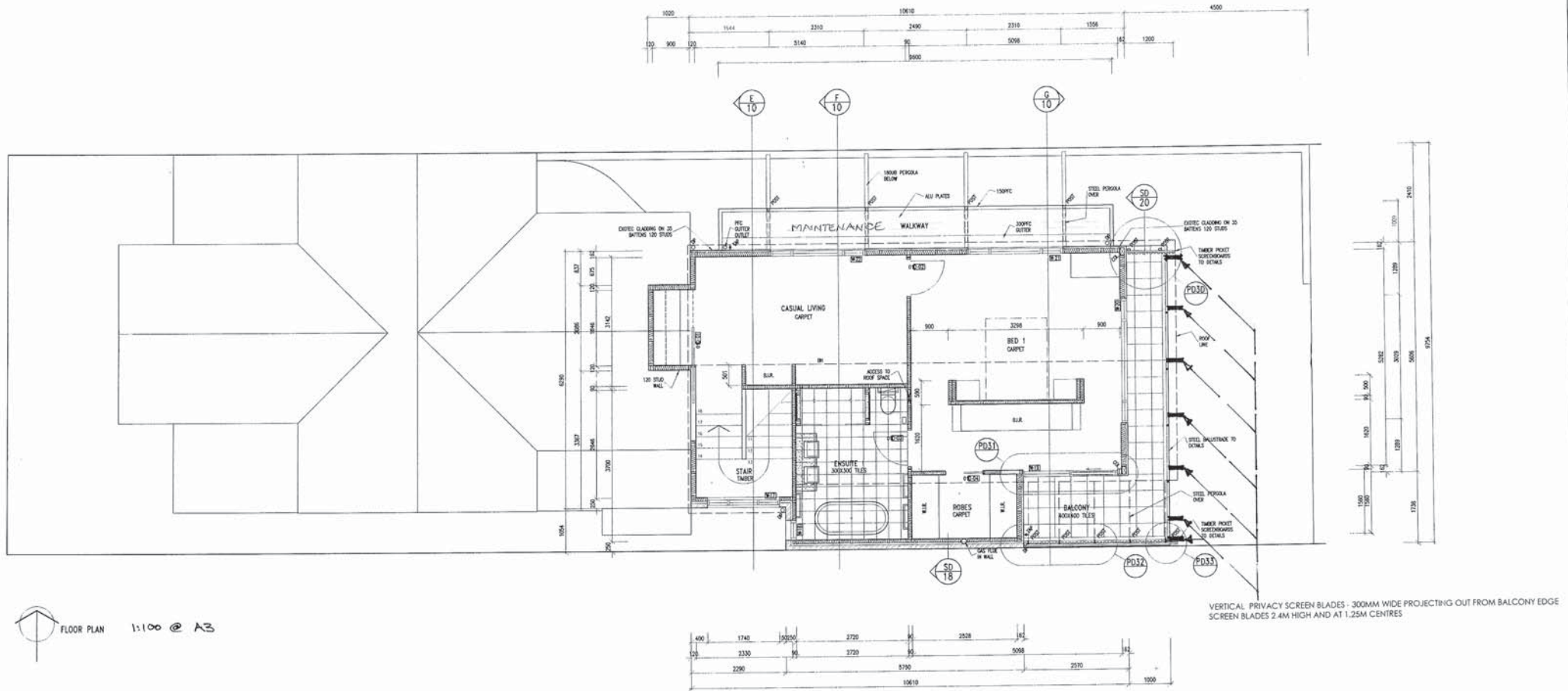
We trust that the above addresses all the matters raised in your letter. Should there be any matter which may have been overlooked or not fully addressed in this response, we ask that we be given the opportunity to clarify or add to this response prior to the finalizing of your assessment and report.

Yours sincerely



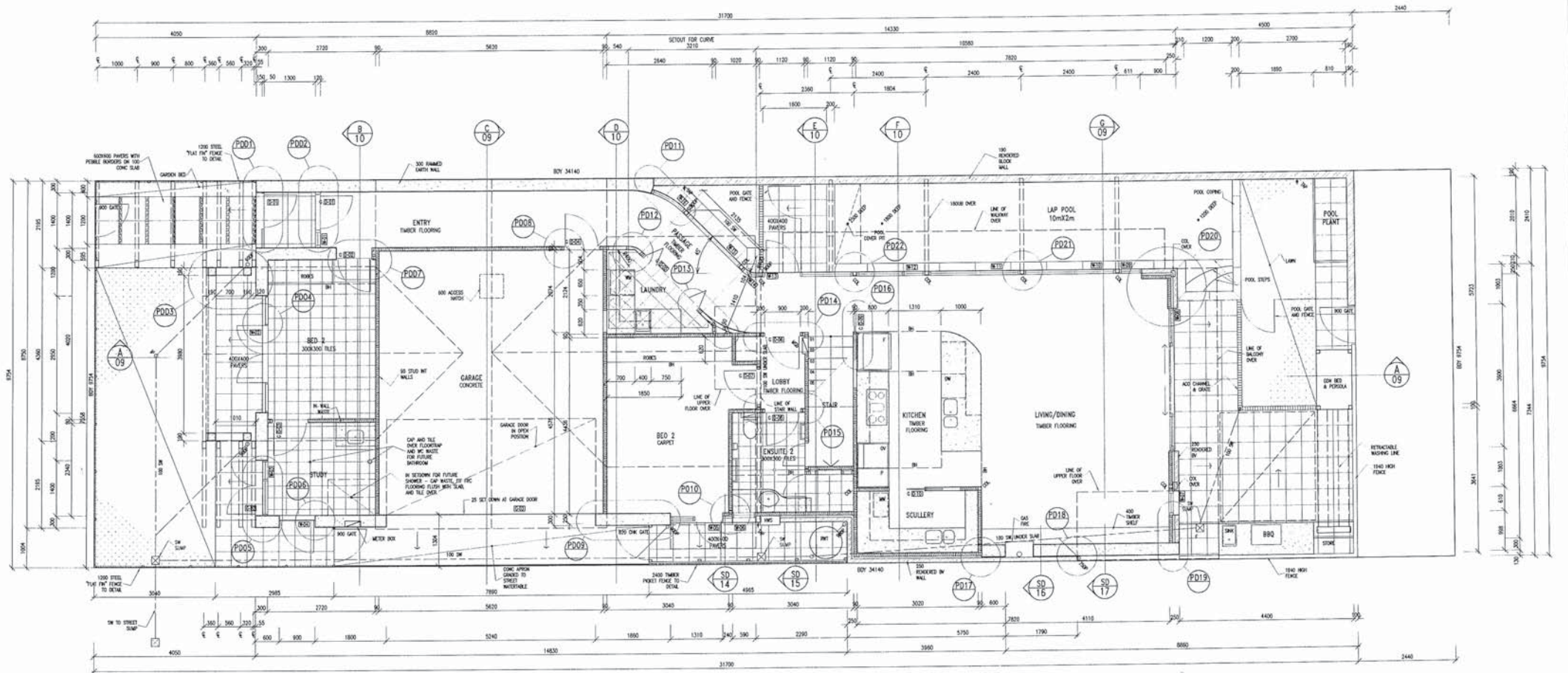
Anton Johnson  
**Anton Johnson Architect**  
 11 Jane Street  
 FREWVILLE SA 5063



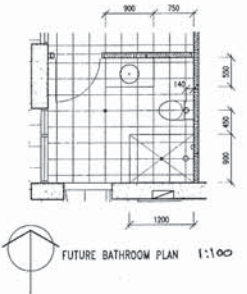


FLOOR PLAN 1:100 @ A3

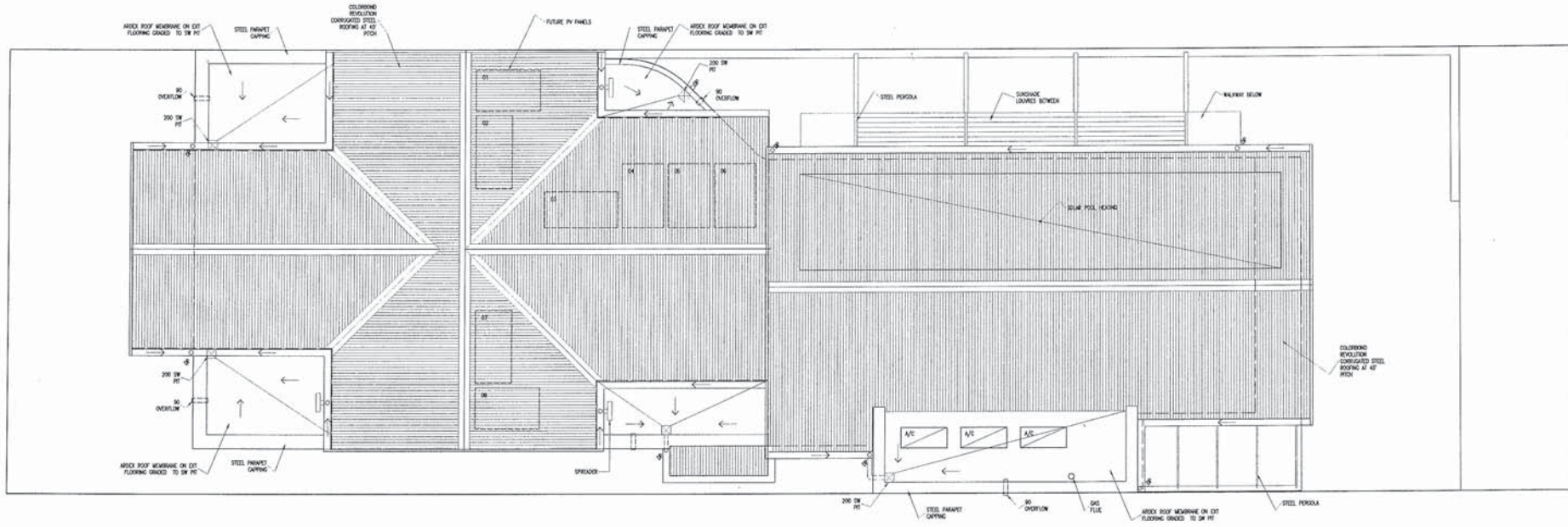
<b>ISSUE</b>		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECT'S OFFICE IF ANY PROBLEMS ARISE.		
<b>ANTON JOHNSON ARCHITECT</b> 8 ARCH P.A.I.A. ABN 50 078 684 470 11 JANE STREET, FREWVILLE SA 5063 Tel: (08) 8338 3738 Fax: (08) 8338 0767 A/N: 48310 9362 Mobile: 0427 474 342		
CLIENT	FRANCIE ENGLISH & CRAIG NARRN	
PROJECT	28 ST JOHN STREET ADELAIDE, SA	
DATE	OCT 2018	SCALE AS SHOWN
SHEET TITLE		
UPPER FLOOR PLAN		
PROJECT NO.	DRAWING NO.	REV. NO.
2018/306	WD02	A



FLOOR PLAN 1:100 @ A3

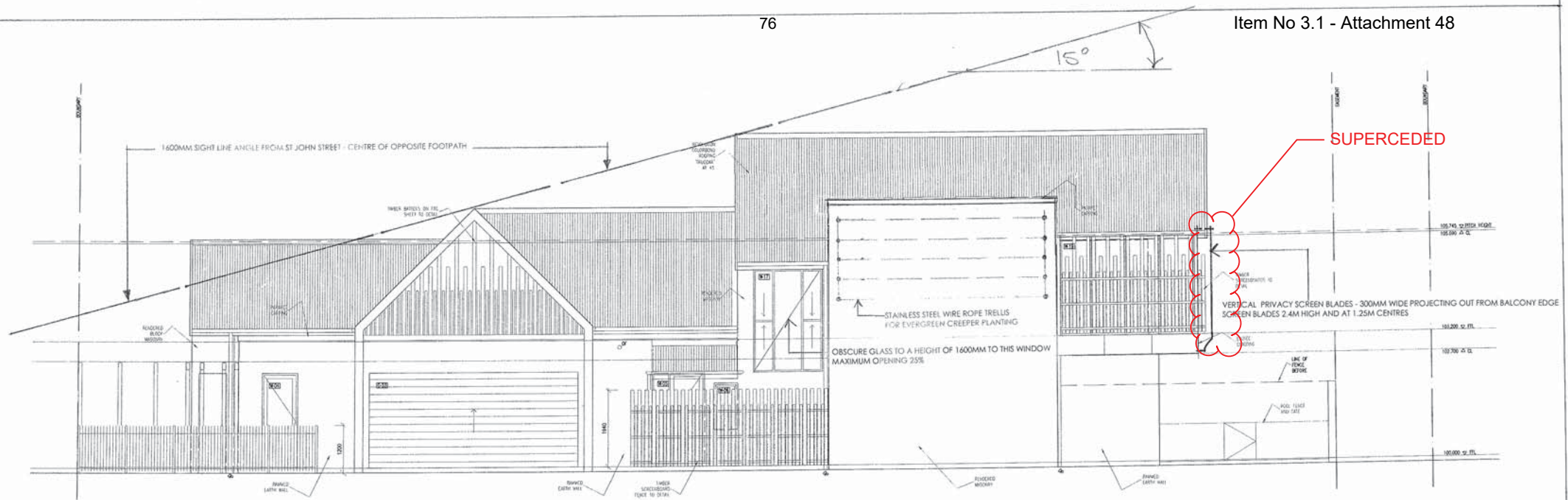


<b>ISSUE</b>		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECTS OFFICE IF ANY PROBLEMS ARISE.		
<b>ANTON JOHNSON ARCHITECT</b>		
ARCHITECTS & LANDSCAPE ARCHITECTS 11 JANE STREET, FRESHVILLE SA 5063 Tel: (08) 8338 3738 Fax: (08) 8330 0762 A/N: 8310 1382 Licence: 0169 616 342		
<b>CLIENT</b> FRANCIE ENGLISH & CRAIG NAIRN		
<b>PROJECT</b> 28 51 JOHN STREET ADELAIDE, SA		
<b>DATE</b> OCT 2018 <b>SCALE</b> AS SHOWN		
<b>SHEET TITLE</b>		
<b>GROUND FLOOR PLAN</b>		
<b>PROJECT No.</b>	<b>DRAWING No.</b>	<b>REV. No.</b>
2018/306	WD01/03	A



ROOF PLAN 1:100 @ A3

<b>ISSUE</b>		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECTS OFFICE IF ANY PROBLEMS ARISE.		
<b>ANTON JOHNSON ARCHITECT</b>		
8 ARCH P.A.L.A. ABN 50 078 884 470 11 JANE STREET, FREWVILLE SA 5063 Tel: 080 808 3736 Fax: 080 838 0783 APLN 8370 0382 Mobile: 0407 874 342		
CLIENT FRANCIE ENGLISH & CRAIG NAIRN		
PROJECT 28 ST JOHN STREET ADELAIDE, SA		
DATE	OCT 2018	SCALE AS SHOWN
SHEET TITLE		
ROOF PLAN		
PROJECT NO.	DRAWING NO.	REV. NO.
2018/306	WD04	A



SUPERCEDED

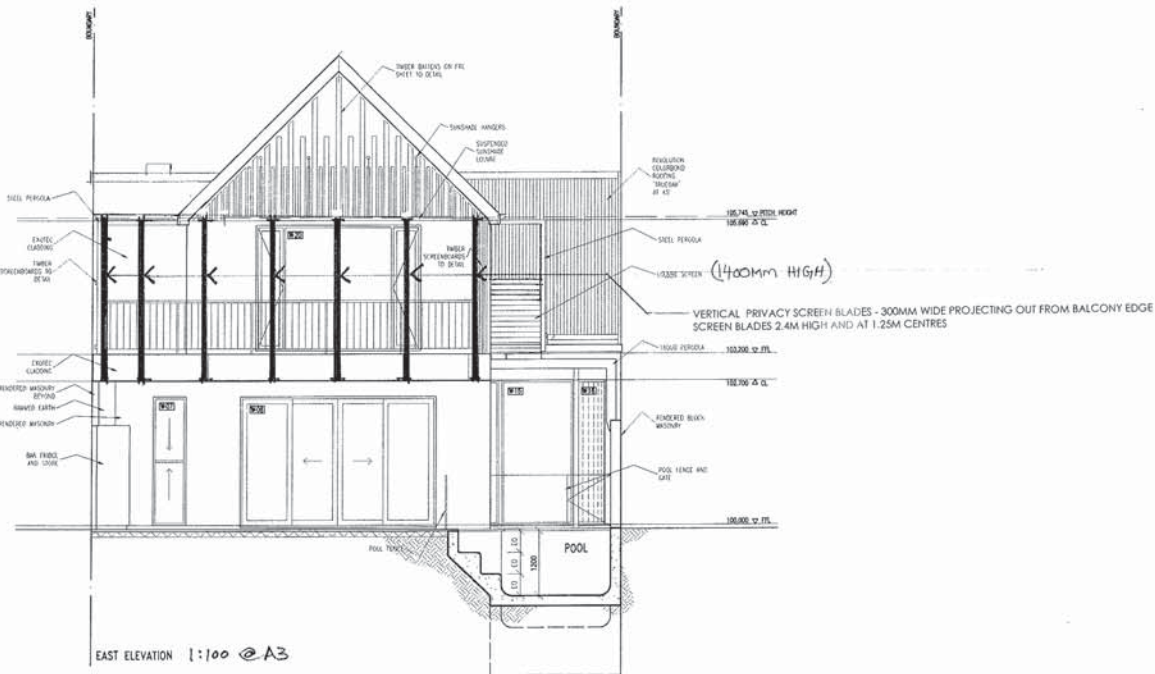
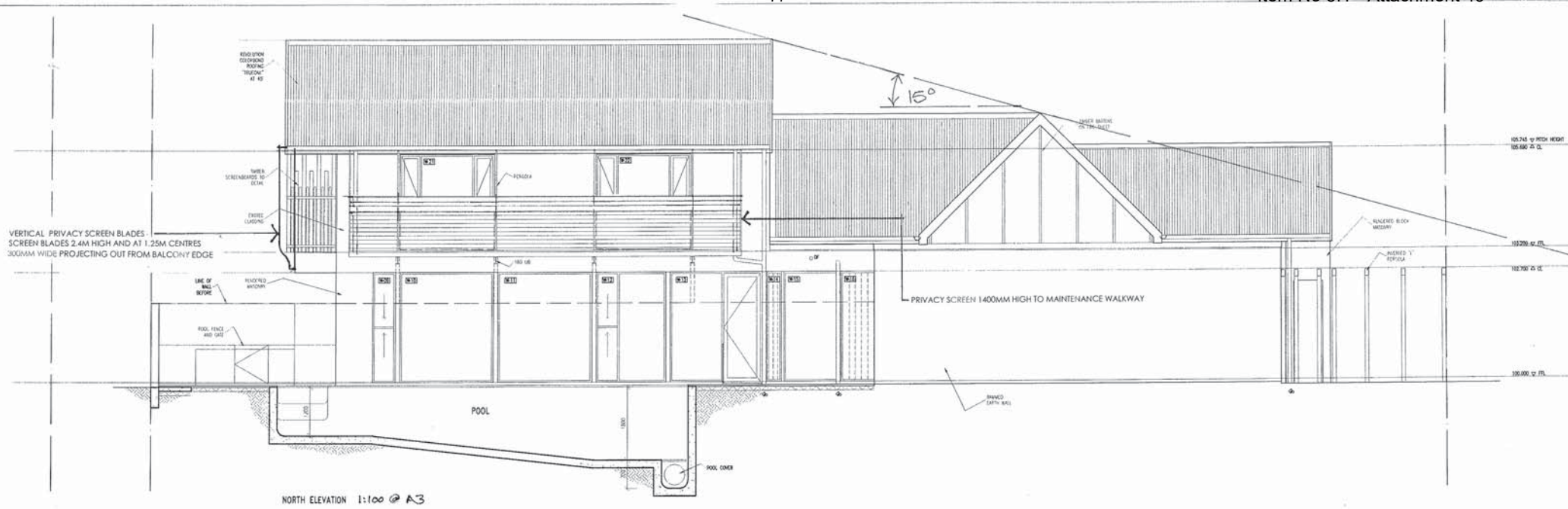
SOUTH ELEVATION 1:100 @ A3



WEST ELEVATION 1:100 @ A3

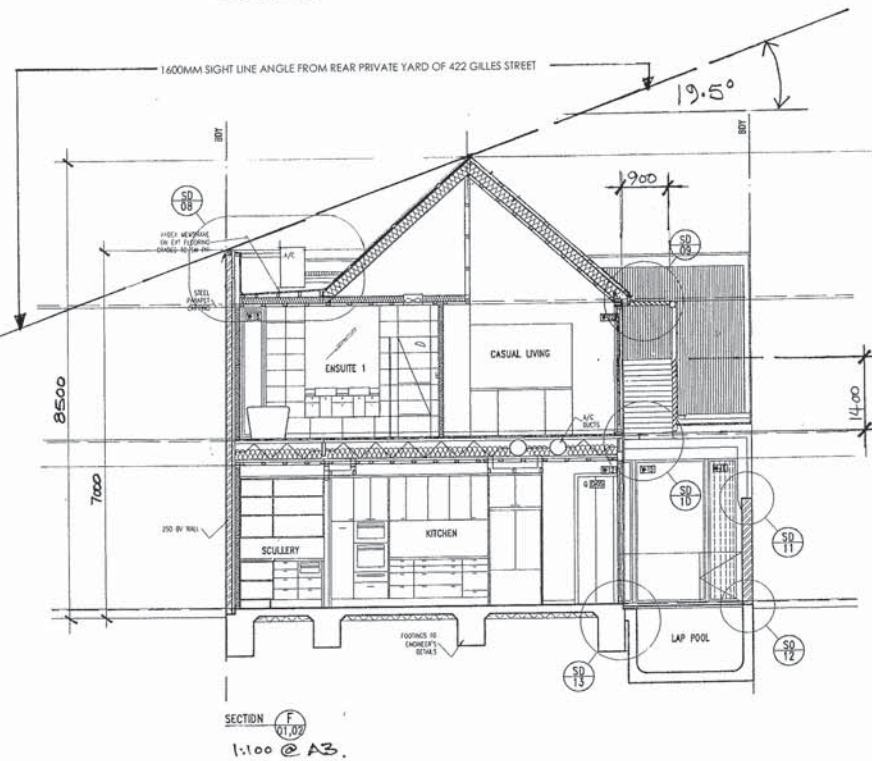
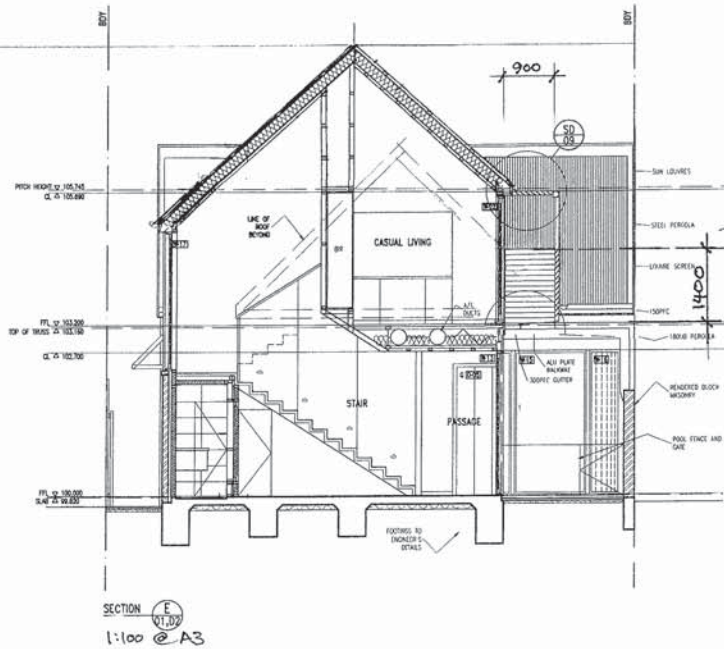
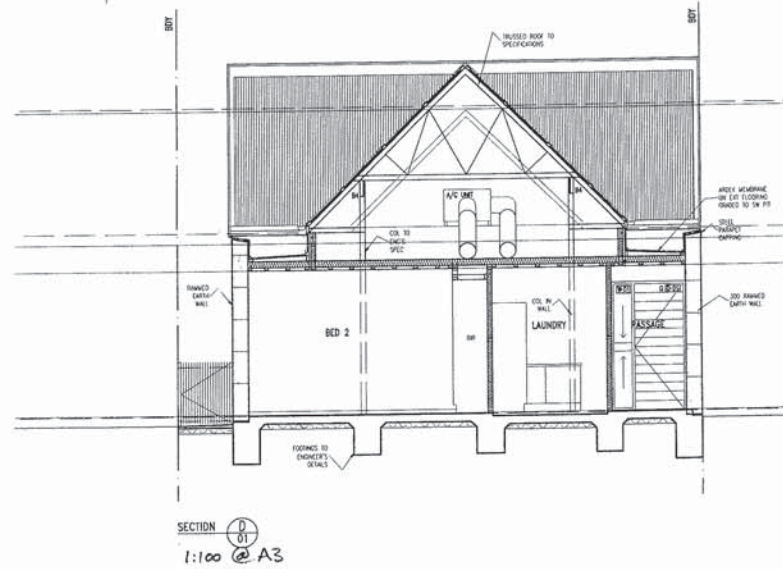
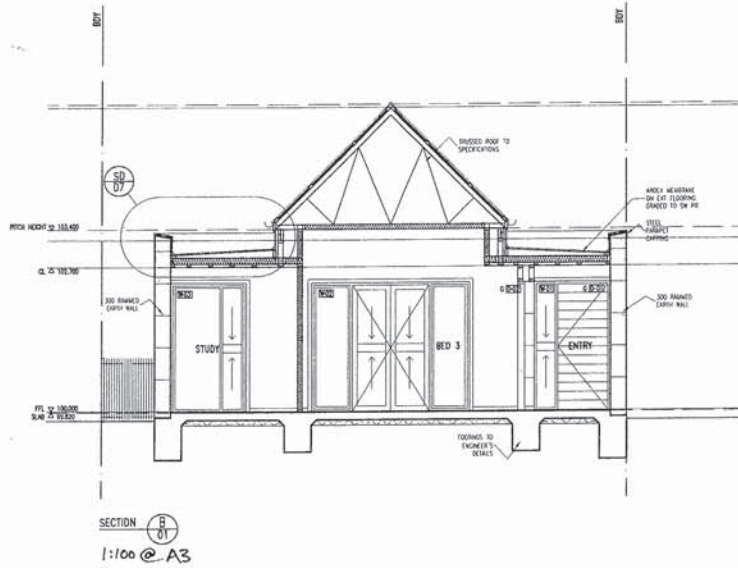
LEGEND  
 DP DOWNPIPE  
 OF OVERFLOW

ISSUE		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS CONTACT THE ARCHITECT'S OFFICE IF ANY PROBLEMS ARISE.		
ANTON JOHNSON ARCHITECT 8 ARCHER A/LA, APM 50 078 684 670 11 JANE STREET, FREWVILLE SA 5063 Tel: (08) 8338 3738 Fax: (08) 8338 0762 Mob: 0437 9382 Mail: GAB 674 347		
CLIENT	FRANCIE ENGLISH & CRAIG NAIRN	
PROJECT	28 ST JOHN STREET ADELAIDE, SA	
DATE	OCT 2018	SCALE AS SHOWN FOR A1
SHEET TITLE ELEVATIONS		
PROJECT No.	DRAWING No.	REV. No.
2018/306	WD07	A



LEGEND  
 DP DOWNPIPE  
 OF OVERFLOW

<b>ISSUE</b>		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECTS OFFICE IF ANY PROBLEMS ARISE.		
<b>ANTON JOHNSON ARCHITECT</b> ARCHITECTS 11 JANE STREET, FRESHVILLE SA 5063 Tel: (08) 8338 0758 Fax: (08) 8338 0782 A/N: 8330 9382 Mobile: 0427 676 242		
CLIENT FRANCIE ENGLISH & CRAIG NAIRN PROJECT 28 ST JOHN STREET ADELAIDE, SA		
DATE	OCT 2018	SCALE AS SHOWN
SHEET TITLE		
<b>ELEVATIONS</b>		
PROJECT No.	DRAWING No.	REV. No.
2018/306	WD08	A



<b>ISSUE</b>		
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. CONTACT THE ARCHITECTS OFFICE IF ANY PROBLEMS ARISE.		
<b>ANTON JOHNSON ARCHITECT</b>		
B ARCH P.A.A. ABN 50 078 484 470 11 JANE STREET, FREENVILLE SA 5063 Tel: (08) 8338 3700 Fax: (08) 8338 0782 A/H: 8310 9382 Mobile: 0428 476 342		
CLIENT	FRANCIE ENGLISH & CRAIG NAIRN	
PROJECT	28 ST JOHN STREET ADELAIDE, SA	
DATE	OCT 2018	SCALE AS SHOWN 1:100
<b>SHEET TITLE</b>		
SECTIONS 2-2		
PROJECT NO.	DRAWING NO.	REV. NO.
2018/306	WD10	A

15 November 2018

Mr Edouard Pool  
City of Adelaide  
GPO Box 2252  
Adelaide SA 500

Dear Edouard

**REGARDING THE PROPOSED DEVELOPMENT OF  
28 ST JOHN ST, ADELAIDE SA 5000**

**DEVELOPMENT APPLICATION: DA/616/2018**

DEMOLISH DWELLING AND CONSTRUCT A PART SINGLE STOREY PART TWO STOREY DETACHED DWELLING, SWIMMING POOL AND REMOVAL OF SIGNIFICANT TREE

**INTRODUCTION**

I, Ann Young of 24 St John St, Adelaide SA 5000, immediate neighbour to the north of the new development, have some objections, as detailed below.

