



COUNCIL ASSESSMENT PANEL

Agenda and Reports

for the meeting
Monday, 22 August 2022
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Council Assessment Panel

Meeting Agenda

Monday, 22 August 2022, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

Panel Members

Presiding Member – Nathan Cunningham

Panel Members – Councillor Arman Abrahamzadeh (Deputy Lord Mayor), 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 Kurna 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 Kurna 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

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 27 June 2022, be taken as read and be confirmed as an accurate record of proceedings.

2. Declaration of Conflict of interest

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

3.1 Subject Site 116 Stanley Street, North Adelaide [Pages 4 – 26]

4. Applications assessed under PDI Act 2016 (SA) without Representations

Nil

5. Appeal to CAP for Assessment Manager's Decision Review

Nil

6. Other Business

6.1 Other Business - Nil

6.2 Other Business raised at Panel Meeting

6.3 Next Meeting – 26 September 2022

7. Exclusion of the Public

Exclusion of the Public from attendance to Receive, Discuss or Consider Information/Matter on a Confidential Basis

Item 8.1 – 22 Brougham Court, North Adelaide

Section 13(2) (a) (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place [*Planning, Development and Infrastructure (General) Regulations 2017 (SA)*]

8. Matters for Consideration on a Confidential Basis

8.1 Subject Site 22 Brougham Court, North Adelaide [Pages 28 – 35]

9. Closure

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Agenda Item 3.1

Council Assessment Panel

Monday, 22 August 2022

Subject Site	116 Stanley Street, North Adelaide
Development Number	22014161
Nature of Development	Two storey addition to the rear of existing single storey dwelling with associated internal alterations and separate garage to rear with studio above
Representations	Listed to be Heard - Yes
Summary Recommendation	Planning Consent Granted

DEVELOPMENT NO:	22014161
APPLICANT:	Alisanne Boag Chris Boag
AGENDA ITEM NUMBER:	Item 3.1
ADDRESS:	116 Stanley Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Two storey addition to the rear of existing single storey dwelling with associated internal alterations and separate garage to rear with studio above
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Living <p>Subzones:</p> <ul style="list-style-type: none"> • North Adelaide Low Intensity <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Design • Historic Area • Heritage Adjacency • Hazards (Flooding – Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • State Heritage Place • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area • Maximum Building Height (Levels)
LODGEMENT DATE:	29 April 2022
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2022.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Janaki Benson Planner
REFERRALS STATUTORY:	Minister responsible for the administration of the Heritage Places Act 1993
REFERRALS NON-STATUTORY:	Local Heritage

CONTENTS

ATTACHMENT 1: Application Documents

ATTACHMENT 5: Representations

ATTACHMENT 2: Subject Land & Locality Plan

ATTACHMENT 6: Response to Representations

ATTACHMENT 3: Zoning Map

ATTACHMENT 7: State Heritage Advice

ATTACHMENT 4: Representation Map

APPENDIX 1: Relevant P&D Code Policies

All appendices and attachments are provided via Link 1 [here](#)

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Nic Jordan, 68 Kingston Terrace, North Adelaide
- Joanne Barker, PO Box 3043 North Adelaide
- Sarah Frances Boxall and Madeleine Melody Boxall, 112A-114 Stanley Street, North Adelaide

Applicant

- Alisanne Boag – 116 Stanley Street, North Adelaide

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks internal alterations and construction of a two storey dwelling addition with associated garage/studio to the rear.
- 1.2 The proposal will comprise:
- Ground/lower floor (164m²) – bedroom 1 and 2, bathroom, laundry, kitchen/living areas and car parking for 1 vehicle
 - First level (76m²) – bedroom 3 and bathroom, with 35m² studio above garage.
- 1.3 The entry to the dwelling is proposed off Stanley Street with vehicle access to the on-site car parking to be provided via Veronica Lane to the rear.

