

Council Assessment Panel

Meeting Agenda

For the Electronic meeting Monday, 31 January 2022, at 5.30 pm.

A live stream of the meeting will be available via the City of Adelaide website at [Meeting live stream | City of Adelaide](#)

Panel Members

Presiding Member – Nathan Cunningham

Panel Member – Councillor Arman Abrahamzadeh (Deputy Lord Mayor)

Independent Members – Mark Adcock, Colleen Dunn and Emily Nankivell

Deputy Panel Member – Prof Mads Gaardboe

Opening and Acknowledgment of Country

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

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

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

Meeting Agenda

1. Confirmation of Minutes – 15/11/2021 [CAP]

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

2. Report to CAP

2.1 Council Assessment Panel – Delegations, Adoption of Meeting Procedures and Meeting Schedule [2021/02599] [CAP] [Page 3]

3. Declaration of Conflict of Interest

4. Applications assessed under Development Act 1993 (SA) with Representations - Nil

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

5.1 Subject Site 22 Brougham Court, North Adelaide SA 5006 [Page 47]

Development No. 21032920

Nature of Development Variation to DA/210/2020 - Alterations to previously approved addition including internal wall changes and additional upper living spaces

Application	Code Assessed - Performance Assessed
Representations	Listed to be Heard – Yes
Recommendation	Planning Consent be Refused

- 6. Applications assessed under Development Act 1993 (SA) without Representations - Nil**
- 7. Applications assessed under PDI Act 2016 (SA) without Representations - Nil**
- 8. Other Applications - Nil**
- 9. Other Business**
 - 9.1** Other Business listed in Agenda - Nil
 - 9.2** Other Business raised at Panel Meeting
 - 9.3** Next Meeting - TBC
- 10. Exclusion of the Public from attendance to Receive, Discuss or Consider Information/Matter on a Confidential Basis (If required)**
- 11. Confidential Matters (If any)**
- 12. Closure**

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CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL ON 31/1/2022

Item 2.1

From: Manager, City Development

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

PURPOSE

New delegations are required to be considered by the Council Assessment Panel (CAP) and endorsed, as well as Meeting Procedures and the Meeting Schedule for the 2022/23 Panel term.

ATTACHMENTS

Instrument C - Council Assessment Panel Delegations Under the *Planning Development & Infrastructure Act 2016 (SA)* - **Attachment A**

Meeting Procedures - **Attachment B**

Meeting Schedule - **Attachment C**

RECOMMENDATION

That the City of Adelaide Council Assessment Panel:

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

BACKGROUND

1. The City of Adelaide Council Assessment Panel (CAP) has been established in accordance with Section 83 of the *Planning, Development and Infrastructure Act 2016 (SA)* ('PDI Act'). The new term of the CAP commences January 2022 and ends December 2023.
2. Section 100 of the *Planning, Development and Infrastructure Act 2016 (SA)* (PDI Act) allows a relevant authority (other than an accredited professional) to delegate its powers and functions under this Act. Council, the Council Assessment Panel and an appointed Assessment Manager are all relevant authorities under the PDI Act and can therefore sub-delegate their powers and functions.
3. The most recent delegations from the Council Assessment Panel to staff were adopted by the previous CAP on 22 February 2021 prior to full implementation of the PDI Act on 19 March 2021. The delegations were based on the model delegations provided by the Local Government Association (LGA) at the time.
4. Since adoption of the Instrument of Delegation (Instrument C) by CAP, changes have been introduced to the legislation which necessitate the preparation and endorsement of new delegations. These have also been based on the model delegations provided by the LGA. The new delegations have been drafted by staff for the consideration of CAP and are included as **Attachment A** to this report.
5. The City of Adelaide Development Assessment Panel - Meeting Procedures have been revised for the CAP in accordance with the PDI Regulations and LGA draft Meeting Procedures. The new CAP is now required to adopt the CAP Meeting Procedures (**Attachment B**).
6. A Meeting Schedule (**Attachment C**) for the 2022/23 term also requires adoption by the CAP.

DISCUSSION

CAP as a Relevant Authority

7. The Act provides that the CAP is a relevant authority in its own right for planning and building consents in relation to development undertaken within the area of a council unless another authority is prescribed by section 93 of the Act, or the regulations.
8. For all other matters (except the granting of development approval in relation to which Council is the relevant authority) the Assessment Manager is assigned by Regulation 22(1)(a) of the PDI Regulations as the relevant authority (and thus the decision must be made by the Assessment Manager or a delegate thereof and cannot be referred to the Panel for determination).
9. This means the Panel is responsible for all administrative actions associated with the assessment of a development application that requires public notification including; the verification of the application, determining the classification of the application and relevant fees, any requests for additional information, undertaking public notification (including potentially the placement of a notice on the subject land), referral of the application to agencies, and a range of other administrative matters.
10. The intent of the delegations is to allow these administrative matters to be managed on a day-to-day basis by the Assessment Manager (as is currently the case), such that the Panel's role in relation to these remains the hearing of representations, deliberation, and determination of development applications.

New Delegations Instrument C

11. The LGA engaged Norman Waterhouse Lawyers to develop a comprehensive suite of delegation templates for councils to use to manage delegations.. Accordingly, four Instruments of Delegation (A, B, C and D), were prepared for use by the following relevant authorities under the PDI Act:
 - Councils
 - Council Assessment Panels, and
 - Assessment Managers
12. Of the four Instruments of Delegation, the CAP previously adopted '*Instrument C, Instrument of Delegation Under the Planning Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Power of and Assessment Panel*' (Instrument C) (**see Attachment A**). As the legislation has been updated, there are additional delegations required. These have been highlighted within **Attachment A**. The head delegate for all the powers, unless explicitly listed, is the Assessment Manager.
13. Instrument C proposes that CAP delegate (where appropriate) powers to the City of Adelaide Assessment Manager in the first instance, as the person being appointed by the Chief Executive Officer responsible for the management of Council's planning assessment operations, and the CAP.

Sub-Delegations

14. If CAP allows, a delegate may sub-delegate its powers. This is consistent with the powers proposed under Section 100 of the Act. Specific sub-delegations have been drafted and facilitated with the Corporate Governance & Risk Team. Further instruments of sub-delegation with suggested subdelegates will be formalised once CAP resolves to delegate its powers to the head delegate (the Assessment Manager).

Implementation

15. The delegations proposed, should CAP resolve to adopt them, will come into effect immediately and the previous delegations will be revoked.

Meeting Procedures

16. The Meeting Procedures have also been updated, adopting a similar layout as the LGA model Meeting Procedures. These require adoption by the new CAP.

Meeting Schedule

17. The meeting schedule for the 2022/23 term has been drafted and generally tailored to provide a meeting every 4th Monday of the month. There are minor variations where public holidays or Christmas closure dictate.

CONCLUSION

18. Instrument of Delegation C was drafted to be consistent with current practices under the existing system. It is therefore considered that the proposed new Instrument of Delegations C appropriately balances the discharging of CAP's role and responsibilities under the new system against ensuring efficient and effective ongoing operations. It is important to note that delegations can be reviewed at any time, and there may be a need to make further changes in the future.
19. The meeting procedures have also been updated for adoption by the new CAP.
20. The meeting schedule will ensure timely assessment of applications can occur.

INSTRUMENT C

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Assessment Panel to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Environment and Food Production Areas – Greater Adelaide
1.1	The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.
1.2	The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
2.	Appointment of Additional Members
2.1	The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.
3.	Relevant Authority – Commission
3.1	The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the

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	relevant authority.
4.	Relevant Provisions
4.1	The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:
4.1.1	refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or
4.1.2	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.
5.	Matters Against Which Development Must Be Assessed
5.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):
5.1.1	-
5.1.1.1	the relevant provisions of the Planning Rules; and
	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);
5.1.2	the relevant provisions of the Building Rules (building consent);
5.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):
5.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;
5.1.3.2	any relevant requirements set out in a design standard has been satisfied;
5.1.3.3	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;

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5.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;
5.1.3.5	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;
5.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):
5.1.4.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;
5.1.4.2	any relevant requirements set out in a design standard has been satisfied;
5.1.4.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;
5.1.4.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;
5.1.4.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;
5.1.4.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;
5.1.4.8	any building situated on the land complies with the Building Rules;
5.1.4.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;
5.1.5	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having

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	regard to any provision made by the Planning and Design Code or a design standard;
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;
5.1.7	such other matters as may be prescribed.
5.2	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:
5.2.1	until further assessment of the relevant development under the PDI Act; or
5.2.2	until further assessment or consideration of the proposed development under another Act; or
5.2.3	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.
5.3	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.
6.	Performance Assessed Development
6.1	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.
6.3	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.
7.	Building Consent
7.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions

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	or exceptions as may be prescribed by the regulations).
7.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.
7.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:
7.3.1	the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:
	7.3.1.1 that:
	(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and
	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or
	7.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.
7.4	The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.
7.5	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably

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	be achieved in the circumstances.
7.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.
7.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:
7.7.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or
7.7.2	such compliance is certified by a building certifier.
7.8	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification
7.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):
7.9.1	the variance; and
7.9.2	the grounds on which the decision is being made.
8.	Application and Provision of Information
8.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.
8.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:
8.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;

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8.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;
8.2.3	to consult with an authority or body prescribed by the regulations;
8.2.4	to comply with any other requirement prescribed by the regulations.
8.3	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to
8.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and
8.3.2	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).
8.4	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
8.5	The power pursuant to Section 119(9) of the PDI Act to:
8.5.1	permit an applicant:
8.5.1.1	to vary an application;
8.5.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application,
	(provided that the essential nature of the proposed development is not changed);
8.5.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;
8.5.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);
8.5.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any

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	document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
8.6	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.
8.7	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.
8.8	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.
9.	Outline Consent
9.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.
9.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
9.2.1	grant any consent contemplated by the outline consent; and
9.2.2	not impose a requirement that is inconsistent with the outline consent.
10.	Design Review
10.1	The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).
11.	Referrals to Other Authorities or Agencies
11.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:
11.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and

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11.1.2	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made
	where the regulations so provide, subject to Section 122 of the PDI Act.
11.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:
11.2.1	to refuse the application; or
11.2.2	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)
	where the regulations so provide.
11.3	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.
11.4	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.
12. Preliminary Advice and Agreement	
12.1	The power pursuant to Section 123(2) of the PDI Act, if:
12.1.1	a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and
12.1.2	the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and
12.1.3	the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),
	to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the

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	opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).
12.2	The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.
13.	Proposed Development Involving Creation of Fortifications
13.1	The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).
13.2	The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:
13.2.1	if the proposed development consists only of the creation fortifications - refuse the application; or
13.2.2	in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications
13.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.
13.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.
14.	Time Within Which Decision Must be Made
14.1	The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.
14.2	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.

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15. Determination of Application	
15.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
15.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
16. Conditions	
16.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
16.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.
16.3	The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).
16.4	The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.
16.5	The power pursuant to Section 127(8)(b) of the PDI Act to:
16.5.1	determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;
16.5.2	to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.

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17. Variation of Authorisation
17.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
18. Requirement to Up-grade
18.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
18.2 The power pursuant to Section 134(1) of the PDI Act, if:
18.2.1 an application for a building consent relates to:
18.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or
18.2.1.2 a change of classification of a building; and
18.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,
to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.
18.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.
18.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:
18.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and
18.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed

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18.5	The power pursuant to Section 134(4) of the PDI Act if:
18.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and
18.5.2	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
18.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:
18.6.1	subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and
18.6.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.
19.	Urgent Building Work NEW EDITION – not in previous Instrument C to CAP 9.03.2021
19.1	The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.
20.	Cancellation of Development Authorisation
20.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.
20.2	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.

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21. Professional Advice to be Obtained in Relation to Certain Matters
21.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.
21.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.
22. General Transitional Schemes for Panels
22.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to
22.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and
22.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and
22.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and
22.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and
22.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.
<u>(Only applicable to assessment panels appointed by a council or a joint planning board)</u>
23. Regional Assessment Panels
23.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:
23.1.1 adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made

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	before the relevant day under the repealed Act; and
23.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and
23.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and
23.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and
23.1.5	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.
<u>(Relevant to regional assessment panels only)</u>	
24.	Continuation of Processes
24.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:
24.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
24.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
24.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and
24.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
24.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
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25. Interpretation NEW EDITION – not in previous Instrument C to CAP 9.03.2021
25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.
26. Accredited Professionals
26.1 The power pursuant to Regulation 25(7)(c) of the General Regulations to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.
27. Verification of Application
27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:
27.1.1 determine the nature of the development; and
27.1.2 if the application is for planning consent - determine:
27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and
27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and
27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and
27.1.4 if the relevant authority is the correct entity to assess the

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	application (or any part of the application):
27.1.4.1	check that the appropriate documents and information have been lodged with the application; and
27.1.4.2	confirm the prescribed fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and
27.1.4.3	provide an appropriate notice via the SA planning portal; and
27.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):
27.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and
27.1.5.2	provide an appropriate notice via the SA planning portal.
28.	Site Contamination – Detailed Site Investigation Report NEW EDITION – not in previous Instrument C to CAP 9.03.2021
28.1	The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:
28.1.1	the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and
28.1.2	the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:
28.1.2.1	site contamination; and
28.1.2.2	if remediation is required, the extent of that remediation; and
28.1.3	the application is not required to be referred to the Environment

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	Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.
28.2	The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.
29.	Site Contamination – Statement of Suitability NEW EDITION – not in previous Instrument C to CAP 9.03.2021
29.1	The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.
30.	Application and Further Information
30.1	The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.
31.	Amended Applications
31.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
31.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
32.	Withdrawing/Lapsing Applications
32.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:
32.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and

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32.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,
	of the withdrawal.
32.2	The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.
32.3	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:
32.3.1	take reasonable steps to notify the applicant of the action under consideration; and
32.3.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.
33.	Court Proceedings
33.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.
34.	Additional Information or Amended Plans
34.1	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.
35.	Building Matters
35.1	The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:
35.1.1	a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or

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35.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or
35.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,
	refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.
35.2	The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
35.3	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.
35.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:
35.4.1	recommends against the granting of building consent; or
35.4.2	concur in the granting of consent on conditions specified in its report,
	but the delegate:
35.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or
35.4.4	does not propose to impose the conditions referred to in Regulation 45(4)(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
	to:
35.4.5	refer the application to the Commission; and
35.4.6	not grant consent unless the Commission concurs in the granting of the consent.
35.5	The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire

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	authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.
36. Preliminary Advice and Agreement (Section 123)	
36.1	The power pursuant to Regulation 46(6) of the General Regulations, if:
36.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and
36.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,
	to refer the application (unless withdrawn) to the prescribed body:
36.1.3	to obtain a variation to the agreement under Section 123 of the PDI Act; or
36.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.
36.2	The power pursuant to Regulation 46(7) of the General Regulations if:
36.2.1	an application is withdrawn by the applicant; and
36.2.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,
	to notify relevant prescribed body of the withdrawal.
36.3	The power pursuant to Regulation 46(8) of the General Regulations, if:
36.3.1	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and
36.3.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,
	to notify the relevant prescribed body of the lapsing.
36.4	The power pursuant to Regulation 46(9) of the General Regulations, if:
36.4.1	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and
36.4.2	a notice of a decision on the application is issued by the delegate

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	under Regulation 57 of the General Regulations,
	to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.
37.	Notification of Application of Tree-damaging Activity to Owner of Land
37.1	The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:
37.1.1	give the owner notice of the application within 5 business days after the application is made; and
37.1.2	give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.
38.	Public Inspection of Applications
38.1	The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.
39.	Representations
39.1	The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:
39.1.1	who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and
39.1.2	who has indicated an interest in appearing before the delegate,
	an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.
40.	Response by Applicant
40.1	The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such

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longer period as the delegate may allow.	
41. Notice of Decision (Section 126(1))	
41.1	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
42. Consideration of Other Development Authorisations	
42.1	The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.
43. Certificate of Independent Technical Expert in Certain Cases	
43.1	The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.
44. Urgent Work	
44.1	The power pursuant to Regulation 63(1) of the General Regulations to,
44.1.1	determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and
44.1.2	determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
44.2	The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
44.3	The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
45. Variation of Authorisation (Section 128)	
45.1	The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act

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	(including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.
46. Advice from Commission	
46.1	The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.
47. Underground Mains Area	
47.1	The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.
48. Construction Industry Training Fund NEW EDITION – not in previous Instrument C to CAP 9.03.2021	
48.1	The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.
48.2	The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.
49. New Dwellings NEW EDITION: referred to previously within 44. Plans for Residential Alterations, Additions and New Dwellings but only as Clause 2 (d)(ii)(B). 44.1-2.	
49.1	The power pursuant to clause 2(1)(b) of Schedule 6B of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than a

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previous use or activity that was for residential purposes.	
50. Plans for Building Work	
50.1	The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:
50.1.1	the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or
50.1.2	the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,
to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019

51. Calculation or Assessment of Fees	
51.1	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):
51.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee any fee payable under the Fees Regulations or a related set of regulations; and
51.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations or a fee notice (even if the assessment panel is not a relevant authority).
51.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the

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	delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
51.3	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.

PLANNING AND DESIGN CODE

52.	Procedural Matter	NEW EDITION
52.1	The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	
53.	Procedural Referrals	NEW EDITION NOT LISTED IN PREVIOUS INSTRUMENT C PRESENTED TO CAP 9.03.2021
53.1	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	
53.2	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	
53.2.1	alteration to an existing access or public road junction;	
53.2.2	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,	
	to be minor.	
53.3	The power pursuant to and in accordance with the PD Code to form the	

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	opinion an alteration or extension of an existing dwelling is minor.
53.4	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.
53.5	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.
53.6	The power pursuant to and in accordance with the PD Code to form the opinion alterations to an existing access or public road junction are minor.
53.7	The power pursuant to and in accordance with the PD Code to form the opinion development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access is minor.
54.	Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001 NEW EDITION NOT LISTED IN PREVIOUS INSTRUMENT C PRESENTED TO CAP 9.03.2021
54.1	The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.

**STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF
PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019**

55.	Responsibility to Undertake Notification
55.1	The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.
56.	Preparing for Notification NEW EDITION NOT LISTED IN PREVIOUS INSTRUMENT C PRESENTED TO CAP 9.03.2021
56.1	The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:

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56.1.1	give notice of the anticipated commencement date and of the notification period to the applicant; and
56.1.2	provide the applicant with a copy of the content of the notice to be placed on the relevant land; and
56.1.3	advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.
57. Notice on Land NEW EDITION NOT LISTED IN PREVIOUS INSTRUMENT C PRESENTED TO CAP 9.03.2021	
57.1	The power pursuant to clause 10(2) of PD3, in relation to clause 10(1)(a) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.

**STATE PLANNING COMMISSION PRACTICE DIRECTION (APPOINTMENT OF
ADDITIONAL MEMBERS TO ASSESSMENT PANEL) 2019**

58. Qualifications and Experience of Additional members	
58.1	The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.
58.2	The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.

**STATE PLANNING COMMISSION PRACTICE DIRECTION (SCHEME TO AVOID
CONFLICTING REGIMENS) 2019**

59. Scheme Provisions	
59.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such

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assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.
59.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.

SITE PLANNING COMMISSION PRACTICE DIRECTION 14 SITE CONTAMINATION ASSESSMENT 2021	
60. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act	
60.1	The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.
61. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act	
61.1	The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition: <i>A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</i>
SITE PLANNING COMMISSION PRACTICE DIRECTION 16 URBAN TREE CANOPY OFF-SET SCHEME	
62. Reserved Matter	
62.1	The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI

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<p>Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.</p>
<p>63. Process for Payments to the Fund</p>
<p>63.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.</p>
<p>64. Development within Council Fund Designated Areas</p>
<p>64.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.</p>

<p>URBAN TREE CANOPY OFF-SET SCHEME</p>
<p>65. Payment into Fund</p>
<p>65.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.</p>
<p>66. Use of Money from Fund</p>
<p>66.1 The power pursuant to clause 9 of the UTCOS to use money distributed from the fund for any of the following purposes (and for no other purpose):</p>
<p>66.2 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or</p>

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66.3	the purchase of land within a designated local government area to ensure:
66.4	the preservation of trees; or
66.5	that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
5.1.1, 5.1.3, 5.1.5	<p style="text-align: center;">Limitation:</p> <p>This delegation is limited to applications in relation to which:</p> <ul style="list-style-type: none">• No valid representations are received; or• All valid representations are withdrawn; or• No representor wishes to be heard in relation to their representation. <p style="text-align: center;">Exclusion to Limitation:</p> <p>Except in cases where a deemed consent notice has been served on the Council Assessment Panel, in which case the limitation does not apply, and the Assessment Manager is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant consent in respect of the relevant provisions of the Planning Rules without limitation</p>

These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the *Planning, Development and Infrastructure (General) Regulations 2017 (Regulations)* and Council's adopted CAP Terms of Reference.

1. CAP Meetings

Ordinary Meetings

- 1.1 Subject to clause 1.2, ordinary meetings of the Council Assessment Panel (CAP) will be held at such times and places as determined by the CAP.
- 1.2 The time and place of the first meeting of the CAP following its establishment will be determined by the Assessment Manager. The Assessment Manager must give notice of the first CAP meeting to the CAP and the public in accordance with clauses 1.4 and 1.6.
- 1.3 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than 3 clear days prior to the holding of the meeting in accordance with clause 1.4.
- 1.4 Notice of a meeting of the CAP must:
 - 1.4.1 be in writing;
 - 1.4.2 set out the date, time and place of the meeting;
 - 1.4.3 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable); and
 - 1.4.4 be given to a CAP Member:
 - 1.4.4.1 via email to an email address authorised in writing by the CAP Member; or
 - 1.4.4.2 by other means authorised by the CAP Member as being an available means of giving notice;
 - 1.4.5 pursuant to clause 9, where attendance at the meeting is to occur by electronic means (in whole or in part), include details of how to connect to the meeting; and
 - 1.4.6 where the meeting is live streamed for viewing by members of the public pursuant to clause 9, include details of how to access and/or connect to the live stream.
- 1.5 A notice that is not given in accordance with clause 1.4 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the CAP Member.
- 1.6 Subject to clause 1.7, the agenda, CAP report and associated attachments for all meetings of the CAP will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.7 If the CAP is receiving information and/or legal advice that in the opinion of the Assessment Manager relates to a matter under regulation 13(2)(a)(i) – (x) (inclusive) of the Regulations, then that information and/or legal advice will not be made publicly available pursuant to clause 1.6 until the CAP has considered the agenda item to which it relates. However, if in considering that agenda item, the CAP decides to retain the information and/or legal advice in confidence, then it will not be made publicly available until such time, event, or circumstance as is stipulated by the CAP in its absolute discretion.
- 1.8 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that

item to be considered at the meeting to CAP Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.

- 1.9 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 1.10 A meeting may break for a period of time as determined by the Presiding Member.

Special Meetings

- 1.11 The Assessment Manager may by delivering a written request to the Presiding Member, or two or more CAP Members, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.12 On receipt of a request pursuant to clause 1.11, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP Members at least 4 hours before the commencement of the special meeting.

2. Deputy Members

- 2.1 If a CAP Member is unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause 2.1 is given, the Assessment Manager may request a Deputy Member (subject to relevant clauses in relation to Deputy Members within the CAP Terms of Reference) attend the meeting in place of a CAP Member for the meeting or part of the meeting.
- 2.3 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes a Deputy Member.

3. Commencement of Meetings

- 3.1 Subject to a quorum (minimum of three (3) CAP Members) being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 3.2 If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- 3.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 3.4 In the instance when the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

4. Representations under the Development Regulations 2008

- 4.1 The Assessment Manager and/or Presiding Member may in his or her discretion exclude:
 - 4.1.1 a representation or response to representation(s) which is received out of time;
 - 4.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
 - 4.1.3 a representation or response to representation(s) which is otherwise invalid.
- 4.2 The Presiding Member may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.

- 4.3 Any material to be considered by the CAP pursuant to clause 4.2 must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- 4.4 In relation to each application to be considered and determined by the CAP:
- 4.4.1 a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 4.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - 4.4.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any matters raised by a representor, in person or by an agent;
 - 4.4.3 where a Category 2 or 3 application before the CAP is recommended for refusal and no representations have been received in respect of the application, the CAP may in its absolute discretion, allow the applicant to address the CAP in support of the application;
 - 4.4.4 representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - 4.4.5 CAP Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - 4.4.6 following addresses from representors and the applicant, the Presiding Member will invite all CAP Members to speak on any matter relevant to the application.

5. Representations lodged under the Planning, Development and Infrastructure (General) Regulations 2017

- 5.1 The Assessment Manager and/or Presiding Member may in his or her discretion exclude a representation or response to representation(s) which is received out of time;
- 5.2 The Presiding Member may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 5.3 Any material to be considered by the CAP pursuant to clause 5.2 must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- 5.4 In relation to each application to be considered and determined by the CAP:
- 5.4.1 a person who has lodged a representation which has not been excluded pursuant to clause 5.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - 5.4.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any matters raised by a representor, in person or by an agent;
 - 5.4.3 representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - 5.4.4 CAP Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - 5.4.5 following addresses from representors and the applicant, the Presiding Member will invite all CAP Members to speak on any matter relevant to the application.

6. Review of an Assessment Manager Decision

Commencing a Review

- 6.1 An application for review must relate to a prescribed matter, as defined in section 201 of the Act (**Prescribed Matter**), for which an Assessment Manager was the relevant authority.
- 6.2 An application for review must be:
 - 6.2.1 made using the "Application to Assessment Panel for Assessment Manager's Decision Review" published on the SA Planning Portal (**Form**);
 - 6.2.2 lodged in a manner identified on the Form; and
 - 6.2.3 lodged within one (1) month of the applicant receiving notice of the Prescribed Matter unless the Presiding Member in his or her discretion grants an extension of time.
- 6.3 In determining whether to grant an extension of time, the Presiding Member may consider:
 - 6.3.1 the reason for the delay;
 - 6.3.2 the length of the delay;
 - 6.3.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 6.3.4 the interests of justice;
 - 6.3.5 whether the applicant has, or is within time to, appeal the Prescribed Matter to the Environment, Resources and Development Court; and
 - 6.3.6 any other matters the Presiding Member considers relevant.

Materials for Review Process

- 6.4 The Assessment Manager shall present to the CAP all materials which were before the Assessment Manager (or delegate) at the time of the decision on the Prescribed Matter including:
 - 6.4.1 application documents, reports, submission, plans specifications or other documents submitted by the applicant; and
 - 6.4.2 internal and/or external referral responses and any checklist and/or report from Council staff or an external planning consultant written for the Assessment Manager.
- 6.5 The Assessment Manager (or delegate) must:
 - 6.5.1 prepare a report to the CAP setting out details of the relevant development application, the Prescribed Matter the subject of the review and the reasons for the Assessment Manager's (or delegate's) decision; and
 - 6.4.2 not introduce new material or review the decision previously made.

Review Process

- 6.6 The review hearing shall be undertaken in accordance with the following:
 - 6.6.1 The Assessment Manager must advise the applicant of the time and date of the CAP meeting at which the review application will be heard.
 - 6.6.2 On review, the CAP will consider the decision afresh.
 - 6.6.3 Information, materials and submissions which were not before the Assessment Manager at the time of the decision on the prescribed matter will not be considered by the CAP.
 - 6.6.4 The CAP will not receive any submission or address from any party (including the applicant for review).