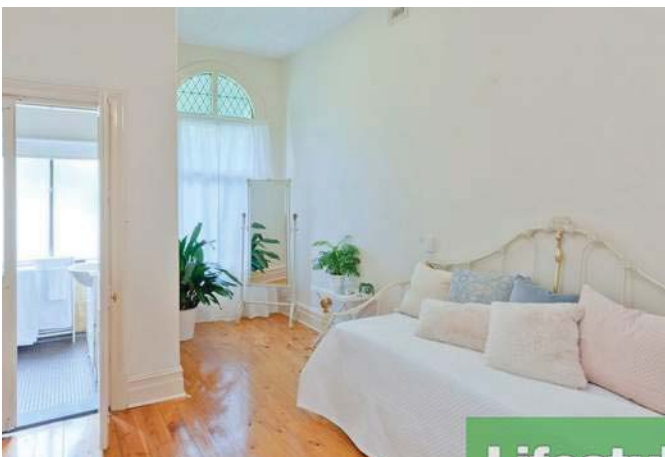
**DEMOLISHING**

On page 2 of the "DESIGN REPORT – 24 July 2018" by ANTON JOHNSON ARCHITECT (**Design Report**): in the first paragraph of Section 1, there is a statement "*The existing dwelling is in very poor condition*".

This statement doesn't appear to have been challenged, and is stated as being a matter of fact. I disagree.

As shown by the photographs below, the building is in quite good condition and certainly not beyond restoration. The facade has been altered, but there is enough of the original available to be able to confidently restore close to original. It has a very pretty front gable with a goose-neck finial.

I consider the best option to follow the relevant sections of the Development Plan Adelaide (City) Consolidated – 7 June 2018 (**Development Plan**) plan is to maintain the existing building.



## HERITAGE

On page 167 of the **Development Plan**:

o) *St. John Street*

*The townscape in the north-east is dominated by the substantial scale and richly detailed character of St John's Church, Meeting Hall and Rectory. Along the western frontage by a group of consistently sited, gable-fronted villas, **complemented by a small group of narrow fronted cottages on the eastern frontage. This character should be maintained and reinforced.***

On page 17 of the **Development Plan**:

City Living

### PRINCIPLES OF DEVELOPMENT CONTROL

9 The City Living Zone, Adelaide Historic (Conservation) Zone and North Adelaide Historic (Conservation) Zone should develop as follows:

- (a) Residential areas should comprise a wide range of housing alongside a diversity of community facilities, with many heritage places conserved. **Residential amenity should be enhanced and attractive townscape qualities reinforced.**
- (b) Adelaide was once a predominantly residential City. **The character in the south east corner continues to reflect this historical pattern** with distinctive dwelling types and early shops from the mid to late 19th century. This historic importance is identified by the Adelaide Historic (Conservation) Zone within which development should complement and protect the historic character. In the south east and south west corners, groups of mid to late 19th housing remain amidst development from the 20th century. **This early housing is identified within Historic (Conservation) Areas where development should complement and protect the historic character.**

On page 168 of the **Development Plan**:

### ADELAIDE HISTORIC (CONSERVATION) ZONE

#### Form and Character

4 Development should:

- (a) **retain and conserve heritage places;**
- (b) **reflect the historic built form and its visual character through residential development of complementary design, form and density consistent with the desired character for the Zone;**

#### Design and Appearance

6 Development of new buildings or building additions including those of innovative and contemporary design should demonstrate a compatible visual relationship with adjacent heritage places and other buildings that reinforce the desired character in terms of its:

- (a) **bulk and scale;**
- (b) **width of frontage and the front and side boundary building set-back patterns;**

- I believe that the character would best be maintained by retaining the original building.
- I believe that the residential amenity would not be enhanced by the new development. The scale, materials, design and footprint would dominate the existing townscape qualities.
- Floor to ceiling windows and garaging in the centre of the dwelling are not consistent with heritage buildings.
- These aspects of the proposed development would not protect the historic character of the area.

We bought our dwelling in 2003 on the understanding that the inherent character of the street would be preserved and maintained. I realised that our little group of cottages (the three on the eastern side of St John St, weren't perfect, but assumed that over the years they would be looked after and their condition and appearance would improve.

I consider the best option to follow this plan is to maintain and renovate the existing building.



## SWIMMING POOL

I would like to raise the following concerns, in regard to the swimming pool development:

- Proximity to fragile Local Heritage Place (House).  
Such a deep excavation for a pool so close to our house, which has no concrete foundation, could compromise the structural integrity of our building.  
  
If Council approves of this development, I would assume an engineers' report guaranteeing that no damage would be done to our house would be provided.
- Proximity to fragile heritage outbuilding (original outside lavatory).
- Proximity of pool pump to no. 24's outside living area. I am concerned about constant noise.
- Cross section A-A "Drg No 2018/306/SK04 Revision A" in the **Design Report** only shows the shallow end of the pool. No information about pool depth and excavation depths has been provided.
- Their diagram "Drg No 2018/306/SK06 Revision B" in the **Design Report** schematically shows the deeper end of the pool to be at least 2m depth plus excavation.

I would seek an engineers report regarding demolition, construction and excavation for the pool.

## PRIVACY

From the **Design Report**:

- *"The overlooking issues have been addressed in the design."*
- *"The design includes 1.6m high physical screens on both sides of the balcony to block to screen overlooking."*
- *"Drg No 2018/306/SK02 Revision B", "Drg No 2018/306/SK07 Revision A" and "Drg No 2018/306/SK10 Revision B"*
- Northern "balcony/ pergola" area on the upper level of the northern side of new dwelling to be used for *"maintenance purposes only"*

I have a few concerns regarding privacy issues.

Regarding the eastern balcony, as follows:

- The drawings mentioned above all understate the lines of sight. Refer to "Oblique rear section.pdf, and "28 St John Rear View.pdf"
- East-facing balcony impacts neighbours on northern, eastern and southern sides.
- No. 24 has limited outdoor living area into which the proposed eastern boundary has clear lines of sight.

I would prefer that there was no balcony to the eastern side.

If there is to be an east-facing balcony, there should be better screening. The proposed screening is insufficient, as demonstrated in the drawing "Oblique rear section.pdf"

Regarding the northern bedroom and casual living windows and "balcony/pergola" area on northern side, as follows:

- On the plan view "Drg No 2018/306/SK02 Revision B" the distance to the 1000mm high privacy screen from the Bedroom 1 window is drawn to be 900mm. On Section A-A "Drg No 2018/306/SK07 Revision A", which is the diagram used to show the line of sight into the backyard of no. 24, this distance is drawn to be 1200mm. Actual measurement is not given anywhere. These small differences have a large impact on the lines of sight into no. 24.
- From the northern "balcony/pergola" area there could be a direct view into the kitchen and bathroom of no. 24. Refer to "28 St John Plan First Floor.pdf"

As stated above, I believe would like to clarify that there can be no outside access from the northern upper level. The upper level windows that face north should be (in preference to using a privacy screen) non-opening and be of frosted glass to a height of 1.6m.

In the event of a privacy screen being used, the screen should be: no more than 90cm from their window; at least 1.4m high, and opaque.

## SETBACKS

I would like to raise the following concerns, in regard to the setbacks of the proposed dwelling:

- The new dwelling and masonry block wall is shown in the **Design Report** to be built on their northern boundary. I am seeking independent advice as to where this boundary actually is.
- The proposed development sites the new dwelling to the boundary, which is 50cm closer to our house (based on existing fence line). This is to within about 60cm of the windows of no. 24.
- As per the relevant section of the **Development Plan**, mentioned above, I would like to see at least the front and side set-backs of any new building to be in keeping with the existing. The distance between the two buildings has been 1.15m for over 100 years.

Also please note that the windows of three of our four rooms plus the bathroom window would look directly onto this proposed boundary wall.

This current space between the structures provides access to services.

If no. 28 is built right to the boundary maintenance access by the owners of no. 24 would be compromised.

## VISIBILITY

I am not convinced about the 2nd storey not being visible from the street. "*Streetscape elevation actual*" and "*Drg No 2018.306/SK11 Revision A*" in the **Design Report** do not show the 2nd storey. I do not believe they are accurate depictions.

I believe the second storey would be quite visible from the street.

## FOOTPRINT

The proposed footprint is larger than the existing, extending further north, south and east. Refer to "28 St John Plan First Floor.pdf"

## BULK AND SCALE

The new dwelling as proposed is not cottage in scale.

It exceeds existing dwelling in both bulk and scale.

I feel that it will dominate the streetscape and is not in keeping with the historic nature and amenity of the location.

## MATERIALS

The proposed development is aiming for a look that is, in its own words, "*modern and contemporary*", and as such will soon become dated. In my opinion it will detract from the "*village*" feel that the area currently has.

## REMOVAL OF SIGNIFICANT TREE

On page 19 of the **Development Plan**:

Low Scale Residential

Building Appearance and Neighbourhood Character

PRINCIPLES OF DEVELOPMENT CONTROL

17 Low scale residential development should:

- (a) **protect existing site features, including vegetation and items or features of heritage value;**
  - (b) provide sufficient open space for the planting of trees to:
    - (i) complement and enhance the existing landscape character;
    - (ii) provide amenity for residents; and
    - (iii) screen storage, service and parking areas.
  - (c) **protect remaining trees from damage to their root systems;** and
  - (d) **incorporate building footing designs that allow root growth of existing trees.**
- Although I acknowledge that there does not currently appear to be any nesting materials in this tree, it is used widely by a range of wildlife including: rainbow lorikeets, noisy miners, magpies, rosellas etc. and occasionally kookaburras.
  - This tree provides a good amount of natural greenery to the immediate and local area.

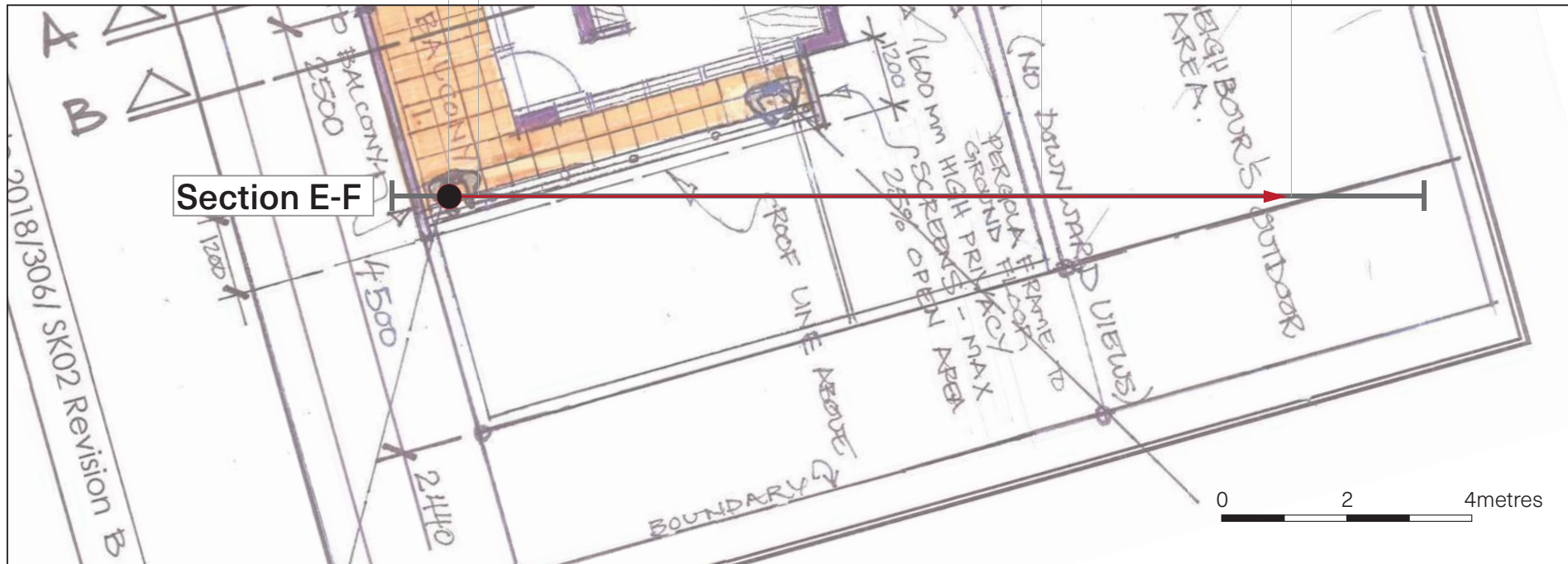
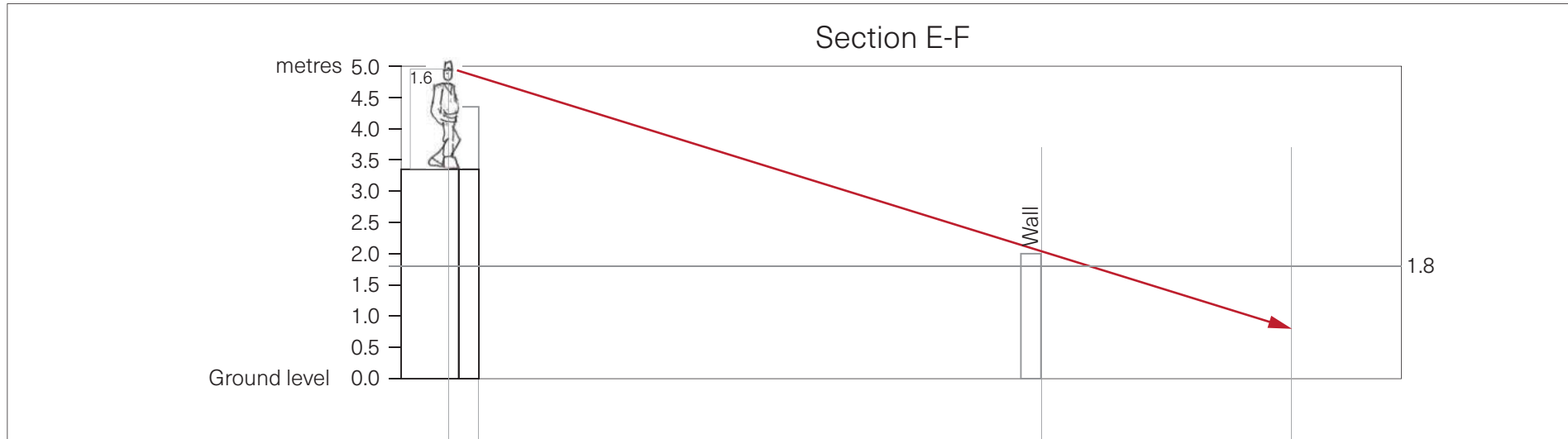
## CONCLUSION

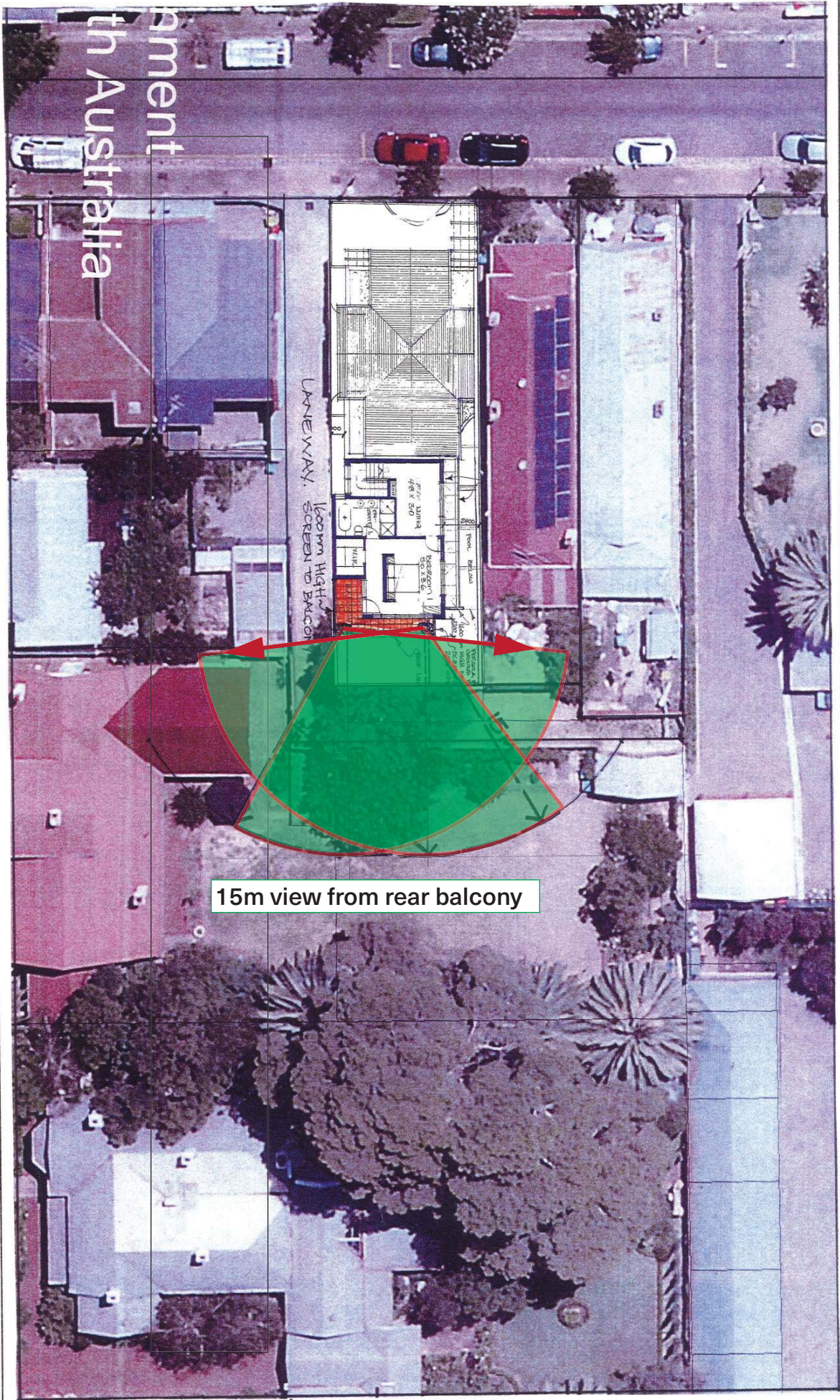
In conclusion, I would like to state:

- I don't think the building's condition warrants demolition.
- I am very concerned that my privacy will be compromised to a significant extent.
- I am very concerned that damage could be done to the fabric of my house during demolition, excavation or construction.
- As per the Development Plan, the historic nature of the location should be embraced and maintained. I am very worried about the precedent that could be started in regard to older, but maybe less historically or architecturally significant buildings in the area.
- I am concerned about some inaccuracies and omissions from the submitted drawings, to the extent that I have some misgivings about their intent.
- I feel the bulk and scale and modern approach to the proposed development will dominate the location.

As a final note, I would like to acknowledge the amount of time and resource that has gone into developing the **Development Plan Adelaide (City) Consolidated – 7 June 2018**. Please ensure that it remains a worthwhile document by upholding its values.

Oblique Rear Section.pdf





15m view from rear balcony

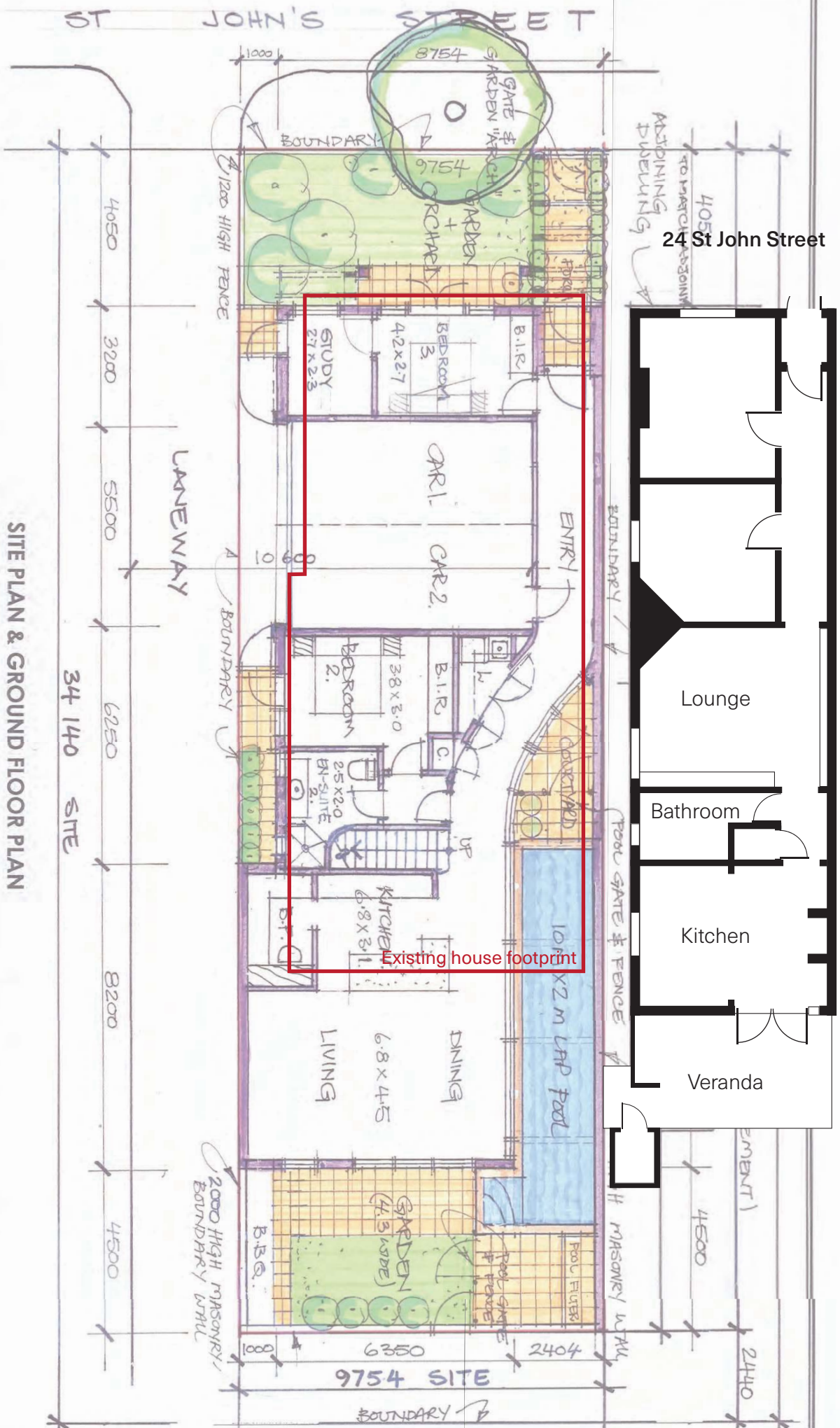
Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:1 00 - Drg No 2018/306/ SK10 REVISION B 03/12/2018

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SITE PLAN & GROUND FLOOR PLAN



Some relevant extracts from sections of the

## **“DEVELOPMENT PLAN ADELAIDE (CITY) CONSOLIDATED – 7 JUNE 2018**

On page 17 of the **Development Plan Adelaide (City) Consolidated – 7 June 2018** (Development Plan):

City Living

### PRINCIPLES OF DEVELOPMENT CONTROL

- 9 The City Living Zone, Adelaide Historic (Conservation) Zone and North Adelaide Historic (Conservation) Zone should develop as follows:
  - (a) Residential areas should comprise a wide range of housing alongside a diversity of community facilities, with many heritage places conserved. **Residential amenity should be enhanced and attractive townscape qualities reinforced.**
  - (b) Adelaide was once a predominantly residential City. **The character in the south east corner continues to reflect this historical pattern** with distinctive dwelling types and early shops from the mid to late 19th century. This historic importance is identified by the Adelaide Historic (Conservation) Zone within which development should complement and protect the historic character. In the south east and south west corners, groups of mid to late 19th housing remain amidst development from the 20th century. **This early housing is identified within Historic (Conservation) Areas where development should complement and protect the historic character.**

parts of pages 166 to 170 of the **Development Plan Adelaide (City) Consolidated – 7 June 2018** (Development Plan):

### **ADELAIDE HISTORIC (CONSERVATION) ZONE**

#### **DESIRED CHARACTER**

In particular, the character of the following streets should be conserved and reinforced as follows:

- o) St. John Street

The townscape in the north-east is dominated by the substantial scale and richly detailed character of St John's Church, Meeting Hall and Rectory. long the western frontage by a group of consistently sited, gable-fronted villas, **complemented by a small group of narrow fronted cottages on the eastern frontage. This character should be maintained and reinforced.**

#### **OBJECTIVES**

Objective 1: Conservation of the heritage values and historic character of the remaining intact residential districts of south-east Adelaide and its architecturally diverse historic townscapes.