2. BACKGROUND

- 2.1 The proposed development has been amended from the original proposal that was publicly notified. As a result of commentary made during the public notification period, the applicant made changes which have resulted in a reduction in floor area for the upper level.
- 2.2 Given the essential nature of the development remains as per the original proposal, the amended plans have not been re-notified in accordance with standard practice.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject land has a site area of 211m², with a frontage of 5.78 metres to both Stanley Street, the primary frontage, and to Veronica Lane at the rear.
- 3.2 The land contains a single storey row dwelling, with two bedrooms, kitchen/living area, bathroom and laundry. Opportunity for vehicle access is provided to the rear from Veronica Lane.
- 3.3 The site forms part of the State Heritage listed (1471) row dwellings, described in the SA Heritage Places Database Search as '*Dwellings (former Adelaide Benevolent and Strangers' Friend Society Houses)*'.
- 3.4 The existing Desert Ash and Illawarra Flame trees on the site are proposed to be retained. The trees are neither regulated or significant.

Locality

- 3.5 The locality is residential in nature, noting the Kentish Hotel is located some 290 metres east of the site.
- 3.6 Stanley Street has high amenity and human scale defined by the presence of established landscaping and dwellings built close to the street frontage, many of which are both State and Local Heritage Places. Conversely, Veronica Lane, has a 'gritty' character established by the existence of garages and waste storage areas serving dwellings with a frontage to both Stanley Street and Kingston Terrace.

- 3.7 Stanley Street is wide and provides angled on-street car parking, with this portion of Stanley Street running between Jerningham Street to the west and Mann Terrace to the east.

Photo 3.7.1 - Subject site, looking north-west from Stanley Street



Photo 3.7.2 - Veronica Lane, looking east from corner of Fuller Street



Subject Site

Photo 3.7.3 - Looking south-west, from Veronica Lane at garage of 118 Stanley Street



Photo 3.7.4 - Looking north-east from Veronica Lane to the rear of 64 Kinston Terrace



Photo 3.7.5 - Looking north-west from Vernonia Lane at rear of Kingston Terrace properties



Photo 3.7.6 - Looking south towards subject site from Veronica Lane



Photo 3.7.7 - Looking south towards subject site and neighbour's garage wall (118 Stanley Street)



4. **CONSENT TYPE REQUIRED**

Planning Consent

5. **CATEGORY OF DEVELOPMENT**

• **PER ELEMENT:**

Demolition

Partial demolition building/structure: Code Assessed Performance Assessed

Dwelling alteration or addition

Carport or garage

Dwelling addition: Code Assessed - Performance Assessed

Internal building work: Code Assessed - Performance Assessed

Outbuilding (carport or garage): Code Assessed - Performance Assessed

• **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

• **REASON**

P&D Code; not exempt, accepted nor restricted - Performance Assessed

6. **PUBLIC NOTIFICATION**

• **REASON**

The wall proposed on the boundary will exceed 3 metres in height.

• **LIST OF REPRESENTATIONS**

TABLE 5.1 – LIST OF REPRESENTATIONS		
No	Representor Address	Request to be Heard
1	Alastair Hunter – 64 Kingston Terrace, Adelaide	No – in support with some concerns
2	As above (duplicate)	-
3	As above (duplicate)	-
4	As above (duplicate)	-
5	Liz James, 87 Stanley Street, North Adelaide	No – in support with some concerns
6	Mae-Lin Hendry, 118 Stanley Street, North Adelaide	No – Opposes
7	Jane Rogers, 110 & 112 Stanley Street, North Adelaide	No – Opposes
8	Mar-Anne Green, 74 Kingston Terrace, North Adelaide	No – Opposes
9	Murray Rule, 75 Kingston Terrace, North Adelaide	No – Opposes
10	William Sargent, 9 Martin Street, Ballarat East VIC (owner of 69 Kingston Terrace, Nth Adelaide)	No – Opposes
11	Nic Jordan, 68 Kingston Terrace, North Adelaide	Yes – Opposes
12	Robyn Mitchell, 134 Stanley Street, North Adelaide	No – Opposes
13	Joanne Barker, PO Box 3043 North Adelaide	Yes – Opposes
14	Sarah Frances Boxall and Madeleine Melody Boxall, 112A-114 Stanley Street, North Adelaide	Yes - Opposes