- 6.5.4 The Presiding Member may however, ask or permit CAP Members to ask questions or seek clarification from the applicant and/or the Assessment Manager (or delegate), in his or her discretion.
- 6.6.5 The Assessment Manager must be present at the CAP meeting to respond to any questions or requests for clarification from the CAP.
- 6.6.6 Where the decision on the Prescribed Matter was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 6.6.7 The Presiding Member will invite all CAP Members to speak on any matter relevant to the review.
- 6.6.8 The CAP may resolve to defer its decision if it considers it requires additional time or information to make its decision.

Outcome of Review

- 6.7 The CAP may, on a review:
 - 6.7.1 affirm the Assessment Manager's decision;
 - 6.7.2 vary the Assessment Manager's decision; or
 - 6.6.3 set aside the Assessment Manager's decision and substitute its own decision.
- 6.8 An applicant should be advised in writing of the CAP's decision by the Assessment Manager within a reasonable time.

7. Decision Making

- 7.1 Subject to complying with these procedures, during debate and decision making, the CAP will act with a minimum of formality and without regard to formal procedures or protocols.
- 7.2 At all times, discussion will be managed by the Presiding Member in the Presiding Member's absolute discretion. The Presiding Member will ensure that each CAP Member has an opportunity for discussion, comments and questions about the matter for decision.
- 7.3 At the conclusion of discussion and debate on a matter, the Presiding Member will call for a motion to vote in relation to the recommendation as printed in the agenda report or for a motion on alternative terms to that recommendation (including, but not limited to, the addition, deletion or amendment of a condition or note proposed in that recommendation).
- 7.4 Each CAP Member present at a meeting of the CAP, (including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a CAP Member who is unable to attend the meeting) is entitled to one vote on any matter arising for decision. Additional experts/advisors appointed by the CAP to provide expert advice and assistance are not entitled to vote.
- 7.5 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by CAP Members present at the meeting and entitled to vote. If the votes are equal, the Presiding Member is entitled to a second or casting vote.
- 7.6 In relation to each application it considers, the CAP must:
 - 7.6.1 determine whether the proposal is seriously at variance with the Development Plan or Planning Rules (as relevant); and
 - 7.6.2 provide reasons for refusing Development Plan consent or planning consent (as relevant) (including reasons for any determination that the proposal is seriously at variance).
- 7.7 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.

- 7.8 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or be disconnected from a meeting where he or she is, in the opinion of the Presiding Member:
- 7.8.1 behaving in a disorderly manner; or
 - 7.8.2 causing an interruption or disruption to the meeting.

8. Minutes and Reporting

- 8.1 The CAP must ensure that accurate minutes are kept of all meetings.
- 8.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 8.3 The minutes will record:
- 8.3.1 the names of all CAP Members present;
 - 8.3.2 the names of all CAP Members from whom apologies have been received;
 - 8.3.3 the name and time that a CAP Member enters or leaves the meeting;
 - 8.3.4 the name of every person (and their representative) who makes or responds to a representation;
 - 8.3.5 the methods of attendance by all CAP Members present and by every person who makes or responds to a representation (and their representative);
 - 8.3.6 in relation to each application determined by the CAP:
 - 8.3.6.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
 - 8.3.6.2 the reasons for refusing Development Plan consent or planning consent (as relevant) (including reasons for any determination that the proposal is seriously at variance); and
 - 8.3.7 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 8.3.8 a decision to exclude the public from attendance and retain the minutes of the item in confidence pursuant to the *Regulations*;
 - 8.3.9 in relation to each application for review of an Assessment Manager decision:
 - 8.3.9.1 the determination of the CAP as to whether the proposal is seriously at variance with the Planning Rules; and
 - 8.3.9.2 the reasons for the CAP's decision under section 203(4) of the PDI Act;
 - 8.3.10 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a CAP Member in accordance with Section 83(1)(g) of the PDI Act, and the nature of the interest;
 - 8.3.11 any disclosure of a conflict of interest made by a CAP Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the PDI Act (Code of Conduct), and the nature of the interest; and
 - 8.3.12 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- 8.4 All minutes must be confirmed by the CAP as being accurate, at the commencement of the following CAP meeting.

9. Electronic Meetings

- 9.1 Definitions:
- 9.1.1 **connect** means able to hear and/or see the meeting by electronic means, including via live stream;

- 9.1.2 **disconnect** means to remove the connection so as to be unable to hear and see the meeting;
- 9.1.3 **electronic** means includes using 1 or both (including a combination) of the following means of communication:
- 9.1.3.1 audio visual;
- 9.1.3.2 audio,
and includes a telephone, computer or other device used for communication;
- 9.1.4 **live stream** means the transmission of audio and/or video from a meeting at the time the meeting is occurring.
- 9.2 Pursuant to section 39 of the *Legislation Interpretation Act 2021*, at the discretion of the Assessment Manager and/or Presiding Member:
- 9.2.1 a CAP meeting may take place entirely by electronic means; and/or
- 9.2.2 a CAP meeting may be livestreamed; and/or
- 9.2.3 one or more CAP Members may attend a CAP meeting via electronic means; and/or
- 9.2.4 a representor and/or applicant under clause 4 or clause 5 may attend a CAP meeting via electronic means; and/or
- 9.2.5 an applicant for a review of a decision of an Assessment Manager under clause 6 may attend a CAP meeting via electronic means.
- 9.3 The discretion of the Assessment Manager and/or Presiding Member under clause 9.2 may be exercised to require attendance at the CAP meeting by electronic means regardless of whether a request for attendance by electronic means has been received or not by the Assessment Manager and/or Presiding Member.
- 9.4 A CAP Member who is attending a meeting by electronic means is taken to be present at the meeting provided that the Presiding Member can see and hear each CAP Member and a CAP Member:
- 9.4.1 can hear and, where possible, see all CAP Members who are present at the meeting;
- 9.4.2 can hear and, where possible, see all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;
- 9.4.3 can be heard and, where possible, be seen by CAP Members present at the meeting; and
- 9.4.4 can be heard and, where possible, be seen by the person recording the minutes of the meeting.
- 9.5 Where a meeting occurs solely via electronic means, it shall (to the extent that the public is not able to physically attend the meeting) be live streamed.
- 9.6 Where a meeting is being live streamed, the live stream shall be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to regulation 13(2) of the Regulations.
- 9.7 Where the public has been excluded from attendance pursuant to regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager shall ensure that all parties except for CAP Members (and the Assessment Manager, Council Administration, the meeting minute taker and any other person identified by the CAP (such as professional advisors to the CAP)) disconnect from or are disconnected from the meeting.

10. Additional Procedures and Support

- 10.1 Insofar as any procedure to be followed by the CAP is not prescribed by the PDI Act and Regulations, the CAP's Terms of Reference, the Code of Conduct or these Meeting Procedures - the CAP may by resolution determine the procedure for itself. Any such determination may be added to these Meeting Procedures.

- 10.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.
- 10.3 The CAP will permit and encourage active participation of Council staff in attendance at a meeting in providing advice to the CAP.
- 10.4 If a CAP Member requires additional information or clarification on a matter contained within an Agenda, an email shall be directed to the Assessment Manager as soon as practicable. The response will be provided to all CAP Members.
- 10.5 If a CAP Member has a conflict of interest on a matter contained with the Agenda, that CAP Member must advise the Assessment Manager in writing as soon as practicable after distribution of the Agenda.

Item 2.1 - Attachment B

Council Assessment Panel Meeting Schedule 2022/2023



25 Pirie Street, Adelaide
GPO Box 2252 Adelaide
South Australia 5001

T (08) 8203 7203
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ABN 20 903 762 572

2022
31 January
28 February
28 March
2 May +
30 May +
27 June
25 July
22 August
26 September
24 October
21 November * (due to earlier Dec date)
12 December *
2023
30 January =
27 February
27 March
1 May (in lieu of April) +
29 May +
26 June
24 July
28 August
25 September
23 October
20 November * (due to earlier Dec date)
11 December *

+ meeting not on the fourth Monday due to public holiday

* meeting not on the fourth Monday due to Christmas

= meeting not on the fourth Monday due to Council closure Christmas/New Year

DEVELOPMENT NO.:	21032920
AGENDA ITEM NUMBER	5.1
APPLICANT:	Phillip Gaertner and Cassandra Hunter
ADDRESS:	22 Brougham Court, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Variation to DA/210/2020 - Alterations to previously approved addition including internal wall changes and additional upper living spaces
ZONING INFORMATION:	Zones: • City Living Subzones: • North Adelaide Low Intensity Overlays: • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Building Near Airfields • Design • Historic Area • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	22 October 2021
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel Meeting Date – 31 January 2022
PLANNING & DESIGN CODE VERSION:	2015.15
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edouard Pool Senior Planner – Development Assessment
REFERRALS STATUTORY:	Not required
REFERRALS NON-STATUTORY:	Local Heritage

CONTENTS

Appendix 1: Relevant P&D Code Policies

Attachment 1: Application Documents

Attachment 2: Subject Land & Locality Plan

Attachment 3: Zoning Map

Attachment 4: Representation Map

Attachment 5: Representations

Attachment 6: Response to Representations

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Matthew and Katy Gershwitz of 24-26 Brougham Court

Applicant

- Phillip Gaertner and Cassandra Hunter

1. DETAILED DESCRIPTION OF PROPOSAL:

- 1.1 The development application proposes the following:
- Demolition of an existing storage shed and lean-to at the rear of the existing dwelling
 - Excavation and levelling of the site to a maximum of 1 metre below existing ground level
 - Construction of a two-storey addition at the rear of the site
 - Extension of the existing roof to accommodate an attic accommodating a family room.
- 1.2 A building height of 6.65 metres to the roof level is proposed.
- 1.3 The proposed building will abut the north, south and rear boundaries.
- 1.4 A mix of materials, finishes and colours are proposed including red brick and rendered brick walls at ground level, Hardies Axon cladding in 'Dune' colour at upper level, aluminium windows in white, Colorbond roofing in 'Dune' colour and Colorbond good neighbour fencing in 'Dune' colour.

2. BACKGROUND:

- 2.1 On 15 December 2014 an application for construction of a two storey rear addition was approved by the Development Assessment Panel (DA/336/2014). The proposal included an upper level setback of 1.86 metres from the southern boundary adjacent to 18 Brougham Court and a plunge pool.
- 2.2 The applicant was unable to proceed with the development at the time and obtained three extensions to the planning consent, however no work commenced and the approval lapsed on 29 July 2018. Council declined to grant any further extensions.
- 2.3 A revised similar proposal was lodged in April 2020 (DA/210/2020). The proposal removed the plunge pool and incorporated a two storey element extending up to the southern boundary of abutting 24-26 Brougham Court. Administration sought amendment of the proposal to reduce the amount of two storey built form on the north and south property boundaries however the applicant declined to amend the proposal. The application was approved by Council's Assessment Panel on 24 August 2020.

3. SUBJECT LAND & LOCALITY:

Subject Land

- 3.1 The subject site is located on the eastern side of Brougham Court, approximately 57 metres from the intersection between Brougham Court and Brougham Place.
- 3.2 The existing building is a Local Heritage Place.
- 3.3 The site is rectangular with a width of 9.27 metres, a depth of 29.06 metres and has a total site area of 268 square metres.
- 3.4 The site slopes towards the rear of the block, falling by approximately 700mm. The land also slopes downwards from north to south by approximately 550mm.
- 3.5 The site is subject to an easement located in the north-east corner of the site measuring 1.5 metres by 800mm for sewerage purposes to the Minister for Infrastructure to facilitate sewerage disposal towards Bagot Street.

Note: The applicant is aware that a separate consent from the Minister of Infrastructure (SA Water) is required to facilitate construction over the easement.

Locality

- 3.6 The site is abutted at the rear by a three-storey office building located on Bagot Street, with a sheer blank brick wall located on the majority of the rear boundary.
- 3.7 A shared sewer pipe runs from the rear yard of the subject land northwards and includes 24, 26 and 28 Brougham Court. There is no registered easement over this infrastructure.
- 3.8 The locality is mostly residential in nature; however there are a number of non-residential premises to the south and east. The most significant non-residential premises are offices at 17-21 Bagot Street (behind the subject site), the Queens Head Hotel at the corner of Kermode Street and Abbott Lane and St Marks College.
- 3.9 Dwellings in the locality are one and two storeys in height and many are Local Heritage Places, particularly along Brougham Court.
- 3.10 Brougham Court is characterised by detached and semi-detached cottages which were originally built as workers dwellings, with some having had single and two storey dwelling additions located behind the original dwelling forms.
- 3.11 Whilst the subject site and adjacent sites are relatively flat, the land in this area forms part of the escarpment that separates upper North Adelaide from lower North Adelaide. Thus, the land to the north of the subject site is higher whilst the land to the south is lower.

Photo 3.1 – Subject Site with three storey office building at 17-21 Bagot Street



Photo 3.2 – Subject site looking at the rear of the Local heritage place



Photo 3.3 - Subject site viewed from Brougham Court with number 18 visible on the right



Photo 3.4 – Rear yard of 18 Brougham Court looking north to 22 Brougham Court



Photo 3.5 – View of northern boundary viewed from family / dining room of 18 Brougham Court



Photo 3.6 – View of rear yard of 24 Brougham Court looking south towards the subject site



Photo 3.7 – View of rear yard of 24 Brougham Court with number 22 visible on the left



4. CONSENT TYPE REQUIRED:

Planning Consent

5. CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Demolition: Code Assessed - Performance Assessed

Internal building work: Code Assessed - Performance Assessed

Dwelling addition: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

The proposed development is listed within Zone Table 1 as Accepted and Table 2 Deemed to Satisfy, however the land is subject to the Local Heritage Place Overlay, Historic Area Overlay and Heritage Adjacency Overlay. The proposal therefore defaults to Code Assessed – Performance Assessed development.

6. PUBLIC NOTIFICATION

- **REASON**

Zone Table 5 excludes dwelling additions from notification except where a building wall is proposed on the side or rear boundaries, and it exceeds a length of 8 metres or exceeds a height of 3 metres. Side walls are proposed along the north and south boundaries and the height of the walls exceeds 3 metres. As a result, notification was undertaken.

- **LIST OF REPRESENTATIONS**

Against

Jo Duldig – 24 Brougham Court, North Adelaide SA 5006

Matthew Gerschwitz – 18 Brougham Court, North Adelaide SA 5006

Support

Chris Harris – 14 Brougham Court, North Adelaide SA 5006

Elisa Toome – 14 Brougham Court, North Adelaide SA 5006

TABLE 6.1 – SUMMARY OF REPRESENTATIONS

Summary of Representations	Applicant Response
<ul style="list-style-type: none"> • Development is 2 storeys, within the scale of existing housing 	<ul style="list-style-type: none"> • The proposed development is within height, overshadowing and natural light requirements. • The height of the proposed two storey extension remains no higher than the roof pitch of the existing heritage place as required and as previously approved by the Council Assessment Panel.
<ul style="list-style-type: none"> • Does not seek to minimise visual impact 	<ul style="list-style-type: none"> • Excavation to significantly lower the building level and incorporation of a flat roof design will reduce the

	<p>overall height to ensure the extension will not exceed the height of the existing heritage place.</p> <ul style="list-style-type: none"> The proposed two storey component is located at the rear of the land, furthest point from the dwelling situated at 18 Brougham Court.
<ul style="list-style-type: none"> Excessive bulk massing, scaling and siting 	<ul style="list-style-type: none"> The extension incorporates materials of varied textures and colours to provide a distinct, although complementary, separation from the existing heritage property and to reduce perceived visual mass. The previously approved plans included a small plunge pool. The conversion of this footprint to living area provides greater usable space throughout the entire year. The site coverage (footprint) will be 65%. Whilst this is over the desired 50%, the Planning and Design Code allows an additional ancillary structure to be erected with a maximum site coverage of 20% for the allotment size. The proposal is therefore below the total allowable site coverage. The additional living area is to accommodate our growing family. The addition retains space for two off-street vehicles to park and sufficient private open space.
<ul style="list-style-type: none"> Visual bulk adjacent to private open space not minimised 	<ul style="list-style-type: none"> The length of the southern boundary wall has not changed from that previously approved.
<ul style="list-style-type: none"> Character and amenity of private open space is detrimentally affected 	<ul style="list-style-type: none"> The Council Assessment Panel undertook a site visit prior to the approval of our previous development application. Members may recall the expansive vegetation situated along the boundary of 18 Brougham Court, which will result in the majority of the southern boundary wall being masked from view.
<ul style="list-style-type: none"> Extension is not consistent with prevailing side and rear setbacks 	<ul style="list-style-type: none"> The setback is consistent with the established streetscape of the locality, with four of the eight dwellings located in Brougham Court sharing a common wall; being built on the boundary. This includes 22 and 24 Brougham Court and 26 and 28 Brougham Court. There are numerous dwellings which share common walls and are built on boundary in the Cathedral Precinct as well as wider North Adelaide. The northern boundary wall is setback from the side boundary not less than the nearest side setback of the primary building on the adjoining allotment. The primary building on the adjoining allotment is built on the boundary, with the dwellings sharing a common wall.
<ul style="list-style-type: none"> Reduces available sunlight 	<ul style="list-style-type: none"> The setback on the northern boundary will not impact the natural light or ventilation to 24 Brougham Court, given the wall is to be located on the southern boundary of 24 Brougham Court.

	<ul style="list-style-type: none"> To minimise perceived visual impact, the northern boundary wall will: <ul style="list-style-type: none"> incorporate an alcove with a setback of 1.2m and length of 1.6m, to reduce the overall continuous length of the wall and therefore perceived visual mass be constructed from materials of varied complementary textures and colours. As highlighted in above responses, the proposed addition to 22 Brougham Court has been carefully designed to not detract from the streetscape or amenity of adjoining properties and does not impede on-site functional requirements.
<ul style="list-style-type: none"> Overlooking 	<ul style="list-style-type: none"> In line with required specifications, to ensure both the privacy of our family and the residents of neighbouring properties.
<ul style="list-style-type: none"> Air-conditioning 	<ul style="list-style-type: none"> Future air-conditioning units to be installed to roof of addition. Exact location to be determined on site with owner prior to ordering. Provide appropriate sound dampening surround as necessary and in accordance with Council requirements.
<ul style="list-style-type: none"> Fencing 	<ul style="list-style-type: none"> An updated survey of the site (22 Brougham Court) will be undertaken prior to the commencement of building works to ensure the accurate location of all structures and fencing on true boundaries. Despite reasons provided in the representation with respect to visual dominance of new structures to the southern boundary, a request has been made by the representor to extend the length of the proposed 2 metre high southern boundary rendered wall to the rear (east) of the carport located at 18 Brougham Court. We will favourably consider this request, provided Council support and given the owners of 18 Brougham Court provide prompt written notice consenting to the undertaking of the proposed fencing works.
<ul style="list-style-type: none"> Impact of the proposed development on the existing private sewer lines 	<ul style="list-style-type: none"> The properties at 22, 24, 26 and 28 Brougham Court shared a private sewerage line which connects into the SA Water mains line. It is our understanding that number 26 removed themselves from the private line to connect directly into the SA Water mains line some years ago. Since purchasing 22 Brougham Court, we have been required to, at least once per annum, independently arrange for and fund the clearing of the private sewerage line due to blockages; our positioning along the line resulted in our property bearing any overflows. As a result of this, and in preparation for building, through SA Water, our property at 22 Brougham Court was disconnected from the private sewerage line and connected directly to the SA Water mains line in November 2021.

7. AGENCY REFERRALS

Not required.

8. INTERNAL REFERRALS

Local Heritage

The following advice has been received from Council's Heritage Advisor.

- In principle the current proposed rear addition can be considered as a separate built form linked to the rear of the dwelling. The direct impact of this proposed addition upon the heritage value of the Local Heritage Place is minimal.
- Proposed works which directly affect the fabric of the Local Heritage Place are rebuilding of the rear roof hip into a gable accommodating the roof attic and a new doorway in the south (side) wall. These are to the rear of the dwelling with minimal visual impact when viewed from Brougham Court.
- A replacement roof and new gutters are also nominated on the drawings. The roof is corrugated iron in a colorbond 'Dune' finish as is the gutter. The gutter profile is not nominated. To clarify the desired heritage outcome, the following conditions should be added if Planning Consent is granted:
 - New gutters are to be ogee profile with 75mm diameter downpipes
 - The new roof should be a Z600 galvanised finish not colorbond as nominated.

9. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

9.1 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Low to medium-density housing desired. 	✓
Land Use & Intensity PO 1.1	<ul style="list-style-type: none"> Dwellings desired land use. 	✓
Built Form and Character PO 2.1 – 2.4	<ul style="list-style-type: none"> Does not exceed the maximum desired building height. The siting at the rear ensures it will not adversely impact upon the valued streetscape. 	✓
Building Setbacks PO 3.1 – 3.5	<ul style="list-style-type: none"> Not achieved. See Section 9.5 for discussion. 	✗
Car Parking and Access PO 5.1	<ul style="list-style-type: none"> No change to the existing car parking arrangement. 	✓

9.2 Summary of North Adelaide Low Intensity Subzone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1 – DO2	<ul style="list-style-type: none"> Not achieved. Landscaped setting will be diminished to an unreasonable extent. 	✗
Built Form and Character PO 1.1	<ul style="list-style-type: none"> Brougham Court is characterised by single storey cottages on small allotments with relatively limited landscaped open space. The proposed development will diminish open space. 	✗
Site Coverage PO 2.1 -	<ul style="list-style-type: none"> Not achieved. See Section 9.5 for discussion. 	✗

9.3 Summary of Applicable Overlays

The following Overlays are not considered to be relevant to the assessment of the application:

- Airport Building Heights (Regulated) Overlay – Two storey building height not of concern
- Hazards (Flooding Evidence Required) Overlay – No flooding concerns
- Prescribed Wells Area Overlay – No groundwater concerns
- Regulated and Significant Tree Overlay – No regulated or significant trees impacted

Design Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> The proposal exhibits a satisfactory standard of design quality. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> The development is located at the rear of the site and will therefore be only partially visible when viewed from Brougham Court. Therefore, it will not affect the adjacent Local Heritage Places on either side as its large physical form and bulk will be visually diminished. 	✓

Aircraft Noise Exposure (ANEF 20) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> The proposed development does not require noise attenuation to ameliorate aircraft noise, being outside the ANEF 30 noise zone. 	✓

Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Partially achieved. See Section 9.5 for discussion. 	✗ ✓
PO 1.1	<ul style="list-style-type: none"> The development, is well setback from the public realm and will thus not unreasonably affect the historic streetscape. 	✓
Built Form PO 2.1	<ul style="list-style-type: none"> The development, whilst contemporary, does not adversely affect the historic streetscapes and built form as it is well setback from the public realm. 	✓

PO 2.2	<ul style="list-style-type: none"> Not achieved. The two storey form built to multiple allotment boundaries is not characteristic of residential development in the locality. 	x
PO 2.4	<ul style="list-style-type: none"> Single storey semi-detached dwellings predominate in the street, with a boundary setback pattern composed of single storey walls on one side boundary and a setback off the other side boundary. The proposed development does not continue this pattern. 	x
PO 2.5	<ul style="list-style-type: none"> The materials are complementary to the existing dwelling and do not affect the heritage value of adjacent dwellings. 	✓
Alterations and Additions PO 3.1	<ul style="list-style-type: none"> The rearward siting of the dwelling addition does not dominate the primary street façade. 	✓
Context and Streetscape Amenity PO 6.2	<ul style="list-style-type: none"> The large size and footprint of the development reduces the amount of landscaped open space to a negligible level, destroying a valued element that contributes to the historic character of the area. 	x
Demolition PO 7.2	<ul style="list-style-type: none"> The partial demolition is at the rear of the dwelling, leaving the vast majority of the original Local Heritage built form intact. 	✓

Stormwater Management Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> The proposal incorporates a 3,000 litre rainwater tank with a 2,000 litre retention capacity and a 1,000 litre detention capacity to be plumbed to at least one toilet and either the laundry cold water or hot water service. 	✓

Urban Tree Canopy Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Not achieved. 	✗
PO 1.1	<ul style="list-style-type: none"> A small tree up to 4 metres in height with a mature spread of 2 metres is required, however no tree is proposed. In lieu of planting of small tree, payment of \$300 is required. 	✗ ✓

9.4 General Development Policies

The following General Development policies are relevant to the assessment:

Clearance from Overhead Powerlines

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Achieved. 	✓
DPF 1.1	<ul style="list-style-type: none"> Powerlines are underground. 	✓

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO1	<ul style="list-style-type: none"> Not achieved. Contextual integration with the existing small-scale development is partly successful insofar as the addition extends the existing roof of the dwelling to accommodate an attic and the new built form is sited well away from the existing cottages. 	✗
External Appearance PO 1.1 - PO 1.5	<ul style="list-style-type: none"> The street elevations convey residential purpose. Waste bins are stored out of sight from the street and adjacent land. 	✓

Safety PO 2.1	<ul style="list-style-type: none"> The development provides surveillance into the property. 	✓
Landscaping PO 3.1	<ul style="list-style-type: none"> Not achieved. Insufficient landscaped open space is provided. The large expanse of paved area will increase heat on the land. The amount of hard paved area exceeds that which is sought for residential development. 	✗
Environmental Performance PO 4.1 – PO 4.3	<ul style="list-style-type: none"> Partially achieved. The dwelling will maintain natural cross ventilation. West facing windows lack shading from afternoon sunlight. Rainwater is collected from roofs for on-site reuse. The roof has been designed to accommodate photovoltaic cells. 	✓ ✗
Car Parking Appearance PO 7.1 – 7.7	<ul style="list-style-type: none"> No change is proposed to existing car parking arrangement. 	✓
Earthworks and Sloping Land PO 8.1 – PO 8.5	<ul style="list-style-type: none"> Excavation does not exceed 1 metre and will not have a negative impact upon adjacent land. 	✓
Overlooking / Visual Privacy (low rise buildings) PO 10.1 – PO 10.	<ul style="list-style-type: none"> Windows facing adjacent land have sills over 1.6 metres above internal finished floor level, and incorporate obscure glazing above the height of 1.6 metres. 	✓
Landscaping PO 13.1 – 13.4	<ul style="list-style-type: none"> Partially satisfied. Adequate landscaped space to allow for shrubs and trees to provide shade and soften the appearance of buildings is provided. A small tree should be planted, however it is not proposed by the applicant. Payment in compensation for this omission is required. 	✓ ✗
Environmental PO 14.1 – 14.2	<ul style="list-style-type: none"> The two storey addition will overshadow the private open space of 18 Brougham Place to the south, reducing natural sunlight and ventilation. The expanse of built form and paved surfaces will create heat radiation to adjacent properties. 	✗
Outlook and Amenity PO 18.1 – 18.2	<ul style="list-style-type: none"> The living room has an external outlook to the private open space. 	✓
Private Open Space	<ul style="list-style-type: none"> The dwelling will have 38 square metres of private open space, exceeding the minimum of 24 square metres. 	✓

PO 21.1 – PO 22.2	<ul style="list-style-type: none"> Private open spaces are directly accessible from habitable rooms. 	
Landscaping PO 22.1	<ul style="list-style-type: none"> A minimum of 20% of the site should be provided as soft landscaping. The proposed development provides 10% which is well below the desired minimum. 	x

9.5 Detailed Discussion

The Site

The subject site is located towards the southern end of Brougham Court and is of typical size and dimensions of the many semi-detached developments for the street. The land slopes downwards from north to south by 500mm and the rear yard is dominated by the three storey built form of the office located on Bagot Street. A portion of the office building is composed of blank wall located on the boundary with the subject land and will therefore suffer no impact arising from the siting of the proposed building on the shared boundary. No regulated or significant trees are located on the subject site or on adjacent land.