Objective 2: Development compatible with the historic character of the Zone.

Objective 3: Development that contributes to the heritage value and desired character.

## PRINCIPLES OF DEVELOPMENT CONTROL

### Form and Character

4 Development should:

- a) retain and conserve heritage places;**

### Design and Appearance

6 Development of new buildings or building additions including those of innovative and contemporary design should demonstrate a compatible visual relationship with adjacent heritage places and other buildings that reinforce the desired character in terms of its:

- a) bulk and scale;

- b) width of frontage and the front and side boundary building set-back patterns;**

9 Development should complement the characteristic features and any distinctive, architectural elements and forms as described in the desired character and **avoid discordant, foreign and uncharacteristic building styles.**

10 Where consistent **building set-backs from front, side and rear allotment boundaries prevail, development should be consistent with these established setbacks.** Where a consistent building set-back is not evident in a locality, 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).

13 The height of new buildings, including the floor to ceiling clearances should take reference from the prevailing building heights within the locality, with particular reference to adjacent Heritage Places. 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, bulk and privacy impacts on neighbouring land.**

18 Landscaped open space should be arranged and planted in a manner which will provide for the **retention of existing significant vegetation** and maintain and enhance the established predominant amenity and landscape character of the locality.

### Car Parking

26 **Vehicle parking arrangements should not incorporate** undercroft parking or other **parking or access arrangements that are not in keeping with the Zone's historic character.**





Our ref: ARS/218351

15 November 2018

Mr Edouard Pool  
City of Adelaide  
GPO Box 2252  
ADELAIDE SA 5001

**By email:** [E.Pool@cityofadelaide.com.au](mailto:E.Pool@cityofadelaide.com.au)

Dear Edouard

### **Statement of Representation – DA 616/2018 – 28 St John Street, Adelaide**

This firm acts for Mr Ray Young, who with his wife Mrs Ann Young, owns and occupies the land at 24 St John Street, Adelaide (**our client's land**). This representation is made on behalf of Mr Young.

Our client's land abuts the northern boundary of the development site at 28 St John Street (**the land**).

This development application (DA 616/2018) seeks consent for a development described by the Council as "*Demolish dwelling and construct a two storey dwelling, swimming pool and remove a significant tree*" (**proposed development**).

For the reasons detailed herein, our client objects to the proposed development in its current form.

### **Summary of our client's concerns**

Our client's concerns principally relate to form of the proposed dwelling. Our client takes particular issue with the excessive height of the gable roof form and the impact of the proposed dwelling on both the amenity of our client's land and on the locality generally.

Our client's concerns with the proposed development can be summarised as follows:

1. the demolition of the existing dwelling on the land is unjustified;
2. the form, bulk and scale of the proposed development, which renders the proposed development incompatible with the relevant provisions of the Development Plan.<sup>1</sup> In short, our client considers the proposed development to be an over-development of the land;
3. the propensity for our client's land to be overlooked from the upper storey of the proposed development;
4. inconsistencies in the plans for the proposed development; and

---

<sup>1</sup> Adelaide (City) Development Plan, consolidated 7 June 2018 (**Development Plan**).

5. probable impacts on our clients' land as a result of excavation works on the land, which are deemed to affect the stability of our client's land.

We have grouped the above issues by heading and detail our client's concerns further below.

### **Development Plan**

The land and our client's land are located within the Adelaide Historic (Conservation) Zone, according to the Council's Development Plan. No Policy Area applies.

Our client's land, and the land at 22 St John Street, both contain houses that are listed as local heritage places.<sup>2</sup> Our client's land and the land are also located adjacent to and directly opposite a local heritage place at 29 St John Street.<sup>3</sup> These properties are all "heritage places" as defined by the Development Plan.<sup>4</sup>

The proposed development has been notified as a Category 2 development pursuant to Principle of Development Control (**PDC**) 32(b)(i) of the Adelaide Historic (Conservation) Zone.

### **Unjustified demolition**

The Applicant's architect relies on what he describes as the "very poor condition" of the existing dwelling to justify its demolition. Our client believes that that assertion does not stand up to further scrutiny.

We refer to the photographs included in **Annexure A** to this letter.

We acknowledge that the "bricked-up" front verandah of the existing dwelling somewhat detracts from the building's street presence and heritage value. However, by reference to the annexed photographs and our client's own observations of the dwelling over a number of years, in our client's opinion the dwelling appears to be structurally sound and deserving of retention.

We refer here, in particular, to the statement of Desired Character for the Adelaide Historic (Conservation) Zone, which sets out the character to be conserved for each street in the Zone, including, most relevantly:

#### **(o) St. John Street**

*The townscape in the north-east is dominated by the substantial scale and richly detailed character of St John's Church, Meeting Hall and Rectory. Along the western frontage by a group of consistently sited, gable-fronted villas, **complemented by a small group of narrow fronted cottages on the eastern frontage. This character should be maintained and reinforced.***

**(our emphasis)**

Further, in the Statement of Heritage Value, we note the following passages which we consider to be relevant to the existing cottages at 22, 24 and 28 St John Street (again, with **our emphasis**):

*... The area retains a broad range of residential stock, from... to **humble cottages lining the smaller streets...***

<sup>2</sup> According to Table Adel/3 in the Development Plan.

<sup>3</sup> Ibid.

<sup>4</sup> Schedule 1: Definitions section.

[Regarding the activities of the South Australian Company in this part of the City]... On 4 January 1870, the Register newspaper noted that, particularly in the south-eastern portion of the City, the company had released allotments for sale and that this 'led to the erection of numerous cottages...' **The surviving cottages built in those years are typically small-scale, low-set with high-pitched roofs, small casement windows, low ceilings, and built close to neighbours.**

It is clear that these statements refer to buildings such as the existing narrow-fronted cottages at 22, 24 and 28 St John Street. These three cottages are specifically identified as having a distinctive, lower-scale character, which is distinguishable from even the prevailing 'Villa'-style character on the other (western) side of St John Street. The laneway situated between the land and the dwelling to the south has the effect of emphasising this distinctive 'row' of three dwellings of similar character.

The relevant objectives of the Adelaide Historic (Conservation) Zone are:

1. *Conservation of the heritage values and historic character of the remaining intact residential districts of south-east Adelaide and its architecturally diverse historic townscapes.*
2. *Development compatible with the historic character of the Zone.*
3. *Development that contributes to the heritage value and desired character.*

It follows that there should be sound reasons for the demolition of the existing dwelling on the land, which continues to contribute to the Desired Character for St John Street.

In further support of his contention that demolition is **not** warranted, our client relevantly observes that:

- a) the existing dwelling does not appear to have suffered any cracking and there is only minimal salt damp along the front wall. Our client notes that salt damp course appears to have been installed along the exterior of the northern wall of the dwelling;
- b) the altered façade is capable of restoration;<sup>5</sup>
- c) the property has been almost continuously occupied since 2002 and is currently tenanted; and
- d) the interior appears to be in very good condition.<sup>6</sup>

Accordingly, we expect that the Council would request that the Applicant undertake, or that the Council itself undertake, an independent and unbiased assessment of the condition and heritage value of the existing dwelling. The Council ought to pay careful attention to any such assessment.

Finally, we note PDC 203 in the Council Wide provisions of the Development Plan. Should the Applicant wish to prepare any amended plans, we expect that Council would not grant development approval to any demolition of the existing dwelling, without first giving careful consideration to any replacement dwelling, and that demolition of same would be conditional on development approval being granted to any replacement dwelling.

<sup>5</sup> Refer Figure 1 in Annexure A.

<sup>6</sup> Refer Figures 2-4 in Annexure A.

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## Form, bulk and scale

Further issues arise due to the form, bulk and scale of the proposed dwelling.

The second storey gable dramatically increases the height of the proposed dwelling and will be significantly higher than the existing single storey dwelling on the site. Further, it will be noticeably higher than the dwellings at 22 and 24 St John Street.

Additional bulk impacts arise from the two walls proposed along the northern boundary between the land and our client's land. The proposed development includes a 10.35m long boundary wall, as well as a 17.3m long and 2m high masonry wall along the northern boundary of the land. These walls, coupled with the height of the second storey of the proposed dwelling result in a development unsympathetic to our client's adjoining Local Heritage Place.

PDC 4 for the Adelaide Historic (Conservation) Zone relevantly states that:

*Development should:*

...

- (b) **reflect the historic built form and its visual character through residential development of complementary design, form and density consistent with the desired character for the Zone.**

The proposed dwelling is contrary to PDC 4 in that it does **not** reflect the historic built form, nor is its design, form and density at all complementary. It is inconsistent with the Desired Character for the Zone.

PDC 6 for the Adelaide Historic (Conservation) Zone states that:

*Development of **new buildings**... including those of innovative and contemporary design **should demonstrate a compatible visual relationship with adjacent heritage places and other buildings that reinforce the desired character** in terms of its:*

- (a) **bulk and scale;**

...

- (c) **proportions and vertical and/or horizontal emphasis, exhibiting vertical openings and a high solid to void ratio in the composition of the principal building façade and other elevations presenting to a public road;**
- (d) **form and level of visual interest as determined by length and size of unbroken walling, treatment of openings and depths of reveals, roofline and silhouette, colour and texture of materials used...**

PDC 10 for the Zone states that:

**Where consistent building set-backs from front, side and rear allotment boundaries prevail, development should be consistent with these established setbacks...Building to side boundaries...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).**

PDC 13 for the Adelaide Historic (Conservation) Zone states that:

*The **height of new buildings**... should take reference from the prevailing building heights within the locality, **with particular reference to adjacent Heritage Places. Where a 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 and overshadowing, bulk and privacy impacts on neighbouring land.***

The proposed dwelling is inconsistent with PDC 6, PDC 10 and PDC 13 in that:

- a) its street presence is incompatible with the adjacent heritage places at 22 and 24 St John Street.

We note that these heritage places have a separate and distinctive character to even the western side of St John Street.<sup>7</sup> This distinction is acknowledged in the Desired Character for the Adelaide Historic (Conservation) Zone. Thus, to the extent that the Applicant's architect relies on any comparison with the prevailing character on the western side of St John Street, we respectfully suggest that the Council should disregard it. Any comparison with the "Villas" opposite is at odds with the manifest intention of the Adelaide Historic (Conservation) Zone provisions.

Even if there was a valid basis to compare the proposed development with the prevailing character of the western side of St John Street, we note that the Applicant's own plans show that the respective height and width is merely "similar". In fact, it exceeds the height of the "Villas" located on the western side of St John Street. This is particularly so when the second storey gable (omitted on the relevant plans)<sup>8</sup> is taken into account;

- b) the bulk and scale of the proposed development, is unsympathetic to our client's Local Heritage Place, and that at 22 St John Street. This is especially so when the proposed development is compared with the low-scale adjoining dwellings at number 22 and 24 St John Street and in light of the limited side boundary setbacks proposed on the land;
- c) the bulk and scale of the proposed development exceeds the modest scale to which the Development Plan makes particular reference. It is out of proportion with the adjoining low-scale heritage places in terms of both its vertical and horizontal emphasis. Our client, who has some drafting expertise, has prepared further diagrams to demonstrate this point, which are included as **Annexure B** to this letter;
- d) the excessive length of the >2m high masonry boundary wall proposed along the common boundary with our client's land. In addition, our client considers that the proposed colour and texture of materials does not complement adjacent heritage places; and
- e) the proposed vehicle access and parking arrangements are not in keeping with the Zone's historic character.<sup>9</sup>
- f) as detailed further below, our client is also concerned about overlooking, privacy and amenity impacts as a result of the bulk and scale of the proposed development.

<sup>7</sup> I.e., the heritage place at 29 St John Street.

<sup>8</sup> Refer, for example, to Drg No 2018/306/SK08 Revision A (undated).

<sup>9</sup> Contrary to PDC 26.

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## Setbacks

The Applicant's architect relies on the setbacks of the proposed development being "similar" to those on our client's land. We refer again to Council Wide PDC 10 and we further note Council Wide PDC 23, which relevantly states:

*The set-back of low scale residential development from side and rear boundaries should progressively increase as the height of the development increases and **side boundary walls should be located and limited in length and height to:***

**(a) Minimise the visual impact on adjoining properties...**

The second storey of the proposed development increases the height of the proposed development to be substantially higher than our client's adjacent dwelling. To minimise visual impacts on our client's dwelling, the side setbacks of the proposed dwelling should be increased to a distance complementary to its height.

We further note that the proposed development currently comprises an approximately 17.35m long, masonry boundary wall. That is almost the entire length of the common boundary with our client's land and would appear to require the replacement of the existing dividing fence (which our client considers to be an adequate fence). If that is indeed the case, then our client looks forward to receiving appropriate notice under the *Fences Act 1975* from the Applicant. In addition, subject to being provided with further information about the proposed boundary wall, written notice under section 60 of the *Development Act 1993* may be required.<sup>10</sup>

Our client does not take issue with the height and materials of the boundary wall per se. Rather, our client is concerned that the existing dwelling on the land is approximately 1.15m from the southern wall of our client's dwelling. Assuming that the proposed development involves the replacement of the dividing fence with the proposed masonry wall, then our client is concerned that the distance between the two dwellings will be significantly reduced. Our client estimates that the minimum distance between his dwelling and the proposed development (if approved and constructed) would be just 65cm.

We refer once again to Council Wide PDC 10 and 23 of the Development Plan. Those provisions seek to maintain the established, or at least ensure that new setbacks are consistent and/or sympathetic to the established setbacks, particularly when new development is proposed adjacent to heritage places.

For the reasons given above under the heading "Form, bulk and scale", the proposed dwelling, in its current form, is incompatible with the statements of Heritage Value and Desired Character for the Adelaide Historic (Conservation) Zone, particular insofar as the eastern side of St John Street is concerned.

Our client considers that the proposed development could achieve a greater degree of consistency with the Development Plan if the entire development was setback an additional 50cm, to the south of our client's dwelling. Our client's concerns about side boundary setbacks could be substantially overcome by relocating the proposed development in this way.

<sup>10</sup> We discuss this issue further below, under the heading "Stability of land and construction impacts".  
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## Inconsistencies or inaccuracies in proposal plans

Our client considers that the second storey of the proposed dwelling, which is depicted on some plans, but not depicted on the “streetscape elevations”,<sup>11</sup> “Front Fence Elevation”<sup>12</sup> and perspective drawing,<sup>13</sup> will be visible if the proposed dwelling is viewed from the street. Where the plans do not depict the second storey gable, the Council could lead itself into error by failing to have regard to the full height of the proposed dwelling.

In addition, our client considers that the proposal plans also contain some inaccuracies. For example, our client has measured the distance between the northern wall of Bedroom 1 and the 1000mm high privacy screen at 900mm on one plan<sup>14</sup> and 1000 to 1200mm on another.<sup>15</sup> For the reasons detailed below under the heading “Overlooking”, our client would prefer if this distance from the upper storey northern wall was fixed at 900mm (and if the height of the screen was increased to 1400mm). We consider that an appropriate note could be included to the effect of “*NB: 1400mm high fixed privacy screen to be installed 900mm from upper storey northern wall*”, to avoid the uncertainty identified above. Although it may seem a matter of pedantry, as emphasised below, minor changes in the height and set-off distances of the privacy screens could significantly ameliorate our client’s concerns about the potential for overlooking. We refer to the diagrams prepared by our client and included as **Annexure C**, which further demonstrate the point.

Our client is also concerned about the proposed swimming pool. The depth of the excavations for the proposed swimming pool is not clear to our client on the face of the plans and sections.

We refer here to section 103 of the *Development Act 1993* and we remind the Applicant of the importance of furnishing materially accurate information to the Council.

## Overlooking

We note that Council Wide PDC 35 envisages that the design of development ought to avoid the need for screening devices. At least three privacy screens form a part of the proposed development.

On Section A-A Drg No 2018/306/SK07 Revision A, the northern balcony area has been described as being for maintenance purposes only. Our client is concerned about a lack of detail about this area and the enforceability of any relevant condition that the Council may choose to impose on any consent to the effect that this area be used “for maintenance purposes only”.

Relevantly, we note that the plans do not show the proposed flooring material of the balcony (if any), nor whether access to the balcony will be derived from Bedroom 1, or by external access only.

Should the balcony be accessible, there will likely be clear and direct overlooking from the upper storey of the proposed dwelling into the kitchen and bathroom of our client’s dwelling. That would be intolerable to our client.

<sup>11</sup> Drg No 2018/306/SK08 Revision A (undated).

<sup>12</sup> Drg No 2018/306/SK13 Revision A, dated 3 October 2018.

<sup>13</sup> Drg No 2018/306/SK11 Revision A (undated).

<sup>14</sup> “First Floor Plan”, Drg No 2018/306/SK02 Revision B, dated 3 October 2018.

<sup>15</sup> “Section A-A”, Drg No 2018/306/SK07 Revision A (undated).

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Further compounding our client's distress, the extent to which our client's land can be overlooked from the north-facing upper storey windows is ambiguous based on the plans provided. We refer again to **Annexure C** in this regard.

Our client's concerns about overlooking from the north-facing upper storey windows could be substantially overcome, if the proposed development was amended to include obscured glazing on all north-facing windows to a minimum height of 1600mm<sup>16</sup> above finished (upper) floor level. That is our client's preferred solution.

Alternatively, if the Applicant proceeds with transparent glazing and a fixed privacy screen adjacent to the north-facing windows, then our client's position is as follows. The height of the privacy screen should be increased to 1400mm. As above, the distance between the north-facing windows and the screen should be no more than 900mm from the upper storey northern wall. This distance ought to be clarified on all relevant plans. By our client's estimate, these two measures would raise the line of sight into our client's land from almost ground level (as currently proposed), up to 1800mm. That would be acceptable to our client.

We also refer to the proposed east-facing upper storey balcony. Our client requests that the privacy screens proposed for the east-facing upper storey balcony be extended by approximately 1000mm further to the east, to minimise overlooking of our client's private open space.

Our client's mark-ups to the proposal plans (refer Annexure C) show that small changes to the size and location of the privacy screens proposed on the northern and eastern aspects of the balcony would result in significant and noticeable changes in the extent to which our client's private open space and outdoor living areas could be overlooked. Indeed, such minor changes to the proposed development would achieve a greater degree of consistency with the relevant provisions of the Development Plan.<sup>17</sup>

Furthermore, we refer again to the existing dividing fence between the land and our client's land. The existing fence is approximately 2200mm to 2300mm high. Our client would not oppose an amendment to the plans to increase the height of the proposed masonry boundary wall to match the height of the existing fence.

Our client's concerns about overlooking from the east-facing balcony could be substantially overcome by such minor amendments to the balcony privacy screens and the proposed boundary wall.

Further and in the alternative, the unacceptable potential for overlooking from the upper storey of the proposed development could be minimised, in accordance with Council Wide PDC 36(a), by setting the entire dwelling further back from the northern boundary. We note that, for the reasons given above, this would also result in greater compatibility with the established setback pattern, adjacent heritage places and a greater degree of consistency the relevant provisions of the Development Plan.

### **Stability of land and construction impacts**

Our client considers that, if approved, construction of the proposed dwelling, including excavations for the proposed swimming pool, will satisfy the prescribed circumstances that are deemed to constitute "works affecting the stability of other land".<sup>18</sup>

<sup>16</sup> Implicit from PDC 36 and the Design Techniques and Figures that follow.

<sup>17</sup> For example, PDC 36 and Figures 36.2 & 36.3 in the Council Wide Visual and Acoustic Privacy section.

<sup>18</sup> For the purposes of section 60 of the *Development Act 1993* and regulation 75 of the *Development Regulations 2008*.

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If approved, our client looks forward to receiving proper written notice of any prescribed excavations, in accordance with section 60 of the *Development Act 1993*. Our client reserves all rights under the relevant provisions of the Act and Regulations, including the right to seek a report from a professional engineer, the reasonable cost of which is to be borne by the Applicant.

### **Conclusion**

The Development Plan places a clear emphasis on preserving and enhancing the historical nature of the locality. This intention is particularly clear insofar as the three low-scale dwellings at 22, 24 and 28 St John Street are concerned.

The proposed development, in its current form, clearly contravenes the relevant provisions of the Development Plan. The current proposal does **not** warrant development plan consent and requires the plans to be amended in at least the following respects:

1. lowering the maximum height of the proposed dwelling;
2. increasing the side setbacks of the proposed dwelling further away from the northern boundary of the land;
3. preventing overlooking of our client's dwelling; and
4. the preparation of a set of more accurate and consistent plans.

Our client wishes to be heard in person, or by legal representative, at the relevant meeting of the Council Assessment Panel. Please advise the date and time of the relevant meeting.

Yours faithfully



**Alexander Stanley**  
**BOTTEN LEVINSON**  
Mob: 0438 433 824  
Email: [ars@bllawyers.com.au](mailto:ars@bllawyers.com.au)



*Figure 1: façade of existing dwelling (Source: Ray Young)*



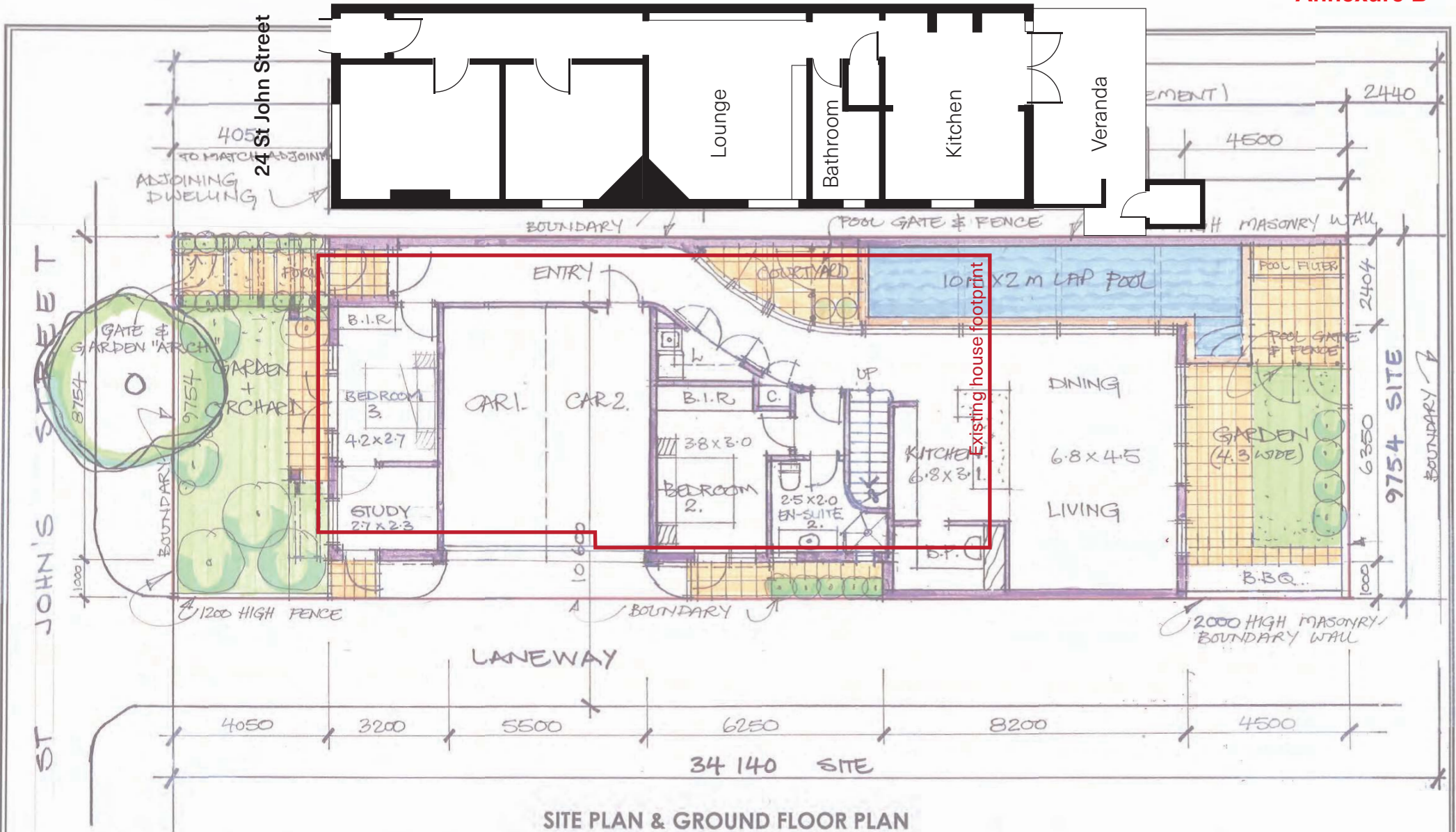
*Figure 2: interior of existing dwelling (Source: realestate.com.au)*