TABLE 6.1 SUMMARY OF REPRESENTATIONS	
Summary of Representations	Applicant response
Heritage concerns/visibility from Stanley and Fuller Streets and Veronica Lane	<ul style="list-style-type: none"> • The revisions ensure the development will no longer be visible from Stanley Street. • It is noted views of the second storey will be visible from Fuller Street. I note that there are multiple examples of 2 storey development to the rear of properties along Veronica Lane of all sorts of architectural styles and materials that are visible from Fuller Street.
Architectural form/bulk/scale/mass and use of materials	<ul style="list-style-type: none"> • Whilst there are not yet any examples of two storey development in this specific row of cottages, we have sought to provide a contemporary, architecturally designed addition, clearly distinguishable from the original heritage fabric to not detract from its interpretation and appreciation • Provides for adaptive upgrades respectful of the heritage character of the home in terms of scale, form and bulk, and that would contribute positively to the streetscape.
Overdevelopment of a small site, site coverage and availability of open space	<ul style="list-style-type: none"> • The amended footprint is consistent with other dwellings in this row.
Noise from proposal	<ul style="list-style-type: none"> • No response provided.
Overlooking/loss of privacy	<ul style="list-style-type: none"> • The proposal incorporates appropriate screening to maintain privacy of adjoining properties.
NBN	<ul style="list-style-type: none"> • No response provided.
Car parking shortfall for a 4 bedroom home (3 + studio)	<ul style="list-style-type: none"> • Site is well located to public transport and in walking distance to all amenities. Our family has been a one car family for many years. The property at 110-112 is a 4 bedroom home with no parking. We have never had any issues parking on the street.
Stormwater /water damage	<ul style="list-style-type: none"> • No response provided.
Loss of City views	<ul style="list-style-type: none"> • The proposal does not block city views for the building behind across Veronica Lane, noting that these deck areas incorporate screening.
Overshadowing	<ul style="list-style-type: none"> • The upper floor has been reduced to one bedroom with ensuite, to minimise impacts to the shared light court of the adjoining dwelling.

7. AGENCY REFERRALS

Minister responsible for the administration of the Heritage Places Act 1993

Heritage South Australia has provided referral advice on two occasions, with both support for the original design and for the amended scheme. On both occasions they have raised '*no objection, with comment*'. The following commentary has been provided for the current design:

The proposed development is considered acceptable in relation to the above State Heritage Place for the following reason/s:

- The proposed addition will not be visible from the northern or southern sides of Stanley Street, as it will be screened by the existing ridge line. It will not impact the streetscape setting of the State Heritage Place
- The visual impact of the additions from the rear lane are of no heritage concern, as the row cottages have no visual interface of heritage significance with the lane
- The proposed demolition works include a portion of the northern hip, which is to be cut back to accommodate the new staircase. However, the fabric and form of this section of roof to the northern side of the main ridge line is considered of secondary significance to the subject row cottage, and the change would be visible only from above. The impact of this change on the integrity of the row as a whole is relatively minor, particularly while other cottages retain their complete original roof form
- The proposed painting to the Stanley Street elevation affect previously-painted surfaces and will maintain the existing colour scheme consistent with the other cottages in the row
- Internally, the works mainly affect the rear room (kitchen) and rear passage (which are understood to have no particular features of heritage value), plus the relocation of the door to the second bedroom in the main front passage. The proposed demolition and changes internally are relatively minor and not considered to appreciably diminish heritage values. The integrity of the main front room and passage is maintained.

8. INTERNAL REFERRALS

Council Heritage Advisor

- In relation to the Historic Area Overlay and Heritage Adjacency Overlay, the proposed addition will not be visible from the northern or southern sides of Stanley Street, as it will be screened by the existing cottage ridge line
- The visual impact of the additions from the rear lane is of no heritage concern, as the row cottages have no visual interface of heritage significance with the lane. The laneway is also extensively developed with varying design forms of garaging with no heritage value
- The two storey dwelling addition is restricted to align approximately with the extent of the rear additions to the cottages either side of the subject site and the height of the addition is relatively low. This design response will mitigate the visual impact of this addition from the adjoining cottages
- The proposed garage and studio will have a similar design response to the cottage addition, with respect to siting, form and height. The proposal is therefore considered acceptable.