Built Form and Design

The form of the extension is clearly contemporary and is designed and located so as not to predominate over the existing dwelling. This is reinforced through the set-down of the building approximately 1 metre below existing ground level. Consisting of mostly a free-standing structure attached to the existing dwelling, the proposed structure incorporates red-brick, rendered concrete panels and Axon cladding in Dune colour that is sympathetic to the adjacent Local Heritage Places.

Setbacks

The addition is sited at the rear of the property and abuts both side and rear boundaries. This siting is generally inappropriate as it is uncharacteristic of the historic building siting pattern. Siting on boundaries can be acceptable however only where there are no adverse impacts upon neighbouring residential amenity or heritage places.

In this instance, the siting is considered to be unacceptable on balance although it is located at the rear of the site, minimising any impact upon the streetscape of Brougham Court. The rear wall abuts the three-storey blank wall of a commercial building at the rear so there is no impact to this aspect of the development.

The two-storey element extends along the south boundary for a length of 4.7 metres at ground level and 5.3 metres at upper level. To the north boundary the extension presents a two level wall a length of 13.5 metres, albeit only 7.2 metres is visible from the rear of 24 Brougham Court (the other 'half' of the semi-detached dwelling pair).

City Living Zone DPF 3.3 permits building walls setback from a side boundary not less than the nearest side setback of the primary building on the adjoining allotment (in this case the setback to the north is zero), however in this instance it is considered unreasonable as it extends beyond one building level in height and along the entire boundary beyond the rear of the adjacent dwelling.

City Living Zone DPF 3.5 permits building walls on boundaries (where none exists) up to a maximum length of 8 metres and heights of 3 metres. Despite the 1 metre excavation into the site to diminish the scale of the building, the small allotment sizes in the locality means the siting has an unreasonable sense of bulk and enclosure for the adjacent residential properties, not satisfying City Living Zone DPF 3.3 and 3.5.

Daylight and Sunlight

Overshadowing to the adjacent dwelling to the south satisfies the minimum of 2 hours of sunlight on 22 June to at least 20% of the property's private open space as sought by Interface Between Land Uses DPF 3.1. The proposed building will however reduce the amount of daylight into the private open space, which is already limited by the three-storey office building to the east. The extent of this reduction will result in a substantial loss of amenity for occupants of 24 Brougham Court to the south.

Residential Amenity

Proposed impacts on residential amenity are a primary concern. These include visual impacts as they relate to bulk, scale, articulation and heat loading.

Bulk and Scale

The building is set on the rear and side boundaries. This siting is generally not supported in the Code which seeks to retain traditional siting patterns in the locality. The setback to the rear is deemed acceptable as it abuts the three-storey blank red brick boundary wall of the adjacent office building. There will be a loss of afternoon sunlight to some of the nearest windows of the office building which are setback 2.5 metres from the boundary, however the Code does not stipulate the maintenance of a quantifiable minimum of light and ventilation for non-residential land uses.

Whilst the mix of Axon cladding and rendered brick visually break up the mass and bulk for the adjacent dwelling to the south at 18 Brougham Court, the lack of setback to the boundary creates a sense of enclosure. The aforementioned dwelling is approximately 200mm lower than the subject site, with the rear private open space set approximately further 400mm lower again. This difference in level increases the apparent bulk of the proposed dwelling when viewed from the adjacent private open space.

On the northern boundary with 24 Brougham Court there is no setback. The applicant has attempted to break up the building mass by using a combination of materials including red-brick, rendered brick (off-white colour) and Axon cladding to the upper storey to break up the building mass into smaller elements. The diversity of materials partly compensates for the lack of articulation. The adjacent property is approximately 400mm higher than the subject site, which will assist in the reduction of building bulk of the proposed development. It is noted however that the sense of enclosure and bulk to the private yard area of 24 Brougham Court is detrimental to its amenity.

Materials, Colours & Finishes

The design incorporates Hardies 'Axon' panels to the upper level, render finish to the ground level walls and red-brick wall to portion of the single storey wall located on the boundary with 24 Brougham Place. These materials reflect the prevailing colours found in the locality, are considered suitably domestic in scale and break up the mass and scale of the building.

Microclimate

The proposal will cause a reduction of sunlight with subsequent cooling to 18 Brougham Court to the south as well as an increase in heat loading to 24 Brougham Court to the north which is already enclosed to a fair degree by adjacent buildings to the north and east.

Heritage and Conservation

Siting of the addition at the rear of the site directly abutting the three storey blank wall of the office building at 17-21 Bagot Street reduces the need for interventions to the existing dwelling and ensures visibility from the public realm is minimised, with the addition seen as a receding element which will only be visible from a narrow vista on Brougham Court between dwellings at number 18 and 24.

Council's Heritage Architect has reviewed the proposed development and supports the development insofar as it does not affect the heritage fabric of the dwelling and does not adversely visually affect the streetscape which is composed of Local Heritage Places.

9.6 Conclusion

In summary, the proposal involves an extension to an existing dwelling that has little streetscape impact and will therefore have a minimal impact on the Desired Outcomes for the City Living Zone and North Adelaide Low Intensity Sub-zone. The proposal meets the quantitative criteria for height, private open space, landscaped open space, internal amenity, overlooking and overshadowing and is considered to adequately satisfy the Code.

The proposal has unacceptable impacts upon the amenity of adjacent dwellings, reducing the quality of their private open space, microclimatic impacts and outlook of their dwellings, not satisfying North Adelaide Low Intensity Zone Desired Outcomes DO 1 and DO 2, Design in Urban Areas PO 3.1, Interface Between Land Uses Performance Outcome PO 7.1, Design in Urban Areas Performance Outcome PO 14.1 and 14.2, City Living Zone – Building Setbacks Designated Performance Feature DPF 3.1 and 3.5, Historic Area Overlay Performance Outcome PO 2.2 and 2.4, North Adelaide Low Intensity Subzone - Built Form and Character – Performance Outcome PO 1.1 and Site Coverage Designated Performance Feature DPF 2.1.

In summary, the proposal fulfils some Planning and Design Code provisions. It has both positive and negative attributes, and impacts which make this proposal finely balanced, however it is considered the impacts upon adjacent properties to the north and south outweigh the positive aspects.

The contemporary design of the dwelling addition is deemed satisfactory as it is located away from the Local Heritage Place. Views of the structure will be limited to a narrow vista on Brougham Court between the main dwelling and the neighbouring house at number 18. It will be seen as a background element abutting the existing three storey blank brick wall of the office building at 17-21 Bagot Street.

The siting of the addition to the rear and side boundaries is not characteristic of most dwelling additions in residential zones. The rear siting on the boundary is acceptable given the office building is located on the boundary and presents a blank wall which does not contribute to the amenity of dwellings in the locality. The proposed addition will effectively resolve the appearance of the wall for the applicant. Its impact upon the neighbouring dwelling to the south at 18 Brougham Court however is deemed to be unacceptable. The extent of two level built form on the southern boundary is 4.7 metres at ground level and 5.3 metres at the upper level. This extent of built form will have the effect of enclosing the rear yard of number 18, creating a loss of view of the sky and a cooling microclimate impact.

The impact of the proposed structure on the abutting dwelling to the north is more significant with the entire length of the shared boundary beyond the rear of 24 Brougham Court being two storeys, with the exception of a small alcove area of 1.3 metres by 1.8 metres which provides space for the insertion of a skylight, providing natural light to living areas of the addition below. The break-up of the built form through the use of differing materials comprising red-brick, Axon panels and rendered brick walls is an attempt to break up the building mass, however the sheer mass of built form prevails over this measure. The proposed addition presents a substantial built form, creating a sense of enclosure and producing a heating microclimatic impact in summer.

Although satisfying the overshadowing criteria of the Code as it relates to 18 Brougham Court, the lower ground level of the aforementioned site of approximately 400 - 500mm, and the presence of the three-level office building to the east, renders the impact of the proposed dwelling addition unacceptable.

The proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code as:

- It proposes a residential land use which is desired in the Zone
- External materials, colours and finishes are of reasonable quality
- It provides good internal amenity and flexibility for occupants
- It does not affect the mostly intact heritage streetscape of the locality and the intact nature of the main dwelling.

However, the bulk and scale and microclimatic impacts upon the adjacent dwellings at 18 and 24 Brougham Place are considered to be unreasonable.

Whilst finely balanced, it has been determined that the proposal warrants refusal.

10. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

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

APPENDIX 1

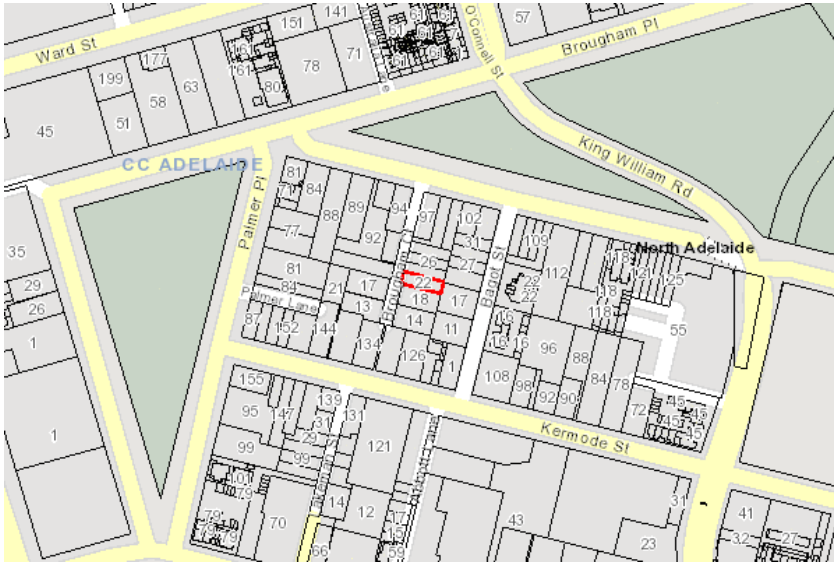
RELEVANT PLANNING & DESIGN CODE POLICIES

22 BROUGHAM CT NORTH ADELAIDE SA 5006

Address:

Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Local Variation (TNV)

Minimum Frontage (*Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m*)

Minimum Site Area (*Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm*)

Maximum Building Height (Levels) (*Maximum building height is 2 levels*)

Overlay

Aircraft Noise Exposure (ANEF 20)

Airport Building Heights (Regulated) (*All structures over 110 metres AHD*)

Building Near Airfields

Design

Historic Area (Adel9)

Heritage Adjacency

Hazards (Flooding - Evidence Required)

Local Heritage Place

Prescribed Wells Area

Regulated and Significant Tree

Stormwater Management

Urban Tree Canopy

Subzone

North Adelaide Low Intensity

Zone

City Living

Selected Development(s)

Demolition

Dwelling addition

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Property Policy Information for above selection

Demolition - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

City Living Zone

Assessment Provisions (AP)

Desired Outcome	
DO 1	Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) ancillary accommodation (b) carport (c) community centre (d) dwelling (e) dwelling addition (f) fence	Except development involving any of the following: 1. development that exceeds the maximum building height specified in City Living DTS/DPF 2.2 2. development on a Catalyst Site that exceeds the maximum building height in City Living DTS/DPF 2.2 that applies to development not on a Catalyst Site 3. development that involves a building wall (or

<ul style="list-style-type: none"> (g) outbuilding (h) pre-school (i) recreation area (j) residential flat building (k) retaining wall (l) retirement facility (m) shade sail (n) solar photovoltaic panels (roof mounted) (o) swimming pool or spa pool (p) supported accommodation (q) temporary public service depot (r) verandah (s) water tank. 	<p>structure) that is proposed to be situated on a boundary (not being a boundary with a primary street or secondary street) and:</p> <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m, or 11.5m where located in the Medium-High Intensity Subzone or East Terrace Subzone (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) consulting room (b) office (c) personal or domestic services establishment. 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. does not satisfy City Living Zone DTS/DPF 1.4 or 2. exceeds the maximum building height specified in City Living Zone DTS/DPF 2.2 or 3. involves a building wall (or structure) that is proposed to be situated on a boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m, or 11.5m where located in the Medium-High Intensity Subzone or East Terrace Subzone (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>4. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) internal building works (b) land division (c) tree damaging activity. 	<p>None specified.</p>
<p>5. Demolition.</p>	<p>Except any of the following:</p>

	<ol style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

Part 3 - Overlays

Historic Area Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Demolition	
PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless: <ul style="list-style-type: none"> (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or (b) the structural integrity or safe condition of the original building is beyond reasonable repair. 	DTS/DPF 7.1 None are applicable.

PO 7.2 Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.	DTS/DPF 7.2 None are applicable.
PO 7.3 Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.	DTS/DPF 7.3 None are applicable.
Ruins	
PO 8.1 Development conserves and complements features and ruins associated with former activities of significance.	DTS/DPF 8.1 None are applicable.

Historic Area Statements

Statement#	Statement				
Historic Areas affecting City of Adelaide					
	<p>North Adelaide Cathedral Historic Area Statement (Adel9)</p> <p>The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.</p> <p>These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.</p> <p>The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">Eras, themes and context</td> <td style="width: 50%; vertical-align: top;"> 1837 to 1901 - Victorian period. 1920's to 1942 - Inter-war period. Diverse range of nineteenth century predominantly residential architecture with extensive Park Lands frontages. </td> </tr> <tr> <td style="vertical-align: top;">Allotments, subdivision and built form patterns</td> <td style="vertical-align: top;"> Cohesive lines of buildings set behind landscaping. <u>Brougham Court</u> Closely sited dwellings with consistent setbacks. <u>Kermode Street</u> Traditional subdivision pattern to the east of Bagot Street. Existing pattern of development characterised by freestanding buildings within landscaped grounds. <u>Pennington Terrace</u> Considerable siting, set-back, scale and character variation of State Heritage places. </td> </tr> </table>	Eras, themes and context	1837 to 1901 - Victorian period. 1920's to 1942 - Inter-war period. Diverse range of nineteenth century predominantly residential architecture with extensive Park Lands frontages.	Allotments, subdivision and built form patterns	Cohesive lines of buildings set behind landscaping. <u>Brougham Court</u> Closely sited dwellings with consistent setbacks. <u>Kermode Street</u> Traditional subdivision pattern to the east of Bagot Street. Existing pattern of development characterised by freestanding buildings within landscaped grounds. <u>Pennington Terrace</u> Considerable siting, set-back, scale and character variation of State Heritage places.
Eras, themes and context	1837 to 1901 - Victorian period. 1920's to 1942 - Inter-war period. Diverse range of nineteenth century predominantly residential architecture with extensive Park Lands frontages.				
Allotments, subdivision and built form patterns	Cohesive lines of buildings set behind landscaping. <u>Brougham Court</u> Closely sited dwellings with consistent setbacks. <u>Kermode Street</u> Traditional subdivision pattern to the east of Bagot Street. Existing pattern of development characterised by freestanding buildings within landscaped grounds. <u>Pennington Terrace</u> Considerable siting, set-back, scale and character variation of State Heritage places.				

		<p><u>King William Road</u></p> <p>Grand, spacious character of the townscape created by St Peter’s Cathedral.</p> <p><u>Lakeman Street</u></p> <p>Dwellings sited on the street frontage.</p>
	<p>Architectural styles, detailing and built form features</p>	<p>Victorian housing that is single fronted, symmetrically fronted, and asymmetrically fronted houses, some with bay fronted projections; contains vertically proportioned window and door surrounds highlighted with moulded render or brick dressings with roofs that are generally hipped in form, with the asymmetrical style, gable ended or hipped roof to the projecting bay, concave or convex form verandah roof and four panelled doors with fanlights and often sidelights.</p> <p>Inter-War housing consisting of bungalows incorporating a broad spreading roof and verandah with typical masonry columns supporting verandah elements and the expansive two storey version was often known as a Gentlemen’s Bungalow; and Tudor Revival style displaying steeply pitched roofs with half-timber gable ends and variations of the verandah porch treatments.</p> <p>Diverse range of nineteenth century architecture including mansions, detached and semi-detached dwellings and cottages.</p> <p><u>Brougham Place, Palmer Place</u></p> <p>Low scale, Victorian and Inter-war detached dwellings.</p> <p><u>Brougham Court</u></p> <p>Closely sited Victorian semi-detached and detached Local Heritage Places, with consistent set-backs.</p> <p>Strong built form definition at the junction of Brougham Place and Brougham Court.</p> <p><u>Kermode Street</u></p> <p>Victorian and Inter-war housing.</p> <p>Detached residences on individual allotments</p> <p>Semi-detached buildings of local heritage value.</p> <p>Existing pattern of development characterised by freestanding buildings within landscaped grounds.</p> <p>Appearance of single storey detached or semi-detached dwellings or residential flat buildings west of Bagot Street.</p> <p><u>Pennington Terrace</u></p> <p>Victorian and Inter-war housing.</p> <p>State heritage places (including those forming part of St</p>

<p>Adel9</p>		<p>Marks College).</p> <p><u>Lakeman Street</u></p> <p>Victorian housing.</p> <p>Small cottages and other single storey dwellings sited on the street frontage. Two storey development generally set back from the street giving single storey appearance.</p> <p>Side boundary walling of larger residences with frontages to Pennington Terrace and Kermode Street.</p> <p>Low scale townscape character with two storey building setback.</p> <p><u>King William Road</u></p> <p>Victorian and Inter-war buildings.</p> <p>St Peters Cathedral and Anglican Church Offices, Cathedral Hotel.</p>
	<p>Building height</p>	<p>Low scale.</p> <p><i>Note: Concept Plan.</i></p>
	<p>Materials</p>	<p><u>Victorian Houses</u></p> <p>Bluestone, limestone or sandstone, with brick or rubble side and rear walls.</p> <p>Timber framed windows and doors.</p> <p>Cast iron or timber posts to the verandahs elaborated with moulded capitals and trim, and widely used cast iron brackets and frieze decoration.</p> <p>Fencing consisting of masonry base and piers with cast iron panels or railings, timber railing, timber picket fencing for smaller houses.</p> <p><u>Edwardian Houses</u></p> <p>Face brick walling with decorative brick detailing, ashlar stone with brick dressings or moulded render or 'rock face' sandstone (or freestone) for wall material.</p> <p>Unglazed terracotta Marseilles roof tiles, corrugated iron roof cladding.</p> <p>Timber framed windows and doors. Windows often grouped and doors often divided into three or four horizontal panels.</p> <p>Masonry fencing with cast iron palisade, or timber (picket).</p> <p><u>Inter-War Houses</u></p> <p>Australian-made Wunderlich roof tiles, face brick and rendered masonry.</p>

		<p>Timber joinery with some use of metal framed windows.</p>
	<p>Fencing</p>	<p>Low, open front fencing (including secondary streets to the main façade of the building) associated with the traditional period and style of the building up to 1.2 metres, allowing views to the building. Rear and side boundary fences (behind main building façade) to 2 metres, and 1.8 metres on corner sites.</p>
	<p>Setting, landscaping, streetscape and public realm features</p>	<p>Distinctive topography.</p> <p>Cohesive lines of buildings set behind attractive landscaping.</p> <p>St Peters Cathedral and the grand, spacious character of the townscape. Visual prominence of St Peter’s Anglican Cathedral.</p> <p>Important view of St Peters Cathedral south from Kermode Street.</p> <p>Important view of the north-east elevation of St Peters Cathedral.</p> <p>Open landscaped setting and curtilage to Pennington Terrace.</p> <p>Park Lands.</p> <p>Shelter in the form of balconies and verandahs over footpaths on the south-west corner of King William Road and Kermode Street intersection.</p> <p>Visual prominence of North Adelaide Church of Christ Chapel and Queens Head Hotel, and heritage listed places.</p> <p><u>Lakeman Street</u></p> <p>Intimate character and enclosure of this narrow street.</p> <p><u>King William Road</u></p> <p>St Peters Cathedral and the grand, spacious character of the townscape.</p> <p>Important view of the north-east elevation of the Cathedral.</p> <p>Visual prominence of the sandstone dwelling at the junction of Kermode Street and Palmer Place and the bluestone terrace house at the junction of Kermode Street and Lakeman Street.</p> <p>Intimate character and enclosure of Lakeman Street.</p> <p>Major traffic flows on King William Road and Sir Edwin Smith Avenue and high levels of pedestrian safety and accessibility to adjacent Park Lands and public gardens adjacent the existing public road network.</p>
	<p>Representative Buildings</p>	<p><i>[Not identified]</i></p>

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Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Local Heritage Place Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Landscape Context and Streetscape Amenities	
PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues are retained unless: (a) trees / plantings are, or have the potential to be, a danger to life or property or (b) trees / plantings are significantly diseased and their life expectancy is short.	DTS/DPF 5.1 None are applicable.
Demolition	
PO 6.1 Local Heritage Places are not demolished, destroyed or removed in total or in part unless: (a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value or (b) the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.	DTS/DPF 6.1 None are applicable.

PO 6.2 The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Local Heritage Place.	DTS/DPF 6.2 None are applicable.
Conservation Works	
PO 7.1 Conservation works to the exterior of a Local Heritage Place (and other features identified in the extent of listing) match original materials to be repaired and utilise traditional work methods.	DTS/DPF 7.1 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Dwelling addition - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

City Living Zone

Assessment Provisions (AP)

Desired Outcome	
DO 1	Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Diverse housing and accommodation complemented by a range of compatible non-residential uses supporting an active and convenient neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Community facility (b) Consulting room (c) Dwelling

	<ul style="list-style-type: none"> (d) Educational establishment (e) Office (f) Personal or domestic services establishment (g) Place of worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Supported accommodation. 		
<p>Built Form and Character</p>			
<p>PO 2.2</p> <p>Development contributes to a predominantly low-rise residential character, except when located in the Medium - High Intensity Subzone or East Terrace Subzone where it contributes to a predominantly medium rise residential character, consistent with the form expressed in the <i>Maximum Building Height (Levels) Technical and Numeric Variation</i> layer and the <i>Maximum Building Height (Metres) Technical and Numeric Variation</i> layer in the SA planning database or any relevant Concept Plan and positively responds to the local context.</p>	<p>DTS/DPF 2.2</p> <p>Except where a Concept Plan specifies otherwise or on a Catalyst Site in the East Terrace Subzone, development (excluding garages, carports and outbuildings):</p> <p>(a) does not exceed the following building height(s):</p> <table border="1" data-bbox="831 779 1520 857"> <thead> <tr> <th style="text-align: center;">Maximum Building Height (Levels)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Maximum building height is 2 levels</td> </tr> </tbody> </table> <p>(b) is not less than the following building height:</p> <p>In relation to DTS/DPF 2.2, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation</i> layer, <i>Maximum Building Height (Metres) Technical and Numeric Variation</i> layer, or <i>Minimum Building Height (Levels) Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <p>(d) only one value is returned for DTS/DPF 2.2(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other</p> <p>(e) no value is returned for DTS/DPF 2.2(a) (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p> <p>(f) no value is returned for DTS/DPF 2.2(b) (i.e. there is a blank field), then there is no minimum building height and DTS/DPF 2.2(b) is met.</p>	Maximum Building Height (Levels)	Maximum building height is 2 levels
Maximum Building Height (Levels)			
Maximum building height is 2 levels			
<p>PO 2.3</p> <p>New buildings and structures visible from the public realm consistent with:</p> <p>(a) the valued streetscape characteristics of the area</p> <p>(b) prevailing built form characteristics, such as floor to ceiling heights, of the area.</p>	<p>DTS/DPF 2.3</p> <p>None are applicable.</p>		
<p>PO 2.4</p> <p>The width of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways in the area</p>	<p>DTS/DPF 2.4</p> <p>None are applicable.</p>		

<p>PO 2.5</p> <p>Development designed to provide a strong built-form edge to the Park Lands and Wellington Square through the regular siting and pattern of buildings addressing the primary street frontage.</p>	<p>DTS/DPF 2.5</p> <p>None are applicable.</p>
<p>Building Setbacks</p>	
<p>PO 3.1</p> <p>Buildings are set back from primary street boundaries to complement the existing streetscape character.</p>	<p>DTS/DPF 3.1</p> <p>The building line of a building set back from the primary street boundary:</p> <ul style="list-style-type: none"> (a) at least the average setback to the building line of existing buildings on adjoining sites which face the same street (including those buildings that would adjoin the site if not separated by a public road) (b) where there is only one existing building on adjoining sites which face the same street (including those that would adjoin if not separated by a public road), not less than the setback to the building line of that building or (c) in all other cases, no DTS/DPF is applicable.
<p>PO 3.2</p> <p>Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.</p>	<p>DTS/DPF 3.2</p> <p>Building walls are no closer than 900mm to secondary street boundary.</p>
<p>PO 3.3</p> <p>Buildings setback from side boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that is consistent with the established streetscape of the locality (b) access to natural light and ventilation to neighbours. 	<p>DTS/DPF 3.3</p> <p>Building walls are setback from a side boundary not less than the nearest side setback of the primary building on the adjoining allotment.</p>
<p>PO 3.4</p> <p>Buildings are setback from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) access to natural light and ventilation for neighbours (b) open space recreational opportunities (c) space for landscaping and vegetation. 	<p>DTS/DPF 3.4</p> <p>Building walls are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) 3m for the ground floor level (b) 5m for first floor building level (c) 5m plus an additional 1m setback added for every 1m in height above a wall height of 7m.
<p>PO 3.5</p> <p>Boundary walls are limited in height and length to manage impacts on adjoining properties.</p>	<p>DTS/DPF 3.5</p> <p>For buildings that do not have a common wall, any wall sited on a side boundary meets all of the following:</p> <ul style="list-style-type: none"> (a) does not exceed 3m in height from the top of the footings (b) does not exceed a length of 8m, or 11.5m where located in the Medium-High Intensity Subzone or East Terrace Subzone (c) when combined with other walls on the boundary, does not exceed 45% (d) is setback at least 3m from any existing or proposed boundary walls.
<p>Car Parking and Access</p>	
<p>PO 5.1</p>	<p>DTS/DPF 5.1</p>

<p>Access to parking and service areas located and designed to minimise the impacts to pedestrian environments and maintain the residential scale and pattern of development, through measures such as:</p> <p>(a) providing access from minor streets, or side or rear lanes provided road width is suitable and the traffic generation does not unreasonably impact residential amenity</p> <p>(b) siting any new car parking away from street frontages.</p>	None are applicable.
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Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

<p style="text-align: center;">Class of Development (Column A)</p>	<p style="text-align: center;">Exceptions (Column B)</p>
<p>1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p>	None specified.
<p>2. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) ancillary accommodation (b) carport (c) community centre (d) dwelling (e) dwelling addition (f) fence (g) outbuilding (h) pre-school (i) recreation area (j) residential flat building (k) retaining wall (l) retirement facility (m) shade sail (n) solar photovoltaic panels (roof mounted) (o) swimming pool or spa pool (p) supported accommodation (q) temporary public service depot (r) verandah (s) water tank. 	<p>Except development involving any of the following:</p> <ul style="list-style-type: none"> 1. development that exceeds the maximum building height specified in City Living DTS/DPF 2.2 2. development on a Catalyst Site that exceeds the maximum building height in City Living DTS/DPF 2.2 that applies to development not on a Catalyst Site 3. development that involves a building wall (or structure) that is proposed to be situated on a boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m, or 11.5m where located in the Medium-High Intensity Subzone or East Terrace Subzone (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).