*Figure 3: interior of existing dwelling (Source: realestate.com.au)*



*Figure 4: interior of existing dwelling (Source: realestate.com.au)*



**SITE PLAN & GROUND FLOOR PLAN**

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 – Scale 1:100 – Drg No 2018/306/ SK01 Revision A

**ANTON JOHNSON ARCHITECT**

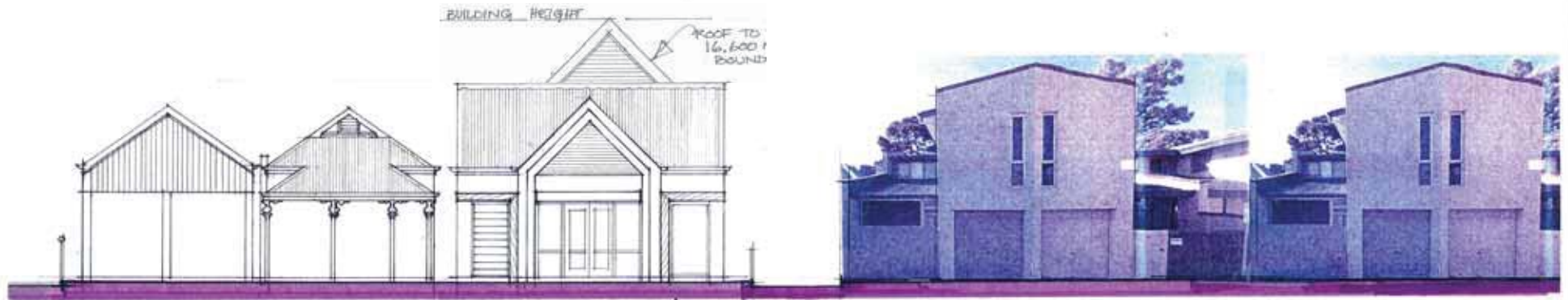
11 JANE STREET, FREWVILLE SA 5063

TEL. (08) 8338 3738 MOBILE 0409 676 342

Email [a.johnson.architect@senet.com.au](mailto:a.johnson.architect@senet.com.au)



**ST JOHNS STREETScape ELEVATION SIMULATED WITH VILLAS FROM OPPOSITE THE SITE**



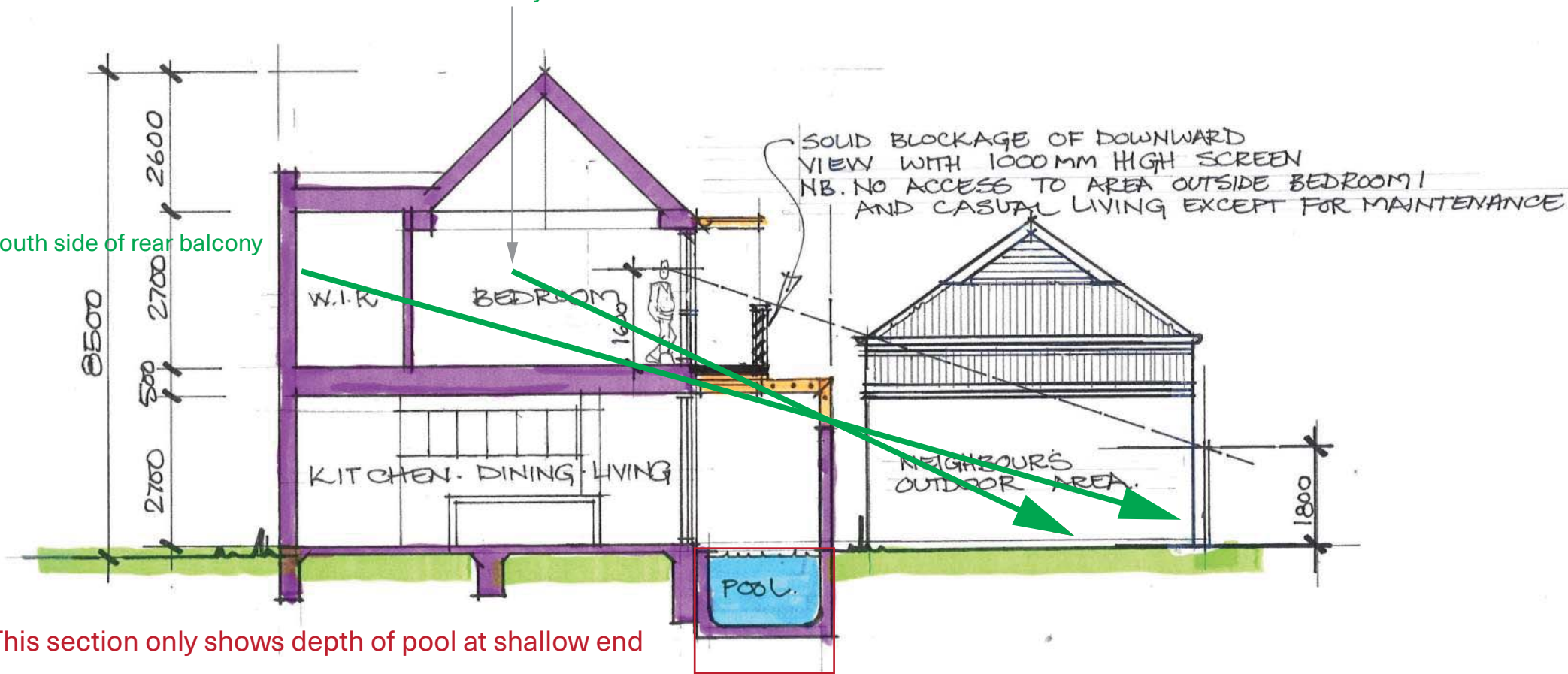
**ST JOHNS STREETScape ELEVATION ACTUAL**

Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 - Scale 1:150 - Drg No 2018/306/ SK08 Revision A

**ANTON JOHNSON ARCHITECT**  
11 JANE STREET, FREWVILLE SA 5063  
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View from middle of rear balcony

View from south side of rear balcony



This section only shows depth of pool at shallow end

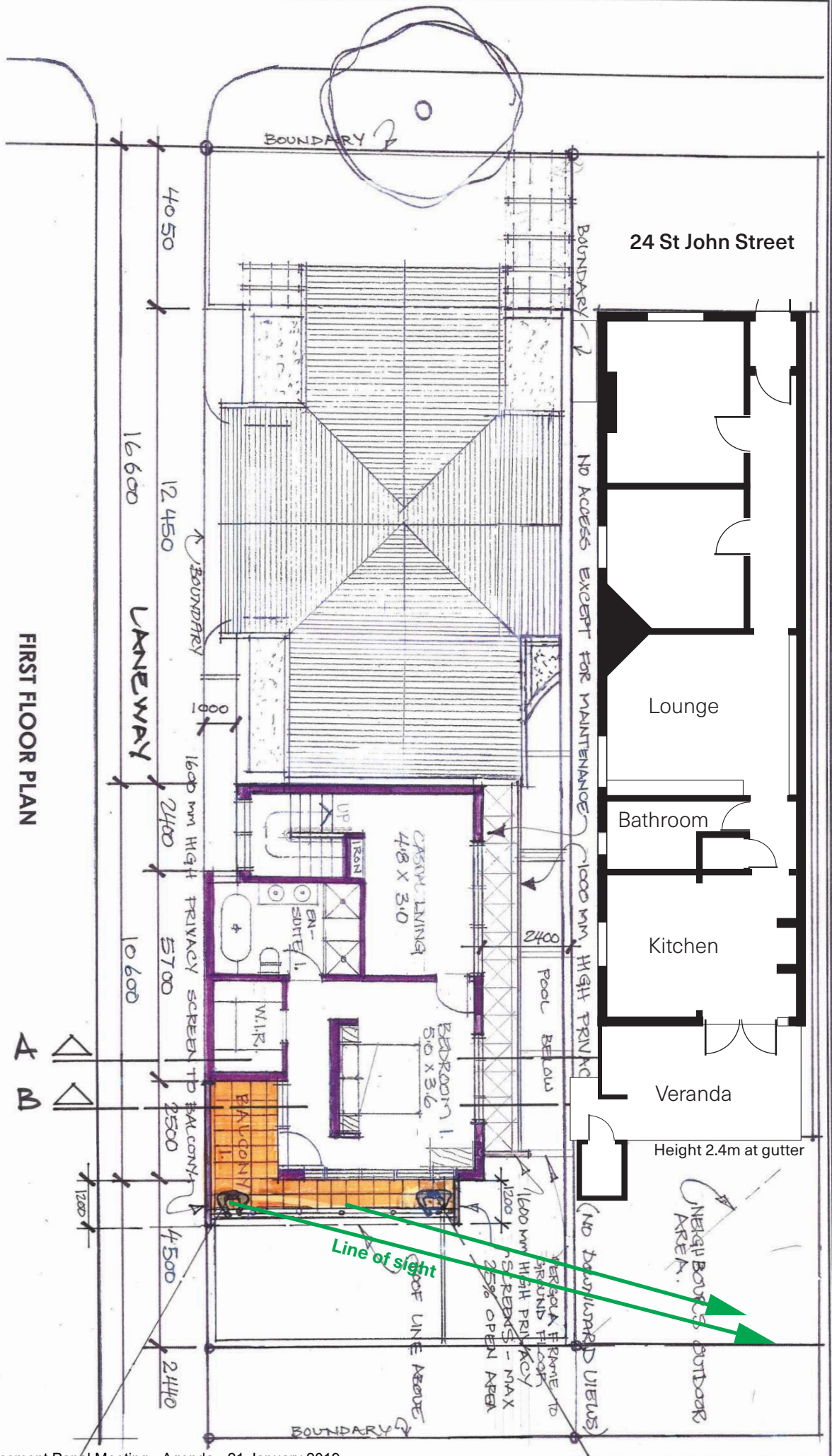
deepest end minimum depth is (scaled from elevation) at least 2m to base of concrete

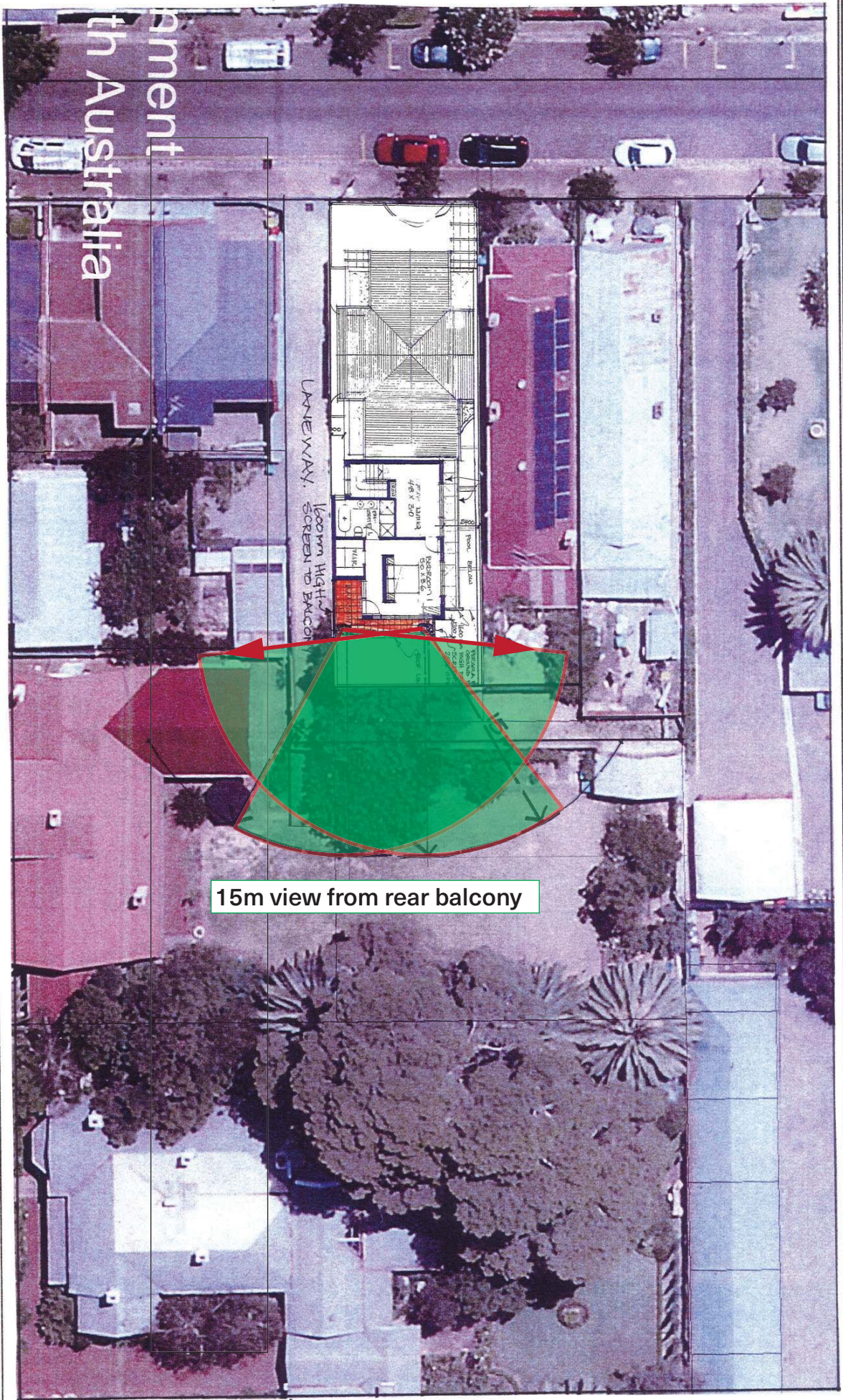
### SECTION A - A

Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK02 Revision B 03.10.2018

ANTON JOHNSON ARCHITECT  
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TEL. (08) 8338 3738 MOBILE 0409 676 342  
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FIRST FLOOR PLAN

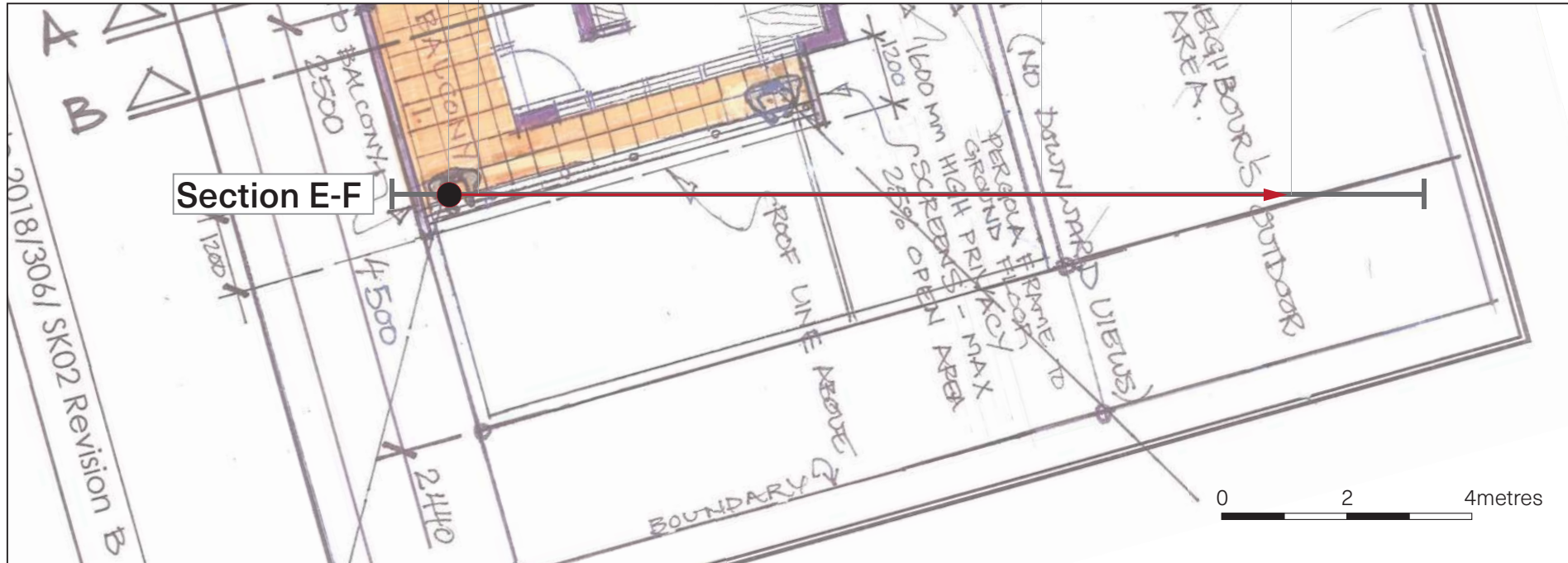
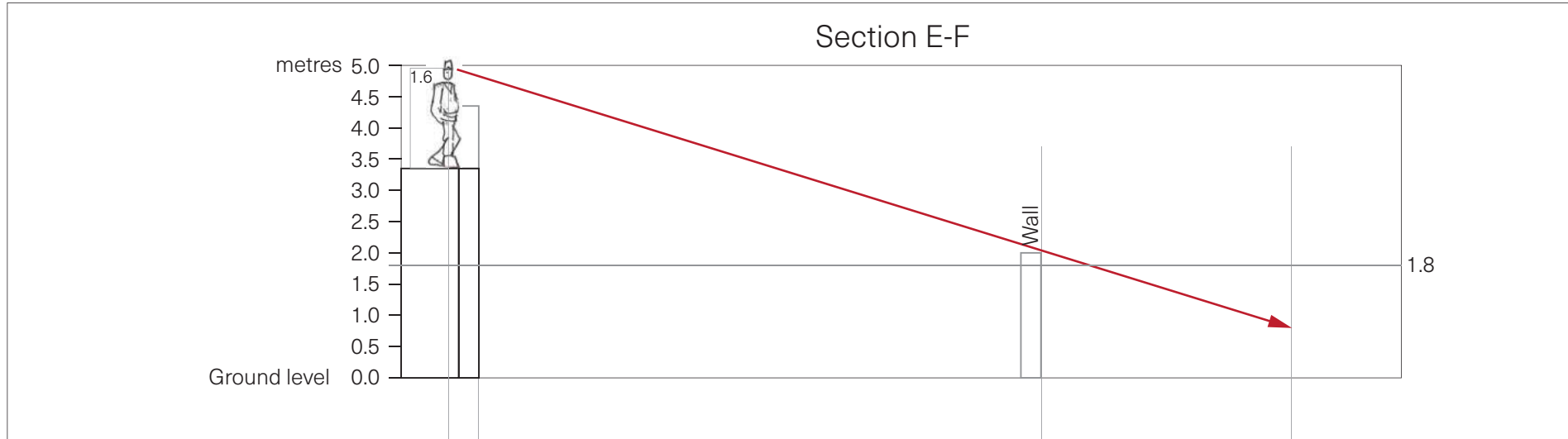




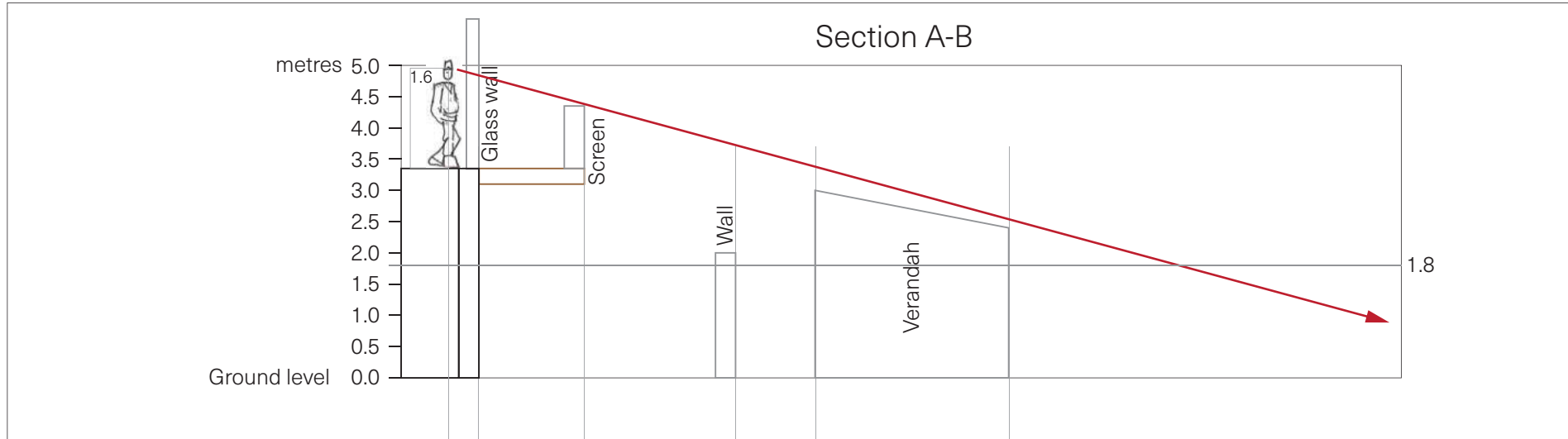
15m view from rear balcony

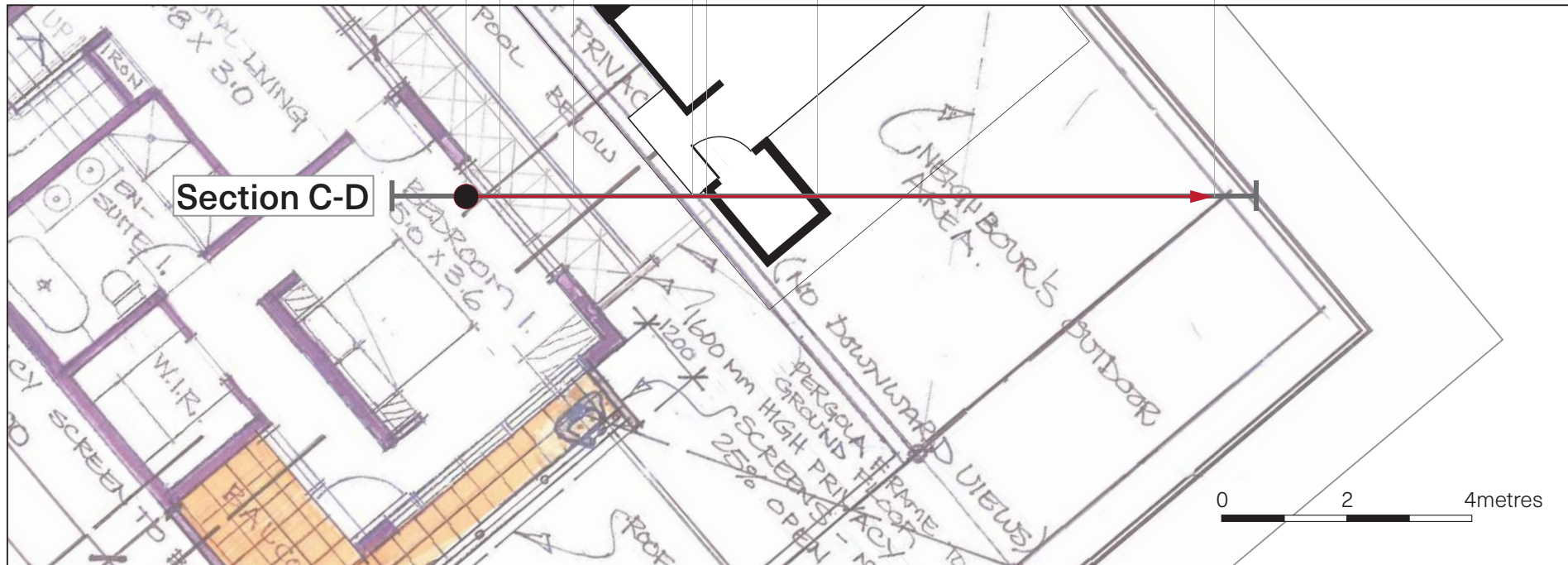
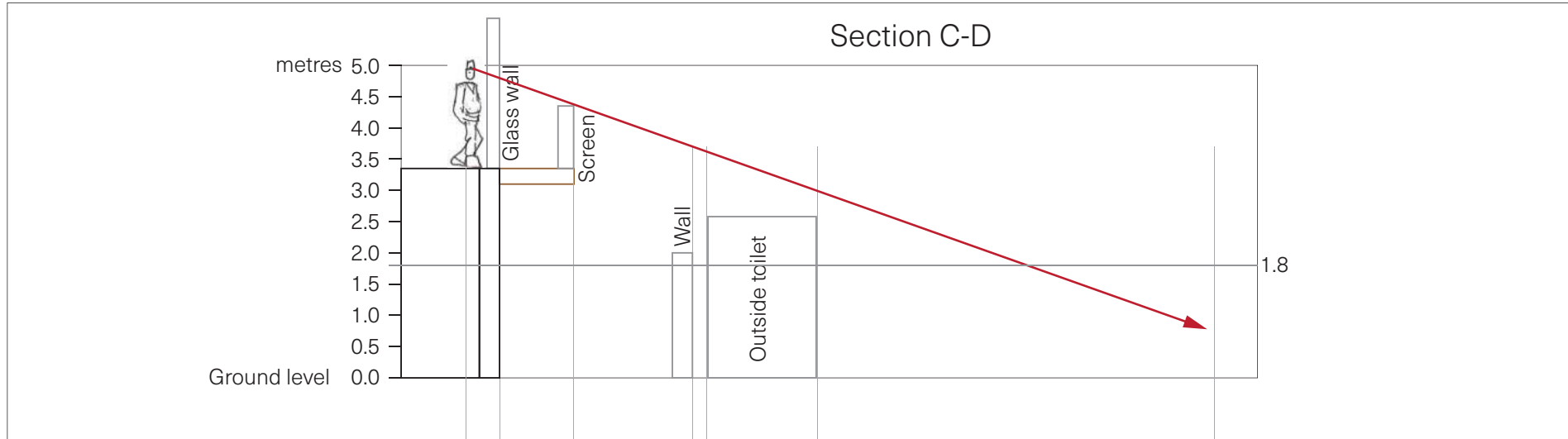
Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:1 00 - Drg No 2018/306/ SK 10 REVISION B 03/12/2018

**ANTON JOHNSON ARCHITECT**  
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**S & M Psaltis**

424 Gilles St Adelaide SA 5000

Mob: 0422225546 Email: smpsaltis@adam.com.au

15 November 2018

Adelaide City Council  
25 Pirie Street  
Adelaide SA 5000

Attention: Mr Edouard Pool

**Re: APPLICATION: DA/616/2018 – Representation  
28 St John Street Adelaide**

Dear Mr Pool,

We are the owners of the land and dwelling situated at 424 Gilles Street, Adelaide.