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 North Adelaide Low Intensity Subzone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> The dwelling addition will provide a 'low-rise'* development (*up to 2 levels). 	✓
Site Coverage PO 2.1	<ul style="list-style-type: none"> The building footprint will be consistent with the character and pattern of development in the immediate locality, particularly this group of row dwellings that contains rear garages. Further, the footprint of the dwelling addition is not to extend out further than existing row dwellings in the locality. 	✓

9.2 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> The development proposes a garage/studio and 'low-rise' to an existing dwelling. 	✓
Land Use & Intensity PO/DPF 1.1	<ul style="list-style-type: none"> The proposal will add to the diversity of housing types in the Zone and will continue to be used as a 'dwelling'. 	✓
Built Form & Character PO 2.2, 2.3	<ul style="list-style-type: none"> The proposal does not exceed two levels and will not be visible from the northern or southern sides of Stanley Street, as it will be screened by the existing ridge line. 	✓
Building Setbacks PO 3.3, 3.4, 3.5	<ul style="list-style-type: none"> The proposed walls are setback from the side boundaries not less than the nearest side setback of the dwellings on the adjoining allotments. Being part of a row dwellings site, boundary to boundary development is existing. The ground level will be setback more than 3 metres from the rear and more than 5 metres to the upper level. This will provide access to natural light and ventilation for neighbouring properties and ensures sufficient private open space and landscaping is provided for the occupants. 	✓ ✓

Alterations and Additions PO 3.1	<ul style="list-style-type: none"> The addition will provide a contextual design response in terms of materials, finishes and architectural expression (not mimicking the State Heritage Place) and will not dominate the primary façade as it will sit below the existing line. 	✓
Context and Streetscape Amenity PO 6.2	<ul style="list-style-type: none"> Proposal seeks to retain the two established trees to the rear yard. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Development will maintain the heritage and cultural values of the State listed historic row dwellings. 	✓
PO 1.1	<ul style="list-style-type: none"> As above. 	✓

State Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Development will maintain the heritage and cultural values of the State Heritage Place. 	✓
Built Form PO 1.1, 1.2, 1.3, 1.4, 1.5, 1.7	<ul style="list-style-type: none"> Heritage South Australia advised the mass, scale and siting of the dwelling addition will maintain the heritage value of the Place. The architectural detailing is not visible from Stanley Street and provides an intentional juxtaposition so as not to mimic the listed fabric. 	✓
Alterations and Additions PO 2.1, 2.2	<ul style="list-style-type: none"> The State Heritage Unit have advised that the proposed addition will not be visible from the northern or southern sides of Stanley Street, as it will be screened by the existing ridge line. Furthermore, the visual impact of the additions from the rear lane is of no heritage concern, as the row cottages have no visual interface of heritage significance with the lane. The addition will ensure the continued use of this State listed property as a dwelling, commensurate with expectations for modern residential living. 	✓

9.4 Summary of General Development Policies

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Addition will incorporate durable materials/finishes and an appropriate contextual response. 	✓
PO 10.1	<ul style="list-style-type: none"> The upper level windows either have sill heights located more than 1.5 metres above the finished floor level or incorporate fixed screens. The fixed screens will have 50mm by 50mm aluminium battens, spaced 50mm apart, positioned in front of the glazing to prevent 'direct' views into adjacent properties. 	✓
PO 20.3	<ul style="list-style-type: none"> The visual mass of the 'larger' building will not be readily visible from the wider public realm. Two storey dwelling addition restricted to align with the extent of the rear additions to the cottages either side of the subject site and the height of the addition is relatively low. This design response will mitigate the visual impact of this addition from the adjoining cottages. 	✓ ✓
PO 21.1	<ul style="list-style-type: none"> A total 40m² of private open space is proposed at ground for the occupants, with a minimum dimension of 5.7 metres. 	✓
PO 21.2	<ul style="list-style-type: none"> The private open space is positioned to provide convenient access and be directly accessible from the living area. 	✓
PO 22.1	<ul style="list-style-type: none"> While the amount of soft landscaping proposed is somewhat limited, the proposal seeks to retain the existing established trees, and this will contribute to shade/shelter and enhance the appearance of the land as desired. 	✗/✓
Car Parking, Access and Manoeuvrability PO 23.1	<ul style="list-style-type: none"> The enclosed car parking space (6.1m x 3m) is of dimension to be functional, accessible and convenient. 	✓
PO 23.3/23.4/23.5	<ul style="list-style-type: none"> Access from the rear/Veronica Lane is existing, safe and convenient. 	✓
PO 24.1	<ul style="list-style-type: none"> There is opportunity for bin storage at ground/rear. 	✓

Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1	<ul style="list-style-type: none"> It has been demonstrated the development is designed to 'mitigate' adverse effects from overshadowing. 	✓
PO 3.1	<ul style="list-style-type: none"> Refer Section 9.5. 	✓
PO 3.2	<ul style="list-style-type: none"> Refer Section 9.5. 	✓

Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1	<ul style="list-style-type: none"> Safe and convenient access will be provided via an existing crossover arrangement. 	✓
PO 5.1	<ul style="list-style-type: none"> Only one on-site space is proposed. The proposal will generate additional demand based on the increase in bedrooms (from two to four rooms capable of being used as a bedroom). This will not meet the rate specified in Table 1 – General Off – Street Car Parking Requirements that seeks two off-street spaces be provided for a row dwelling with three or more bedrooms (including rooms capable of being used as a bedroom). Noting the car parking shortfall, PO 5.1 supports a reduced on-site rate where it involves the adaptive reuse of a Heritage Place. 	x/✓

9.5 Detailed Discussion

Built Form and Heritage Character

City Living Zone PO/DPF 2.2 seeks development that contributes to a 'low-rise' (up to two building levels) residential character. The development proposes a two level dwelling addition and studio above rear garage, with a maximum overall height of 5.7 metres to the garage's apex and 5.9 metres to the ridge which meets the quantitative requirements.

Regarding the proposed visibility from Stanley Street, Zone PO 2.3 prescribes new buildings and structures visible from the public realm should be consistent with the valued streetscape characteristics and the prevailing built form characteristics, such as floor to ceiling heights. Relevant DOs and POs under the State Heritage, Heritage Adjacency and Historic Area and Overlays also seek contextually responsive development in terms of building scale, height and form to ensure new buildings and additions maintain the heritage values of a listed place, historic area and adjacent listed heritage properties.

It is considered this locality is defined by the presence of low scale buildings, namely, the single storey row dwellings built close to the street frontage. This proposal, whilst being visible from Fuller Street and Veronica Lane at particular points, will maintain the single storey presentation of the dwelling to Stanley Street with a setback 10.7 metres and overall height of 5.9 metres.

Overall, the proposed architectural expression, height and visibility from the street and public areas is deemed appropriate in relation to heritage and built form considerations.

Building Setbacks & Boundary Walls

Zone PO 3.3 and 3.4 seeks buildings that are setback from the rear and side boundaries to provide both separation between dwellings consistent with the locality, and allows access to natural light and ventilation for neighbours. DPF 3.3 states one way to meet PO 3.3 is to ensure that walls are setback from side boundaries not less than the nearest side setback of the primary building on the adjoining allotment. To the rear, DPF 3.4 prescribes walls should be setback three metres for the ground floor and five metres for the first floor.

In this case, both abutting sites comprise single-storey dwellings with walls constructed to their respective side boundaries and this development will therefore be consistent with the established side setbacks in the immediate locality at ground. At upper level, the addition is also to be constructed along the side boundaries for a length of five metres to the western side and three metres along the eastern side. The two storey dwelling addition is to align approximately with the extent of the rear additions of the cottages either side of the subject site and the height of the addition is relatively low with a wall height not more than 5.05 metres. Subsequently, this design response will mitigate the visual impact of the upper-level addition from the adjoining cottages.

Upper Storey Relative to Existing Development

The rear setbacks for the dwelling at ground and first level meet those prescribed by DPF 3.4 (a) and (b) and will allow access to natural light and ventilation for neighbours as desired.

Zone PO 3.5 prescribes that boundary walls are limited in height and length to manage impacts on adjoining properties. DPF 3.5 states that one way to achieve PO 3.5 is to ensure buildings do not have any wall on a side boundary exceeding three metres in height, eight metres in length / 45% of the total boundary length and setback at least three metres from any existing or proposed boundary walls.

The new boundary walls proposed to the side boundaries do not exceed a length of eight metres and are deemed suitable in relation to their height (up to 4.5 metres for the garage wall and 5.05 metres for the dwelling addition), as these walls will be located adjacent existing walls on the abutting sites.

Ancillary Development

Zone PO 8.1 and 8.2 seeks ancillary structures to be sited and designed to not detract from the streetscape or neighbouring properties. Outbuildings, such as a garage, should also not impede on-site function requirements such as private open space and landscaping requirements or result in over development of the site.