<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) consulting room (b) office (c) personal or domestic services establishment. 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. does not satisfy City Living Zone DTS/DPF 1.4 or 2. exceeds the maximum building height specified in City Living Zone DTS/DPF 2.2 or 3. involves a building wall (or structure) that is proposed to be situated on a boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m, or 11.5m where located in the Medium-High Intensity Subzone or East Terrace Subzone (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>4. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) internal building works (b) land division (c) tree damaging activity. 	<p>None specified.</p>
<p>5. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>Placement of Notices - Exemptions for Performance Assessed Development</p>	
<p>None specified.</p>	
<p>Placement of Notices - Exemptions for Restricted Development</p>	
<p>None specified.</p>	

Desired Outcome	
D01	Predominantly low rise low density housing on large allotments in an open landscaped setting.
D02	An important part of the town plan of Adelaide and the city grid layout, containing large grand dwellings on landscaped grounds.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form and Character	
PO 1.1 Buildings sited and designed to complement the low-density or very-low density character of the neighbourhood, in locations where an open landscape setting is the prevailing character.	DTS/DPF 1.1 None are applicable.
Site Coverage	
PO 2.1 Building footprints consistent with the character and pattern of the prevailing open landscaped character of the neighbourhood, in locations where an open landscaped setting is the prevailing character.	DTS/DPF 2.1 The development does not result in site coverage exceeding 50%.

Part 3 - Overlays

Aircraft Noise Exposure Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development sensitive to aircraft noise is designed and located to manage noise intrusion to reduce land use conflict and protect human health.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 2.1 Additions to buildings involving the addition or extension of habitable rooms are designed and located to minimise aircraft noise intrusion and provide appropriate interior acoustic amenity.	DTS/DPF 2.1 Dwelling additions involving the addition or extension of habitable rooms: (a) do not result in an increase in the total floor area of the

	(b) existing dwelling by greater than 50 percent do not occur in areas having an ANEF value of 30 or more.
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Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Airport Building Heights (Regulated) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development: (a) building located in an area identified	The airport-operator company for the relevant airport within the meaning	To provide expert assessment and direction to the relevant	Development of a class to which Schedule 9 clause 3 item 1 of the

<p>as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i></p> <p>(b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i>.</p>	<p>of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.</p>	<p>authority on potential impacts on the safety and operation of aviation activities.</p>	<p>Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
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Building Near Airfields Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.3</p> <p>Buildings are adequately separated from runways and other take-off and landing facilities within certified or registered aerodromes to minimise the potential for building-generated turbulence and windshear that may pose a safety hazard to aircraft flight movement.</p>	<p>DTS/DPF 1.3</p> <p>The distance from any part of a runway centreline to the closest point of the building is not less than 35 times the building height.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria /
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Designated Performance Feature	
Flood Resilience	
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above: <ul style="list-style-type: none"> (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Heritage Adjacency Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.	DTS/DPF 1.1 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

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Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development that may materially affect the context of a State Heritage Place.	Minister responsible for the administration of the <i>Heritage Places Act 1993</i> .	To provide expert assessment and direction to the relevant authority on the potential impacts of development adjacent State Heritage Places.	Development of a class to which Schedule 9 clause 3 item 17 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Historic Area Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is consistent with the prevailing building and wall heights in the historic area.	DTS/DPF 2.2 None are applicable.
PO 2.3	DTS/DPF 2.3

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.	None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the historic area.	DTS/DPF 2.4 None are applicable.
PO 2.5 Materials are either consistent with or complement those within the historic area.	DTS/DPF 2.5 None are applicable.
Alterations and additions	
PO 3.1 Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.	DTS/DPF 3.1 Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the primary street.
PO 3.2 Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.	DTS/DPF 3.2 None are applicable.
Context and Streetscape Amenity	
PO 6.1 The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.	DTS/DPF 6.1 None are applicable.
PO 6.2 Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.	DTS/DPF 6.2 None are applicable.
Ruins	
PO 8.1 Development conserves and complements features and ruins associated with former activities of significance.	DTS/DPF 8.1 None are applicable.

Historic Area Statements

Statement#	Statement
Historic Areas affecting City of Adelaide	
	<p>North Adelaide Cathedral Historic Area Statement (Adel9)</p> <p>The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.</p> <p>These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.</p>

The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

<p>Eras, themes and context</p>	<p>1837 to 1901 - Victorian period.</p> <p>1920's to 1942 - Inter-war period.</p> <p>Diverse range of nineteenth century predominantly residential architecture with extensive Park Lands frontages.</p>
<p>Allotments, subdivision and built form patterns</p>	<p>Cohesive lines of buildings set behind landscaping.</p> <p><u>Brougham Court</u></p> <p>Closely sited dwellings with consistent setbacks.</p> <p><u>Kermode Street</u></p> <p>Traditional subdivision pattern to the east of Bagot Street.</p> <p>Existing pattern of development characterised by freestanding buildings within landscaped grounds.</p> <p><u>Pennington Terrace</u></p> <p>Considerable siting, set-back, scale and character variation of State Heritage places.</p> <p><u>King William Road</u></p> <p>Grand, spacious character of the townscape created by St Peter's Cathedral.</p> <p><u>Lakeman Street</u></p> <p>Dwellings sited on the street frontage.</p>
<p>Architectural styles, detailing and built form features</p>	<p>Victorian housing that is single fronted, symmetrically fronted, and asymmetrically fronted houses, some with bay fronted projections; contains vertically proportioned window and door surrounds highlighted with moulded render or brick dressings with roofs that are generally hipped in form, with the asymmetrical style, gable ended or hipped roof to the projecting bay, concave or convex form verandah roof and four panelled doors with fanlights and often sidelights.</p> <p>Inter-War housing consisting of bungalows incorporating a broad spreading roof and verandah with typical masonry columns supporting verandah elements and the expansive two storey version was often known as a Gentlemen's Bungalow; and Tudor Revival style displaying steeply pitched roofs with half-timber gable ends and variations of the verandah porch treatments.</p> <p>Diverse range of nineteenth century architecture including mansions, detached and semi-detached dwellings and cottages.</p> <p><u>Brougham Place, Palmer Place</u></p>

<p>Adel9</p>		<p>Low scale, Victorian and Inter-war detached dwellings.</p> <p><u>Brougham Court</u></p> <p>Closely sited Victorian semi-detached and detached Local Heritage Places, with consistent set-backs.</p> <p>Strong built form definition at the junction of Brougham Place and Brougham Court.</p> <p><u>Kermode Street</u></p> <p>Victorian and Inter-war housing.</p> <p>Detached residences on individual allotments</p> <p>Semi-detached buildings of local heritage value.</p> <p>Existing pattern of development characterised by freestanding buildings within landscaped grounds.</p> <p>Appearance of single storey detached or semi-detached dwellings or residential flat buildings west of Bagot Street.</p> <p><u>Pennington Terrace</u></p> <p>Victorian and Inter-war housing.</p> <p>State heritage places (including those forming part of St Marks College).</p> <p><u>Lakeman Street</u></p> <p>Victorian housing.</p> <p>Small cottages and other single storey dwellings sited on the street frontage. Two storey development generally set back from the street giving single storey appearance.</p> <p>Side boundary walling of larger residences with frontages to Pennington Terrace and Kermode Street.</p> <p>Low scale townscape character with two storey building setback.</p> <p><u>King William Road</u></p> <p>Victorian and Inter-war buildings.</p> <p>St Peters Cathedral and Anglican Church Offices, Cathedral Hotel.</p>
	<p>Building height</p>	<p>Low scale.</p> <p><i>Note: Concept Plan.</i></p>
	<p>Materials</p>	<p><u>Victorian Houses</u></p> <p>Bluestone, limestone or sandstone, with brick or rubble side and rear walls.</p> <p>Timber framed windows and doors.</p>

		<p>Cast iron or timber posts to the verandahs elaborated with moulded capitals and trim, and widely used cast iron brackets and frieze decoration.</p> <p>Fencing consisting of masonry base and piers with cast iron panels or railings, timber railing, timber picket fencing for smaller houses.</p> <p><u>Edwardian Houses</u></p> <p>Face brick walling with decorative brick detailing, ashlar stone with brick dressings or moulded render or 'rock face' sandstone (or freestone) for wall material.</p> <p>Unglazed terracotta Marseilles roof tiles, corrugated iron roof cladding.</p> <p>Timber framed windows and doors. Windows often grouped and doors often divided into three or four horizontal panels.</p> <p>Masonry fencing with cast iron palisade, or timber (picket).</p> <p><u>Inter-War Houses</u></p> <p>Australian-made Wunderlich roof tiles, face brick and rendered masonry.</p> <p>Timber joinery with some use of metal framed windows.</p>
	<p>Fencing</p>	<p>Low, open front fencing (including secondary streets to the main façade of the building) associated with the traditional period and style of the building up to 1.2 metres, allowing views to the building. Rear and side boundary fences (behind main building façade) to 2 metres, and 1.8 metres on corner sites.</p>
	<p>Setting, landscaping, streetscape and public realm features</p>	<p>Distinctive topography.</p> <p>Cohesive lines of buildings set behind attractive landscaping.</p> <p>St Peters Cathedral and the grand, spacious character of the townscape. Visual prominence of St Peter's Anglican Cathedral.</p> <p>Important view of St Peters Cathedral south from Kermode Street.</p> <p>Important view of the north-east elevation of St Peters Cathedral.</p> <p>Open landscaped setting and curtilage to Pennington Terrace.</p> <p>Park Lands.</p> <p>Shelter in the form of balconies and verandahs over footpaths on the south-west corner of King William Road and Kermode Street intersection.</p>

	<p>Visual prominence of North Adelaide Church of Christ Chapel and Queens Head Hotel, and heritage listed places.</p> <p><u>Lakeman Street</u></p> <p>Intimate character and enclosure of this narrow street.</p> <p><u>King William Road</u></p> <p>St Peters Cathedral and the grand, spacious character of the townscape.</p> <p>Important view of the north-east elevation of the Cathedral.</p> <p>Visual prominence of the sandstone dwelling at the junction of Kermode Street and Palmer Place and the bluestone terrace house at the junction of Kermode Street and Lakeman Street.</p> <p>Intimate character and enclosure of Lakeman Street.</p> <p>Major traffic flows on King William Road and Sir Edwin Smith Avenue and high levels of pedestrian safety and accessibility to adjacent Park Lands and public gardens adjacent the existing public road network.</p>
Representative Buildings	[Not identified]

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Local Heritage Place Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria /
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		Designated Performance Feature
Built Form		
PO 1.1 The form of new buildings and structures maintains the heritage values of the Local Heritage Place.	DTS/DPF 1.1 None are applicable.	
PO 1.2 Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.	DTS/DPF 1.2 None are applicable.	
PO 1.3 Design and architectural detailing (including but not limited to roof pitch and form, openings, chimneys and verandahs) maintains the heritage values of the Local Heritage Place.	DTS/DPF 1.3 None are applicable.	
PO 1.4 Development is consistent with boundary setbacks and setting.	DTS/DPF 1.4 None are applicable.	
PO 1.5 Materials and colours are either consistent with or complement the heritage values of the Local Heritage Place.	DTS/DPF 1.5 None are applicable.	
PO 1.6 New buildings and structures are not placed or erected between the primary or secondary street boundaries and the façade of a Local Heritage Place.	DTS/DPF 1.6 None are applicable.	
PO 1.7 Development of a Local Heritage Place retains features contributing to its heritage value.	DTS/DPF 1.7 None are applicable.	
Alterations and Additions		
PO 2.1 Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.	DTS/DPF 2.1 None are applicable.	
PO 2.2 Adaptive reuse and revitalisation of Local Heritage Places to support their retention in a manner that respects and references the original use of the Local Heritage Place.	DTS/DPF 2.2 None are applicable.	
Landscape Context and Streetscape Amenity		
PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues are retained unless: (a) trees / plantings are, or have the potential to be, a	DTS/DPF 5.1 None are applicable.	

danger to life or property or (b) trees / plantings are significantly diseased and their life expectancy is short.	
Conservation Works	
PO 7.1 Conservation works to the exterior of a Local Heritage Place (and other features identified in the extent of listing) match original materials to be repaired and utilise traditional work methods.	DTS/DPF 7.1 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome

DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: <ul style="list-style-type: none"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
PO 8.2 Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.	DTS/DPF 8.2 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b): <ul style="list-style-type: none"> (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
PO 8.3 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8): <ul style="list-style-type: none"> (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land. 	DTS/DPF 8.3 None are applicable.
PO 8.4 Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.	DTS/DPF 8.4 None are applicable.

PO 8.5 Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.	DTS/DPF 8.5 None are applicable.
Overlooking / Visual Privacy (low rise buildings)	
PO 10.1 Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.	DTS/DPF 10.1 Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.
PO 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.	DTS/DPF 10.2 One of the following is satisfied: (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace or (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: (i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land or (ii) 1.7m above finished floor level in all other cases
All residential development	
Front elevations and passive surveillance	
PO 17.1 Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.	DTS/DPF 17.1 Each dwelling with a frontage to a public street: (a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m (b) has an aggregate window area of at least 2m ² facing the primary street.
PO 17.2 Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.	DTS/DPF 17.2 Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.
Outlook and Amenity	
PO 18.1 Living rooms have an external outlook to provide a high standard	DTS/DPF 18.1 A living room of a dwelling incorporates a window with an

of amenity for occupants.	external outlook of the street frontage, private open space, public open space, or waterfront areas.
Residential Development - Low Rise	
External appearance	
<p>PO 20.1</p> <p>Garaging is designed to not detract from the streetscape or appearance of a dwelling.</p>	<p>DTS/DPF 20.1</p> <p>Garages and carports facing a street:</p> <ul style="list-style-type: none"> (a) are situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling (b) are set back at least 5.5m from the boundary of the primary street (c) have a garage door / opening width not exceeding 7m (d) have a garage door / opening width not exceeding 50% of the site frontage unless the dwelling has two or more building levels at the building line fronting the same public street.
<p>PO 20.2</p> <p>Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>DTS/DPF 20.2</p> <p>Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <ul style="list-style-type: none"> (a) a minimum of 30% of the building wall is set back an additional 300mm from the building line (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall (e) eaves of a minimum 400mm width extend along the width of the front elevation (f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm (g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.
<p>PO 20.3</p> <p>The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.</p>	<p>DTS/DPF 20.3</p> <p>None are applicable</p>
Private Open Space	
<p>PO 21.1</p> <p>Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.</p>	<p>DTS/DPF 21.1</p> <p>Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.</p>

<p>PO 21.2</p> <p>Private open space is positioned to provide convenient access from internal living areas.</p>	<p>DTS/DPF 21.2</p> <p>Private open space is directly accessible from a habitable room.</p>										
<p>Landscaping</p>											
<p>PO 22.1</p> <p>Soft landscaping is incorporated into development to:</p> <ul style="list-style-type: none"> (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes. 	<p>DTS/DPF 22.1</p> <p>Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):</p> <ul style="list-style-type: none"> (a) a total area as determined by the following table: <table border="1" data-bbox="919 595 1522 1048" style="margin-left: 20px;"> <thead> <tr> <th style="background-color: #1a3d4d; color: white;">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th style="background-color: #1a3d4d; color: white;">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td><150</td> <td>10%</td> </tr> <tr> <td>150-200</td> <td>15%</td> </tr> <tr> <td>>200-450</td> <td>20%</td> </tr> <tr> <td>>450</td> <td>25%</td> </tr> </tbody> </table> (b) at least 30% of any land between the primary street boundary and the primary building line. 	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	>200-450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
>200-450	20%										
>450	25%										
<p>Car parking, access and manoeuvrability</p>											
<p>PO 23.1</p> <p>Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.</p>	<p>DTS/DPF 23.1</p> <p>Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area):</p> <ul style="list-style-type: none"> (a) single width car parking spaces: <ul style="list-style-type: none"> (i) a minimum length of 5.4m per space (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m (b) double width car parking spaces (side by side): <ul style="list-style-type: none"> (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m per space. 										
<p>PO 23.2</p> <p>Uncovered car parking space are of dimensions to be functional, accessible and convenient.</p>	<p>DTS/DPF 23.2</p> <p>Uncovered car parking spaces have:</p> <ul style="list-style-type: none"> (a) a minimum length of 5.4m (b) a minimum width of 2.4m (c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m. 										
<p>PO 23.3</p>	<p>DTS/DPF 23.3</p>										

<p>Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.</p>	<p>Driveways and access points satisfy (a) or (b):</p> <ul style="list-style-type: none"> (a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site (b) sites with a frontage to a public road greater than 10m: <ul style="list-style-type: none"> (i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site; (ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.
<p>PO 23.4</p> <p>Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.</p>	<p>DTS/DPF 23.4</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
<p>PO 23.5</p> <p>Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.</p>	<p>DTS/DPF 23.5</p> <p>Driveways are designed and sited so that:</p> <ul style="list-style-type: none"> (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport is not steeper than 1-in-4 on average (b) they are aligned relative to the street so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that space) and the road boundary. (c) if located so as to provide access from an alley, lane or right of way - the alley, lane or right of way is at least 6.2m wide along the boundary of the allotment / site
<p>PO 23.6</p> <p>Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.</p>	<p>DTS/DPF 23.6</p> <p>Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number)

	<ul style="list-style-type: none"> (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
Waste storage	
<p>PO 24.1</p> <p>Provision is made for the convenient storage of waste bins in a location screened from public view.</p>	<p>DTS/DPF 24.1</p> <p>Where dwellings abut both side boundaries a waste bin storage area is provided behind the building line of each dwelling that:</p> <ul style="list-style-type: none"> (a) has a minimum area of 2m² with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and (b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street.

Table 1 - Private Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		<p>Total private open space area:</p> <ul style="list-style-type: none"> (a) Site area <301m²: 24m² located behind the building line. (b) Site area ≥ 301m²: 60m² located behind the building line. <p>Minimum directly accessible from a living room: 16m² / with a minimum dimension 3m.</p>
Cabin or caravan (permanently fixed to the ground) in a residential park or caravan and tourist park		Total area: 16m ² , which may be uses as second car parking space, provided on each site intended for residential occupation.
Dwelling in a residential flat building or mixed use building which incorporate above ground level dwellings	Dwellings at ground level:	15m ² / minimum dimension 3m
	Dwellings above ground level:	
	Studio (no separate bedroom)	4m ² / minimum dimension 1.8m
	One bedroom dwelling	8m ² / minimum dimension 2.1m
	Two bedroom dwelling	11m ² / minimum dimension 2.4m
	Three + bedroom dwelling	15 m ² / minimum dimension 2.6m

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Wastewater Services	
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

Interface between Land Uses**Assessment Provisions (AP)**

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Overshadowing	
PO 3.1 Overshadowing of habitable room windows of adjacent residential land uses in: a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight.	DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
PO 3.2 Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight	DTS/DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: a. for ground level private open space, the smaller of the

<p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>following:</p> <ul style="list-style-type: none"> i. half the existing ground level open space or ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) <p>b. for ground level communal open space, at least half of the existing ground level open space.</p>
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <ul style="list-style-type: none"> (a) the form of development contemplated in the zone (b) the orientation of the solar energy facilities (c) the extent to which the solar energy facilities are already overshadowed. 	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in</p>

the following diagram:

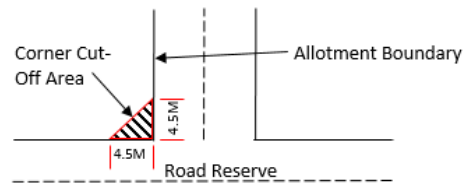


Table 1 - General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
<p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</p>	
Residential Development	
Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Group Dwelling	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Residential Flat Building	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Row Dwelling where vehicle access is from the primary street	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Row Dwelling where vehicle access is not from the primary street (i.e. rear-loaded)	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Semi-Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p>

	Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.
Aged / Supported Accommodation	
Retirement village	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling. Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling. 0.2 spaces per dwelling for visitor parking.
Supported accommodation	0.3 spaces per bed.
Residential Development (Other)	
Ancillary accommodation	No additional requirements beyond those associated with the main dwelling.
Residential park	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling. Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling. 0.2 spaces per dwelling for visitor parking.
Student accommodation	0.3 spaces per bed.
Workers' accommodation	0.5 spaces per bed plus 0.2 spaces per bed for visitor parking.
Tourist	
Caravan park / tourist park	Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for accommodation. Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation. A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.
Tourist accommodation	1 car parking space per accommodation unit / guest room.
Commercial Uses	
Auction room/ depot	1 space per 100m ² of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per service bay.
Call centre	8 spaces per 100m ² of gross leasable floor area.
Motor repair station	3 spaces per service bay.
Office	4 spaces per 100m ² of gross leasable floor area.

Retail fuel outlet	3 spaces per 100m ² gross leasable floor area.
Service trade premises	2.5 spaces per 100m ² of gross leasable floor area 1 space per 100m ² of outdoor area used for display purposes.
Shop (no commercial kitchen)	5.5 spaces per 100m ² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared. 5 spaces per 100m ² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m ² of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat. Premises with take-away service but with no seats - 12 spaces per 100m ² of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point. Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.
Community and Civic Uses	
Childcare centre	0.25 spaces per child
Library	4 spaces per 100m ² of total floor area.
Community facility	10 spaces per 100m ² of total floor area.
Hall / meeting hall	0.2 spaces per seat.
Place of worship	1 space for every 3 visitor seats.
Pre-school	1 per employee plus 0.25 per child (drop off/pick up bays)
Educational establishment	For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm

	<p>within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p>
Health Related Uses	
Hospital	<p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p>
Consulting room	4 spaces per consulting room excluding ancillary facilities.
Recreational and Entertainment Uses	
Cinema complex	0.2 spaces per seat.
Concert hall / theatre	0.2 spaces per seat.
Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden plus 1 space per 2 gaming machines, plus 1 space per 3 seats in a restaurant.
Indoor recreation facility	<p>6.5 spaces per 100m² of total floor area for a Fitness Centre</p> <p>4.5 spaces per 100m² of total floor area for all other Indoor recreation facilities.</p>
Industry/Employment Uses	
Fuel depot	<p>1.5 spaces per 100m² total floor area</p> <p>1 spaces per 100m² of outdoor area used for fuel depot activity purposes.</p>
Industry	1.5 spaces per 100m ² of total floor area.
Store	0.5 spaces per 100m ² of total floor area.
Timber yard	<p>1.5 spaces per 100m² of total floor area</p> <p>1 space per 100m² of outdoor area used for display purposes.</p>
Warehouse	0.5 spaces per 100m ² total floor area.
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.

Radio or Television Station	5 spaces per 100m ² of total building floor area.
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Table 2 - Off-Street Car Parking Requirements in Designated Areas

The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column subject to the following:

- (a) the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)
- or
- (b) the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Development generally			
All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is: 1 space for each dwelling with a total floor area less than 75 square metres 2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres 3 spaces for each dwelling with a total floor area greater than 150 square metres. Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.	Capital City Zone City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide) The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	5 spaces per 100m ² of gross leasable floor area.	City Living Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone

			Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	6 spaces per 100m ² of gross leasable floor area.	Strategic Innovation Zone Suburban Activity Centre Zone Suburban Business Zone Business Neighbourhood Zone Suburban Main Street Zone Urban Activity Centre Zone
Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	City Living Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential development			
Residential component of a multi-storey building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Strategic Innovation Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential flat building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling	None specified.	City Living Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone

	0.25 spaces per dwelling for visitor parking.		
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Table 2 - Criteria:

The following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Criteria	Exceptions
<p>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</p> <p>(a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾</p> <p>(b) is within 400 metres of a bus interchange⁽¹⁾</p> <p>(c) is within 400 metres of an O-Bahn interchange⁽¹⁾</p> <p>(d) is within 400 metres of a passenger rail station⁽¹⁾</p> <p>(e) is within 400 metres of a passenger tram station⁽¹⁾</p> <p>(f) is within 400 metres of the Adelaide Parklands.</p>	<p>(a) All zones in the City of Adelaide</p> <p>(b) Strategic Innovation Zone in the following locations:</p> <p>(i) City of Burnside</p> <p>(ii) City of Marion</p> <p>(iii) City of Mitcham</p> <p>(c) Urban Corridor (Boulevard) Zone</p> <p>(d) Urban Corridor (Business) Zone</p> <p>(e) Urban Corridor (Living) Zone</p> <p>(f) Urban Corridor (Main Street) Zone</p> <p>(g) Urban Neighbourhood Zone</p>

[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

ATTACHMENT 1

APPLICATION DOCUMENTS

AREAS:	
SITE TOTAL:	260.0m ²
EXISTING DWELLING	
TOTAL FOOTPRINT AREA:	112.6m ²
PROPOSED ADDITION	
TOTAL FOOTPRINT AREA:	58.0m ²
PRIVATE OPEN SPACE	
REQUIRED 20%:	52.0m ²
PROPOSED:	54.7m ²

- BOUNDARY NOTE:**
- EXISTING FENCE IS NOT LOCATED ON THE BOUNDARY. EXISTING FENCE TO BE REMOVED AND A NEW "GOOD NEIGHBOUR" FENCE WITH CONCRETE PLINTHS BELOW TO BE ERECTED ON ACTUAL BOUNDARY AS PER BOUNDARY IDENTIFICATION PLAN AND CERTIFICATE OF TITLE. REFER TO SOUTHERN ELEVATION ON PL03 FOR EXACT DETAILS
 - ADDITIONS TO DWELLING HAVE BEEN SHOWN TO ACTUAL BOUNDARY, HOWEVER ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.
 - ALL AREAS SHOWN ARE AS PER DIMENSIONS TO ACTUAL BOUNDARY.

FINISHED FLOOR LEVELS:
FINISHED FLOOR LEVELS TO ADDITION SHALL BE AS NOMINATED. C.O.S.
STORMWATER:
ALL STORMWATER SHALL BE CONNECTED TO EXISTING AS PER ENGINEER'S DRAWINGS AND COUNCIL REQUIREMENTS.

- LANDSCAPING SCHEDULE:**
- TALL SHRUBS:**
 - MELALEUCA ACUMINATA (HONEY MYRTLE).
 - ACACIA TRINEURA (HINDMARSH WATTLE).
 - BANKSIA MARGINATA (SILVER BANKSIA).
 - MEDIUM SHRUBS:**
 - ACACIA VERNICIFLUA (VARNISH WATTLE).
 - CALOCEPHALUS BROWNI (CUSHION BRUSH).
 - CASSIA ARTEMISIOIDES (SILVER CASSIA).
 - SMALL SHRUBS:**
 - HELICHRYSUM BRACTEAFUM (E'LASTING DAISY).
 - ROSMARINUS OFFICINALIS (ROSEMARY).
 - GROUNDCOVERS:**
 - MYOPORUM PARVIFOLIUM.
 - EREMOPHILA GLABRA (BURGUNDY FLOWERED).