Our property is immediately adjacent to the subject land, separated only by a narrow laneway.

The proposed development will have an adverse impact on our privacy and amenity. In particular, we are concerned that there will be an unreasonable extent of overlooking from the upper level room and balcony of the proposed dwelling, directly into of our main living area (kitchen, dining and family room) and private open space, if built as shown on submitted plans.

Protecting visual privacy for nearby residents is recognised in the Development Plan as an important planning consideration: see for example Council Wide Objective 17 and Principles of Development Control 35 and 36.

To overcome our concern about privacy, we request that the proposal be modified by returning the balcony screening of the first floor level on the Eastern elevation ideally for the full length of the Eastern elevation, but at least for a minimum of 1.5 metres. We also request that the screen be constructed without any openings. Alternative materials such as frosted glass or solid timber panels should be considered.

---

Development Application DA/616/2018 : 28 St John St Adelaide SA

With regard to the regulated tree at the rear of the property in the proposed barbeque area, we submit that there is no justification for it to be removed, as it appears to be in good health and attracts native birdlife. Its retention would contribute to the ambience of the area and help soften the appearance of the proposed development.

Further, retention of the tree will assist to protect our privacy. This is expressly recognised in Principle of Development Control 18 in the Adelaide (Historic Conservation) Zone which provides:

18 Landscaped open space should be arranged and planted in a manner which will provide for the retention of existing significant vegetation and maintain and enhance the established predominant amenity and landscape character of the locality.

According to Council Wide Principle 297, a regulated tree should not be removed except in limited circumstances. It seems to us that the Applicant has not demonstrated that reasonable development of the land would be frustrated by retention of the tree. The location of the tree in the back corner of the site makes it an ideal candidate for retention and there is no reason why it couldn't be incorporated within the proposed landscaping scheme.

We submit that the proposal in its current form does not warrant the grant of planning consent. Our objection would be overcome by additional screening to the eastern side of upper level balcony and retention of the regulated tree.

Yours faithfully,

Stanley, Marian and Christianna Psaltis

T.C + D.M. TRIMBELL  
 422 GILLES STREET  
 ADELAIDE, S.A. 5000  
 PH 0400-401678

14.11.18.

ADELAIDE CITY COUNCIL PLNG DEPT.  
 MS REBECCA RUTSCHAK / EDUARD POOL  
 MGR - PLNG ASSESSMENT.

RE: DA/616/2018  
 28 ST JOHN STREET, ADELAIDE, SA. 5000.

DEAR SIR/MADAM,

WE ARE WRITING TO YOU IN RESPONSE TO THE PUBLIC NOTIFICATION OF THE SUBJECT DA. OUR PROPERTY AT 422 GILLES STREET WILL BACK ONTO THE DEVELOPMENT FROM WHERE WE HAVE OUR NORTHERLY ASPECT AND ENJOYING VIEWS OF THE HERITAGE BUILT PROFILES OF THE CHURCH & OTHER EXISTING HISTORICAL LINES.

WE OPPOSE ASPECTS OF THE DEVELOPMENT AS FOLLOWS AFTER USING THE ADELAIDE (CITY) DEVELOPMENT PLAN VALUES.

- ① THE BULK + SCALE TO THE SOUTH ON THE SIDE LANE BOUNDARY IS MASSIVE & WHEN CONSIDERING THAT WE HAVE HIGH STRUCTURES TO THE EAST + WESTERN BOUNDARIES IT WILL LEAVE US IN A HOLE
- ② THE SIDE BUILDING SET BACK PATTERNS ON THE LANE ARE NOW - EXISTANT, IN FACT WE WILL BE LOOKING AT A 5.7 MTR X 6.0 MTR SOLID RENDERED BLOCK WALL WHICH WILL RUIN ANY VIEW OF THE EXISTING HISTORICAL

SETBACK OF THE HERITAGE DESIGN PROFILES RIGHT BACK TO THE ANGLICAN CHURCH FORMS.

- ③ EVEN THOUGH THE TWO STOREY SECTION IS NOT AT THE FRONT, IT DOES TAKE UP THE MAJORITY OF THE SOUTHERN + NORTHERN ELEVATIONS.

WE WILL PERMANENTLY LOSE OUR HERITAGE ZONE OUTLOOK WHICH WILL BE REPLACED WITH A MODERN BLOCK STRUCTURE STYLE WHICH IS UNCHARACTERISTIC TO THE ZONE.

- ④ THE CURRENT REAR SETBACK SHOULD BE PRESCRIBED AS PER THE DEVELOPMENT PLAN AS IT IS INAPPROPRIATE TO JUST PROTRUDE BACK PAST OTHER HERITAGE PLACES + BECOME A DOMINANT DETRIMENTAL BUILT ON THE RESIDENTIAL AMENITY.


- ⑤ THE ARCHITECT (ANTON JOHNSON) HAS CONFIRMED THAT ALL OF THE SCREENS TO THE OVERLOOKING BACONIES WILL HAVE 20MM VERTICAL OPENINGS WHICH COULD BE LOOKED THROUGH TO ALLOW LIGHT IN.  
- EVEN THOUGH THE SCREENS ARE 1600 HIGH IT SHOULD BE SOLID TO STOP ANY CASUAL OVERLOOKING.

- ⑥ THE WINDOW OVER THE STAIRWELL ON THE FIRST FLOOR SHOULD BE OPAQUE TO STOP ANY OVERLOOKING

- ⑦ THE 8.5 MTR HIGH STAIR ELEVATION WILL COMPLETELY BLOCK US IN + RUIN OUR OUTLOOK.

- ⑧ THE SIGNIFICANT TREE IS SUBSTANTIAL + IN GOOD HEALTH - IT WILL BREAK UP THE HARD SURFACES + SHOULD NOT BE REMOVED

- ⑨. REGARDLESS TO WHAT IS BEING BUILT WE NEED TO REINFORCE THAT PARKING & ACCESS TO THE SITE SHOULD BE ORGANISED BY THE BUILDERS
- WE HAVE LEGAL FREE AND UNRESTRICTED RIGHTS OF WAY OVER THE LANEWAY MARKED (B) ON THE TITLE,
  - WE USE THE LANEWAY AT NUMEROUS TIMES DURING THE DAY & NIGHT & EXPECT TO HAVE ACCESS 24HRS PER DAY - EVERY DAY.

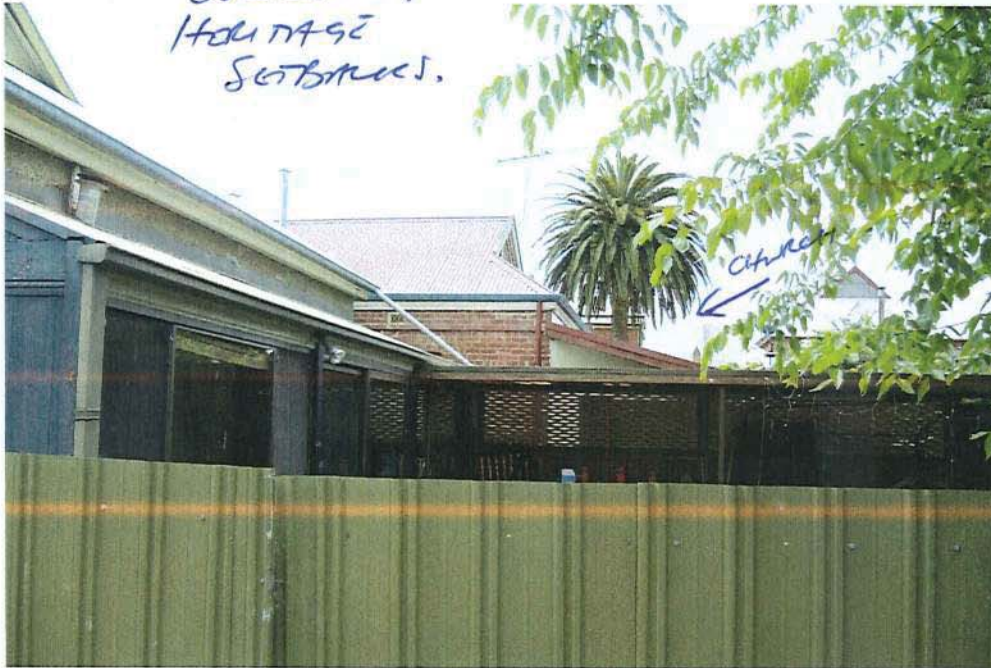
Yours Sincerely  


FOR TOM MITCHELL  
 14/1/18.

P.S. WE DO NOT WISH TO MAKE A VERBAL REPRESENTATION TO DAP & TRUST THAT THIS APPLICATION WILL BE ASSESSED AGAINST THE JUNE 2018 DEVELOPMENT PLAN FOR THIS ZONE.

①

CURRENT.  
HERITAGE  
SETBACKS.



WESTERN BOUNDARY  
BUILD UP.

③



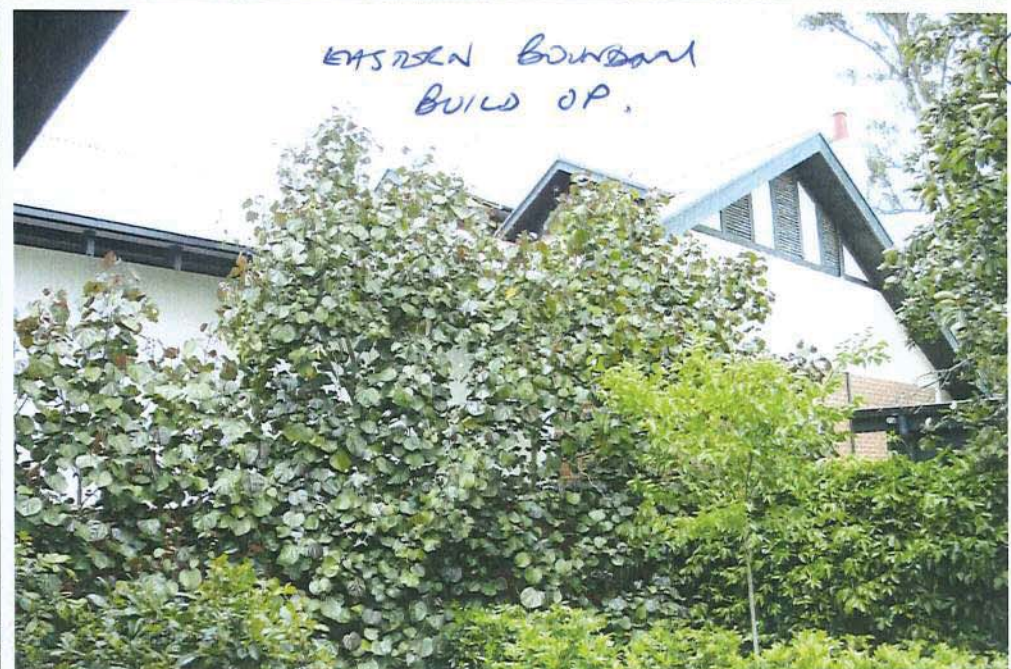
②

PROPOSED NORTHERN BUILD UP



EASTERN BOUNDARY  
BUILD UP.

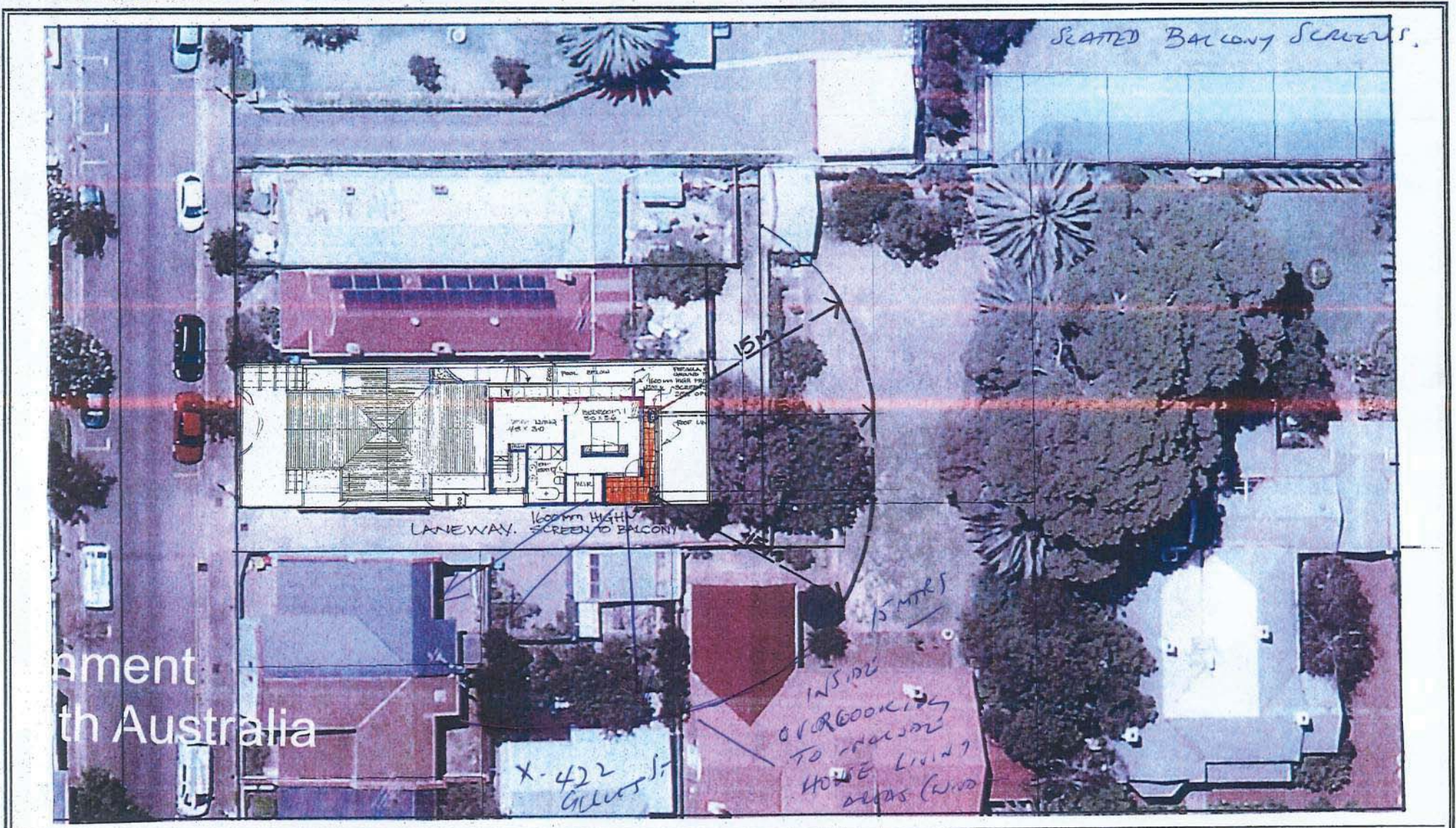
④





\* NOTE 15 MTR RADIUS CONTINUED TO THE ROAD OF 422 GILES ST. TAKE IN THE WHOLE ROAD YARDSPACE PLUS VIEWS INTO LIVING ROOMS + BEDROOMS. THROUGH

SEATED BALCONY SCREENS.



Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:1 00 - Drg No 2018/306/ SK10 REVISION B 03-p-2018

**ANTON JOHNSON ARCHITECT**  
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 Email [a.johnson.architect@senet.com.au](mailto:a.johnson.architect@senet.com.au)

Screen  
 20mm  
 openings



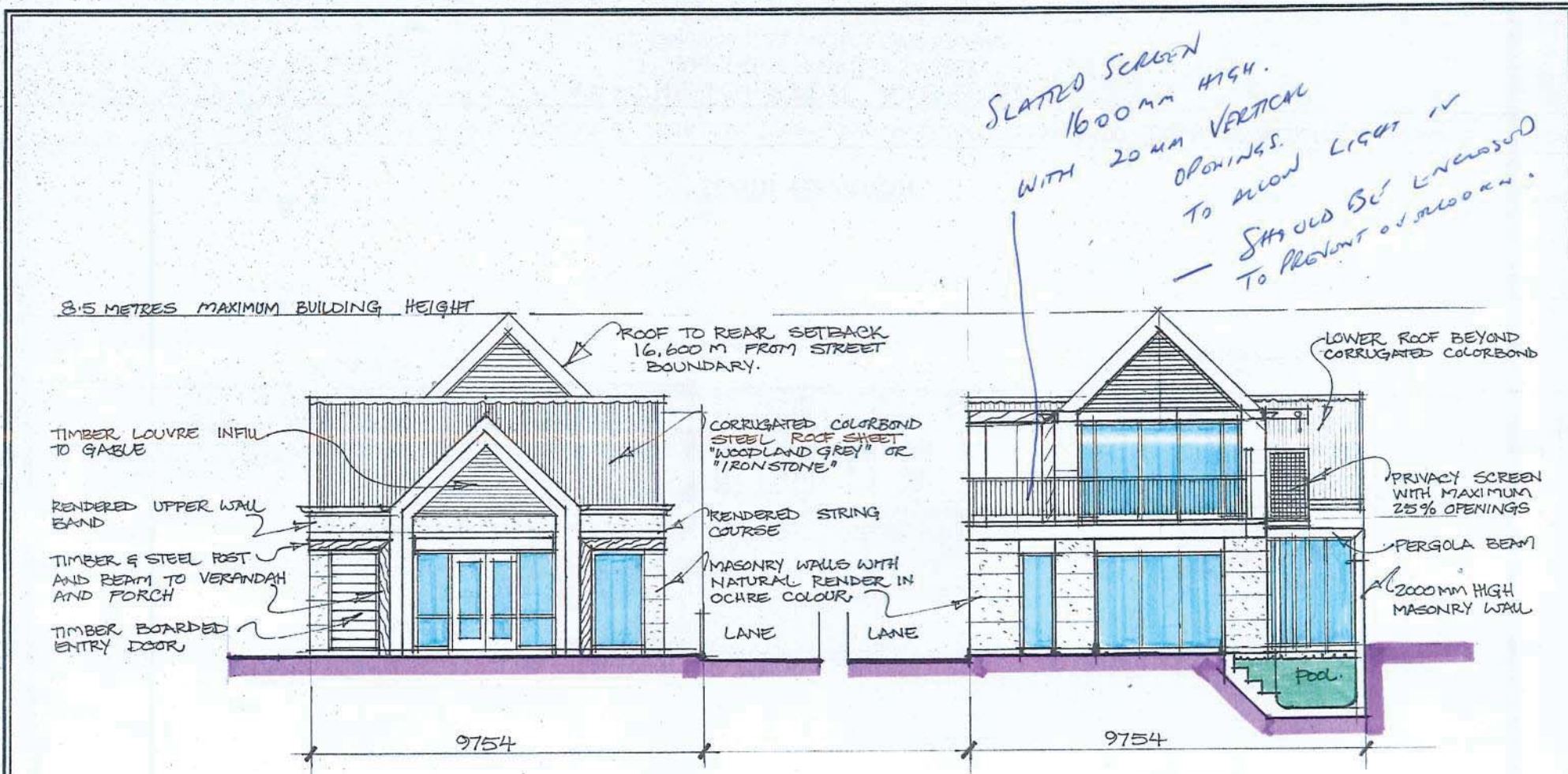
Francie English & Craig Nairn – New Residence – 28 St Johns Street Adelaide SA 5000 – Scale 1:100 – Drg No 2018/306/ SK11 Revision A

**ANTON JOHNSON ARCHITECT**

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**WEST ELEVATION (STREET) & EAST ELEVATION**

Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK04-Revision A

**ANTON JOHNSON ARCHITECT.**  
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TEL. (08) 8338 3738 MOBILE 0409 676 342  
Email [a.johnson.architect@senet.com.au](mailto:a.johnson.architect@senet.com.au)



### SOUTH ELEVATION

Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000 - Scale 1:100 - Drg No 2018/306/ SK05 Revision B 03.10.2018

**ANTON JOHNSON ARCHITECT**

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Home **Response Maintenance** X

Close Save Delete Undo Edit External Name Details

Details for this existing item have not been modified yet.

Respondent

Respondent Address

Response Type

Response Date

Letter Details

Use Respondent Name

Summary of Response   
Surname: Douglas  
Given Names: Wayne  
Address Line 1: Government house  
Address Line 2: north tce  
Suburb: adelaide  
Postcode: 5001  
Email Address: saltysea@ozemail.com.au

# ANTON JOHNSON ARCHITECT

B.ARCH R.A.I.A.

11 JANE STREET, FREWVILLE SA 5063

Tel: (08) 8338 3738 Mobile: 0409 676 342

ABN 50 078 684 670

30 November 2018

Edouard Pool  
Senior Development Planning Officer  
Adelaide City Council

Dear Edouard,

**Development Application: DA/616/2018**

**28 St John Street, ADELAIDE SA 5000**

**Demolish dwelling and construct a two storey, swimming pool and remove a significant tree**

**APPLICANTS RESPONSE TO CATEGORY 2 PUBLIC NOTIFICATION REPRESENTATIONS**

I refer to your letter dated 20 November 201 and the four representations received with regards to the above Category 2 development and respond as follows:

**1. MR RAY YOUNG, 24 ST JOHN STREET, ADELAIDE; REPRESENTED BY BOTTEN LEVINSON**

Mr Young is the owner of the property to the north of the subject site. The following items have been raised, namely:

**1.1 Unjustified Demolition**

Response:

The applicant's architect does not rely on in its opinion that the existing dwelling is in very poor condition to justify its demolition.

The dwelling is not included in the City of Adelaide list of Local Heritage Places. The owners made detailed enquiries with Councils planners prior to purchasing the property with the express view of redeveloping and building a new house. The owner spoke to the receptionist Paula who then transferred the call to a planning officer. The planner confirmed that the dwelling was not heritage listed and that there was no impediment to demolishing the dwelling in order to build a new dwelling.

Prior to commencing on the design of the new dwelling the owners architect consulted again with Council and took advice from Senior Heritage Consultant Simon Weidenhofer. Simon again confirmed that the property is not heritage listed and that there were no constraints on its demolition.

**1.2 Form, bulk and scale**

Response:

The site is within the Adelaide Historic (Conservation) Zone. The new dwelling has been designed to be in harmony and complement the predominant street character. This has been done with careful regards to maintaining the front setbacks, the height of the adjacent roof gutters, use of pitched roofs and front gable elements, selection of materials, a low front fence and the overall form, bulk and scale. Councils Heritage Consultant advised that a two storey component was appropriate, located towards the rear of the dwelling. It was made clear that Council do not suggest that a "reproduction cottage" is expected but rather that a modern and contemporary approach to the design is encouraged which recognizes the parameters noted above.

The design of the new dwelling has been undertaken in close consultation with Councils Heritage consultants. Preliminary design proposals were submitted to council and reviewed

in great detail with the Heritage Consultants. Changes and amendments to the design were undertaken in response to the advice given prior to submission for Development Plan Consent.

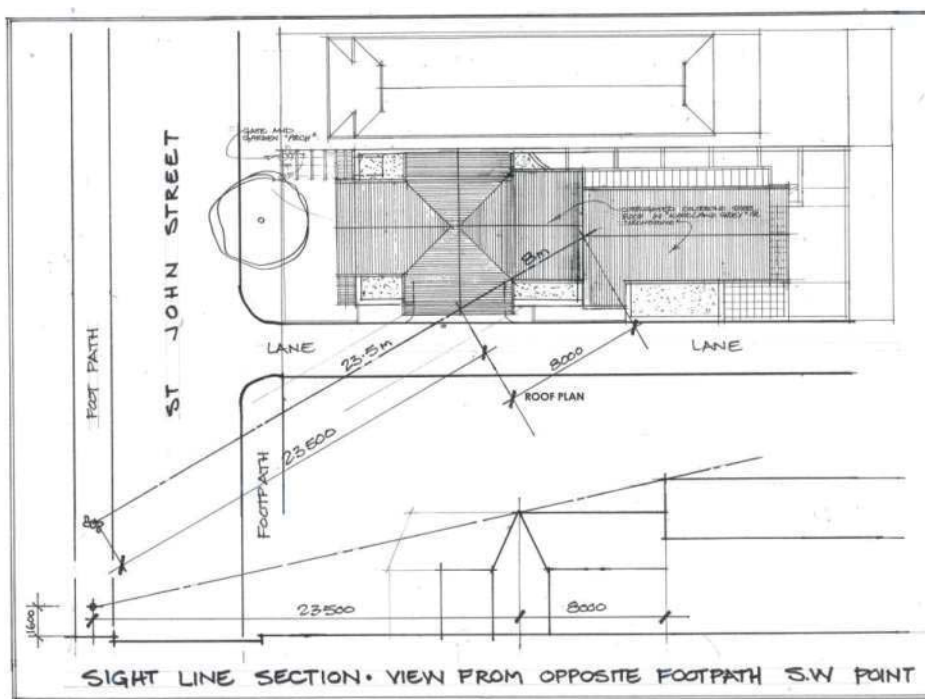
The two storey component is located towards the rear of the proposed dwelling. Mr Young’s representative makes reference to the height of the proposed front façade gable as being higher than the typical heritage gable in the street. This is not correct. As the streetscape elevation illustrates the proposed gable will be the same height. Mr Young’s representative is actually referring to the rear gable of the second storey. This gable is set back 16.5 m from the street boundary and more than 25m from the centre of the opposite footpath. This rear gable is obscured from view by the roof of the single storey front part.

**Please refer to the sightline drawing below. DPC- 02**



This drawing illustrates that when viewed from the opposite footpath the rear gable will be substantially, if not entirely, obscured from view by the roof on the front single storey part of the proposed dwelling. The rear gable was not shown on the Streetscape View elevation to more accurately represent what will be seen from the street as illustrated in this drawing. This sightline section is shown centerline and directly opposite the proposed dwelling to the top most peak of the rear gable.

A more oblique view will have a lower angle of sightline to that point and the roof slope falls away from the peak. This is illustrated in the Roof Plan and Sight Line Section below. **DPC-03**



Following submission and assessment by Councils Local Heritage Advisor the applicant has received confirmation from the Senior Planner Edouard Pool as follows:

**“I am pleased to advise that Therese Willis, Council Heritage Advisor has assessed the proposal and is in support. No changes are requested to the design.”**

**A copy of this advice by email from Councils Senior Planner, Edouard Pool is attached below.  
DPC -04**

**Anton Johnson Architect**

**From:** Edouard Pool [E.Pool@cityofadelaide.com.au]  
**Sent:** Friday, 26 October 2018 11:02 AM  
**To:** Anton Johnson Architect  
**Subject:** 28 St John St - Local Heritage Assessment

Hi Anton,

I am pleased to advise that Therese Willis, Council Heritage Advisor has assessed the proposal and is in support.