The proposed garage, with studio above, use of materials, size, wall/roof height and length along boundaries will ensure it will not detract from the streetscape nor neighbouring properties. The garage/studio is to be located to the rear of the site and is to abut existing outbuildings located directly north, east and east along Veronica Lane. The size and location of the garage will also ensure sufficient private open space is provided at ground (40m²) for the occupants and will allow for the retention of two existing established trees.

The building footprint will be consistent with the character and pattern of the development in the immediate locality, particularly this group of row dwellings which contain rear garages. The footprint of the dwelling addition is not to extend further north than those existing row dwellings in the immediate locality.

Overshadowing

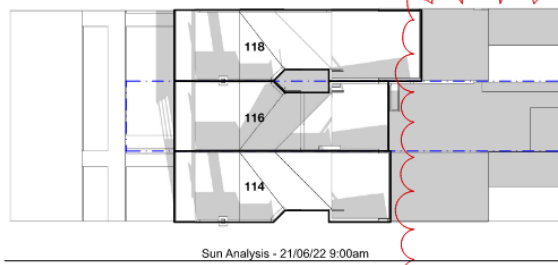
Interface between Land Uses PO 3.1 and 3.2 seeks development be designed to minimise overshadowing of habitable room windows and private open space to maintain access to direct winter sunlight. DPF 3.1 outlines one way to achieve PO 3.1 is to ensure habitable room windows of adjacent residential land uses receive at least three hours of direct sunlight between 9am and 3pm on 21 June. Private open space areas should also maintain two hours of direct sunlight to private open space areas between 9am and 3pm to either half of the existing ground level open space or 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres).

The applicant has provided overshadowing diagrams, showing existing and proposed shadows to be cast at 9am, 12 midday and 3pm at the height of winter (and during the Summer Solstice). Given the north-south orientation of the site (slightly askew), the properties to the east and west (114 and 118 Stanley Street) would be impacted the most in relation to shadows cast.

At 9am, there is no change to the extent of overshadowing over the private open space area of 118 Stanley Street, with additional shadow cast over roof areas only as shown in Figure 9.5.1.

Sun Diagrams

Winter Solstice - Existing



Winter Solstice - Proposed

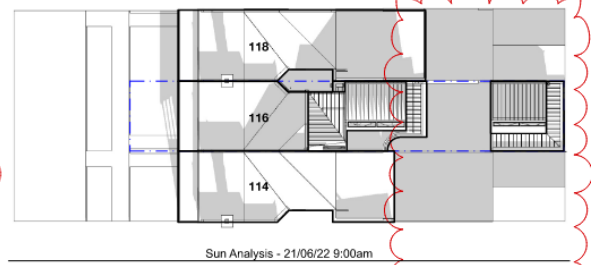


Figure 9.5.1 – 9am Winter Solstice

At 12 midday, additional shadow is to be cast over 118 Stanley Street's POS area as demonstrated below. Specifically, the garage/studio will result in loss of approximately 4.5m² of direct sunlight to this rear private open space area as shown in Figure 9.5.2.

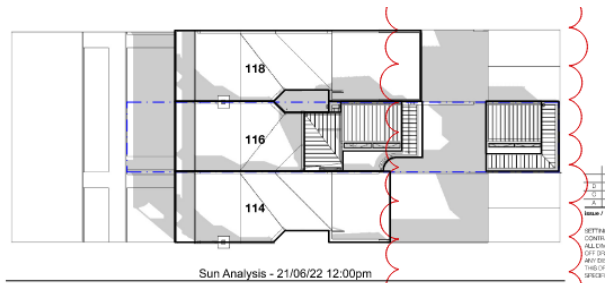
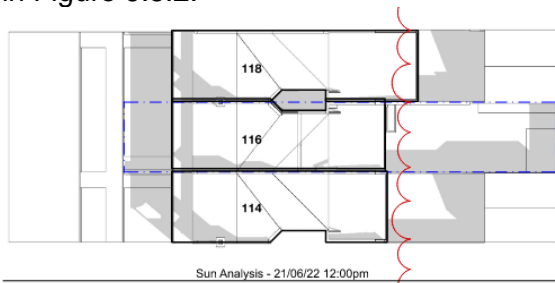


Figure 9.5.2 – 12pm Winter Solstice

At 3pm, there are negligible changes (approx. 0.3m² loss) to overshadowing to be cast over 114 Stanley Street's POS as shown in Figure 9.5.3.