SITework NOTES:

BUILDER TO CHECK AND CONFIRM ALL LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
ANY DISCREPANCIES IN DOCUMENTATION AND /OR ON SITE ARE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED
ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS
ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS

FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT

GROUND AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE

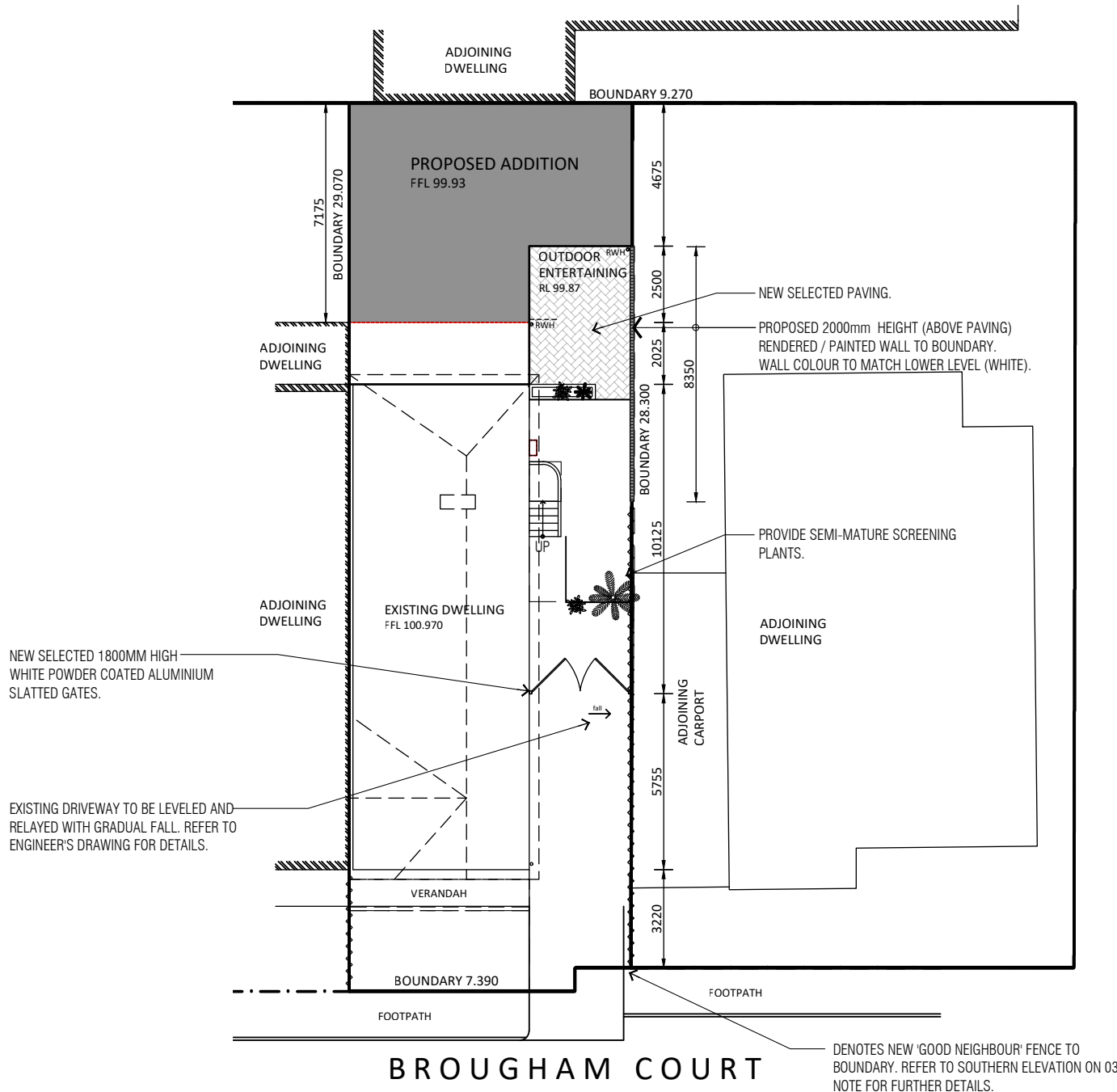
REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)

STORMWATER TO BE DISCHARGED TO STREETWATER TABLE OR RAINWATER TANK IN ACCORDANCE WITH COUNCIL REQUIREMENTS OR AS DIRECTED

SURFACE RUN OFF FROM NOT LESS THAN 50sqm OF ROOF CATCHMENT AREA TO BE STORED IN MIN 1000LTR RAINWATER TANK AND, PLUMBED TO EITHER A WC OR WET AREA FIXTURE AND INLET/OVERFLOW ON RAINWATER TANK MUST BE FITTED WITH INSECT PROOF AND NON DEGRADABLE SCREENS

NOTE:
NO BRUSH FENCES WILL BE LOCATED WITHIN 3m OF THE PROPOSED BUILDING WORK

NOTE:
TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1/2000
PENETRATIONS : TERMSEAL AND ANT CAPS TO STUMPS
PERIMETER : VISUAL BARRIER USING EDGE EXPOSURE 75mm FROM DAMPROOF COURSE TO TOP OF PAVING



01 SITE PLAN 1:200
22 BROUGHAM CRT NTH ADELAIDE

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HOMES
POOLS
128 Mooringe Ave
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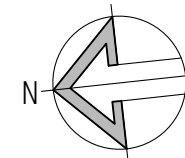


**PROPOSED EXTENSION
22 BROUGHAM CRT
NTH ADELAIDE**

**OWNER:
P. GAERTNER &
C. HUNTER**

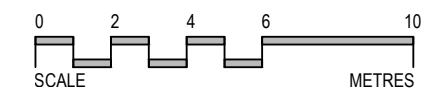
DRAWING SCHEDULE

- A01 SITE PLAN / DEMO PLAN
- A02 FLOOR PLAN
- A03 ELEVATION
- A04 ELEVATION / SECTION A-A



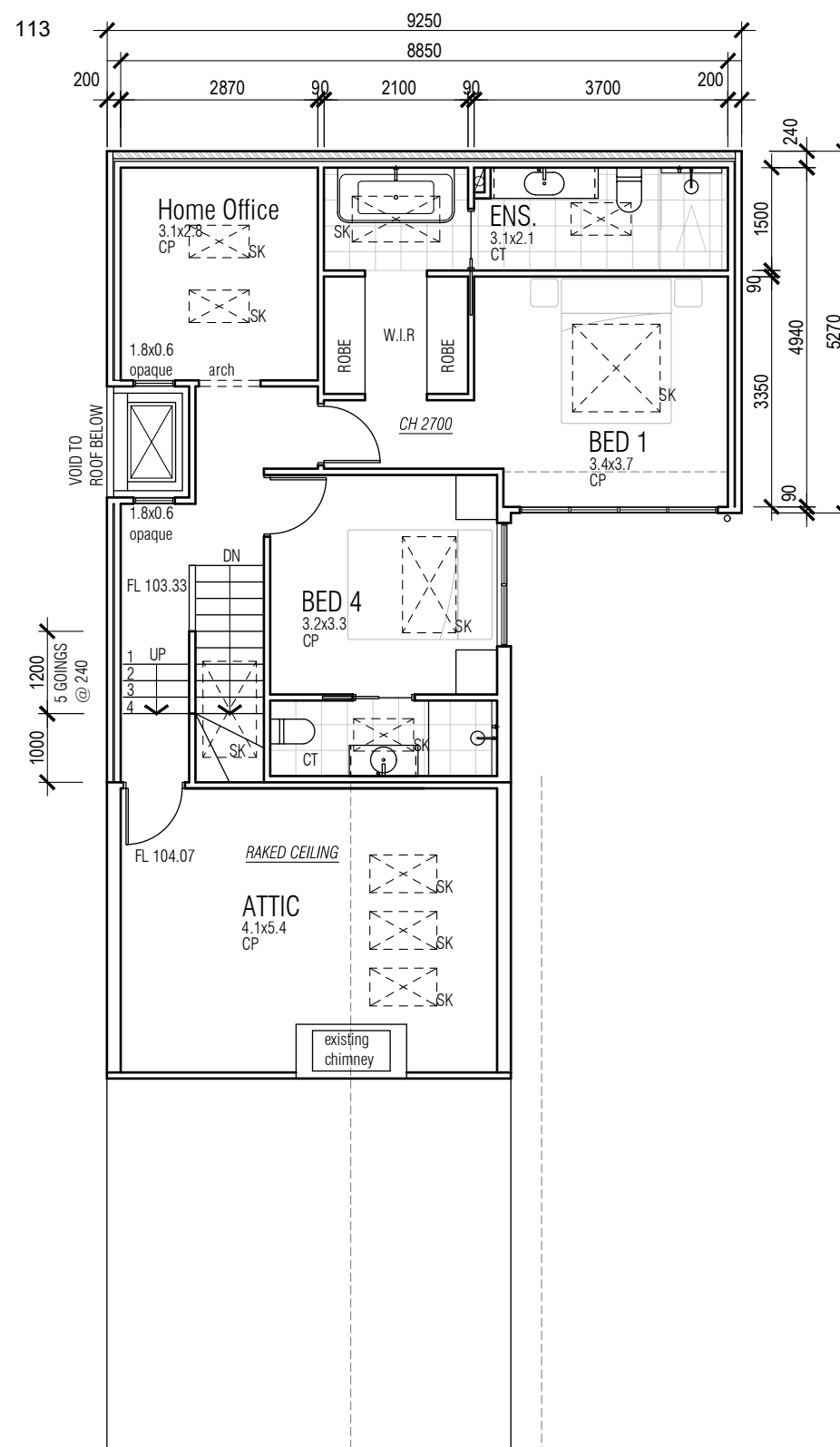
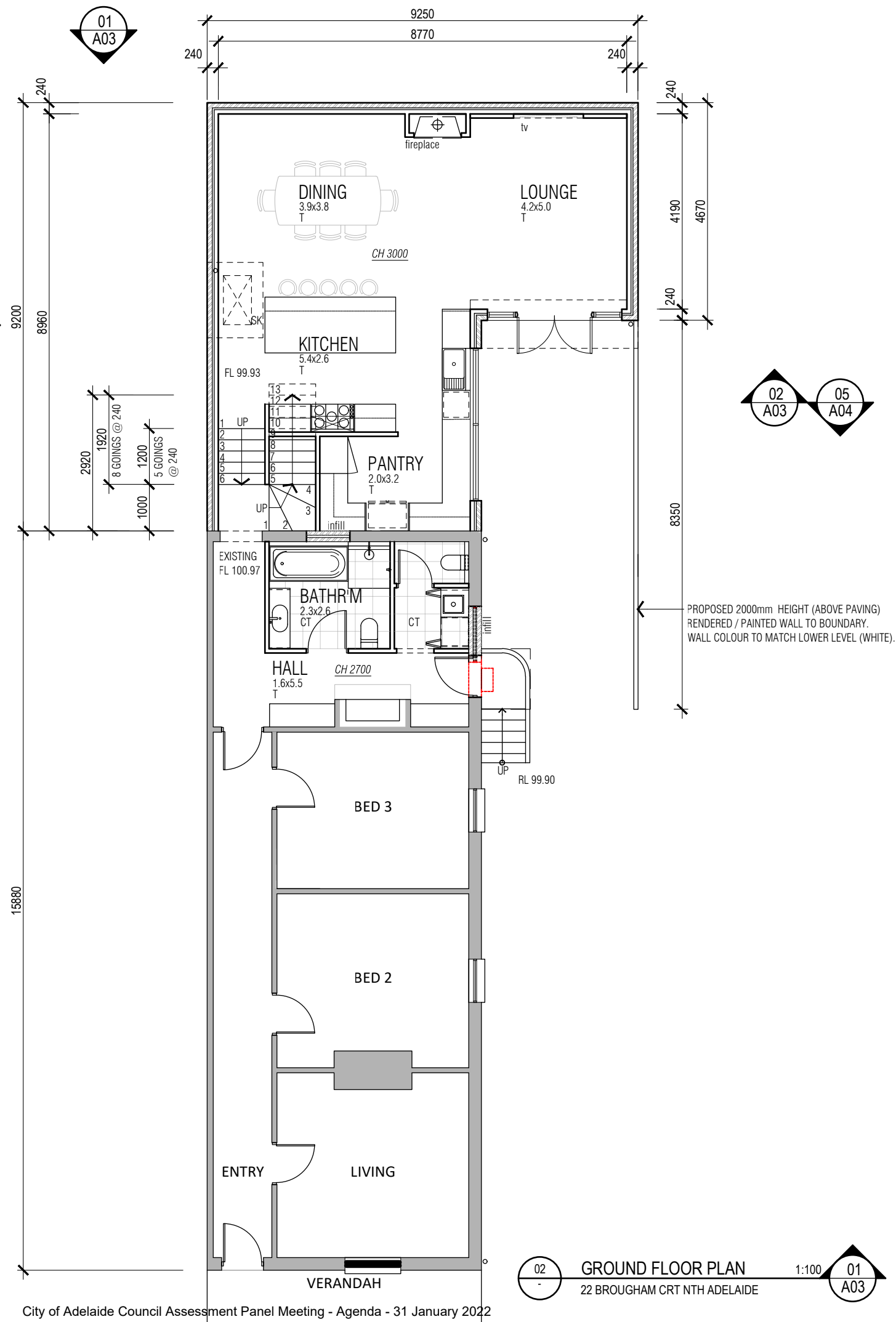
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Amendments		
No.	Date	Description
B	30/09/21	PLANNING APPROVAL - UPDATES
A	02/09/21	PLANNING APPROVAL



PLANNING

project	PROPOSED EXTENSION @ 22 BROUGHAM CRT NTH ADELAIDE		
scale	1:200	date issued:	AUG 21 job No: SW-0633
title	SITE PLAN		
drawing	A01	rev	B

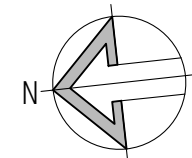


AREAS:

EXISTING DWELLING	
LIVING:	93.5m ²
VERANDAH:	7.1m ²
PROPOSED ADDITION	
GROUND FLOOR LIVING:	69.99m ²
FIRST FLOOR LIVING:	69.99m ²
ATTIC:	25.44m ²
TOTAL:	165.42m²
TOTAL DWELLING:	266.02m²

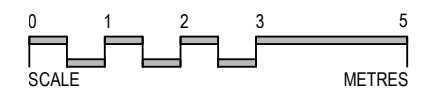
FINISHED FLOOR LEVELS:
 FINISHED FLOOR LEVELS TO ADDITION SHALL BE AS NOMINATED. C.O.S.
STORMWATER:
 ALL STORMWATER SHALL BE CONNECTED TO EXISTING AS PER ENGINEER'S DRAWINGS AND COUNCIL REQUIREMENTS.

AIR-CONDITIONING NOTE:
 FUTURE AIR-CONDITIONING UNITS TO BE INSTALLED TO ROOF OF ADDITION. EXACT LOCATION TO BE DETERMINED ON SITE WITH OWNER PRIOR TO ORDERING. PROVIDE APPROPRIATE SOUND DAMPENING SURROUND AS NECESSARY AND IN ACCORDANCE WITH COUNCIL REQUIREMENTS.



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Amendments		
No.	Date	Description
C	30/09/21	PLANNING APPROVAL - UPDATES
B	08/09/21	PLANNING APPROVAL - UPDATES
A	02/09/21	PLANNING APPROVAL
2	24/08/21	NEW CONCEPT PLAN - updates
1	09/08/21	NEW CONCEPT PLAN

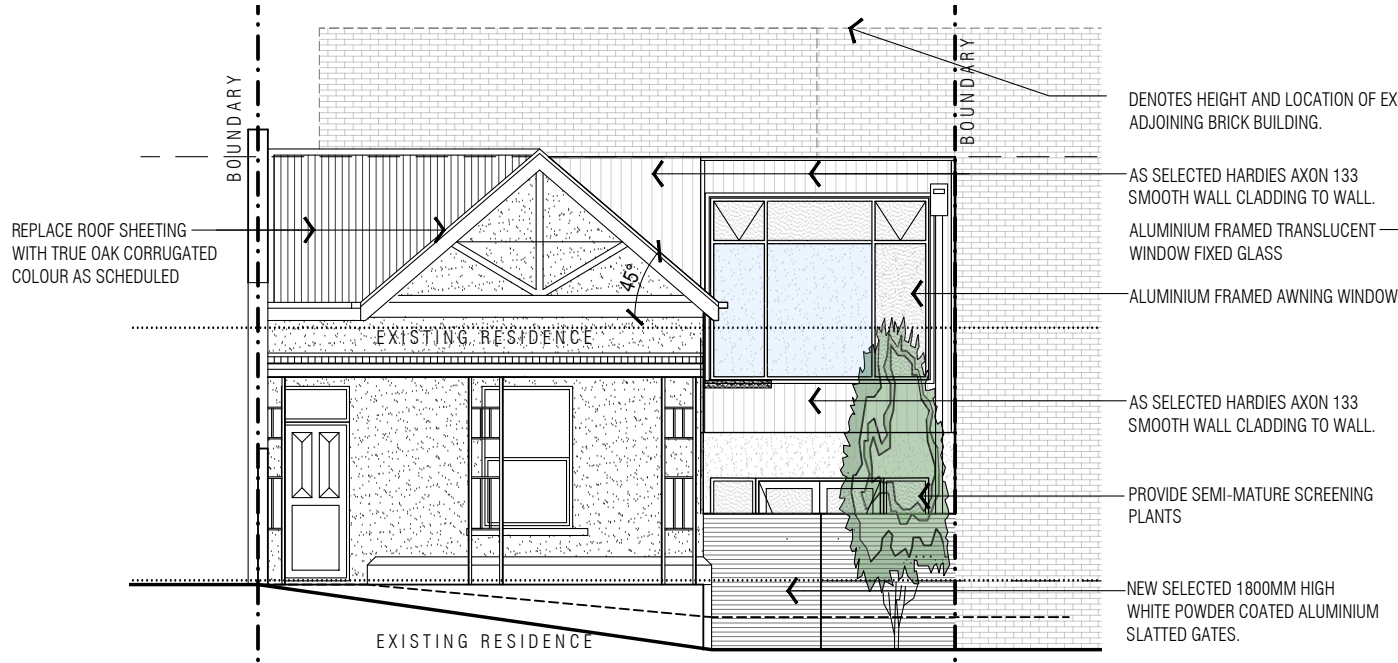


PLANNING	
project	PROPOSED EXTENSION @ 22 BROUGHAM CRT NTH ADELAIDE
scale	1:100 date issued: AUG 21 job No: SW-0633
title	FLOOR PLAN
drawing	A02
rev	C

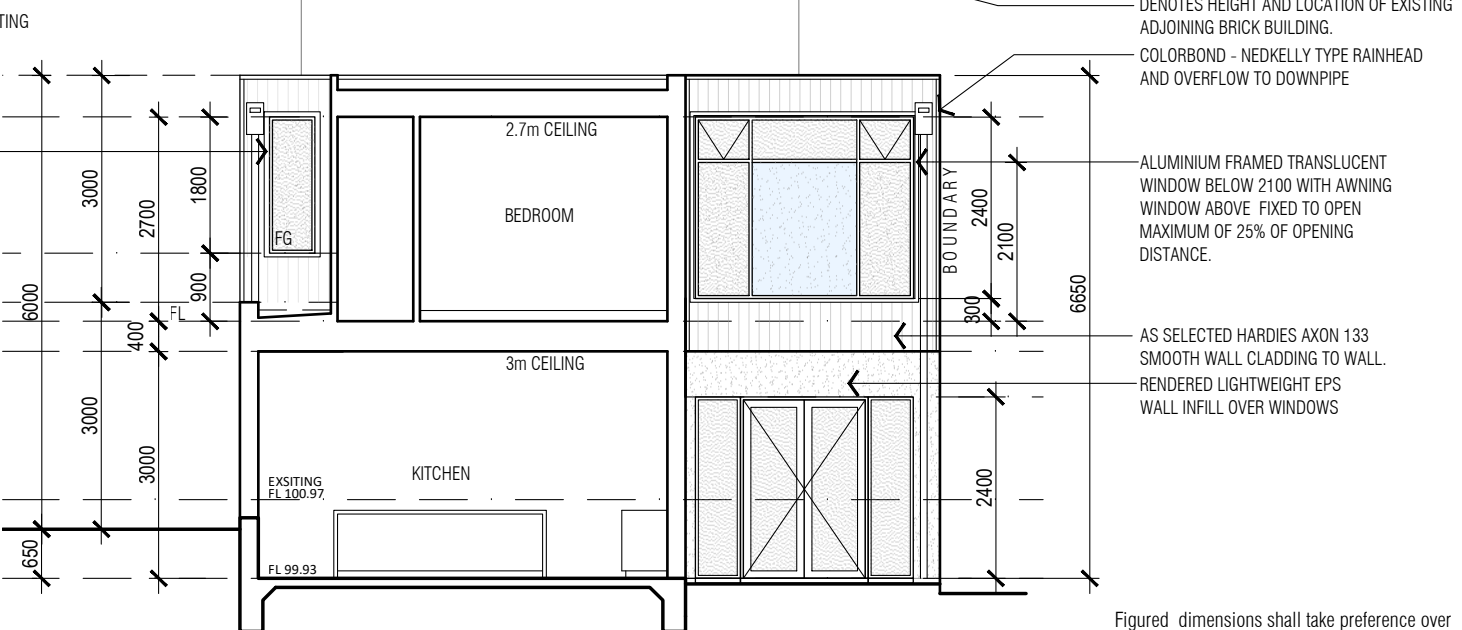
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 P: 08 8350 5566
 E: jamesr@desyn.com.au

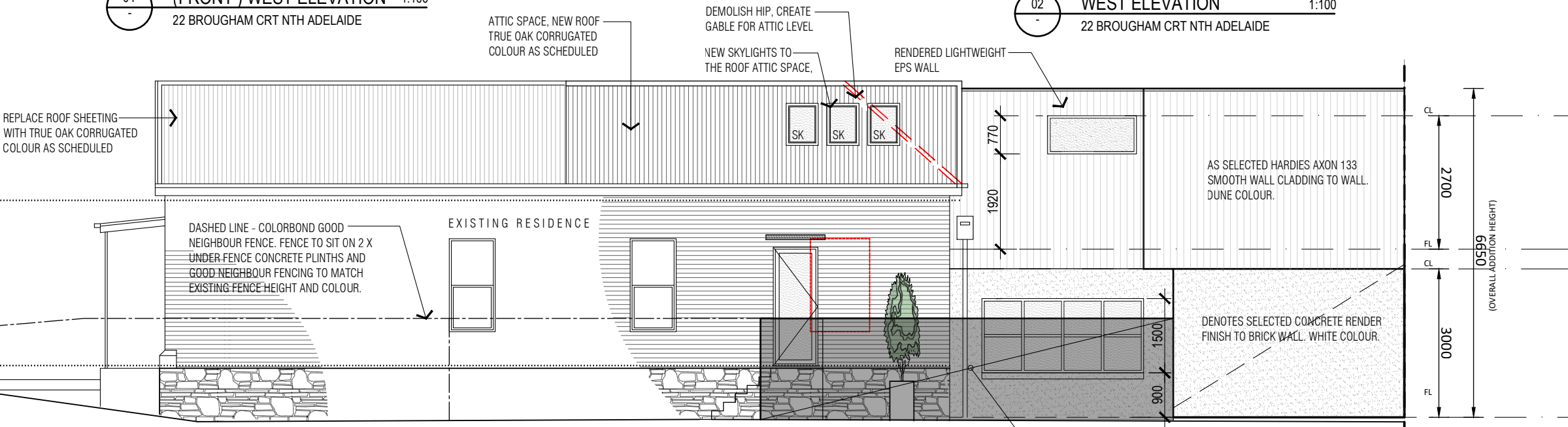


01 (FRONT) WEST ELEVATION 1:100
22 BROUGHAM CRT NTH ADELAIDE



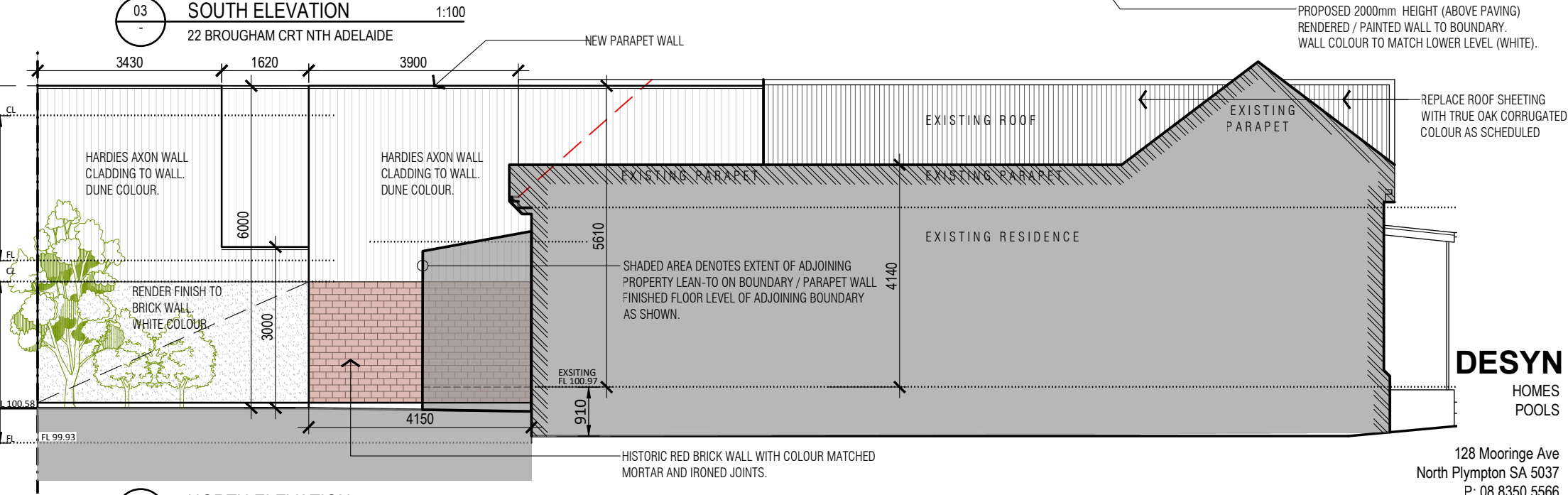
02 WEST ELEVATION 1:100
22 BROUGHAM CRT NTH ADELAIDE

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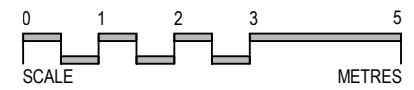
03 SOUTH ELEVATION 1:100
22 BROUGHAM CRT NTH ADELAIDE

- Exterior
- General brick Dulux 'Snowy Mountains' Half
- Main and upper render Dulux 'Snowy Mountains' Half
- Feature Axon cladding Colorbond 'Dune'
- Roof colour and profile Colorbond 'Dune'
- Fascias Dulux 'Snowy Mountains' Half
- Gutters colour Colorbond 'Dune'
- Downpipes To match walls
- Eaves & soffits Dulux 'Snowy Mountains' Half
- Windows & door frame Existing timber windows and timber features
- to front of property: Dulux 'Ghosting' Half
- Aluminium windows: White
- Entrance door 'Nightsky' gloss
- Porch flooring Concrete finish TBC
- Gate midway property Aluminium slats 'White'
- Existing verandah posts 'Nightsky' gloss
- Fencing colour and profile Colorbond 'dune' Good Neighbour Type
- Boundary Fence Colorbond 'dune' Good Neighbour Type
- Rainwater Tank Colorbond Dune



04 NORTH ELEVATION 1:100
22 BROUGHAM CRT NTH ADELAIDE

Amendments		
No.	Date	Description
D	25/11/21	PLANNING APPROVAL - NTH ELEV.
C	30/09/21	PLANNING APPROVAL - UPDATES
B	08/09/21	PLANNING APPROVAL - UPDATES
A	02/09/21	PLANNING APPROVAL