No changes are requested to the design.

Regards,

Edouard Pool

**Edouard Pool**  
**Senior Policy Planner**  
**Spatial Planning and Heritage**  
4th Floor 25 Pirie Street  
Adelaide, South Australia, 5000  
TEL: +61882037771  
F: +61882037575  
E: E.Pool@cityofadelaide.com.au



Think before you print!

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### 1.3 Setbacks

Mr Young's representative makes reference to Council Wide PDC 23, which states:

***The set-back of low scale residential development from side and rear boundaries should progressively increase as the height of the development increases and side boundary walls should be located and limited in length and height to:***

***(a) Minimise the visual impact on adjoining properties***

The proposed side set back follows closely with this Principle of Development Control. There is progressive increase in the side set back as the height of the development increases. The side setback for the two storey part of the proposed dwelling is 2.4m from the boundary on site that is only 9.754m wide.

Mr Young's representative has misconstrued the term "side boundary wall" suggesting that this refers to a boundary fence. PDC 23 refers specifically to side boundary walls to residential development not fences, irrespective of their materials or form of construction.



It is noted that MR Young does not take issue with the height and materials of the boundary fence. The masonry boundary fence is on the boundary as it is reasonably shall to be. It is neither appropriate nor reasonable for Mr Young to request that the entire development and the masonry boundary fence be relocated 500mm inside the applicant's property line and for the applicant to give over this part of their property to Mr Young.

The distance between the new dwelling boundary wall and fence and the neighbours dwelling will be approximately 650mm. This is a reasonable and adequate distance for access down the side of the dwelling and exceeds minimum the distance of 600mm (unless that wall is on the boundary) prescribed in the National Construction Code, Building Code of Australia for access for inspection and maintenance. Refer NCC SA6.2.

#### **1.4 Inconsistencies or inaccuracies in the proposed plans**

No inconsistencies in the proposed plans were intended. The omission of the rear upper gable from the Streetscape Elevation has been dealt with above.

The distance between the northern wall of Bedroom 1 and the privacy screen is 900mm on the first floor plan.

**It is confirmed that this is the intended distance and is fixed at 900mm.**

The 900mm high privacy screen is designed to prevent overlooking from the first floor north facing rooms. The structure that supports this privacy screen also provides essential sun shading to the ground floor windows below and is also for maintenance purposes such as external window cleaning and general building maintenance. The flooring material is aluminum checker plate and incorporates a rainwater channel. Access is by one of the northern windows.

**The applicant confirms that this area will not be accessed for use as a recreational balcony.**

Mr Young has raised concerns about possible oblique angled downward views from the northern windows into his private open space and has requested that the privacy screen be increased in height from 1000mm to 1400mm. Whilst the applicant is confident that any partial overlooking will not exceed 50% of the neighbours private open space and thus comply with the requirements of the Development Plan the requested increase in the height of the screen to 1400mm is acceptable to the applicant.

**It is confirmed that the northern privacy screen will be increased to be 1400mm high.**

#### **1.5 Overlooking**

Use of screening devices is proposed in the Development Plan as an acceptable method of preventing overlooking. This is set out in full in PDC 36(b) and more specifically **Design Techniques 36.1(c) and 36.2(c) and (d)** All privacy screens proposed in this application will comply exactly with the design and heights as prescribed in PDC 36 and more specifically Design Techniques 36.1(c) and 36.2(c) and (d)

The northern privacy screen has been dealt with above in item 1.4.

The 1m wide east facing balcony has a fixed privacy screen on its northern end which is 1200mm wide. Mr Young has requested that this screen be extended by a further 1000mm.

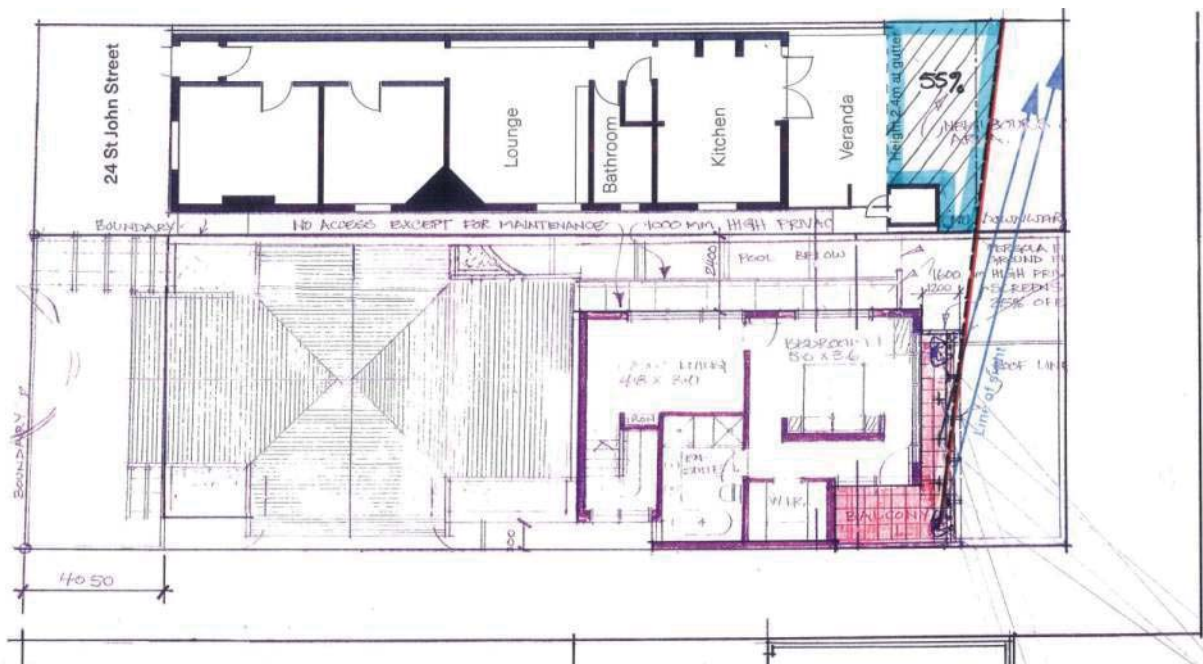
This is not necessary or practical. The sight lines from the east balcony with the fixed privacy screen as designed in place provides the prescribed screening required to prevent overlooking as set down in the Development Plan PDC36.3.

#### **PDC36.3**

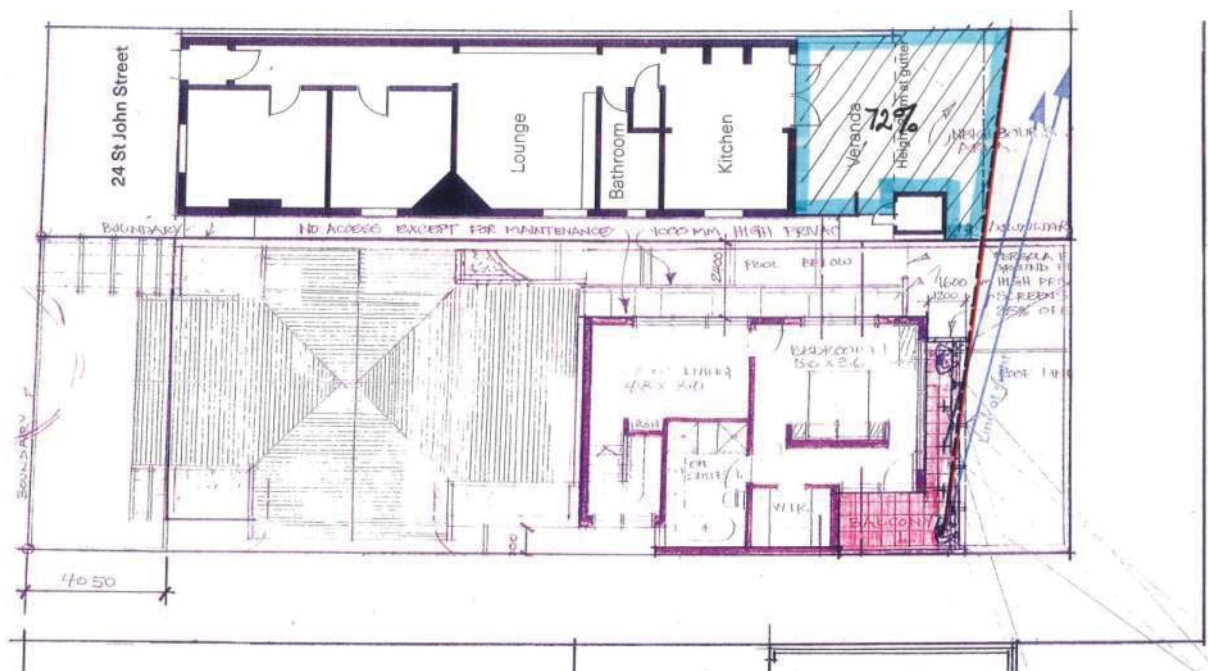
**Windows and balconies within an upper level habitable room designed to prevent overlooking ( assuming a viewing height of 1.6m above floor level) of more than 50% of the useable private open space of a lower level dwelling within the building.**

The attached plan with sightlines illustrates this compliance. Taken from the most south east corner of the balcony (the worst possible case position) the screen prevents overlooking of more than 50% of the useable private open space of the adjoining dwelling to the north.

Without including the covered verandah (which nevertheless is part of the useable private open space) the area screened is 55%. Including the covered verandah the area screened from overlooking is 72%.



DPC -05



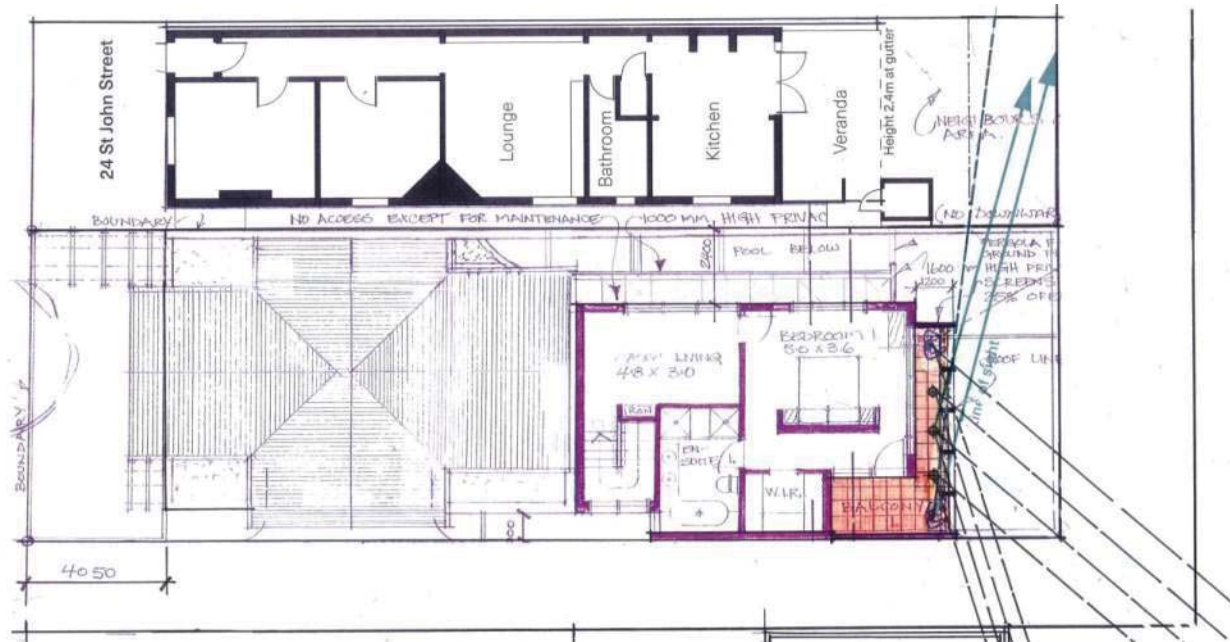
DPC-06

Note that the sight angle applied to the plan is at an even shallower angle than drawn by Mr Young. This is to be absolutely certain of the fullest possible extent of overlooking. The screens are designed and coloured to blend with the predominant associated building materials.

Notwithstanding the above compliance with the screening as designed and submitted the applicant proposes to install additional vertical screening blades each 300mm wide and spaced 1250mm apart on the outer edge of the east balcony to further provide for the oblique sightlines and in order to afford even greater screening over and above what is required by the Development Plan.

Refer to the proposed additional screening in **Item 3.2** for full details and the plan below.

As shown on this plan these screening blades will provide an almost effective 100% screening of the useable private open space to the north of the site.



## DPC-07

### 1.6 Stability of land and construction impacts.

A structural engineer is engaged to design, document and supervise the construction of the new dwelling and the swimming pool. All works adjacent the neighbours dwelling will be designed to take in consideration the stability of the adjoining land. This is not an uncommon occurrence with the city where high density developments often occur. The neighbour will be served with the appropriate notice in accordance with Section 60 of the *Development Act 1993*.

## 2. MRS ANN YOUNG, 24 ST JOHN STREET, ADELAIDE

Mrs Ann Young is the owner of the property to the north of the subject site. The items that have been raised are the same as those raised by Botten Levinson on behalf of Mr Ray Young with the exception of the removal of the regulated tree which is dealt with below.

## 3. S & M PSALTIS, 424 GILLES STREET, ADELAIDE.

S & M Psaltis are the owner of the property to the south east of the subject site. The following items have been raised, namely:

### 3.1 Removal of the Regulated tree

Mr and Mrs S & M Psaltis have responded with concerns that the regulated tree assists to protect their privacy. Whilst this may have merit in the very short term the tree is fully grown and is now deteriorating in health and vigour with a relatively short life expectancy.

The applicant has had the subject tree assessed by a qualified Arborist, Dean Nicole. Dr Dean Nicolle is regarded as a premier authority on Australian natives. Dr Nicolle is a consultant arborist, botanist and ecologist specializing in the systematics and ecology of the eucalypts (genera *Angophora*, *Eucalyptus* and *Corymbia*) and in the arboricultural assessment of trees. Please refer to his CV attached and his website for more information. <http://www.dn.com.au/>. In addition to his consultancy work, Dr Nicolle has established a private arboretum on his property, Currency Creek Arboretum.

Dr Nicolle has examined the subject tree and written his report with particular reference to its importance to the environment, its health, and longevity and safety issues. Please refer to the full report.

Relevant to this response are the following comments and conclusions that are contained in the report are summarized below:

- The species is **exotic to the area** (it is indigenous to the southwest coast of Western Australia) being *Agonis flexuosa* var. *flexuosa* ('willow myrtle'; also known as 'willow peppermint' native to 'Western Australian peppermint' and 'Swan River peppermint').
- Estimated age of the tree is 30 – 60 years.
- Actual life expectancy of the tree is another <5 – 15 years.  
*The report was written a year ago. By the time this development is complete another year will have past and the tree will by then only have 3 - 13 years of actual life expectancy remaining.*
- Useful life expectancy of the tree is another <2 – 6 years.  
*The report was written a year ago. By the time this development is complete another year will have past and the tree will by then already exceeded its estimated Useful life expectancy.*
- Health: Below average and gradually deteriorating over time.
- Vigour: Low

**In conclusion the Arborist has made the following recommendations:**

*The subject tree is not worthy of enforcing development constraints on the site. I am therefore supportive of the removal of the tree **in the case of any site redevelopment.***

*My support of tree removal (in the case of site development) is made on the basis of:*

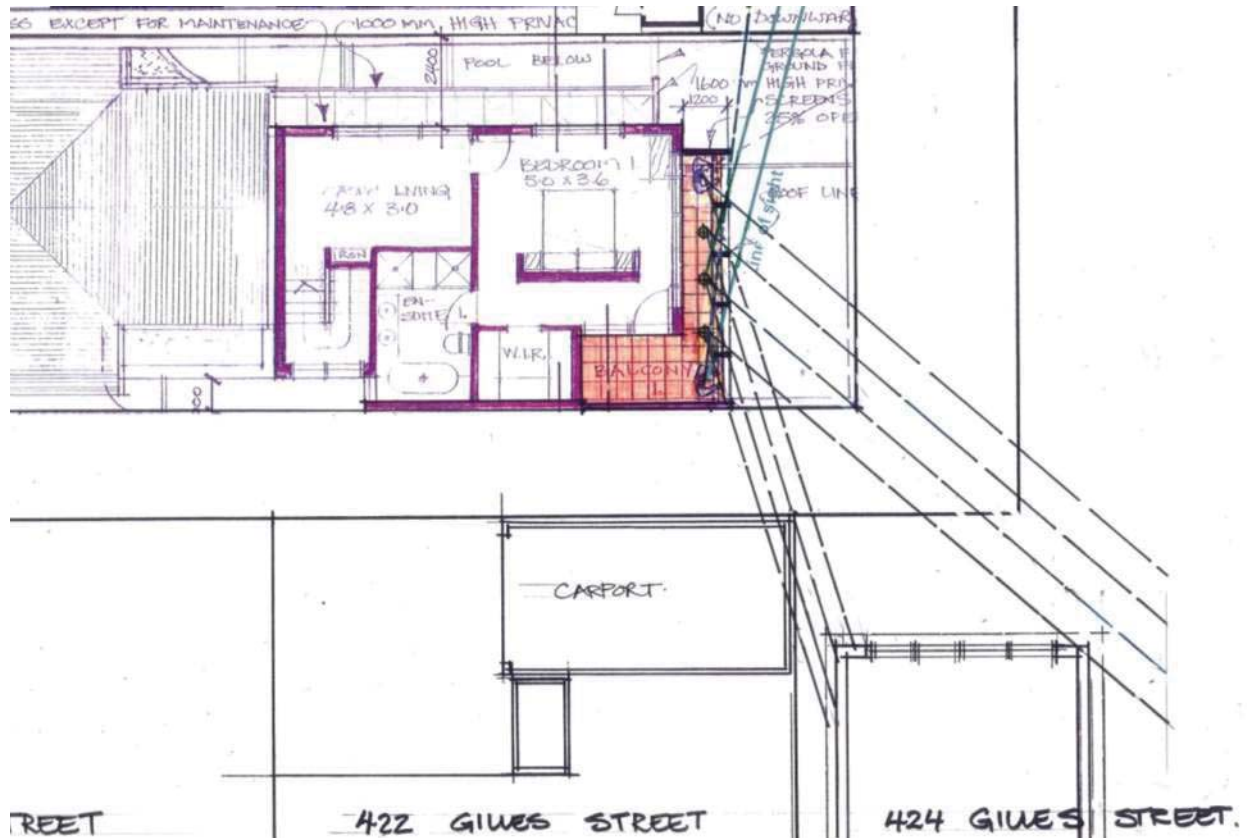
- *The marginal suitability of the species to the local environmental conditions;*
- *The reduced and gradually deteriorating health of the tree;*
- *The short life expectancy of the tree;*
- *The low to moderate but gradually increasing likelihood of whole of tree structural failure;*
- *The lack of any faunal hollows or other important faunal habitats in the tree;*
- *The non-indigenous and planted status of the tree;*
- *The low biodiversity value of the tree; and the limited landscape value of the tree, which is associated with its relatively small overall size and obscured visibility from St John Street.*
- *Removal of this tree requires Council development approval, due to its regulated status as defined by the Development Act 1993.*

Retention of the tree is clearly not recommended and would be unwise given the proposed redevelopment of the site. The matter of overlooking from the east balcony has therefore been addressed using screening devices on the balcony as detailed below.

### 3.2 Privacy and over looking.

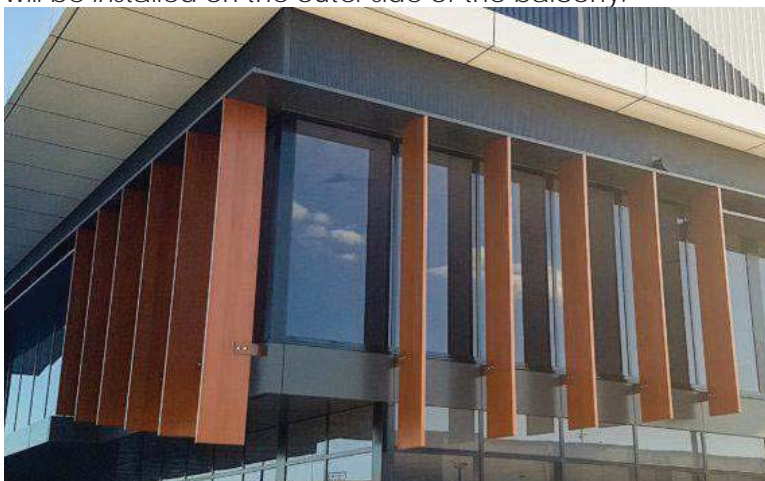
The current proposal includes for full privacy screening of the southern side of the eastern balcony. This will be a fully complying screen as prescribed to prevent overlooking and detailed in the Development Plan - PDC36.1, PDC36.2 and PDC36.3. This screen also extends 200mm beyond the edge of the balcony. This screen encloses that part of the balcony which will be used as an outdoor area by the applicant.

The one metre wide part of the balcony along the east side provides the essential sun shading and protection of the windows and doors to the living room below. In addition it provides access to clean the windows to Bedroom 1 and for general maintenance. Whilst not specifically for recreational use this part of the balcony is accessible therefore the addition of privacy screening is now proposed as detailed on the plan below.



DPC-08

The vertical screening blades proposed will be solid aluminum box sections 300mm deep in a natural colour and positioned at 1250mm centres. The photo below is an indication of what will be installed on the outer side of the balcony.



DPC-09

#### 4. T C & D M TRIMBELL, 422 GILLES STREET, ADELAIDE

T C & D M Trimbell are the owner of the property to the south of the subject site. The following items have been raised, namely:

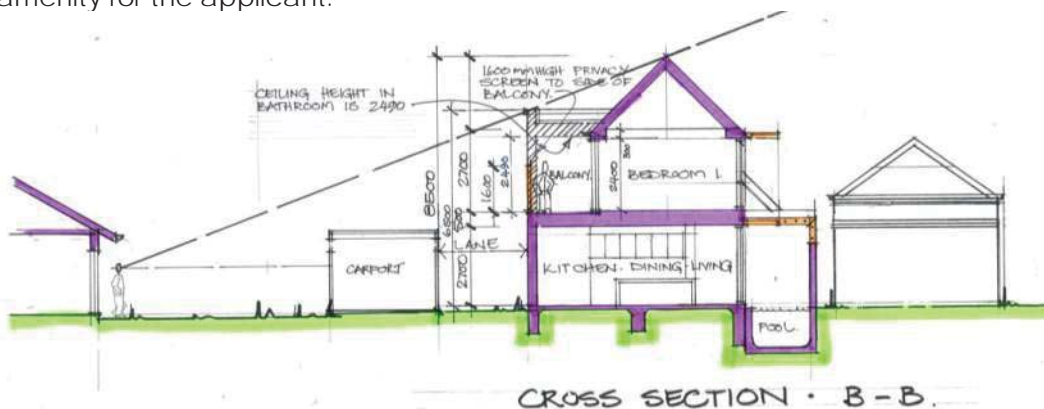
##### 4.1 Privacy and overlooking – South East Balcony

The current proposal includes for privacy screening for the full length of the southern side of the eastern balcony. This will be a fully complying screen as prescribed and detailed in the Development Plan - PDC36.1, PDC36.2 and PDC36.3. This screen also extends 200mm beyond the edge of the balcony. This screen will afford the required privacy and prevent overlooking of the rear of the property.

##### 4.2 View and Outlook to the north

The owners of 422 Gilles St have expressed concern about a part of the southern wall of the proposed new dwelling. The 5.4m wide wall is 7m high and not 8.5m as referred to in the representation. The applicant has been very cognisant of the scale of the development and has, in the design, kept heights low where possible. It has been suggested that the wall be lowered in height to reduce its perceived bulk. Every effort has been made already to keep this wall as low as possible. The room immediately behind this wall has a flat roof over and a ceiling height inside on only 2.49m. Similarly the living room below has only a ceiling height of 2.7m. To reduce heights further is not reasonable given that the ground floor room is the main living room and 2.7m ceiling height is if anything already low. Upstairs the bathroom and WIR already have a very low ceiling height of 2.49m. A flat roof cannot get flatter.

The pitched roof behind this wall is set back and will not be visible from the rear private area of 422 Gilles St. Thus the perceived bulk of this elevation as raised in the letter will not be as dominant as described. Please refer to the section drawing below showing the wall in question, the rooms behind and their ceiling heights and the sightline over the top of the wall to the pitched roof behind. Lowering the pitch on this roof will have not benefit and reduce amenity for the applicant.



#### DPC 10

##### 4.3 Privacy and overlooking – South windows to the Stairway

The south facing windows in the stairway have the potential of allowing overlooking of part of the rear garden. Whilst this is not truly a habitable space with only intermittent use whilst moving from one floor to the other the applicant agrees to amend the glazing to these windows.

**It is confirmed that the southern windows to the stairway will be fitted with obscure glazing to a height of 1600mm above the first floor level.**

##### 4.4 Heritage Concerns and Setbacks

This matter has been dealt with in detail above. Please refer to Items 1.2 and 1.3.

#### 4.5 Removal of the significant tree

This matter has been dealt with above. Please refer to item 3.1

#### 5. WYNNE DOUGLAS, 30 ST JOHN STREET, ADELAIDE.

W Douglas is the owner of the property to the south west of the subject site. The following items have been raised, namely:

##### 5.1 Privacy and overlooking – South East Balcony

The current proposal includes for privacy screening for the full length of the southern side of the eastern balcony. This will be a fully complying screen as prescribed and detailed in the Development Plan - PDC36.1, PDC36.2 and PDC36.3. This screen also extends 200mm beyond the edge of the balcony. This screen will afford the required privacy and prevent overlooking of the rear of the property.

##### 5.2 Privacy and overlooking – South windows to the Stairway

The south facing windows in the stairway have the potential of allowing overlooking of part of the rear garden. Whilst this is not truly a habitable space with only intermittent use whilst moving from one floor to the other the applicant agrees to amend the glazing to these windows.

**It is confirmed that the southern windows to the stairway will be fitted with obscure glazing to a height of 1600mm above the first floor level.**

#### 6. CONCLUSION

We trust that the above addresses all the representations raised in the Public Notification process.

Should there be any matter which may have been overlooked or not fully addressed in this response, we ask that we be given the opportunity to clarify or add to this response prior to the finalizing of your assessment and report.

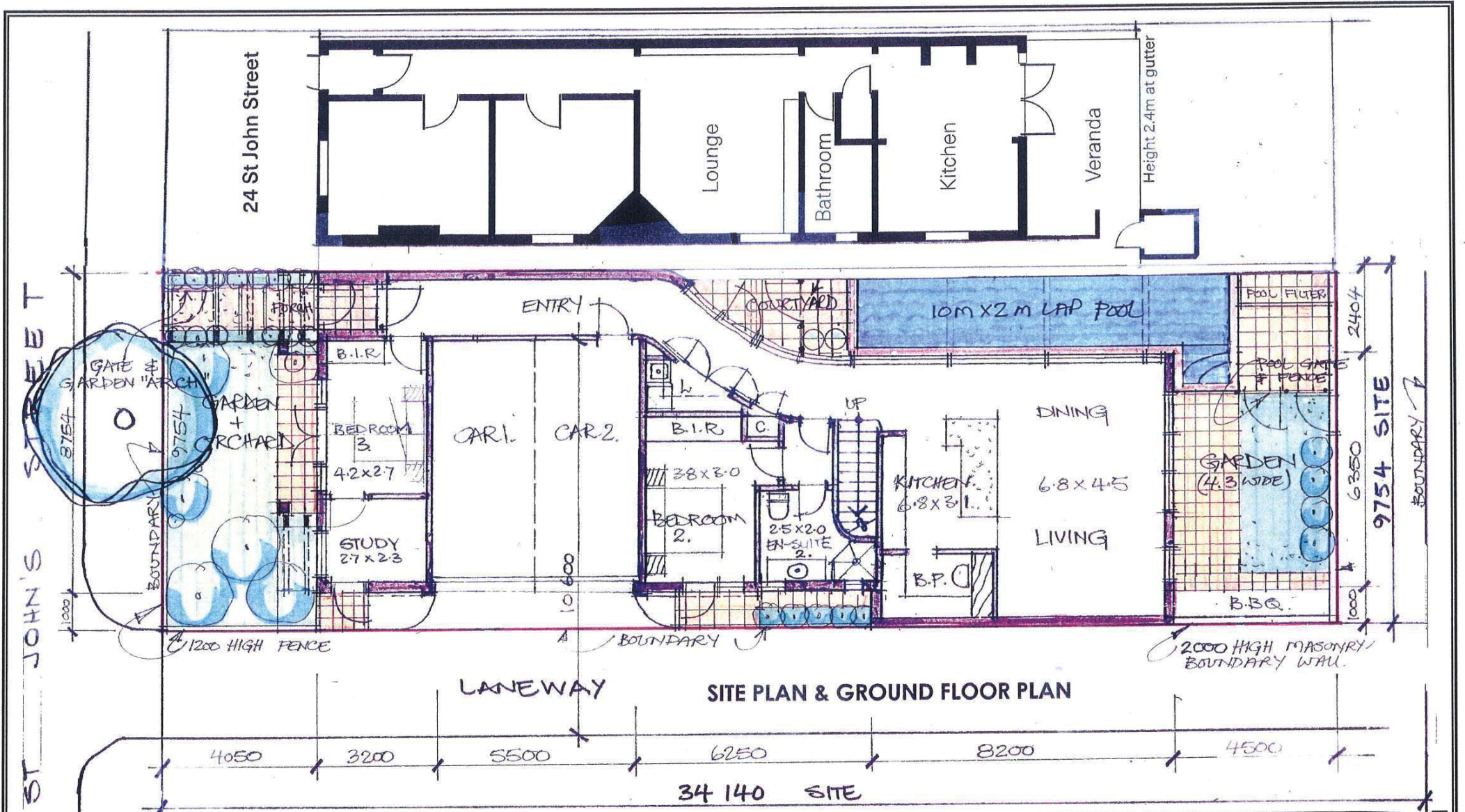
At present we also wish to keep available the opportunity to be heard by the Development Assessment Panel in order to present this response and answer any questions from the panel.

Yours sincerely



Anton Johnson

Anton Johnson Architect  
11 Jane Street  
FREWVILLE SA 5063

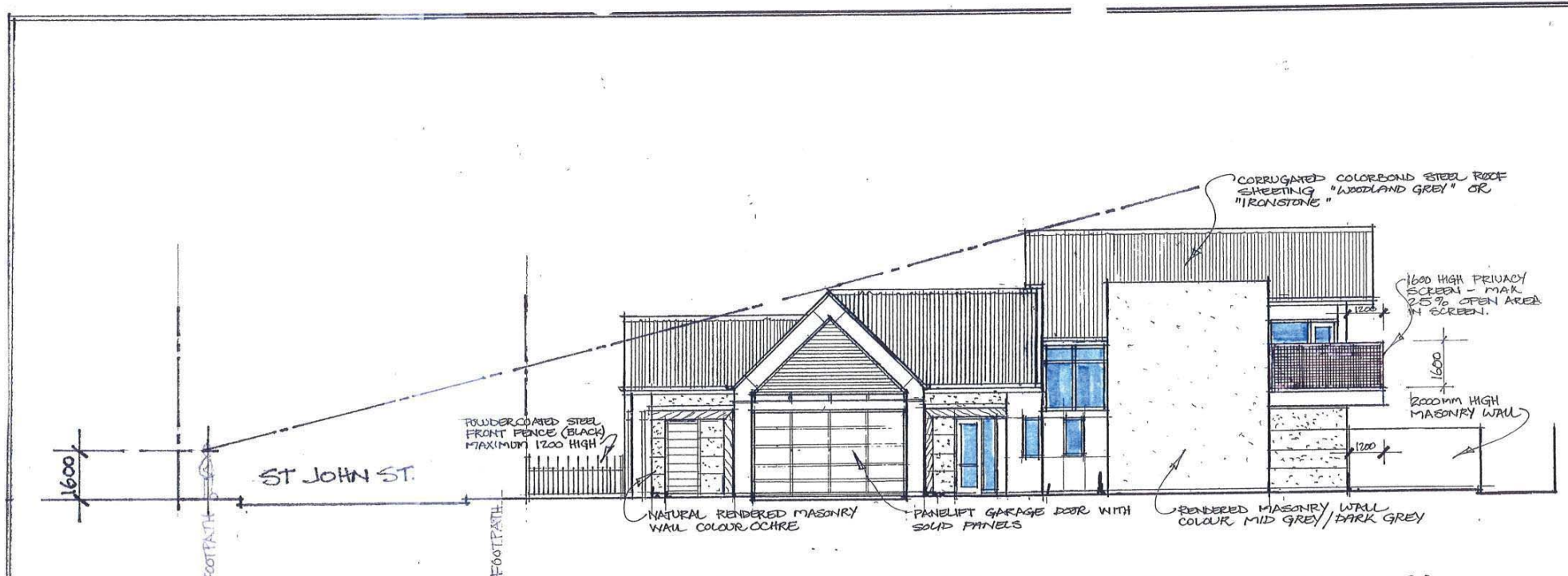


Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/01

ANTON JOHNSON ARCHITECT

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TEL. (08) 8338 3738 MOBILE 0409 676 342  
Email [a.johnson.architect@senet.com.au](mailto:a.johnson.architect@senet.com.au)





**SIGHT LINE SECTION - CENTRE OF SITE FROM OPPOSITE FOOTPATH**

**SOUTH ELEVATION**

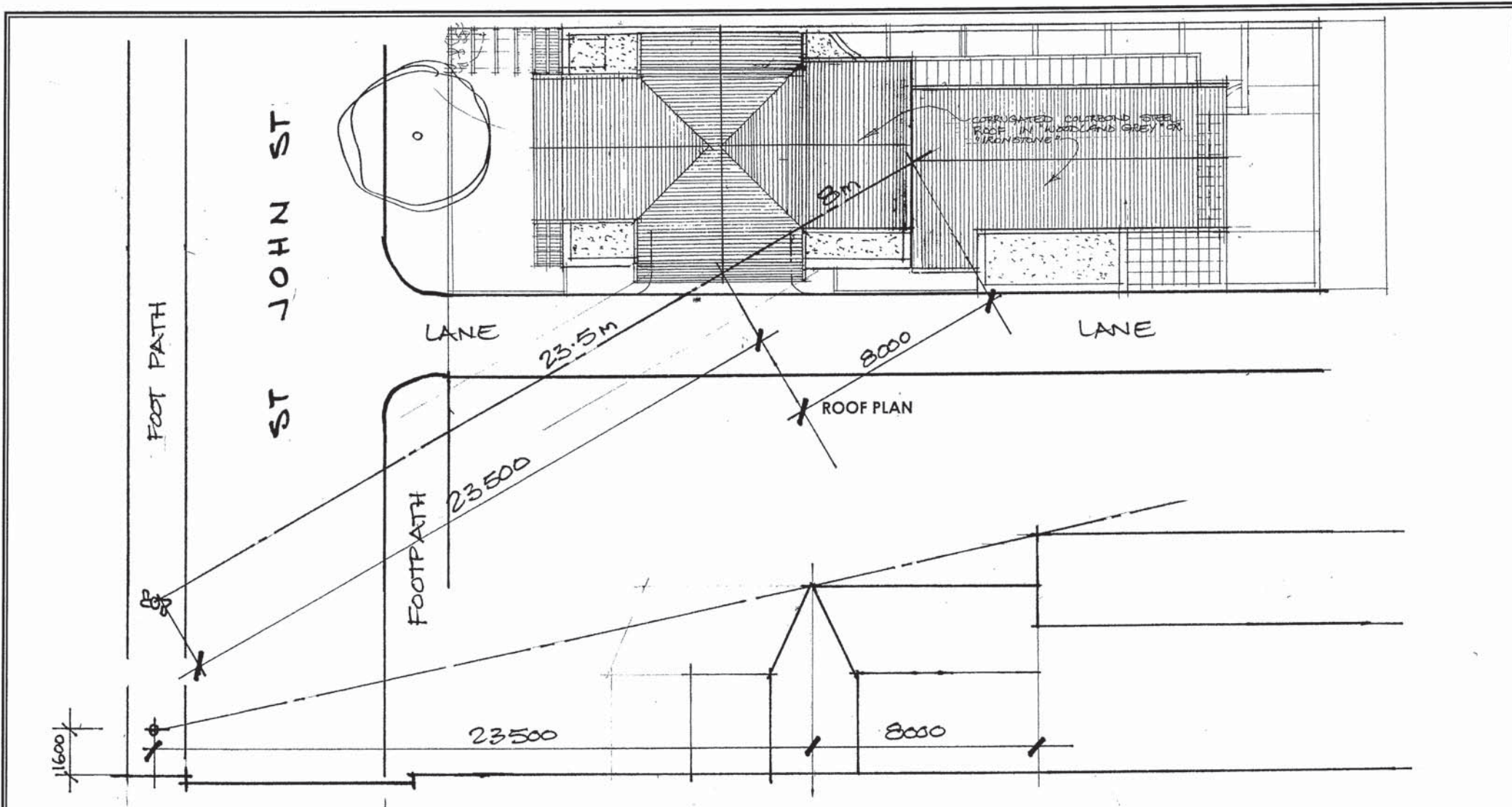
Francie English & Craig Nairn - New Residence - 28 St Johns Street Adelaide SA 5000

- Drg No 2018/306/ SK05 Revision B 03-10-2018

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Francie English & Craig Nairn - New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/02

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**SIGHT LINE SECTION - VIEW FROM OPPOSITE FOOTPATH S.W. POINT**

Francie English & Craig Nairn - New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/03

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**Anton Johnson Architect**

**From:** Edouard Pool [E.Pool@cityofadelaide.com.au]  
**Sent:** Friday, 26 October 2018 11:02 AM  
**To:** Anton Johnson Architect  
**Subject:** 28 St John St - Local Heritage Assessment

Hi Anton,

I am pleased to advise that Therese Willis, Council Heritage Advisor has assessed the proposal and is in support.

No changes are requested to the design.

Regards,

Edouard Pool

**Edouard Pool**  
**Senior Policy Planner**  
**Spatial Planning and Heritage**  
 4th Floor 25 Pirie Street  
 Adelaide, South Australia, 5000  
 TEL: +61882037771  
 F. +61882037575  
 E. E.Pool@cityofadelaide.com.au

Ten Gigabit  
 Adelaide



[www.cityofadelaide.com.au](http://www.cityofadelaide.com.au)



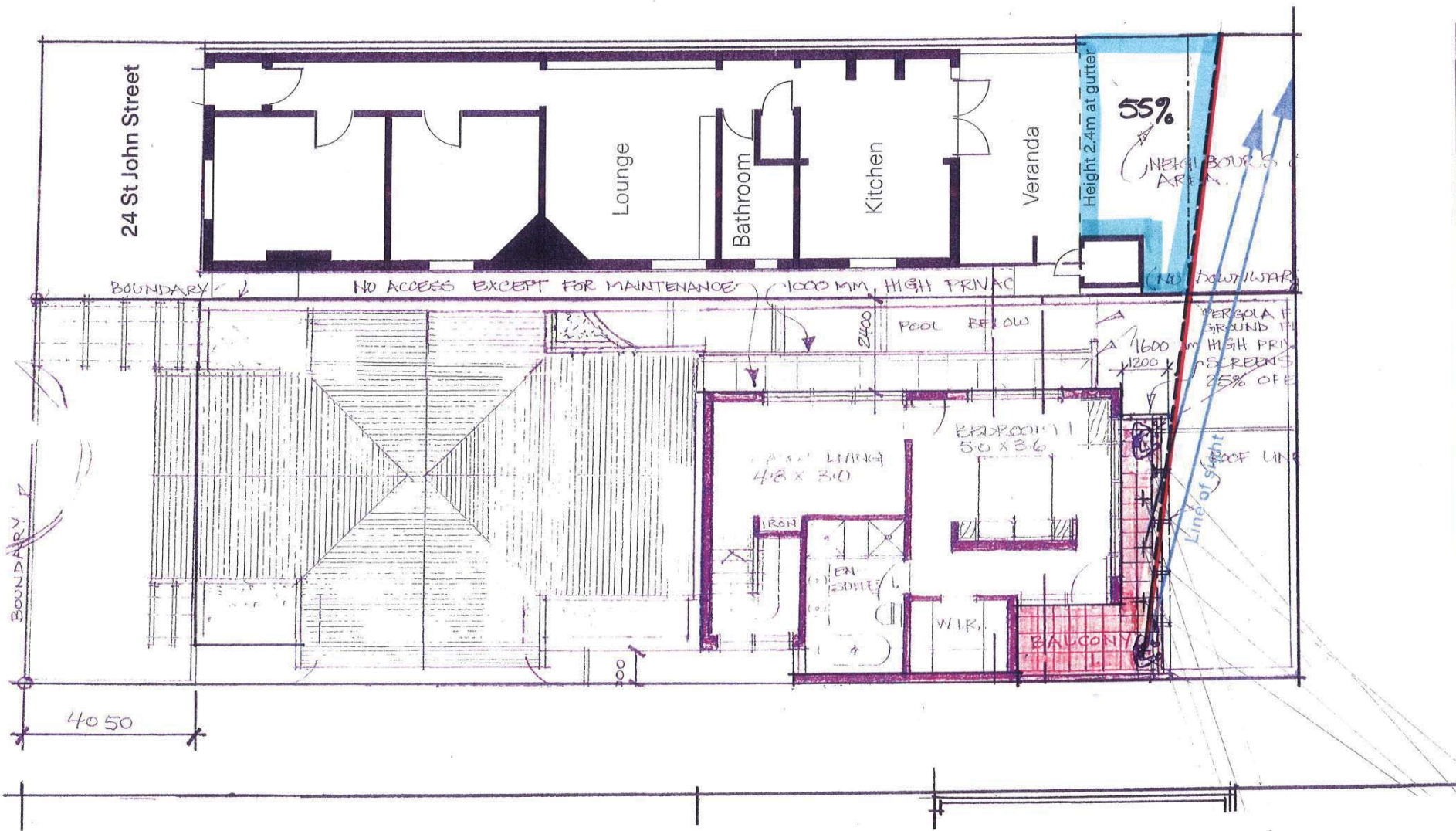
Think before you print!

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Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/04

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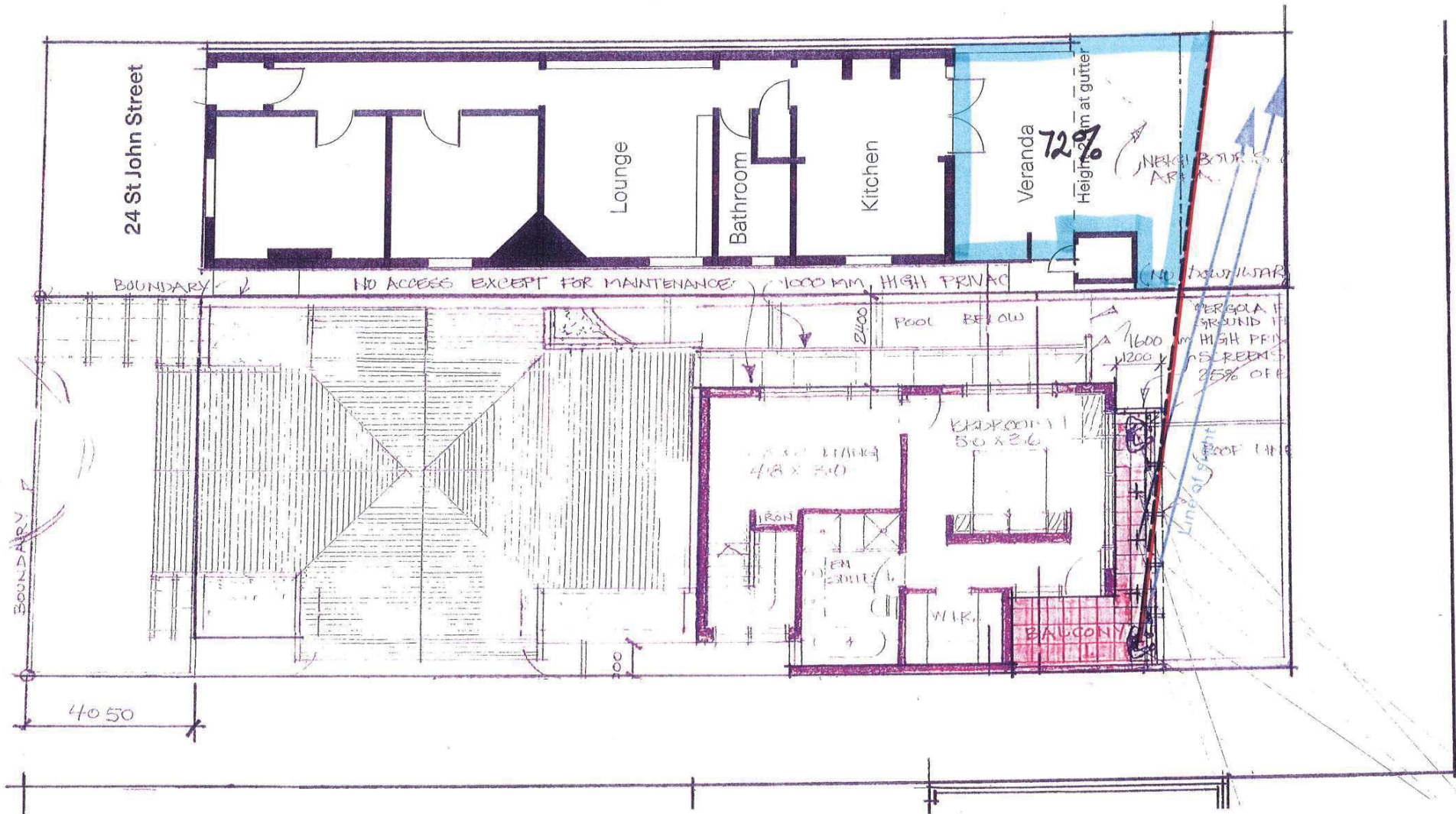
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Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/05

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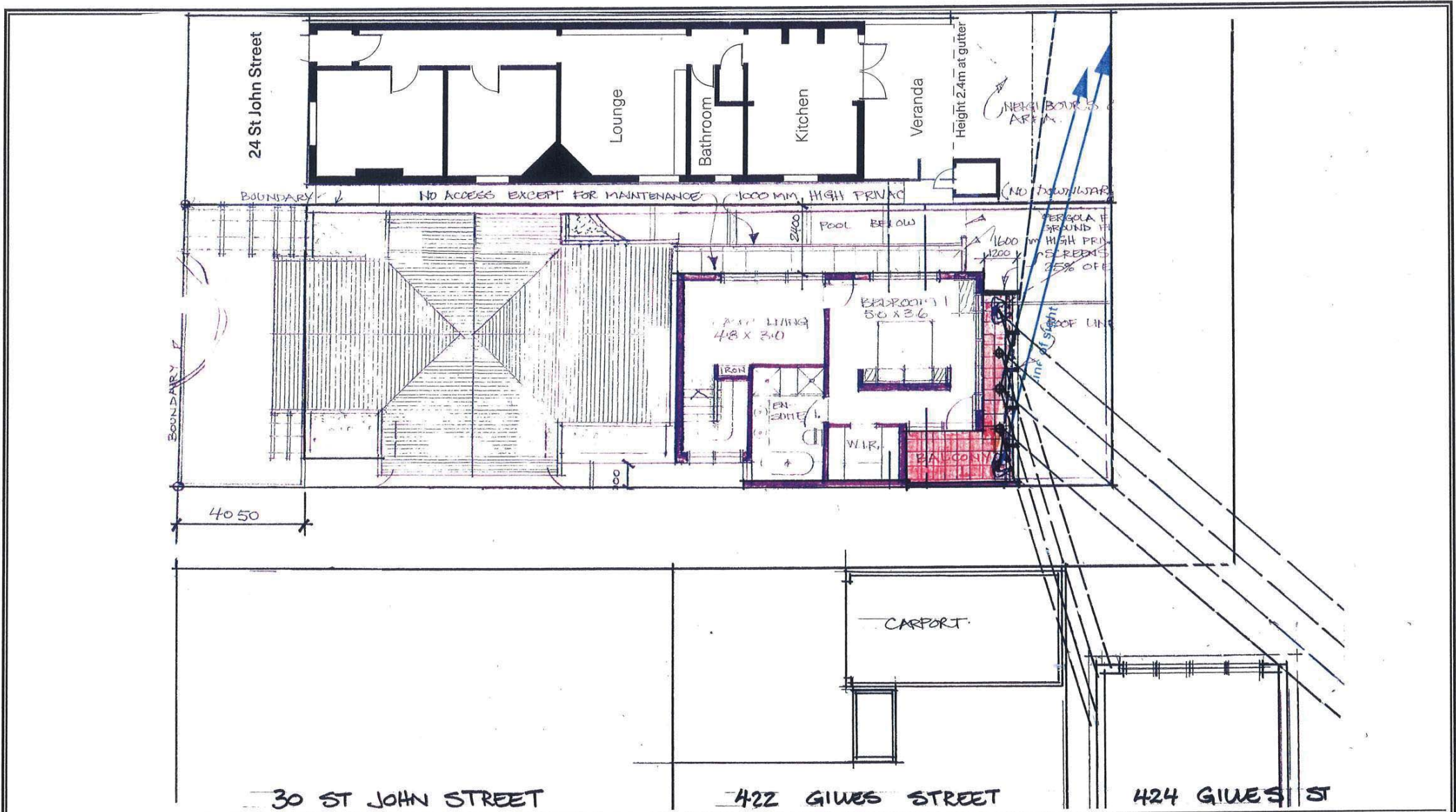
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Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/06

**ANTON JOHNSON ARCHITECT**

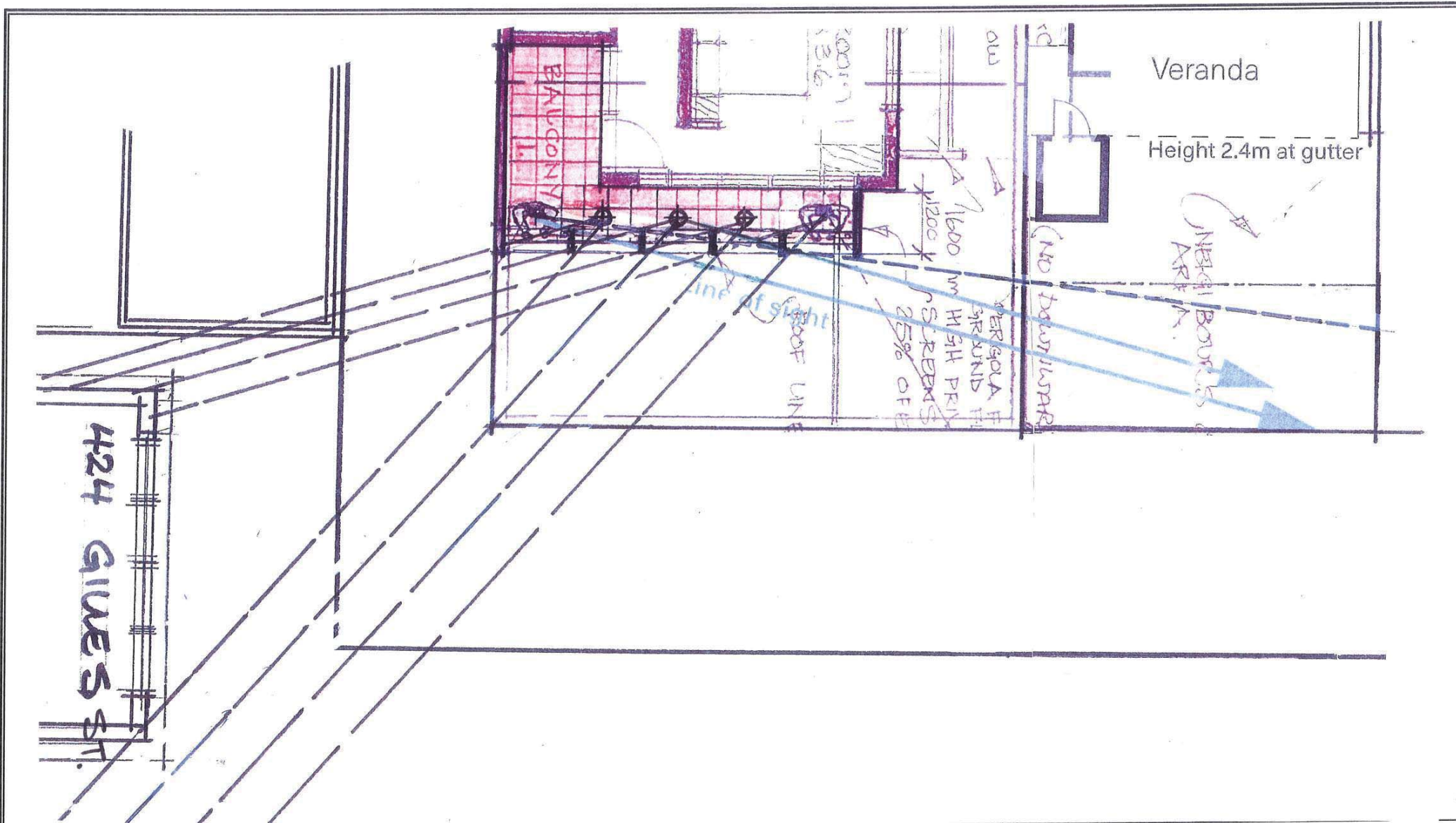
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Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/07