PLANNING APPROVAL

project PROPOSED EXTENSION @
22 BROUGHAM CRT NTH ADELAIDE
scale 1:100 date issued: AUG 21 job No: SW-0633
title ELEVATIONS

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POOLS



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drawing A03 rev D

BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1-2014

ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2006 AND/OR AS 2047-2014

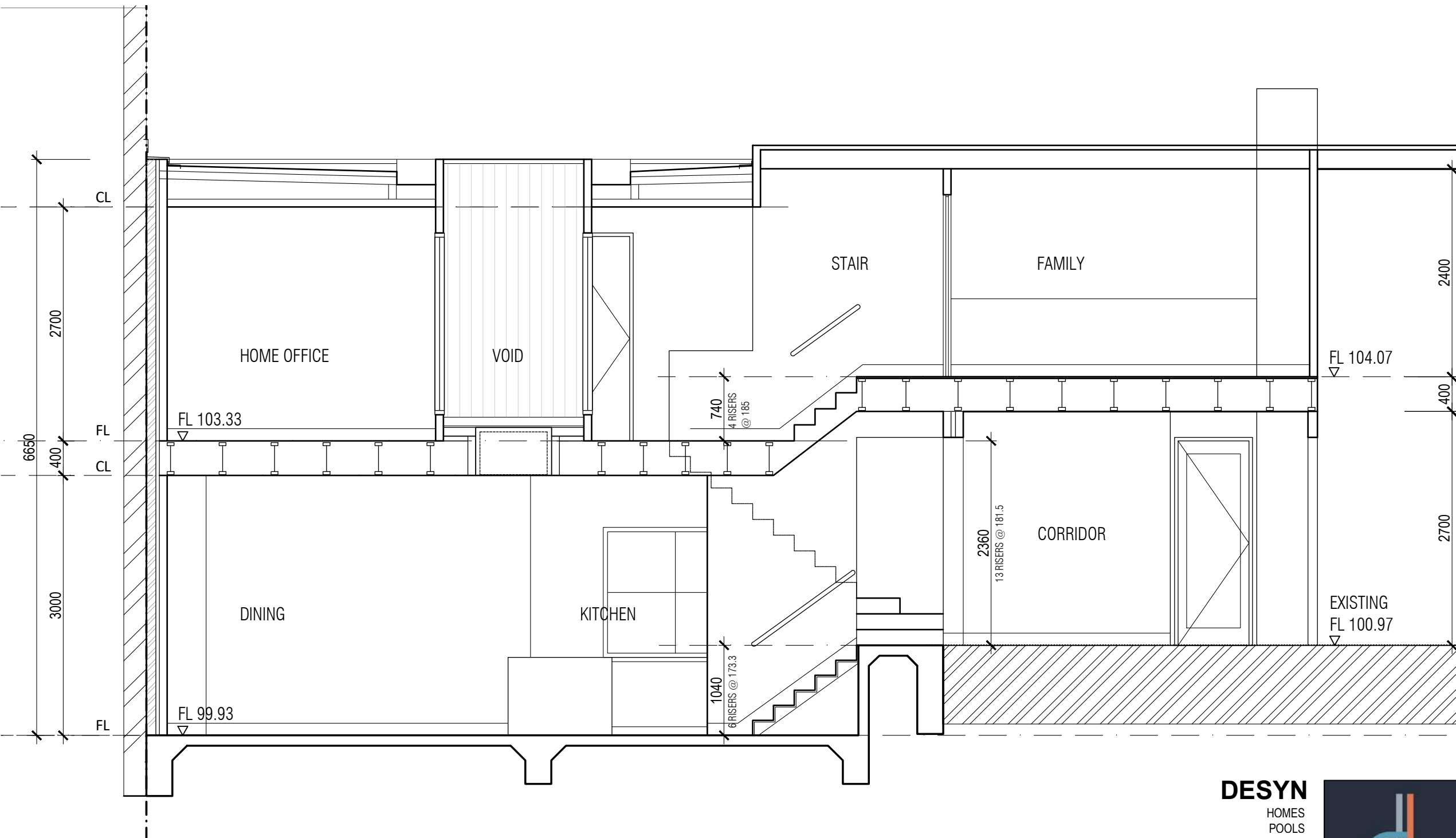
ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740-2004 AND BCA-TABLE 3.8.1.1

SELF CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 3786, CONNECTED TO CONSUMER MAINS POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1)

* DETAIL BY TOPSTAIR, STAIRLOCK OR EQUAL

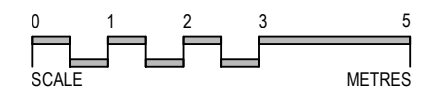
MANUFACTURES STAIRS TO COMPLY WITH BCA 3.9.1
BALUSTRADE TO COMPLY WITH BCA 3.9.2
BALUSTRADE: 1000(h) SOLID PLASTERBOARD - CORR.
BALUSTRADE: 950H STEEL VERTICLE BALUSTERS - LIVING

NON SLIP SURFACE TO BE CLASSIFIED AS P3 or R10, OR NON-SLIP NOSING WITH A CLASSIFICATION NO LESS THAN P3 WHEN TESTED IN ACCORDANCE WITH AS 458



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Amendments		
No.	Date	Description
B	30/09/21	PLANNING APPROVAL - UPDATES
A	02/09/21	PLANNING APPROVAL
2	24/08/21	NEW CONCEPT DESIGN - updates
1	09/08/21	NEW CONCEPT DESIGN



A SECTION A-A 1:50
22 BROUGHAM CRT NTH ADELAIDE

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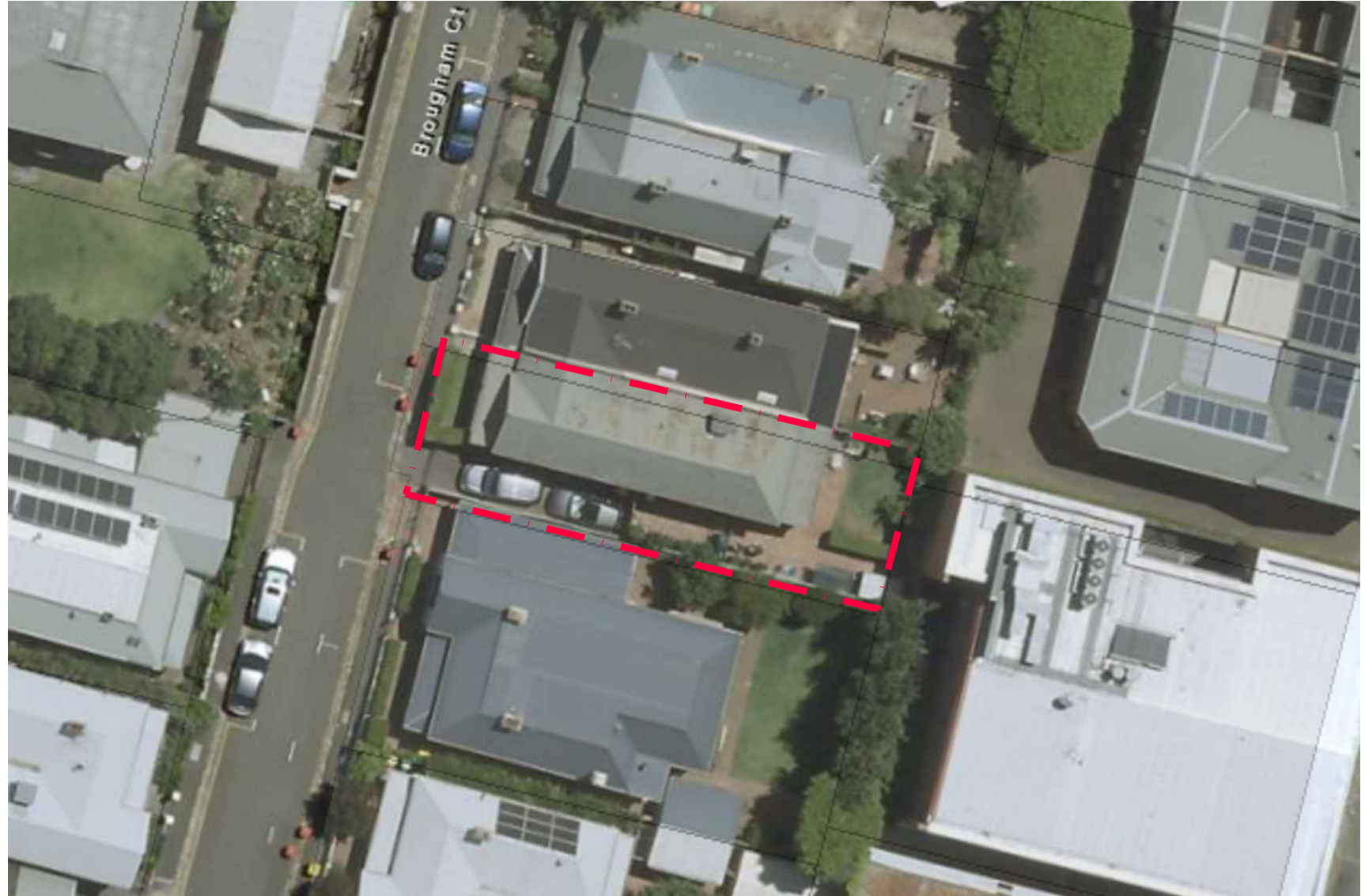


project	PROPOSED EXTENSION @ 22 BROUGHAM CRT NTH ADELAIDE		
scale	1:100	date issued: AUG 21	job No: SW-0633
title	ELEVATIONS / SECTION		
drawing	A04	rev	B

PROPOSED DWELLING - CIVIL DRAWINGS

22 BROUGHAM CRT, NORTH ADELAIDE SA

REF	DRAWING TITLE	CURRENT ISSUE
C1.0	DRAWING LIST & LOCALITY PLAN	A
C1.1	GENERAL NOTES	A
C2.0	CIVIL PLAN	A
C3.0	SURVEY	A



LOCALITY PLAN

NOT TO SCALE

10m
7.5
5
SCALE BAR 1:200 (A3)
0
5m
4
3
SCALE BAR 1:100 (A3)
2
1
SCALE BAR 1:50 (A3)
1
0.5
1000mm
0
750
500
SCALE BAR 1:20 (A3)
250
500mm
0
400
300
SCALE BAR 1:10 (A3)
200
100



AMENDMENTS **DATE** **ISSUE** **BY**
ISSUED FOR APPROVAL 23.09.21 A JM



PROJECT
PROPOSED EXTENSION
22 BROUGHAM CRT,
NORTH ADELAIDE SA

DRAWING TITLE
DRAWING LIST & LOCATION

JOB No. **SHEET No.** **ISSUE**
SBEC 2109-42 C1.0 A

DRAWINGS TO BE PRINTED IN COLOUR

ISSUED FOR APPROVAL



10m
7.5
5
2.5
0
5m
4
3
2
1
0
2.5m
2
1.5
1
0
1.5m
1
0
1000mm
750
500
250
0
500mm
400
300
200
100
0

GENERAL

- G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL CONSULTANT DRAWINGS, THE SPECIFICATION AND WITH SUCH OTHER WRITTEN INSTRUCTIONS ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO SBEC BEFORE PROCEEDING WITH THE WORK.
- G2 THESE DRAWINGS SHALL NOT BE SCALED. DIMENSION AND SETOUT SHALL BE STRICTLY IN ACCORDANCE WITH THE ARCHITECTURAL DOCUMENTS. DRAWINGS ISSUED IN ELECTRONIC FORMAT MUST NOT BE USED FOR DIMENSIONAL SETOUT. ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ALL DIMENSIONS SHOWN ARE IN MILLIMETERS AND LEVELS IN METERS UNLESS NOTED OTHERWISE (U.N.O).
- G3 ALL MATERIALS AND WORKMANSHIP MUST BE IN ACCORDANCE WITH THE CURRENT AND RELEVANT AUSTRALIAN CODES, STANDARDS AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES UNLESS VARIED BY THE PROJECT SPECIFICATION.
- G4 DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE STRUCTURE IN A STABLE CONDITION AND ENSURING NO PART SHALL BE OVER STRESSED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND OBTAIN THE SERVICES OF AN INDEPENDENT ENGINEER, WHERE REQUIRED, FOR A COMPREHENSIVE SAFE ERECTION PROCEDURE, THAT WILL AT ALL TIMES ENSURE THE STABILITY OF THE WORKS, SAFETY OF ALL PERSONNEL AND PROTECTION OF SURROUNDING PROPERTY INCLUDING THE DESIGN, CERTIFICATION AND PROVISION OF ALL NECESSARY TEMPORARY BRACING AND SUPPORT.
- G5 REFER TO ARCHITECTURAL DRAWINGS FOR WATERPROOFING MEMBRANES, CONTRACTION JOINT FILLING MATERIALS, BRICK AND BLOCK WALL THICKNESSES, FALLS IN SLABS, EXTRA PACKING, DRIP GROOVES AND ALL OTHER ARCHITECTURAL FEATURES WHERE NOT NOTED ON THESE DRAWINGS.
- G6 REFER TO ARCHITECTURAL DRAWINGS FOR ALL ADDITIONAL PLATES, ANGLES AND THE LIKE REQUIRED ON STRUCTURAL STEELWORK FOR FIXINGS TO INTERNAL PARTITIONS, OPERABLE WALL BEAMS, BLOCKING, WINDOW FRAMES, FLASHING, CAPPING, ETC.
- G7 ALL PROPRIETARY PRODUCTS SHALL BE INSTALLED STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND WHERE REQUIRED STRUCTURAL CERTIFICATION SHALL BE PROVIDED BY THE BUILDER PRIOR TO INSTALLATION.
- G8 ALL SUBSTITUTIONS MUST BE APPROVED BY THE SUPERINTENDENT IN WRITING PRIOR TO USE OR INSTALLATION.
- G9 CONSTRUCTION SHALL NOT COMMENCE UNTIL BUILDING APPROVAL HAS BEEN RECEIVED FROM THE RELEVANT AUTHORITIES.
- G10 WHERE EXCAVATION WORK IS TO BE UNDERTAKEN ADJACENT TO EXISTING FOOTINGS, THE LEVEL OF THE UNDERSIDE OF THE FOOTINGS SHALL BE OBTAINED PRIOR TO EXCAVATION AND REPORTED TO SBEC TO DETERMINE IF UNDERPINNING OR SHORING OF THE STRUCTURE IS REQUIRED. THE EXISTING STRUCTURE SHALL BE MAINTAINED IN A STABLE AND UNDAMAGED CONDITION.
- G11 NON-LOAD BEARING WALLS SHALL BE 20mm CLEAR OF THE U/S OF STRUCTURAL BEAMS AND SLABS ABOVE U.N.O.

FOUNDATIONS

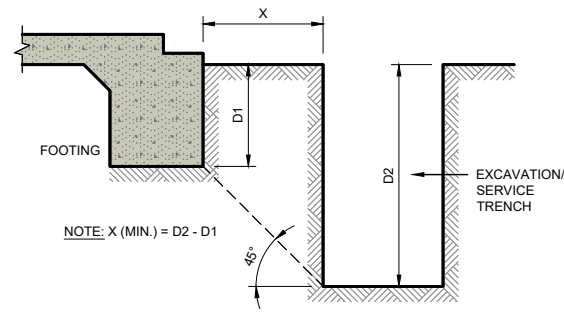
- F1 THESE DRAWINGS AND NOTES ARE TO BE READ IN CONJUNCTION WITH THE GEOTECHNICAL REPORT.
- F2 FOOTINGS HAVE BEEN DESIGNED FOR AN ALLOWABLE BEARING CAPACITY OF 150 kPa. FOUNDING MATERIAL SHALL BE APPROVED BY A CERTIFIED GEOTECHNICAL ENGINEER FOR THIS BEARING CAPACITY PRIOR TO CONSTRUCTION.
- F3 EXCAVATIONS FOR FOOTINGS SHALL BE CONSTRUCTED AND BACKFILLED AS SOON AS POSSIBLE FOLLOWING EXCAVATION TO AVOID SOFTENING OR DRYING OUT BY EXPOSURE.
- F4 EXCAVATIONS TO BE BLINDED WITH A MINIMUM OF 50mm OF CONCRETE WITHIN 48 HOURS OF EXCAVATION WHEN IT IS INTENDED TO POUR FOOTINGS MORE THAN 48 HOURS AFTER EXCAVATION. CONCRETE SHALL NOT BE PLACED UNTIL THE EXCAVATION HAS BEEN INSPECTED AND APPROVED BY SBEC IF THIS IS NOT ADHERED TO.
- F5 FOOTINGS SHALL BE LOCATED CENTRALLY UNDER WALLS AND COLUMNS U.N.O.
- F6 THE DEPTHS TO UNDERSIDE OF ALL FOOTINGS ARE PROVISIONAL ONLY. AFTER EXCAVATION, APPROVAL SHALL BE OBTAINED FROM SBEC FOR THE FOUNDING LEVELS, WHICH MAY BE VARIED IF NECESSARY PRIOR TO FURTHER WORK.
- F7 THE FOUNDATION EXCAVATIONS SHALL BE KEPT FREE OF WATER AT ALL TIMES BY BAILING AND PUMPING IF NECESSARY.
- F8 ALL CONCRETE SLABS AND FOOTINGS IN CONTACT WITH THE GROUND ARE TO BE POURED ON 0.2mm DAMP PROOF MEMBRANE U.N.O.
- F9 FOOTINGS TO BE FOUNDED 200 MINIMUM INTO NATURAL GROUND OR ALTERNATIVELY LEVEL 1 CERTIFIED CONTROLLED FILL. COMPACTION CERTIFICATION TO BE PROVIDED TO SBEC FOR REVIEW PRIOR TO PLACING OF MEMBRANE, REINFORCEMENT OR CONCRETE.
- F10 RETAINING WALLS ARE NOT TO BE BACKFILLED UNTIL FLOOR CONSTRUCTION AT TOP AND BOTTOM IS COMPLETE. WITH THE EXEMPTION OF CANTILEVERED WALLS. ENSURE FREE DRAINING BACKFILL AND DRAINAGE IS IN PLACE.
- F11 ANY OVER EXCAVATION SHALL BE FILLED WITH N10 LEAN MIX CONCRETE.
- F12 OWNER TO REFER TO CSIRO PAMPHLET 10-91 "GUIDE TO HOME OWNERS FOUNDATION, MAINTENANCE & FOOTING PERFORMANCE" FOR BEST PRACTICE RECOMMENDATIONS.

SITE PREPARATION

- SP1 ALL EARTHWORKS, SITE PREPARATION AND MATERIALS TO BE IN ACCORDANCE WITH AS3798 AND THE GEOTECHNICAL REPORT U.N.O.
- SP2 EROSION AND SEDIMENT CONTROL MEASURES AS DOCUMENTED MUST BE IN PLACE PRIOR TO THE COMMENCEMENT OF WORK.
- SP3 SITE PREPARATION SHALL BE RESTRICTED TO THE MINIMUM AREA PRACTICABLE FOR CONSTRUCTION OF THE WORKS.
- SP4 CLEARING AND GRUBBING SHALL CONSIST OF THE REMOVAL OF ALL VEGETATION, LOOSE MATERIAL, AND RUBBISH BUT EXCLUDES TOPSOIL STRIPPING. STRIPPING OF TOPSOIL SHALL NOT TAKE PLACE MORE THAN 28 DAYS PRIOR TO EARTHWORKS COMMENCING. THE CONTRACTOR SHALL STRIP ANY TOPSOIL PRESENT WITHIN THE AREA FOR SITE PREPARATION. THE DEPTH OF STRIPPING SHALL BE AT LEAST 100mm U.N.O.
- SP5 ALL BOULDERS, STUMPS, ROOTS AND OBSTRUCTIONS SHALL BE REMOVED TO A DEPTH OF NOT LESS THAN 300mm BELOW THE STRIPPED SURFACE. GRUBBED HOLES (AND ANY AREA REQUIRING FILLING DUE TO THE REMOVAL OF A STRUCTURE) SHALL BE BACKFILLED IN ACCORDANCE WITH SP10.
- SP6 SURPLUS EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF BY THE CONTRACTOR.
- SP7 SUBGRADE CUT/FILL SURFACE SHALL BE PROOF ROLLED TO ENSURE THE GROUND IS AT A SUITABLE DENSITY AND MOISTURE CONTENT PRIOR TO CONSTRUCTION OF THE SUB-BASE OR SLAB.

SITE PREPARATION (CONTINUED)

- SP8 ALL EXISTING FILL TO BE REMOVED U.N.O. REFER TO THE BOREHOLE LOGS FOR PREDICTED DEPTHS.
- SP9 PROOF ROLLING SHALL BE CARRIED OUT USING A 10t VIBRATING ROLLER (MINIMUM 8 PASSES). THE SUBGRADE SHALL BE PROOF ROLLED TO THE SATISFACTION OF THE SUPERINTENDENT. ANY SOFT, WET OR DISTURBED SPOTS SHALL BE REMOVED AND BACKFILLED IN ACCORDANCE WITH NOTE SP10.
- SP10 SUBGRADE AREAS REQUIRING FILL ARE TO BE PLACED IN HORIZONTAL LOOSE 200mm THICK LAYERS WITHIN 2% OF STANDARD OPTIMUM MOISTURE CONTENT AND COMPACTED TO 98% OF THE MAXIMUM STANDARD DRY DENSITY (AS1289.5.1.1). FREQUENCY OF TESTING SHALL BE IN ACCORDANCE WITH AS3798. ALL FILL IS TO BE TESTED FOR COMPACTION BY A SUITABLY QUALIFIED GEOTECHNICAL ENGINEER IN ACCORDANCE WITH AS3798. ALL RESULTS SHALL BE SUBMITTED TO SBEC FOR REVIEW PRIOR TO PLACEMENT OF VAPOUR BARRIER OR SLAB OVER.
- SP11 BASE MATERIAL USED FOR BACKFILL SHALL BE PM2/20CG OR SIMILAR APPROVED MATERIAL COMPACTED TO 95% OF THE MAXIMUM MODIFIED DRY DENSITY (AS1289.5.2.1). FREQUENCY OF TESTING SHALL BE IN ACCORDANCE WITH AS3798.
- SP12 WHERE THERE HAS BEEN AN EXTENDED DRY PERIOD, THE SUBGRADE MAY EXHIBIT CRACKING NEAR THE SURFACE DUE TO DRYING OUT. MOISTURE CONDITION THE UPPER 200mm OF THE SUBGRADE IN THIS SCENARIO AND COMPACT IN ACCORDANCE WITH NOTE SP10.
- SP13 RAFT FOUNDATIONS HAVE BEEN DESIGNED ASSUMING 'ROLLED FILL' IS CONSTRUCTED IN ACCORDANCE WITH AS2870. ROLLED FILL SHALL BE COMPACTED IN LAYERS BY REPEATEDLY ROLLING WITH AN EXCAVATOR OR SIMILAR. ROLLED FILL SHALL NOT EXCEED 600mm COMPACTED IN LAYERS OF 300mm FOR SAND MATERIAL OR 300mm COMPACTED IN LAYERS OF 150mm FOR OTHER MATERIAL. EXTENT OF FILL SHALL BE DETERMINED ON SITE AND IS THE RESPONSIBILITY OF THE CONTRACTOR.
- SP14 SERVICE TRENCHES AND THE LIKE SHALL BE FILLED OVER AND COMPACTED WITH HAND OPERATED PLATE COMPACTORS IN LAYERS OF 100mm LOOSE THICKNESS.
- SP15 BACKFILL SHALL NOT BE PLACED AGAINST CONCRETE WHICH IS LESS THAN 48 HOURS OLD.
- SP16 BACKFILL SHALL NOT BE PLACED AGAINST ABUTMENTS, WINGWALLS, PIERS OR RETAINING WALLS UNTIL ALL CAST IN PLACE CONCRETE HAS REACHED THE 28 DAY CHARACTERISTIC COMPRESSIVE STRENGTH AND IS AT LEAST 14 DAYS OLD.
- SP17 VIBRATING MACHINERY SHALL NOT BE USED WITHIN 8m OF RETAINING WALLS.
- SP18 EARTHWORK CONSTRUCTION SHALL COMPLY WITH GUIDELINES SETOUT IN AS3798 AND AS2870.
- SP19 DO NOT TRENCH OR EXCAVATE WITHIN A ZONE CLOSER THAN 45° MEASURED FROM THE BASE OF FOUNDATIONS.