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Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/08

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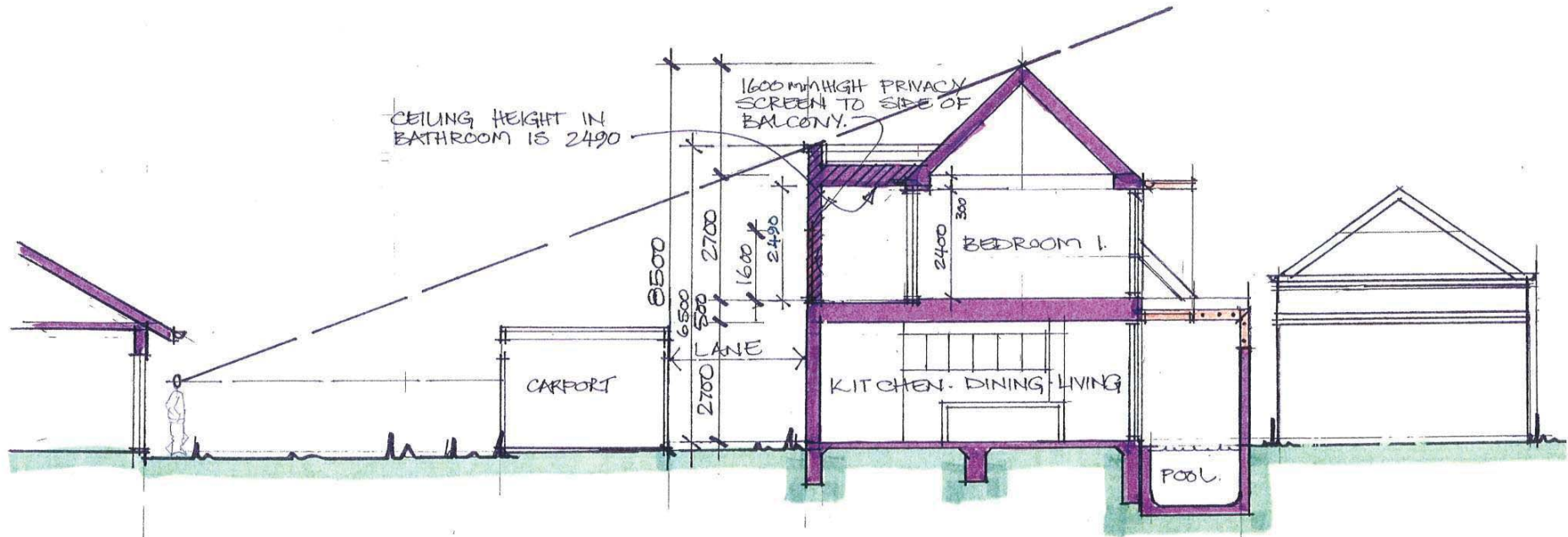


Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/09

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CROSS SECTION - B-B.

Francie English & Craig Nairn – New Residence - 28 St John Street Adelaide - Scale - Drg No 2018/306/DPC/10

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**SA 5.2.3 Parts of buildings to be accessible**

- (a) Access for people with a disability must be provided from the entrance doorway to areas normally used by the occupants. A path of travel providing *required* access must not include a stairway or other impediment which would prevent a person in a wheelchair using it.
- (b) Access, finishes and fittings must comply with the provisions of AS 1428.1.
- (c) In every Class 1 building to which access for people with a disability is *required*, one closet pan and washbasin and one shower must be provided for use by people with a disability.

**SA 6 ACCESS FOR INSPECTION AND MAINTENANCE****SA 6.1 PERFORMANCE PROVISIONS****Objective**

The *Objective* is to safeguard people from injury and illness resulting from the creation of hazardous spaces between buildings.

**Functional Statements**

The space between buildings must not allow hazardous conditions to arise due to accumulation of rubbish that cannot be readily removed.

**Performance Requirements**

The space between buildings must be sufficient to allow access for inspection and maintenance to avoid hazardous conditions arising due to accumulation of rubbish that could—

- (a) bridge termite barriers; or
- (b) harbour vermin; or
- (c) create a fire hazard.

**SA 6.2 ACCEPTABLE CONSTRUCTION PRACTICE****SA 6.2.1 Application**

Compliance with the acceptable construction provision of **SA 6.2** for acceptable separation between buildings for Class 1 and 10 buildings satisfies *Performance Requirement SA 6.1*.

**SA 6.2.2 Minimum separation between buildings**

Unless the space between external columns is not infilled, every part of an *external wall* of a building must be not less than 600 mm from—

- (a) any boundary of the allotment, unless that wall is on or abutting that boundary; or
- (b) the *external wall* of any other building on the same allotment, unless the two buildings are abutting.

Note. For TRIM workflow assign "Heritage Enquiries"

INTERNAL MEMO – LOCAL HERITAGE			RE-REFERRAL <input type="checkbox"/>
TO	Local Heritage Advisor	DATE	10 September 2018
ATTN	Therese Willis	RETURN BY	25 September 2018
FROM	Edouard Pool	REF (TRIM)	DA/616/2018 <b>ACC2018/150153</b> <b>PTH18/10217</b>
SUBJECT	Development Application Referral to Local Heritage Advisor		
APPLICATION	DA/616/2018	HIS	
ADDRESS	28 St John Street, ADELAIDE SA 5000		
DESCRIPTION	Demolish dwelling and construct a part single storey part two storey dwelling, swimming pool and remove significant tree		

PLANNER TO COMPLETE		
<b>ASSESSING OFFICER'S COMMENT</b>	<b>URGENT</b>	<input checked="" type="checkbox"/>
<p>Hi Therese,</p> <p>Although Simon has provided prelim advice, are you able to cast fresh eyes over this design. In particular I would like you to give detailed consideration to the façade design.</p> <p>Thanks.</p> <p>Questions regarding this development should be directed to <b>Edouard Pool, Ext. 771</b></p> <p>Comments regarding this Development would be appreciated by the 'Return By' date shown above.</p>		

LOCAL HERITAGE ADVISOR TO COMPLETE
<p><b>COMMENTS</b></p> <p>I have reviewed the Plans and Details, Design Report and Additional Plans for the proposed new dwelling. The application is to demolish an existing dwelling and construct a 1-2 storey residence. The existing dwelling is an early twentieth century dwelling with a prominent front gable.</p> <p>The property is within the Adelaide Historic (Conservation) Zone. The built form and character of St John Street is diverse with a local heritage place – a single fronted Edwardian era villa at 24 St John Street to the north of the property and on the southern side, a modern two storey townhouse development which is at odds with the Desired Character for the AHCZ. There are several Victorian era local heritage places opposite.</p> <p>The proposed development is supported. The form, scale and siting of the proposed new dwelling are considered to be consistent with the Desired Character for St. John Street and with the Heritage Objectives and Principles for the Adelaide Historic (Conservation) Zone. The proposed dwelling is characterised by a prominent open gable which forms a notional front verandah and makes reference to traditional gabled facades in the locality. The width of the front gable is similar to that of a traditional Victorian era gable and the bulk of the main roof is well set back from the frontage.</p> <p>The proposed finishes – rendered masonry, timber and steel and colour scheme of ochre walls and Woodland Grey roof complement the heritage character of the area.</p> <p>The proposed powder coated steel fence makes reference to a traditional picket fence and is an appropriate style and</p>



Note. For TRIM workflow assign "Heritage Enquiries"

height for the Policy Area.

Please return your comments and original plans to Development Assessment

**Therese Willis**

Date: 24 October 2018

**CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL ON 21/1/2019****Item No: 5.1**

From: Associate Director, Planning &amp; Development

Subject: List of Recent Lodgment's for Planning Consent (2017/02505) [CAP]

**PURPOSE**

To provide Panel Members with a list of development applications lodged for planning consent for the period 30 November 2018 to 10 January 2019.

A total of 63 development applications with a total value of \$10,671,570 have been lodged for planning consent for this period.

**RECOMMENDATION**

That the report be received.

**Item No. 5.1 – Attachments 1 - 6 (List of Recent Lodgements for Planning Consent)**

Pages 143 to 148



# DEVELOPMENT PLANNING - Council Assessment Panel Report Item No 5.1 - Attachment 1

## Lodged Applications for Planning Consent from 30/11/2018 to 10/01/2019

### Applications Assessed on Merit

#	APPLICATION	ADDRESS	DESCRIPTION	LODGED	COST	NOTIFY CATEGORY
1	DA/1/2019	38 McLaren Street ADELAIDE SA 5000	Removal of damp affected plaster on western passage wall of the cottage and re-plastering of hallway using salt retardant	2/01/2019	\$3,575	Category 1
2	DA/10/2019	CONSERVATORY ON HINDMARSH SQUARE, 41- 47 Hindmarsh Square, ADELAIDE SA 5000	External facade upgrade	9/01/2019	\$25,000	Category 1
3	DA/1011/2018	248-249 South Terrace ADELAIDE SA 5000	Use of premises as supported, short term and respite accommodation	30/11/2018	\$700,000	Category 2
4	DA/1013/2018	121-124 West Terrace ADELAIDE SA 5000	Change the use from offices to massage treatment rooms on first floor and two illuminated signs.	1/12/2018	\$3,000	Category 1
5	DA/1014/2018	24 George Court ADELAIDE SA 5000	Rear extension with first floor roof deck	2/12/2018	\$170,000	Category 2
6	DA/1016/2018	ELDERS HOUSE 27-39 Currie Street ADELAIDE SA 5000	Internal alterations to existing building	3/12/2018	\$300,000	Category 1
7	DA/1018/2018	Botanic Cellar Basement 9/308-310 North Terrace ADELAIDE SA 5000	Use basement for restaurant and fit out	4/12/2018	\$200,000	Category 1
8	DA/1019/2018	62 Barnard Street NORTH ADELAIDE SA 5006	Internal alterations, minor addition and remove existing doors and install a pool fence	5/12/2018	\$100,000	Category 1
9	DA/1020/2018	144 Barton Terrace W NORTH ADELAIDE SA 5006	Demolition of existing dwelling and carport and construction of two storey dwelling with a cellar and attached double garage, roof top terrace and reconstruction of the front fence	5/12/2018	\$800,000	Category 2
10	DA/1022/2018	34-35 Barton Terrace E NORTH ADELAIDE SA 5006	Install carport to side of dwelling	4/12/2018	\$10,000	Category 2

# DEVELOPMENT PLANNING - Council Assessment Panel Report Item No 5.1 - Attachment 2

## Lodged Applications for Planning Consent from 30/11/2018 to 10/01/2019

11	DA/1024/2018	Sparkke At the Whitmore 317-319 Morphett Street ADELAIDE SA 5000	Change of use to portion of the building to function room with external signage	6/12/2018	\$20,000	Category 1
12	DA/1026/2018	Ground 21 King William Street ADELAIDE SA 5000	Change of use to restaurant, internal fitout and signage	7/12/2018	\$410,000	Category 1
13	DA/1027/2018	120-128 Gouger Street ADELAIDE SA 5000	Demolition of warehouse and extension of carpark ancillary to existing building	4/12/2018	\$50,000	Category 1
14	DA/1030/2018	29 Blackburn Street ADELAIDE SA 5000	Re-roofing	9/12/2018	\$12,716	Category 1
*15	DA/1031/2018	182 Hindley Street ADELAIDE SA 5000	Extend trading hours to 5am on New Year's Day for a consecutive 5 year period (2019-2023)	10/12/2018	TBA	Category 1
16	DA/1033/2018	TELSTRA BUILDING 22-38 Pirie Street ADELAIDE SA 5000	New wall to vehicle access ramp and revised levels to pedestrian access	10/12/2018	\$30,000	Category 1
*17	DA/1035/2018	HOLIDAY INN EXPRESS ADELAIDE CITY 30 Blyth Street ADELAIDE SA 5000	Undertake internal fit-out for use as meeting rooms and function space	10/12/2018	\$231,000	Category 1
18	DA/1040/2018	223 Childers Street NORTH ADELAIDE SA 5006	Construct two (2) storey detached dwelling	11/12/2018	\$500,000	Category 2
19	DA/1042/2018	Level 5 90 King William Street ADELAIDE SA 5000	Change of use to educational establishment	11/12/2018	TBA	Category 1
20	DA/1043/2018	94-108 Hutt Street ADELAIDE SA 5000	External signage	11/12/2018	\$1,000	Category 1
21	DA/1044/2018	Level 2 170 Frome Street ADELAIDE SA 5000	Install external signage	12/12/2018	\$8,600	Category 1
22	DA/1045/2018	Loungers Boathouse Cafe Victoria Drive ADELAIDE SA 5000	Installation of evaporative air-conditioning unit	12/12/2018	\$5,290	Category 1
23	DA/1048/2018	72-80 Frome Street ADELAIDE SA 5000	Extend trading hours on a temporary basis during the Fringe - February 14th 2019 - March 18th 2019.	14/12/2018	TBA	Category 1



Item No 5.1 - Attachment 3

## DEVELOPMENT PLANNING - Council Assessment Panel Report

### Lodged Applications for Planning Consent from 30/11/2018 to 10/01/2019

<b>*24</b>	DA/1049/2018	34 Strangways Terrace NORTH ADELAIDE SA 5006	Ground level addition to existing residence, renovation to existing studio interior and window seat insertion and replacement of ground floor roof sheeting.	14/12/2018	\$150,000	To Be Determined
<b>*25</b>	DA/1050/2018	Level 2 4/15-17 Featherstone Place ADELAIDE SA 5000	Change the use of existing tenancy to tattoo studio	14/12/2018	\$2,500	Category 1
<b>26</b>	DA/1052/2018	Rymill Park / Murlawirrapurka (Park 14) East Terrace ADELAIDE SA 5000	Temporary installations for 2018 Adelaide Fringe events in Park 14 (Mullawirrapurka)	15/12/2018	TBA	Category 1
<b>27</b>	DA/1054/2018	53 Sussex Street NORTH ADELAIDE SA 5006	Conservation works to dwelling/verandah and new fence	17/12/2018	\$35,000	Category 1
<b>28</b>	DA/1057/2018	322-336 King William Street ADELAIDE SA 5000	Change of use to dance studio	16/12/2018	\$20,000	Category 1
<b>*29</b>	DA/1059/2018	AMBASSADORS HOTEL 107-109 King William Street ADELAIDE SA 5000	Conservation works to balcony	18/12/2018	\$5,000	Category 1
<b>30</b>	DA/1060/2018	13 Curtis Street NORTH ADELAIDE SA 5006	Single storey rear extension and two storey rear garage with upper level studio	18/12/2018	\$180,000	Category 2
<b>31</b>	DA/1061/2018	CROWN AND ANCHOR HOTEL 194-198 Grenfell Street ADELAIDE SA 5000	Insert opening in existing wall, insert ramp and relocate toilet door	18/12/2018	\$2,000	Category 1
<b>32</b>	DA/1062/2018	Body Shop Ground Shop 4 100 Rundle Mall ADELAIDE SA 5000	Alterations to lightbox signage	18/12/2018	\$20,000	Category 1
<b>33</b>	DA/1063/2018	NATIONAL WINE CENTRE Botanic Road ADELAIDE SA 5000	Install two smoke extraction and air relief units on lower concourse roof	18/12/2018	\$90,000	Category 1
<b>34</b>	DA/1064/2018	Adabco Boutique Hotel 223 Wakefield Street ADELAIDE SA 5000	Variation to description of existing land use - from lodging house and offices to short term accommodation hotel	18/12/2018	TBA	Category 1

# DEVELOPMENT PLANNING - Council Assessment Panel Report Item No 5.1 - Attachment 4

## Lodged Applications for Planning Consent from 30/11/2018 to 10/01/2019

35	DA/1065/2018	Ground 66 Rundle Mall ADELAIDE SA 5000	Demolition work including removal of existing plaque, sign and shopfront and bi-fold doors and install hoarding	14/12/2018	\$3,000	Category 1
*36	DA/1066/2018	113 Gilbert Street ADELAIDE SA 5000	Paint mural on wall	19/12/2018	\$1,000	Category 1
37	DA/1067/2018	24 Buxton Street NORTH ADELAIDE SA 5006	Construct carport at the rear of existing garage	19/12/2018	\$5,000	Category 1
38	DA/1069/2018	24 Alfred Street ADELAIDE SA 5000	Replacement of roof structure and roof	20/12/2018	\$45,000	Category 1
39	DA/1070/2018	SEVENTH-DAY ADVENTIST CHURCH 82 Angas Street ADELAIDE SA 5000	Install pylon sign	20/12/2018	\$12,400	Category 1
*40	DA/1071/2018	RUNDLE MALL PLAZA 44-60 Rundle Mall ADELAIDE SA 5000	Temporary placement of shipping container from 7th of January 2019 to 21st March 2019	20/12/2018	TBA	Category 1
41	DA/1072/2018	278 Melbourne Street NORTH ADELAIDE SA 5006	Two additional signs and amendments to existing signage	20/12/2018	\$1,000	Category 1
42	DA/1076/2018	ROYAL OAK HOTEL 121-129 O'Connell Street NORTH ADELAIDE SA 5006	Repair and refurbishment of verandah	20/12/2018	\$150,000	Category 1
*43	DA/1081/2018	ARTS THEATRE 53 Angas Street ADELAIDE SA 5000	Paint mural on wall	24/12/2018	\$500	Category 1
44	DA/11/2019	RUNDLE MALL PLAZA 44-60 Rundle Mall ADELAIDE SA 5000	Temporary scaffold tower installations for the 2019 Adelaide Fringe	9/01/2019	TBA	Category 1
45	DA/12/2019	Level 1 27 Gresham Street, ADELAIDE SA 5000	Use of venue as a temporary place of entertainment during the Adelaide Festival.	9/01/2019	\$5,000	Category 1
46	DA/13/2019	PARISH HALL 88 North Terrace ADELAIDE SA 5000	Conservation works to Parish Hall	9/01/2019	\$38,000	Category 1

**DEVELOPMENT PLANNING - Council Assessment Panel Report** Item No 5.1 - Attachment 5  
**Lodged Applications for Planning Consent from 30/11/2018 to 10/01/2019**

<b>47</b>	DA/14/2019	Basement 116 Hindley Street ADELAIDE SA 5000	Vary the hours of existing licensed premises to 4am on Fridays and Saturdays	9/01/2019	TBA	Category 1
<b>48</b>	DA/16/2019	Private Road, Charlicks Lane, ADELAIDE SA 5000	Temporary open-air pop-up restaurant and bar during the Fringe Festival	10/01/2019	\$5,000	Category 1
<b>49</b>	DA/2/2019	UNIVERSITY OF ADELAIDE North Terrace ADELAIDE SA 5000	External conservation works	6/01/2019	\$5,000	Category 1
<b>50</b>	DA/3/2019	275 Wright Street ADELAIDE SA 5000	Underpinning to front and western walls	7/01/2019	\$20,160	Category 1
<b>51</b>	DA/4/2019	254-258 Franklin Street ADELAIDE SA 5000	Change the use from offices to dwellings	7/01/2019	\$5,000	Category 1
<b>52</b>	DA/54/2018/A	AREL 411 Carrington Street ADELAIDE SA 5000	Vary previous authorisation construct two storey dwelling addition and rear carport - VARIATION - alterations to slab with associated alterations to ground, first floor and roof line	18/12/2018	TBA	To Be Determined
<b>53</b>	DA/598/2018/A	University of Adelaide - Union House (K/A 4F) Level 2 Victoria Drive ADELAIDE SA 5000	Vary previous authorisation external paving & landscaping, modification of existing openings, new sprung floor and internal fit out - VARIATION - Changes to northern carparking area	10/01/2019	TBA	
<b>54</b>	DA/6/2019	Sparkke At the Whitmore 317-319 Morphett Street ADELAIDE SA 5000	Alterations to shopfront and conservation works	7/01/2019	\$144,829	Category 1
<b>55</b>	DA/7/2019	HOWLAND COURT 157-159 Childers Street NORTH ADELAIDE SA 5006	Demolition of existing buildings and construction of two-storey residential flat building comprising nine (9) retirement village residences ancillary to Helping Hand	8/01/2019	\$4,000,000	Category 2
<b>56</b>	DA/727/2017/A	Building 02 - Rymill Park Building 52-56 East Terrace ADELAIDE SA 5000	Vary previous authorisation internal alterations to existing offices and new entry airlock - VARIATION - new egress stair and relocation of existing heritage stair	7/01/2019	TBA	Category 1
<b>57</b>	DA/8/2019	Bank West GF-MF 8 Rundle Mall ADELAIDE SA 5000	Remove ATM, front facade alterations and signage	8/01/2019	\$12,000	Category 1

Item No 5.1 - Attachment 6

# DEVELOPMENT PLANNING - Council Assessment Panel Report

## Lodged Applications for Planning Consent from 30/11/2018 to 10/01/2019

58	DA/9/2018/A	Rymill Park / Murlawirrapurka (Park 14) East Terrace ADELAIDE SA 5000	Vary previous authorisation erect various structures and use as for Gluttony Food and Wine Festival for the duration of the Adelaide Fringe (for 2018 - 2022) - VARIATION - amendments to site layout and additional structures	6/01/2019	TBA	Category 1
59	DA/9/2019	Red Gum Park / Karrawirra (Park 12) Frome Road NORTH ADELAIDE SA 5006	Temporary installations for the 2019 Adelaide Fringe Yabarra - 'Gathering of Light' event	8/01/2019	TBA	Category 1
60	DA/967/2014/C	49-50 Lefevre Terrace NORTH ADELAIDE SA 5006	Vary previous authorisation demolish existing buildings and construct 2 storey dwelling with swimming pool and solar panels on garage roof at rear - VARIATION - screening to front verandah and install screens to east facing windows in lieu of obscure glazing	7/12/2018	TBA	Category 2
Non-Complying Development						
#	APPLICATION	ADDRESS	DESCRIPTION	LODGED	COST	NOTIFY CATEGORY
61	DA/867/2017/A	Adelaide Fringe Festival Ground 136 Frome Street ADELAIDE SA 5000	Vary previous authorisation to install seven (7) rainwater tanks in various locations for The Adelaide Fringe to be used as Poster Pillars - VARIATION - remove two (2) sites and add two (2) new sites	11/12/2018	TBA	Category 1 Non-Complying
Section 49 Crown Development						
#	APPLICATION	ADDRESS	DESCRIPTION	LODGED	COST	NOTIFY CATEGORY
62	S49/1/2019	50-62 Sussex Street NORTH ADELAIDE SA 5006	Construction of two, two storey residential flat buildings comprising eight (8) dwellings	4/01/2019	\$2,000,000	Category 2
63	S49/2/2019	Halifax St Children's Ctr and Pre School, 257 Halifax Street, ADELAIDE SA 5000	Replace existing veranda and create outdoor learning area.	10/01/2019	\$134,000	TBA

Please Note: Category 1 (No Notification Required)  
 Category 2 (Adjacent Owners and Occupiers Notified Only)  
 Category 3 (As for Category 2, Plus Other Owners and Occupiers Directly Affected to a Significant Degree)

\* Approved

## CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL ON 21/1/2019

**Item No:** 6.1

**From:** Assessment Manager

**Subject:** Exclusion of the Public from attendance at the meeting to Consider Item 7.1 on a Confidential basis (2018/04291) [CAP]

Section 13(2) (viii) (Legal Advice)  
[*Planning, Development and Infrastructure (General) Regulations 2017 (SA)*]

### **PURPOSE**

To exclude the public from attendance at this part of the meeting to consider Item 7.1 in confidence pursuant to Regulation 13(2) (viii) (Legal Advice) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*.

### **REPORT**

#### Public Access to meetings

Regulation 13(1) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*, states:

13(1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*.

#### Legislative Provision enabling the Council Assessment Panel to exclude the public from attendance

Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*, states:

13(2) An assessment panel may exclude the public from attendance at a meeting -

- 13(2)(a) during so much of a meeting as is necessary to receive, discuss or consider in confidence any of the following information or matters:
- (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
  - (ii) information the disclosure of which –
    - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
    - (B) would, on balance, be contrary to the public interest;
  - (iii) information the disclosure of which would reveal a trade secret;
  - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
    - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
    - (B) would, on balance, be contrary to the public interest;
  - (v) matters affecting the safety or security of any person or property;
  - (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the rights to a fair trial;

- (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
  - (viii) legal advice;
  - (ix) information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place;
  - (x) information the disclosure of which –
    - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
    - (B) would, on balance, be contrary to the public interest; or
- 13(2)(b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

#### Meeting Conduct

To consider information or a matter in confidence, the Panel through a formal resolution is required to exclude the public from the meeting.

#### Conclusion

The Panel is requested to exclude the public from this part of the meeting.

### **RECOMMENDATION**

That the public be excluded from this part of the meeting of the City of Adelaide Council Assessment Panel dated 21/1/2019, (with the exception of members of Corporation staff and any person permitted to remain) to enable the Panel to consider Item 7.1 on a confidential basis.

[Section 13(2) (viii) (Legal Advice) - *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*]

## Item No 7.1      Matter for Consideration on a Confidential Basis

Pages 151 – 168

Section 13 (2) (viii) (legal advice) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)*.

<u>Subject Site</u>	Various locations throughout Adelaide and North Adelaide
<u>Proposal</u>	Change in content of advertising display on payphones at various locations