AMENDMENTS
ISSUED FOR APPROVAL 23.09.21 A JM

DATE 23.09.21
ISSUE A
BY JM

City of Adelaide Council Assessment Panel Meeting - Agenda - 31 January 2022



PROJECT
PROPOSED EXTENSION
22 BROUGHAM CRT,
NORTH ADELAIDE SA

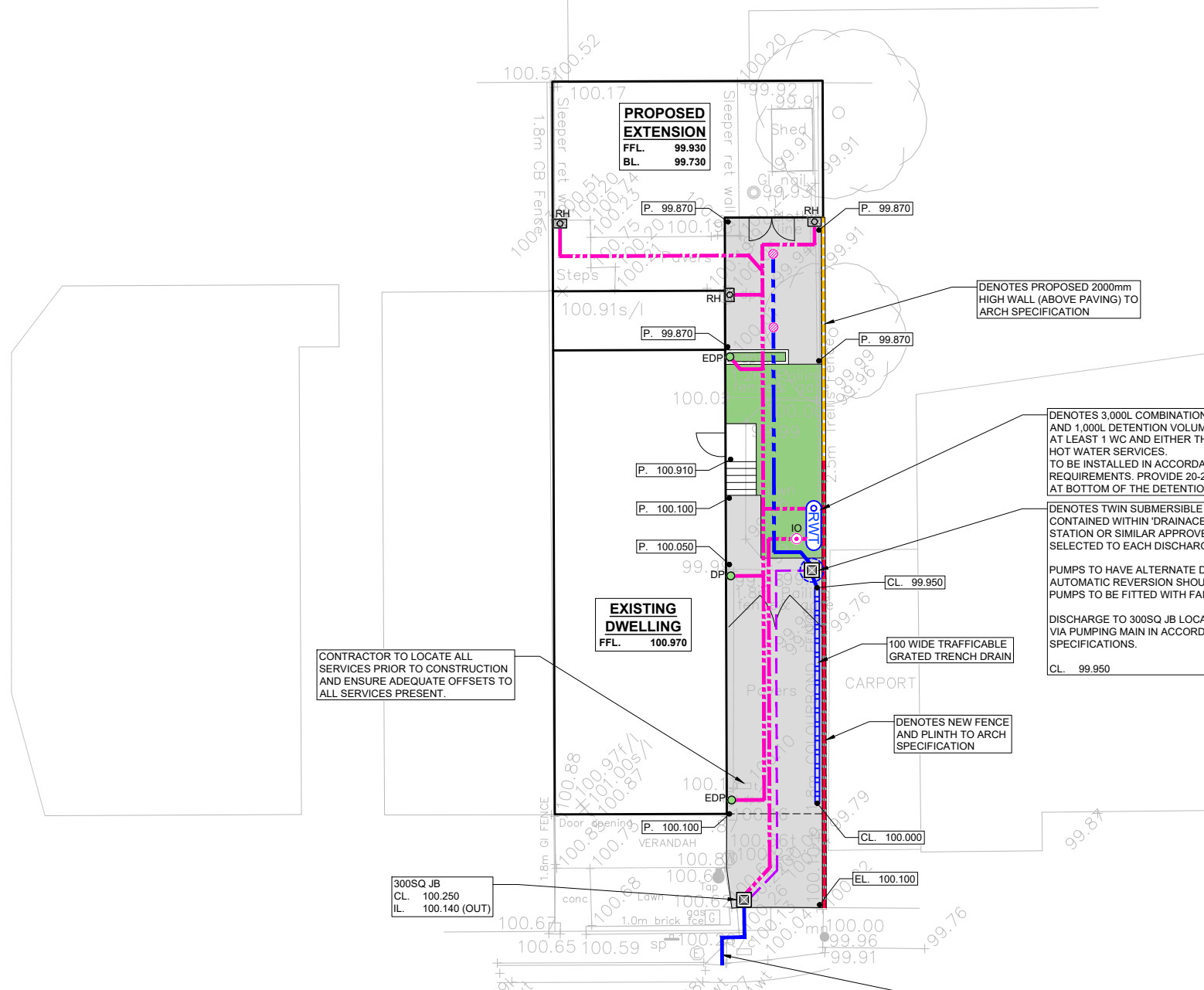
DRAWING TITLE
GENERAL NOTES

JOB No. SBEC 2109-42
SHEET No. C1.1
ISSUE A

DRAWINGS TO BE PRINTED IN COLOUR

ISSUED FOR APPROVAL

SCALE BAR 1:200 (A3) 10m 7.5 5 2.5 0 5m 4 3 2 1 0.5 0 2.5m 2 1.5 1 0.5 0 1000mm 0 750 500 250 0 250 500mm 0 400 300 200 0 100 0



BROUGHAM COURT

CIVIL PLAN
SCALE 1:200 AT A3

SYMBOL	DENOTES
○ DP	DOWNPIPE - 90 DIA
□ RH	RAINHEAD - SIZE BY OTHERS
□ BS	BOX SUMP - SIZE BY OTHERS
○ IP	GRATED INLET PIT - 90 DIA
○ IO	SURFACE INSPECTION OPENING
---	uPVC SEALED SYSTEM - 90 DIA @ 0.5% MIN (U.N.O.)
---	uPVC STORMWATER PIPE - 90 DIA @ 0.5% MIN (U.N.O.)
---	HDPE PUMPING MAIN
---	FENCE PLINTH
---	PEDESTRIAN PAVEMENT (TO ARCH SPECIFICATION)
---	VEHICULAR PAVEMENT (TO ARCH SPECIFICATION)
---	LANDSCAPING (TO ARCH SPECIFICATION)
□	300SQ GRATED INLET PIT - GIP (U.N.O.)
FFL.	FINISHED FLOOR LEVEL
BL.	BENCH LEVEL
CL.	COVER LEVEL
FL.	FINISHED LEVEL
P.	PAVEMENT LEVEL
WT.	WATER TABLE
IL.	INVERT LEVEL

- NOTES:**
- ALL STORMWATER PIPES TO HAVE MINIMUM OF 0.5% GRADE. BUILDER TO CHECK AND CONFIRM ADEQUATE STORMWATER AND SEWER PIPE FALL PRIOR TO BENCHING.
 - DOWNPIPE LOCATIONS AND RETENTION/DETENTION TANK LOCATIONS ARE SHOWN INDICATIVELY ONLY. ACTUAL LOCATIONS MAY VARY.
 - FLEXIBLE CONNECTIONS TO SEWER AND STORMWATER REQUIRED.
 - RETAINING WALLS ARE BASED ON ALL SURROUNDING SITES BEING AS PER THE CONDITION IDENTIFIED AT THE TIME OF SURVEY.
 - BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY. QUALIFIED CONSULTANT TO CONFIRM BOUNDARY LOCATION AND LENGTHS.
 - PERIMETER PAVING IS TO BE INSTALLED STRICTLY IN ACCORDANCE WITH AS3727.1 AS REQUIRED BY THE NCC.
 - THE FINISH FLOOR LEVEL NOMINATED SHALL BE CHECKED BY THE BUILDER PRIOR TO CONSTRUCTION TO ENSURE MINIMUM SEWER AND STORMWATER FALLS CAN BE ACHIEVED. SBEC SHALL BE NOTIFIED IF ANY ADJUSTMENT OCCURS.
 - PRE-WETTING OF SITE MANDATORY PRIOR TO CONSTRUCTION
 - CLIENT/BUILDER TO ENSURE ANY TREE REMOVAL IS IN STRICT ACCORDANCE WITH THE COUNCIL APPROVED DOCUMENTATION. SBEC TAKES NO RESPONSIBILITY FOR ANY TREE REMOVAL

CONTRACTOR TO LOCATE ALL SERVICES PRIOR TO CONSTRUCTION AND ENSURE ADEQUATE OFFSETS TO ALL SERVICES PRESENT.

DENOTES PROPOSED 2000mm HIGH WALL (ABOVE PAVING) TO ARCH SPECIFICATION

DENOTES 3,000L COMBINATION RWT WITH 2,000L RETENTION AND 1,000L DETENTION VOLUME. REUSE TO BE PLUMBED TO AT LEAST 1 WC AND EITHER THE LAUNDRY COLD WATER OR HOT WATER SERVICES. TO BE INSTALLED IN ACCORDANCE WITH COUNCIL REQUIREMENTS. PROVIDE 20-25mm SLOW RELEASE ORIFICE AT BOTTOM OF THE DETENTION COMPONENT OF THE TANK.

DENOTES TWIN SUBMERSIBLE 'GLOBAL WATER' PUMPS CONTAINED WITHIN 'DRAINACE' DAP05 (500L) PUMPING STATION OR SIMILAR APPROVED UNIT. BOTH PUMPS TO BE SELECTED TO EACH DISCHARGE AT A RATE OF 2.50L/s.

PUMPS TO HAVE ALTERNATE DUTY CYCLES WITH AUTOMATIC REVERSION SHOULD EITHER PUMP FAIL. PUMPS TO BE FITTED WITH FAILURE ALARMS.

DISCHARGE TO 300SQ JB LOCATED AT FRONT BOUNDARY VIA PUMPING MAIN IN ACCORDANCE WITH PRODUCT SPECIFICATIONS.

CL. 99.950

100 WIDE TRAFFICABLE GRATED TRENCH DRAIN

DENOTES NEW FENCE AND PLINTH TO ARCH SPECIFICATION

DENOTES APPROXIMATE LOCATION OF EXISTING STORMWATER DISCHARGE POINT TO BE REUSED OR REINSTATED.

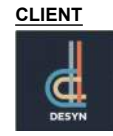
STORMWATER DISCHARGE POINT TO WATERTABLE TO BE CONSTRUCTED IN ACCORDANCE WITH COUNCIL REQUIREMENTS.

CONTRACTOR TO LOCATE ALL SERVICES PRIOR TO CONSTRUCTION AND ENSURE ADEQUATE OFFSETS TO ALL SERVICES PRESENT.

TBM : Masonry nail in the top of kerb
Adopted elevation = 100.36m



AMENDMENTS DATE ISSUE BY
ISSUED FOR APPROVAL 23.09.21 A JM



PROJECT
PROPOSED EXTENSION
22 BROUGHAM CRT,
NORTH ADELAIDE SA

DRAWING TITLE
CIVIL PLAN

JOB No. SBEC 2109-42
SHEET No. C2.0
ISSUE A

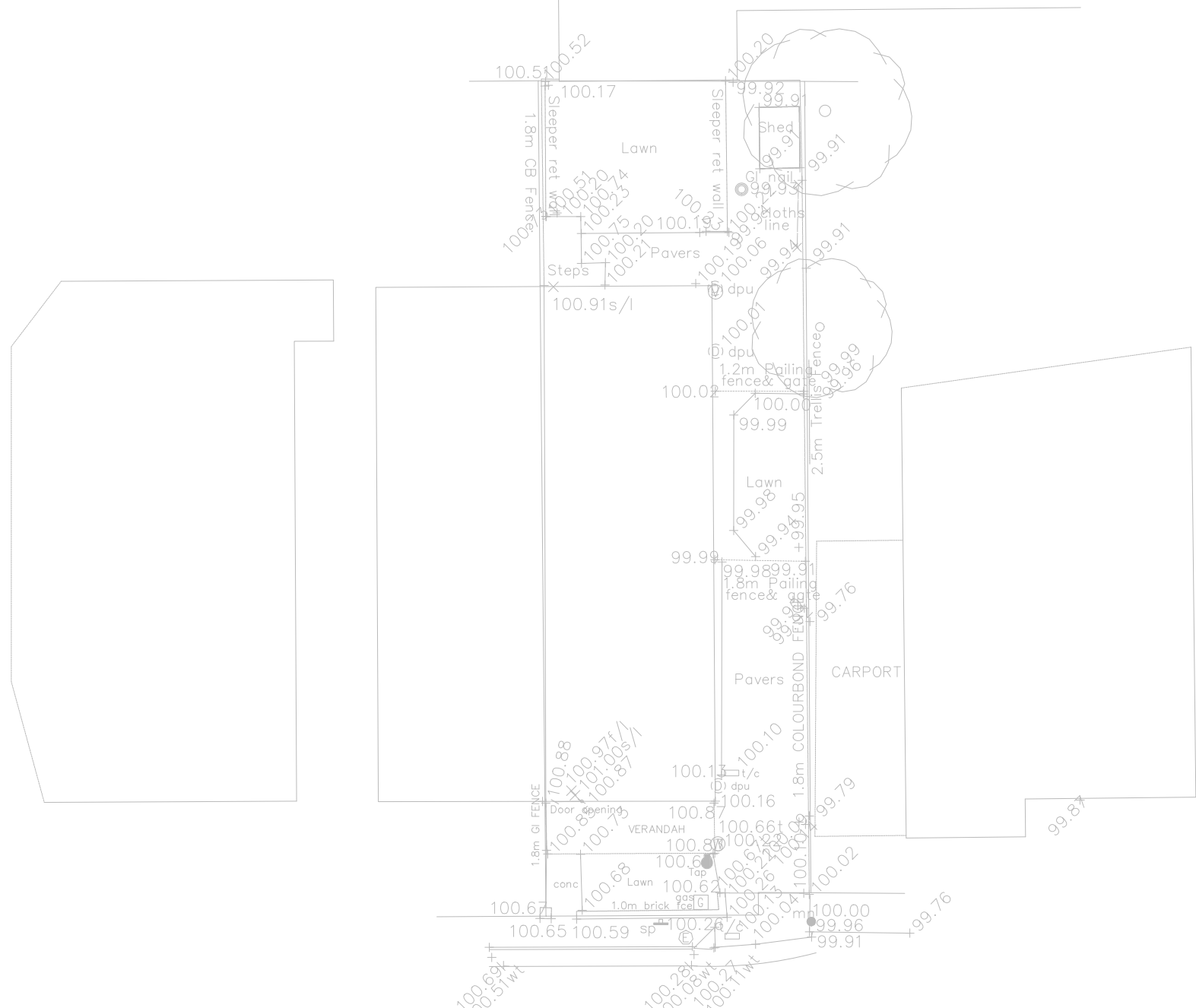
DRAWINGS TO BE PRINTED IN COLOUR

ISSUED FOR APPROVAL



SCALE BAR 1:10 (A3)
SCALE BAR 1:20 (A3)
SCALE BAR 1:50 (A3)
SCALE BAR 1:100 (A3)
SCALE BAR 1:200 (A3)
SCALE BAR 1:500 (A3)
SCALE BAR 1:1000 (A3)
SCALE BAR 1:1500 (A3)
SCALE BAR 1:2000 (A3)

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BROUGHAM COURT

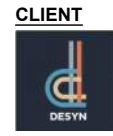
TBM : Masonry nail in the top of kerb
Adopted elevation = 100.36m

SURVEY
SCALE 1:200 AT A3



AMENDMENTS
ISSUED FOR APPROVAL 23.09.21 A JM

DATE 23.09.21
ISSUE A
BY JM



PROJECT
PROPOSED EXTENSION
22 BROUGHAM CRT,
NORTH ADELAIDE SA

DRAWING TITLE
SURVEY

JOB No. SBEC 2109-42
SHEET No. C3.0
ISSUE A

DRAWINGS TO BE PRINTED IN COLOUR

ISSUED FOR APPROVAL



RE: Request for Information - 22 Brougham Court, North Adelaide

Application ID: 21032920

1. The setback on the northern boundary is not satisfactory, having excessive mass, height and length, thus not satisfying City Living Zone – Building Setbacks PO 3.3 and DPF 3.3 and All Residential Development Provisions PO 15.1 and 16.1. You are requested to reduce the amount of built form along the northern boundary.

PO 3.3

Buildings setback from side boundaries to provide:

- a) *separation between dwellings in a way that is consistent with the established streetscape of the locality*
- b) *access to natural light and ventilation to neighbours.*

DTS/DPF 3.3

Building walls are setback from a side boundary not less than the nearest side setback of the primary building on the adjoining allotment.

The setback of our proposed addition is consistent with the established streetscape of the locality, with four of the eight dwellings located in Brougham Court sharing a common wall, thus being built on the boundary. This includes 22 and 24 Brougham Court and 26 and 28 Brougham Court. There are numerous dwellings which share common walls and are built on boundary in the Cathedral Precinct as well as wider North Adelaide.

The setback on the northern boundary will not impact the natural light or ventilation to 24 Brougham Court, given the wall is to be located on the southern boundary of 24 Brougham Court.

As indicated above, the proposed addition is therefore consistent with the requirements of PO 3.3.

The northern boundary wall is setback from the side boundary not less than the nearest side setback of the primary building on the adjoining allotment. The primary building on the adjoining allotment is built on the boundary, with the dwellings sharing a common wall. Setback is therefore in accordance with DTS 3.3.

The proposed northern boundary wall remains at the same height as previously approved by the Council Assessment Panel. This is less than two stories from the ground level of 24 Brougham Court. This is a result of the natural slope of the land, making the ground level of 22 Brougham Court significantly lower than the ground level of 24 Brougham Court. The addition will involve excavation at 22 Brougham Court to reduce the visible height of the build on the boundary from 24 Brougham Court.

The amended plan proposes a minor increase of 3.24m² to the northern boundary wall to accommodate for the use of our home's existing roof space for our growing family.

The total length of the northern boundary wall, from the rear boundary to the end of the lean to of 24 Brougham Court, has increased by a mere 0.88m from that previously approved by the Council Assessment Panel. The wall also now incorporates an alcove, with a setback of 1.2m and length of 1.62m. This alcove reduces the overall continuous length of the boundary wall therefore minimising perceived visual mass, as well as providing additional light and ventilation to the addition. It also addresses an observation of the Council Assessment Panel with respect to the approved plans by providing for the inclusion of a skylight to provide natural light to the lower living spaces of the addition.

PO 15.1

The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.

When viewed from ground level of 24 Brougham Court, although the addition is two stories high, the full height of the addition will not be visible. This will be achieved through the clever use of the natural slope of the land combined with excavation, resulting in the finished floor level of 22 Brougham Court being significantly lower than that of 24 Brougham Court. The build will not exceed the height of the roof pitches of the existing dwellings at 22 and 24 Brougham Court.

To reduce perceived visual mass, the northern boundary wall will:

- incorporate an alcove with a setback of 1.2m and length of 1.62m, designed to reduce the overall continuous length of the wall and hence perceived visual mass
- be constructed from materials of varied complementary textures and colours.

The northern boundary wall will provide a visual break to the bulk of the expansive approx.10m high and 7m wide red brick wall built on the rear boundary of 22 Brougham Court, which is visible from 24 Brougham Court.

It should also be noted that both 22 and 24 Brougham Court have significant screening plants located along the adjoining boundaries which will further screen the proposed addition and further reduce the perceived scale of bulk and mass.

PO 16.1

Dwelling additions are sited and designed to not detract from the streetscape or amenity of adjoining properties and do not impede on-site functional requirements.

The addition to 22 Brougham Court has been carefully designed to not detract from the streetscape or amenity of adjoining properties and does not impede on-site functional requirements.

The addition will provide greater privacy for all properties.

Through the use of varied materials of complementary textures and colours, the addition will also provide a visual break to the expansive bulk of the approx.10m high and 7m wide red brick wall built on the rear boundary of 22 Brougham Court, for all properties as well as the public street.

2. The environmental performance of the large west facing window of the upper level extension is unknown. What physical protection from afternoon sun and / or what level of high-performance glazing is proposed to mitigate against solar heat gain?

The large west facing window of the upper level of the addition will be double glazed, potentially with Low E film, and include internal window furnishings (block-out curtains/blinds) to mitigate against solar heat gain. The window will be openable, at a minimum of 1.5m above finished floor level to ensure privacy to surrounding properties, which, in conjunction with skylights, will allow for ample ventilation. Skylights will also be treated with window furnishings (block-out blinds) to mitigate against solar heat gain.

3. The footprint of the extension plus the existing dwelling is being enlarged; now being 71% of the site. This exceeds the 50% maximum desired. You are advised that this indicates that the proposal is edging towards being excessively large.

The approved plan included a small plunge pool. This space whilst providing an external amenity would only do so seasonally. The conversion of this footprint to living area provides greater usable space throughout the entire year for our growing family. Our builder, Desyn, have calculated the site coverage (footprint) to be 65%. Whilst this is over the desired 50%, the *Planning and Design Code* allows an additional ancillary structure to be erected with a maximum site coverage of 20% for the allotment size. The proposal is therefore below the total allowable site coverage.

The additional area to our home is to accommodate our growing family. As North Adelaide is such an enjoyable place to live and where we have established our lives, we are reasonably seeking to maximise the use of our land to build our family home to accommodate us for many more years to come. It is our strong view that our addition, which will still allow for two off-street vehicle parks as well as an ample outdoor area for entertaining, dining, and play, is well within reason and, in many cases, provides far greater private outdoor space than many homes, particularly located within the boundaries of Adelaide City Council. We are also fortunate to live near many well maintained parklands, including Palmer Gardens and the Adelaide Oval, which we utilise every week to play sport and games, undertake exercise, relax and socialise.

4. There is insufficient area of soft landscaping (lawn, shrubs, groundcovers, trees) including indigenous species, thus not satisfying Design – Landscaping PO 3.1 and 3.2, Residential Development – Low-rise – Landscaping PO 22.1 and DPF22.1. Please increase the amount of soft landscaping on the site to satisfy DPF 22.1 which seeks 20% site coverage, with a minimum dimension of 700 millimetres.

Soft Landscaping has been excluded from the site plan as it has yet to be determined in terms of final placement, species etc. We intend to and have no hesitation in providing soft landscaping to satisfy DPF 22.1, which seeks 20% site coverage, with a minimum dimension of 700 millimetres. We respectfully request for this requirement to be included as a condition upon approval of our planning development.



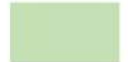

5. Is any conservation work to the primary façade or southern side of the local heritage place proposed? Such work is encouraged and could be supported by means of a HIS (Heritage Incentive Scheme) grant. If you would like to explore this option, please advise me and I will put you in touch with Council's heritage advisors who can assist.

As part of our addition, we will be undertaking repairs to the front of our home. This will include addressing rotten timbers, replacing rusted roof sheeting and repainting. We have recently met onsite with Simon Weidenhofer, Senior Heritage Architect with Adelaide City Council, to discuss options available to us through the Heritage Incentive Scheme, however we are not looking to lodge an application at this point in time.

ATTACHMENT 2: Subject Land & Locality Plan



LEGEND

-  Subject Site
-  Locality
-  Local Heritage Place
-  State Heritage Place

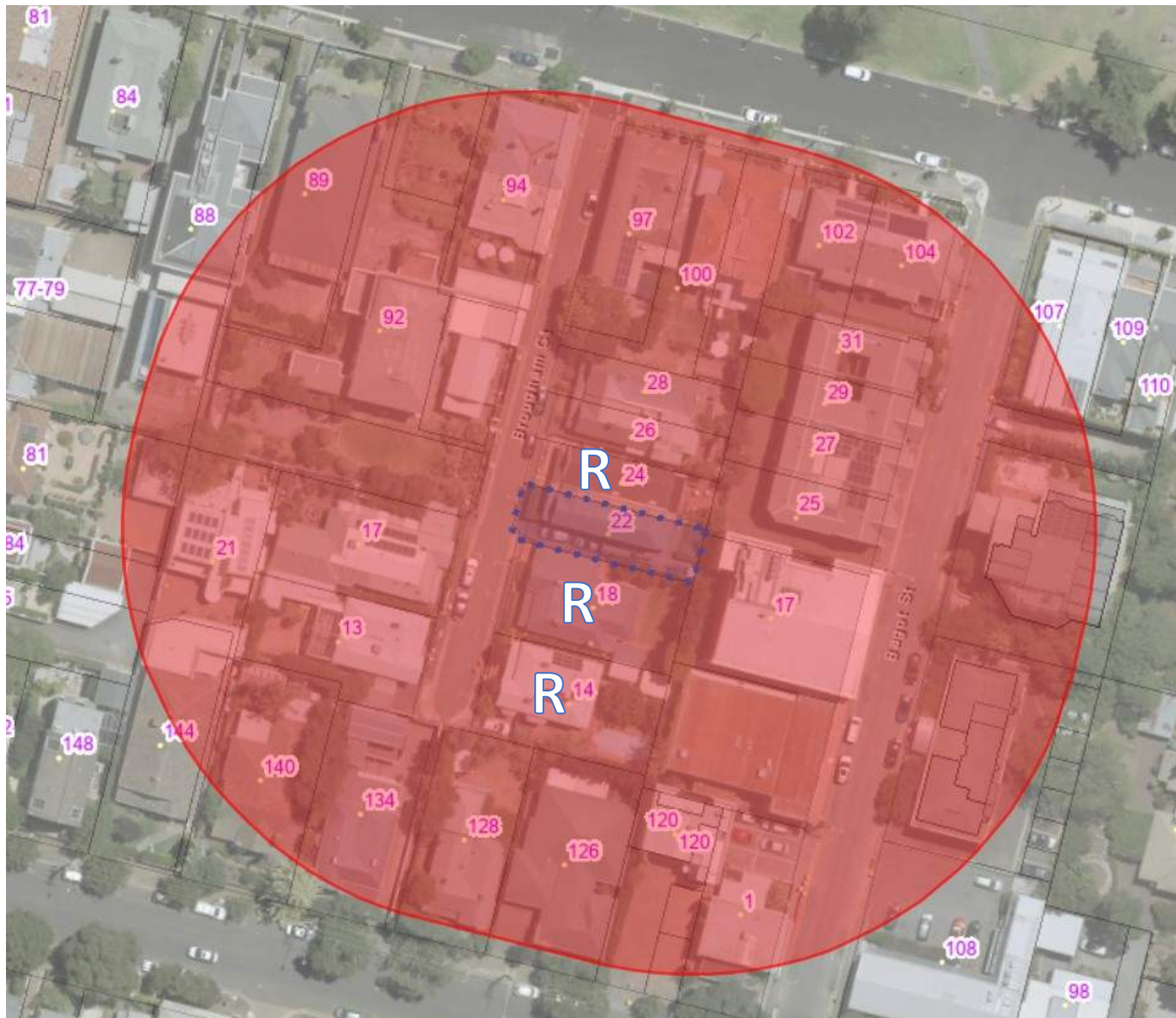
ATTACHMENT 3: Zoning Map



LEGEND

-  Subject Site
-  City Living Zone
-  Adelaide Park Lands Zone

ATTACHMENT 4 – REPRESENTATION MAP



LEGEND



Subject Site



Properties Notified



Representor

ATTACHMENT 5

REPRESENTATIONS

Application Summary

Application ID	21032920
Proposal	Variation to existing Development Plan Consent DA/210/2020, approved 26/08/2020 - Alterations to previously approved addition/renovation including internal walls changes and additional upper living spaces.
Location	22 BROUGHAM CT NORTH ADELAIDE SA 5006

Representations

Representor 1 - Chris Harris

Name	Chris Harris
Address	14 Brougham Court NORTH ADELAIDE SA, 5006 Australia
Phone Number	0403912952
Email Address	harrischrisa@gmail.com
Submission Date	06/12/2021 05:18 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons	Development is only 2 stories and within scale of existing housing.

Attached Documents

Representations

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Representor 2 - Elisa Toome

Name	Elisa Toome
Address	14 Brougham Court NORTH ADELAIDE SA, 5006 Australia
Phone Number	0415191181
Email Address	elisatoome@gmail.com
Submission Date	06/12/2021 05:20 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons	Proposed scale and bulk of the development is inline with the area and is only 2 stories.

Attached Documents

Representor 4 - Jo Duldig

Name	Jo Duldig
Address	2 Raymond Walk TOORAK GARDENS SA, 5065 Australia
Phone Number	0883332582
Email Address	joduldig@gmail.com
Submission Date	23/12/2021 12:26 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons	The Respondent raises the following objections to the proposed variation to DA/210/2020. Please refer to detailed representation in the document attached. 1. Objection #1: o Visual bulk adjacent to our private open space is not minimised as required by Council Wide principles of Development Control. The proposed development has a visual bulk three times larger than a standard fence in the same position. The proposed development in fact maximises the visual bulk. 2. Objection #2: o The proposed development is not consistent with the prevailing set-back in the locality in relation to side and rear boundaries as required by Council Wide principles of Development Control. There is no set back in the proposed development - all other residences in Brougham Court have either no development or at least partial set back in relation to side boundaries. 3. Objection #3: o The proposed development does not protect neighbouring amenity, significantly reduces daylight and no attempt is proposed to minimise visual impact. The character and amenity of our private open space would be severely impacted by this proposed development.

Attached Documents

DA_210_2020_Variation_-_Objection_-_Jo_Duldig_24_Brougham_Court_Nth_Adelaide.pdf

Response to application for variation to DA/210/2020 22 Brougham Court, North Adelaide

Respondent: Ms Jo Duldig. Property owner of adjoining residence at 24 Brougham Court.

The Respondent raises the following objections to the proposed variation to DA/210/2020:

1. Objection #1:

- Visual bulk adjacent to our private open space is **not minimised** as required by Council Wide principles of Development Control. The proposed development has a visual bulk three times larger than a standard fence in the same position. The proposed development in fact **maximises the visual bulk**.

2. Objection #2:

- The proposed development is **not consistent** with the prevailing set-back in the locality in relation to side and rear boundaries as required by Council Wide principles of Development Control. There is **no set back** in the proposed development - all other residences in Brougham Court have either no development or at least partial set back in relation to side boundaries.

3. Objection #3:

- The proposed development does **not protect** neighbouring amenity, significantly **reduces daylight** and **no attempt** is proposed to minimise visual impact. The character and amenity of our private open space would be severely impacted by this proposed development.

Objection # 1

The proposed development is excessively bulky in massing, scaling and siting. The development runs the entire length (**8.95m**) of the private open space boundary, and introduces contemporary design elements such as Hardies Axon fibre cement cladding and cement render which are not in keeping with the generally red brick heritage character of the neighbouring buildings.

With respect to the visual bulk of the proposed development, for comparison, an approved boundary fence in the same position would have a visual bulk on the northern boundary of our private open space of some **19m²** and maximum height of **2.1m**.

The current approved DA allows for an increased visual bulk of **38m²** and height of **6.35m**.

The present variation application increases the visual bulk again to **59m²**, with a height of **6.55m** along the entire northern boundary of our private open space.

This is an unacceptable visual bulk adjacent to a neighbour's private open space.

We submit this new variation should not be viewed as a mere incremental increase simply because the previous DA was approved. If the new variation is approved, we will be confronted with a boundary wall extending **6.55m** high, running **8.95m** long resulting in a visual bulk **three times larger** than the existing fence. In no way does this development minimise the visual bulk. It maximises it.

The scale, bulk, setback, and design are **not** compatible or sympathetic with the design of neighbouring local heritage places. The proposed ultra-modern development would be dominant due to the scale and design and would diminish the heritage value of the adjoining properties. The excessively dominant design planned on the adjoining boundary has no form element that is sympathetic or consistent with heritage places. This will significantly reduce the heritage value and market value of the respondent's heritage place.



Objection #1 – Minimising visual bulk

Proposed new 6.55m high adjoining walls maximise the visual bulk of the development.

**Reference - Council-wide Principles of Development Control
Low Scale Residential**

20. The visual bulk of low scale residential development adjacent to street frontages and private open space should be minimised through colour, building materials, detailing, setback, articulation and fenestration.

Heritage and Conservation Zone – North Adelaide

Note: The principles under the heading “Heritage and Conservation – North Adelaide” are additional to the Council Wide Heritage and Conservation Objectives and Principles of Development Control and in cases of apparent conflict, take precedence over the Council Wide Heritage and Conservation Objectives and Principles of Development Control.

149 *Development of a Heritage Place, identified in the relevant Zone or Policy Area, should:*

(e) integrate improvements and additions at the rear or side of the Heritage Place and not in front of elements of identified heritage value, and may be of contemporary design provided it is of compatible:

(i) scale, bulk and setbacks;

(ii) proportion and composition of design elements;

*(iii) form and visual interest (as determined by play of light and shade, treatments of openings and depths of reveals, **roofline** and silhouette, colour and texture of materials, details, landscaping and fencing); and (iv) materials such as stone, brick, render, galvanised steel, slate, terracotta and the like which are characteristic of North Adelaide.*

151 *Alterations or additions at the rear of a Heritage Place should neither dominate nor compete with the elements of heritage value of the Place in its design, siting, scale, form and detail. Rear development should not be readily viewed from the street above a Heritage Place.*

Objection # 2

The proposal is to build on the entire length of the adjoining side rear boundary. This is a major deviation from the pattern and character of side and rear boundary of all existing properties in Brougham Court. Building boundary to boundary (sides and rear) in this manner is totally inconsistent with prevailing setbacks in this street and location.



Objection #2 - Dwelling Setbacks (side and rear)

None of the residential properties in this street have substantial development on both side and rear boundaries. Prevailing setbacks to rear and side boundaries are limited to very minor development only in this street.

Reference - Council-wide Principles of Development Control

Dwelling Setbacks

Objective 13: Building setbacks that complement the prevailing setback of the street

22 To reinforce the pattern and character of individual streets, set-backs of low scale residential development should be consistent with the prevailing set-back in the locality in relation to: (a) street frontages; and (b) side and rear boundaries

Objection #3

The proposed development is in no way limited in length and height to minimise the visual impact on adjoining property. The proposal extends the full length of adjoining boundary and significantly diminished neighbour's amenity and enjoyment of their private open space. The height and length of proposed development of a vertical wall of **6.55m by 8.95m** will have a significant visual impact on the adjoining property and resultant loss of neighbour amenity.

There have been several developments approved by council (26 Brougham Court and 25-31 Bagot Street) that have already created significant visual impact, loss of neighbouring amenity, significant overshadowing and overlooking to the adjoining property at 24 Brougham Court. This has created a "hemmed in" feeling to what was once an enjoyable open space rear yard. The light levels from reduced skyline and overshadowing has created a rear yard that is barren and suffers extremes of weather, glare and moisture due to microclimate created in part by adjoining properties and lack of sunlight. Photos provided show the open space visual impacts currently experienced. To build on another adjoining boundary will further substantially reduce amenity and enjoyment of this open space.

Reference - Council wide Principles of Development Control Low Scale Residential

Building Siting

Objective 14: Low scale residential development sited to:

- (a) protect and maintain the desired character of the relevant Zone or Policy Area;*
- (b) ensure adequate daylight to dwellings and sunlight to private open space; and*
- (c) protect neighbouring amenity.*

23 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; (b) minimise the overshadowing of adjoining properties; (c) reduce the risk of damage to significant trees on adjoining properties taking into account potential damage to root systems; and (d) maximise energy efficiency

Northern Development at 26 Brougham Court showing visual impacts and effects of overshadowing, dampness created in open space.





Developments on boundary 26 Brougham Court and rearward facing impact and window overlooking of development 25-31 Bagot Street.



The only remaining sky and visual outlook from open space that is not yet impacted by development is the northern boundary of our private open space, which is proposed to be taken away completely through the development to a height of **6.55 m** along its entire length.




Application ID 21032920

 Jo Duldig <joduldig@gmail.com>
To:  Duty Planner

 Reply  Reply All  Forward  

Fri 24/12/2021 4:53 PM

 If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please add the following details to my submission on Application regarding the major building and renovation to 22 Brougham Court which is one side of a double Heritage cottage in North Adelaide. This heritage area has cottages as listed 22, 24, 26, and 28.

1. 22/24 are down the lower end and until the current tenants purchased the home gave access to tradespeople and was not closed off with a gate as is the case now. Over the years it has been difficult for clearing of sewerage to be unblocked and sewer and water overflows have occurred.

BLOCK SIZES

I would like the dimensions of the block on which number 22 is situated and also 24 Brougham Court checked by a recognized surveyor so we know at once just where there are any easements and have them listed legally by the City Planning Department. The cost to be a further addition to the total cost of building.

FENCE

2. Any fence changes not to go ahead without first showing the Council and checking if it had been legal in an Heritage Area and not built on any easement and that it satisfied Lands Titles Office. I visited the Lands Titles office and purchased the plan and believe that there are easements which cannot be built over and the officer in Lands Title said that it looks as if we have an easement between our properties.

SCALE

The proposed scale of the building to be checked by the correct Department between open space and building size in a small cluster of Historical homes,

Thankyou Jo Duldig
24.12.2021

Representor 5 - Matthew Gerschwitz

Name	Matthew Gerschwitz
Address	18 Brougham Court NORTH ADELAIDE SA, 5006 Australia
Phone Number	0424462872
Email Address	mgkg@ozemail.com.au
Submission Date	23/12/2021 01:28 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	We have 2 significant concerns in relation to the proposed construction of a second storey addition at rear of above property as we share a common boundary on our northern side. Each significantly reduces the amenity and private enjoyment of our property with family and friends in our backyard and family room as principal areas of gathering as it impacts us with the Height/bulk & Setback in addition to Overlooking/Privacy. The major concerns are: <ul style="list-style-type: none"> • Height/Bulk & Setback: The excessive height of the second storey addition built on the boundary is of a size, scale and location which results in visual dominance when viewed from our rear family room/backyard. In addition, there is no setback which is required to provide access to natural light; & • Overlooking & Privacy: The additional windows and new balcony/door facing into our property enables overlooking into our main living/family, main bedroom and private outdoor spaces. Please refer to the 2 Attached files for details.

Attached Documents

ACC_22BC_Response_Final_241221.pdf
ACC_22_BC_Response_Attachment_241221.pdf

Edouard Pool
Planning Assessment
Adelaide City Council
GPO Box 2252
Adelaide SA 5001

24 December, 2021

Dear Edouard

Development Application Representation

Application: 21032920

Address: 22 Brougham Court, North Adelaide, SA, 5006

Description: Variation to existing development consent DA/210/2020 – Alterations to addition including internal wall changes and additional upper spaces

We refer to the above seeking written comments and advise as follows:

General

We have 2 significant concerns in relation to the proposed construction of a second storey addition at rear of above property as we share a common boundary on our northern side. Each significantly reduces the amenity and private enjoyment of our property with family and friends in our backyard and family room as principal areas of gathering as it impacts us with the Height/bulk & Setback in addition to Overlooking/Privacy.

The major concerns are:

- **Height/Bulk & Setback:** The excessive height of the second storey addition built on the boundary is of a size, scale and location which results in visual dominance when viewed from our rear family room/backyard. In addition, there is no setback which is required to provide access to natural light; &
- **Overlooking & Privacy:** The additional windows and new balcony/door facing into our property enables overlooking into our main living/family, main bedroom and private outdoor spaces.

Height/Bulk & Setback

Our property is downhill from the applicants on a slope creating a sense of enclosure with the size of the addition. The excessive scale of the second storey addition on our north boundary significantly impacts the use and enjoyment of our property with a tall sheer wall 7.35 metres (6.65m height proposed wall plus 0.7m drop to level of our rear yard) in height when looking up. It has continued to grow in height/scale as it is now 0.3m higher than the previous proposal.

In addition, our property will be impacted by a reduction in natural light into both our rear family room and backyard due to the proposed 2 storey extension built on the boundary. This will significantly impact the private use and enjoyment of our property in our principal areas for entertaining family and friends.

There are a number of Performance Assessed Codes that provide guidance on Height, Bulk & Setbacks including:

Land Use & Intensity

PO 2.8

Buildings setback from side boundaries to:

- *reduce impacts of building bulk on adjoining properties*
- *provide adequate direct sun and ventilation to the building and open spaces*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties*
- *minimise the extent of overshadowing on adjoining properties*

Building Setbacks

PO 3.3

Dwellings set back from side boundaries provide:

- *separation between dwellings in a way that complements the established character of the locality*
- *access to natural light and ventilation for neighbours*

Building walls are setback from side boundaries:

- *for a wall facing a southern boundary at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings*

Side Boundary Setback

PO 7.1

Building walls are set back from side boundaries to provide:

- *separation between dwellings in a way that complements the established character of the locality*
- *access to natural light and ventilation for neighbours*

Built Form & Character

PO 10.2

Development of more than 1 building level in height takes into account of its height and bulk in relation to adjoining dwellings by:

- *incorporating stepping in the design in accordance with the slope of the land*
- *where appropriate, setting back the upper level a greater distance from the side boundary than the lower level.*

The second storey height and bulk has a significant visual dominance impact & as a result has a detrimental effect on the amenity and enjoyment of our property. Please refer to the **Attachment** which shows a sheer wall of 7 metres on boundary when looking up at it from our private rear yard - the wall is so high you break your neck looking up.

In a similar proposal by the applicants approved by Council (6 years ago) it was Council who insisted, on our behalf, that the second storey be setback 1.9m from the boundary, thereby reducing the impact of height, bulk & loss of sunlight to our property. The setback was to assist in increasing the volume of natural light into our rear yard and family room. That setback is not reflected in the current plans.

Summary

Due to the impact of height, bulk & scale creating a visual dominance, in addition to loss of natural light, we request Council ensure the minimum 1.9m setback from boundary of second storey in current plans in accordance with the Code.

Overlooking & Privacy

We have a number of significant concerns regarding Privacy & Overlooking which significantly impact the private use and enjoyment of our property in our principal living areas and private side/rear yards used for entertaining family and friends.

There are a number of Performance Assessed Codes that provide guidance on Overlooking & Privacy including:

All residential development

Dwelling Additions - Overlooking/privacy

PO10.1

Development mitigates direct overlooking from upper-level side or rear facing windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood type zones.

PO10.2

Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood zones.

One of the following is to be satisfied:

- *Privacy treatment to at least 1.5m above finished floor level where the door/balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land; or*
- *Privacy treatment to at least 1.7m above finished floor level in all other cases*

We have a number of Privacy concerns as follows:

- **South Elevation (A03) – window to new upstairs Bed 4.** It will look directly down into our private rear yard and rear family/living room areas.

The Plans indicate sill height at 1.92m above FFL. We request that Council confirm the sill height and ensure that the window is fixed.

- **South Elevation (A03) – 3 windows to roof space.** The plans (A04) show it as 'Family Room'.

Regardless of what it is called on the Plans, the 3 (south) windows with sill heights at only 0.6m above FFL enabling overlooking into our private rear yard & into our rear family/living room. We request that Council ensure these have treatment to prevent downward overlooking into our private space from the very low sill heights of only 0.6m above FFL – either (a) translucent finish applied to 100% of each of the 3 windows, (b) a metal plate on the 3 to prevent downward looking or (c) move them to the other side (north) of the roofline.

- **South Elevation (A03) – Balcony & door to outside.** The balcony and door sit much higher than our property & well above the proposed 2m fence. It looks directly into our private side/rear yard, rear family room & even the main bedroom – we request that Council ensure a privacy treatment to a minimum to 1.7m above FFL in accordance with the Code be provided to ensure adequate privacy.

Summary

Due to the impact of loss of privacy from overlooking into our main living/family room, main bedroom and private outdoor spaces we request Council ensure the privacy treatment to these new windows is reflected in current plans in accordance with the Code.

Other Issues

Airconditioning Plant

Plans (A02) note that future air-conditioning plant will be installed on roof which is required to be screened off per Performance Assessed Code below:

All Development

P0 1.4

Plant, exhaust and intake vents and other technical equipment is integrated into building design to minimise visibility and negative impacts on residential amenity – screening rooftop plant and equipment from view. Development does not incorporate any structures that protrude beyond the roofline.

Summary

We request that Council ensure that any future air-conditioning plant on the roof is screened off in accordance with the Code.

Fence on Boundary

The proposed moving or replacement of the fence on the boundary is subject to the Fences Act. This matter was discussed with the applicant onsite on 2 August, 2014 (a previous proposal) when reviewing a copy of their Boundary Survey which indicated a minor out of alignment with the current fence. We advised that Council Approval did not entitle works on boundary/fence to commence, but that Fences Act process was to be followed. We further advised that the colour bond fence section was to remain at its current height & all our current fixed structures/property on our land including front fence post, front gates, carport, clothes line and trellis were to remain & not be damaged during works. If building works proceed, express written permission for access to our private property will be required to ensure no trespass or property damage.

Summary

We request that Council ensure the proposed 2.0m 'rendered wall' section of fence go from rear boundary right up to the rear (east) of our carport to provide us with improved visual and acoustic privacy. The current plans show it stopping in line with the relocated Hot Water Service which is just short of the rear of the carport.

Recommendation

Due to our significant concerns **the proposed development should NOT be approved.**

We look forward to Councils favourable consideration to the above significant concerns in relation to the detrimental impact that the proposed development will have on our property.

Yours sincerely

MATTHEW & KATY GERSCHWITZ



ATTACHMENT 6

RESPONSE TO REPRESENTATIONS

Application ID	21032920
Proposal	Variation to existing Development Plan Consent DA/210/2020, approved 26/08/2020 - Alterations to previously approved addition/renovation including internal walls changes and additional upper living spaces.
Location	22 BROUGHAM CT NORTH ADELAIDE SA 5006

Representor 3	
Name:	Sara Tomevska
Address:	26 Brougham Court North Adelaide, SA, 5006
Reasons	Response
<p>To whom it may concern, I would like to raise some serious concerns about the proposed development at 22 Brougham Court. First of all, the proposed height is in contravention of the State Planning Code's accepted height of 2 storeys for residential dwellings. I don't see what the cost-benefit to the community would be to allow an exemption to the Code. It would only benefit the developers. Secondly, but just as importantly, it would see a heritage building changed beyond recognition. Thirdly, it would cast our house, 26 Brougham Court, entirely in shade - completely eliminating the small bit of western sun our terrace house receives in the afternoon. Fourthly, the already tight street would be teeming with cars. Finally, every neighbour I've spoken to is opposed to this proposal and all feel it's not suited to the area. Kind regards, Sara Tomevska.</p>	<p>On review of the reasons provided, it appears that the commentary relates to the proposed development (Application ID: 21032683) at 89, 92 and 94 Brougham Place, North Adelaide, which was open for consultation concurrently with that of our proposed development, and has therefore been submitted in error.</p>

Representor 4	
Name:	Jo Duldig
Address:	2 Raymond Walk Toorak Gardens, SA, 5065
Reasons	<p>Response <i>Please note there are multiple inaccuracies with respect to the dimensions provided in this representation which overstate the size of the proposed development. Images provided do not appear to have been prepared by a professional drafter/architect. Please refer to submitted plans for accurate dimensions and drawings.</i></p>
<p>Objection 1: Visual bulk adjacent to our private open space is not minimised as required by Council Wide principles of Development Control. The proposed development has a visual bulk three times larger than a standard fence in the same position. The proposed development in fact maximises the visual bulk.</p>	<p>The proposed northern boundary wall remains at the same height as previously approved by the Council Assessment Panel. This is less than two stories from the ground level of 24 Brougham Court. This is a result of the natural slope of the land, making the ground level of 22 Brougham Court significantly lower than the ground level of 24 Brougham Court. The addition will involve excavation at 22 Brougham Court to further reduce the visible height of the build on the boundary from 24 Brougham Court. The total length of the northern boundary wall, from the rear boundary to the end of the lean to of 24 Brougham Court, has increased by a mere 0.88lm (totalling 3.24m²) from that previously approved by the Council Assessment Panel. This allows for the use of our home’s existing roof space to adequately accommodate our growing family.</p> <p>The northern boundary wall now incorporates an alcove, with a setback of 1.2m and length of 1.62m, designed to reduce the overall continuous length of the wall and therefore perceived visual mass. This alcove provides additional light and ventilation to the addition. It also addresses an observation of the Council Assessment Panel with respect to the approved plans by enabling for the inclusion of a skylight to provide natural light to the lower living spaces of the addition.</p> <p>When viewed from ground level of 24 Brougham Court, although the addition is two stories high, the full height of the addition will not be visible. This will be achieved through the clever use of the natural slope of the land combined with excavation, resulting in the finished floor level of 22 Brougham Court being significantly lower than that of 24 Brougham Court. The build will not exceed the height of the roof pitches of the existing dwellings at 22 and 24 Brougham Court.</p> <p>In accordance with advice from Adelaide City Council, the proposed extension has been designed to use materials of varied textures and colours to provide a distinct, although complementary, separation from the existing heritage property.</p> <p>The northern boundary wall will provide a visual break to the bulk of the expansive approx. 10m high and 7m wide red brick wall built on the rear boundary of 22 Brougham Court, which is also visible from 24 Brougham Court.</p>

<p>Objection 2: The proposed development is not consistent with the prevailing set-back in the locality in relation to side and rear boundaries as required by Council Wide principles of Development Control. There is no set back in the proposed development - all other residences in Brougham Court have either no development or at least partial set back in relation to side boundaries.</p>	<p>The setback of our proposed addition is consistent with the established streetscape of the locality, with four of the eight dwellings located in Brougham Court sharing a common wall, thus being built on the boundary. This includes 22 and 24 Brougham Court and 26 and 28 Brougham Court. There are numerous dwellings which share common walls and are built on boundary in the Cathedral Precinct as well as wider North Adelaide.</p> <p>The setback on the northern boundary will not impact the natural light or ventilation to 24 Brougham Court, given the wall is to be located on the southern boundary of 24 Brougham Court.</p> <p>The northern boundary wall is setback from the side boundary not less than the nearest side setback of the primary building on the adjoining allotment. The primary building on the adjoining allotment is built on the boundary, with the dwellings sharing a common wall.</p>
<p>Objection 3: The proposed development does not protect neighbouring amenity, significantly reduces daylight and no attempt is proposed to minimise visual impact. The character and amenity of our private open space would be severely impacted by this proposed development.</p>	<p>The proposed development is within height, overshadowing and natural light requirements.</p> <p>The setback on the northern boundary will not impact the natural light or ventilation to 24 Brougham Court, given the wall is to be located on the southern boundary of 24 Brougham Court.</p> <p>To minimise perceived visual impact, the northern boundary wall will:</p> <ul style="list-style-type: none"> • incorporate an alcove with a setback of 1.2m and length of 1.62m, designed to reduce the overall continuous length of the wall and therefore perceived visual mass • be constructed from materials of varied complementary textures and colours. <p>As highlighted in above responses, the proposed addition to 22 Brougham Court has been carefully designed to not detract from the streetscape or amenity of adjoining properties and does not impede on-site functional requirements.</p>
<p>1. (email): 22/24 are down the lower end and until the current tenants purchased the home gave access to tradespeople and was not closed off with a gate as is the case now. Over the years it has been difficult for clearing of sewerage to be unblocked and sewer and water overflows have occurred.</p>	<p>The properties at 22, 24, 26 and 28 Brougham Court shared a private sewerage line which connects into the SA Water mains line. It is our understanding that number 26 removed themselves from the private line to connect directly into the SA Water mains line some years ago. Since purchasing our property at 22 Brougham Court, we have been required to, at least once per annum, independently arrange for and fund the clearing of the private sewerage line due to blockages; our positioning along the line resulted in our property bearing any overflows. As a result of this, and in preparation for building, through SA Water, our property at 22 Brougham Court was disconnected from the private sewerage line and connected directly to the SA Water mains line in November 2021.</p>
<p>Block sizes (email): I would like the dimensions of the block on which number 22 is situated and also 24 Brougham Court checked by a recognized surveyor so we know at once just where there are any easements and have them listed legally by the City</p>	<p>As stated on the submitted plans: <i>Foundations, excavations, reinforcement placement, etc. to be inspected and approved by engineer or building surveyor prior to any concrete placement.</i></p> <p>An updated survey of the site (22 Brougham Court) will be undertaken prior to the commencement of any building works to ensure the accurate location of all structures and fencing on true boundaries.</p>

<p>Planning Department. The cost to be a further addition to the total cost of building.</p>	
<p>Fence (email): Any fence changes not to go ahead without first showing the Council and checking if it had been legal in an Heritage Area and not built on any easement and that it satisfied Lands Titles Office. I visited the Lands Titles office and purchased the plan and believe that there are easements which cannot be built over and the officer in Lands Title said that it looks as if we have an easement between our properties.</p>	<p>As stated on the submitted plans: <i>Foundations, excavations, reinforcement placement, etc. to be inspected and approved by engineer or building surveyor prior to any concrete placement.</i></p> <p>All fencing will be undertaken by our builder, Desyn, in accordance with the <i>Fences Act 1975</i> and as per the proposed plans.</p> <p>An updated survey of the site (22 Brougham Court) will be undertaken prior to the commencement of any building works to ensure the accurate location of all structures and fencing on true boundaries.</p>
<p>Scale (email): The proposed scale of the building to be checked by the correct Department between open space and building size in a small cluster of Historical homes</p>	<p>The approved development plan for our property included a small plunge pool. This space whilst providing an external amenity would only do so seasonally. The conversion of this footprint to living area provides greater usable space throughout the entire year for our growing family. Our builder, Desyn, have calculated the site coverage (footprint) to be 65%. Whilst this is over the desired 50%, the Planning and Design Code allows an additional ancillary structure to be erected with a maximum site coverage of 20% for the allotment size. The proposal is therefore below the total allowable site coverage.</p> <p>The additional area to our home is to accommodate our growing family. As North Adelaide is such an enjoyable place to live and where we have established our lives, we are reasonably seeking to maximise the use of our land to build our family home to accommodate us for many more years to come. It is our strong view that our addition, which will still allow for two off-street vehicle parks as well as an ample outdoor area for entertaining, dining, and play, is well within reason and, in many cases, provides far greater private outdoor space than many homes, particularly located within the boundaries of Adelaide City Council. We are also fortunate to live near many well-maintained parklands, including Palmer Gardens and the Adelaide Oval, which we utilise multiple times weekly to play sport and games, undertake exercise, relax and socialise.</p>

Representor 5	
Name:	Matthew Gerschwitz
Address:	18 Brougham Court North Adelaide, SA, 5006
Reasons	<p>Response</p> <p><i>Please note, it appears that some performance outcomes referenced in the representation by 18 Brougham Court are not applicable to the proposed development (e.g. PO 10.2 Hills Neighbourhood Zone) or have been transcribed inaccurately. Images provided do not appear to have been prepared by a professional drafter/architect. Please refer to submitted plans for accurate dimensions and drawings.</i></p>
<p>Height/Bulk & Setback</p> <p>The excessive height of the second storey addition built on the boundary is of a size, scale and location which results in visual dominance when viewed from our rear family room/backyard. In addition, there is no setback which is required to provide access to natural light.</p>	<p>The proposed development is within height, overshadowing and natural light requirements.</p> <p>Rather than ideally extending our current homes existing floor level throughout the proposed ground level of the extension, we are excavating our yard to a significantly lower level, as well as incorporating a flat roof design, to reduce the overall height of the build and to ensure that this does not exceed the height of our existing heritage place. In addition, the proposed two storey component of the build is located to the far most rear of the land, at furthest point from the dwelling situated at 18 Brougham Court.</p> <p>The height of the proposed two storey extension remains no higher than the roof pitch of the existing heritage place as required and as previously approved by the Council Assessment Panel, with additional space being gained via further excavation. The length of the southern boundary wall has not changed from that previously approved.</p> <p>The Council Assessment Panel undertook a site visit prior to the approval of our former development application. Members may recall the expansive vegetation situated along the boundary of 18 Brougham Court, which will result in the majority of the southern boundary wall being masked from view.</p> <p>The setback of our proposed addition is consistent with the established streetscape of the locality, with four of the eight dwellings located in Brougham Court sharing a common wall, thus being built on the boundary. This includes 22 and 24 Brougham Court and 26 and 28 Brougham Court. There are numerous dwellings which share common walls and are built on boundary in the Cathedral Precinct as well as wider North Adelaide.</p>

	In accordance with advice from Adelaide City Council, the proposed extension has been designed to use materials of varied textures and colours to provide a distinct, although complementary, separation from the existing heritage property and to reduce perceived visual mass.
<p>Overlooking & Privacy</p> <p>The additional windows and new balcony/door facing into our property enables overlooking into our main living/family, main bedroom and private outdoor spaces.</p>	<p>The amended development proposal sees the relocation of the current kitchen to the lower ground level. The kitchen, which includes a south facing window and is a room in which our family spends the majority of our living time, is presently located in the space which is proposed to become the hall/laundry/bathroom. This relocation should therefore provide the residents of 18 Brougham Court with an increased perception of privacy due to the removal of a window in a currently regularly occupied room and replacement with an external door for access to the home on occasion.</p> <p>Please note that the proposed plans do not include a balcony. The plans incorporate stairs and a small landing to access the ground floor hall.</p> <p>All windows and doors of the proposed development will be positioned and treated accordingly, as per the proposed plans and in line with required specifications, to ensure both the privacy of our family and the residents of neighbouring properties.</p>
Airconditioning Plant	As noted on the proposed plans submitted: <i>Future air-conditioning units to be installed to roof of addition. Exact location to be determined on site with owner prior to ordering. Provide appropriate sound dampening surround as necessary and in accordance with council requirements.</i>
Fence on Boundary	<p>All fencing will be undertaken by our builder, Desyn, in accordance with the <i>Fences Act 1975</i> and as per the proposed plans.</p> <p>An updated survey of the site (22 Brougham Court) will be undertaken prior to the commencement of any building works to ensure the accurate location of all structures and fencing on true boundaries.</p> <p>Despite reasons provided in the representation with respect to visual dominance of new structures to the southern boundary, a request has been made by the representor to extend the length of the proposed 2 metre high southern boundary rendered wall to the rear (east) of the carport located at 18 Brougham Court. We will favourably consider this request, provided council support and given the owners of 18 Brougham Court provide prompt written notice consenting to the undertaking of the proposed fencing works.</p>