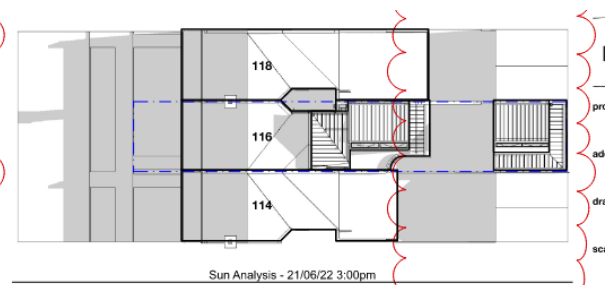
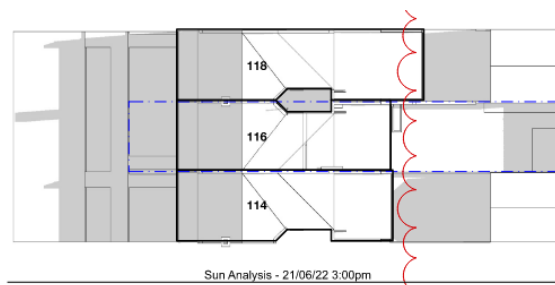


Figure 9.5.3 – 3pm Winter Solstice

As demonstrated above, adjacent residential land uses currently do not receive two hours of direct sunlight to half of their existing ground level private open space between 9am and 3pm on 21 June. This proposal will not exacerbate this (with the exception of 118 Stanley Street at 12 midday). Notwithstanding this small reduction in sunlight at 12 midday, the proposal will not result in a significant loss of amenity given the current overshadowing and PO 3.1 is therefore considered to be satisfied.

In relation to PO 3.2, it is anticipated that habitable room windows to adjacent neighbours will also receive suitable access to sunlight at the height of winter given windows are located to both the northern and southern elevations of these abutting row dwellings.

Other Matters

It is noted a number of matters were raised as part of the public consultation of the application relating to the NBN, loss of views, stormwater damage, ongoing maintenance issues between adjoining owners and disruption by to vehicle access during construction and noise.

While these matters are noted, the proposal has been assessed against the relevant provisions of the Code. Accordingly, the matters raised above have not formed part of the assessment contained within this report as they are not planning considerations.

9. CONCLUSION

The proposal seeks a 'low-rise' dwelling addition to a listed State Heritage Place, along with garage with studio above. Both the State Heritage Unit and Council's Heritage Architect have provided support for the development.

As outlined in the body of this report, the proposal will not result in unreasonable amenity impacts to adjacent neighbours by way of its design, architectural form, height and scale. Visual privacy will be maintained and overshadowing will not unreasonably impact neighbours. Noting there is a car parking shortfall, the Code supports a reduced on-site rate where it involves the adaptive reuse of a Heritage Place.

The proposal is not 'seriously at variance' with the relevant assessment provisions of the Planning and Design Code and exhibits sufficient merit to warrant the issuing of Planning Consent.

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 22014161, by Alisanne Boag and Chris Boag is granted Planning Consent subject to the following conditions:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
 - **DRAWING No.20-597.DA02 Rev C, dated 15.06.2022, titled 'Demolition'**
 - **DRAWING No.20-597.DA03 Rev C, dated 15.06.2022, titled 'Ground Floor'**
 - **DRAWING No.20-597.DA04 Rev C, dated 15.06.2022, titled 'First Floor'**
 - **DRAWING No.20-597.DA05 Rev C, dated 15.06.2022, titled 'Roof Plan'**
 - **DRAWING No.20-597.DA08 Rev C, dated 15.06.2022, titled 'Elevations - North & South'**

- DRAWING No.20-597.DA09 Rev C, dated 15.06.2022, titled 'Elevations - East and West'
 - DRAWING No.20-597.DA012 Rev C, dated 15.06.2022, titled 'Sections - North'
 - DRAWING No.20-597.DA15 Rev C, dated 15.06.2022, titled 'Privacy Screen Details'
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2. The applicant or the person having the benefit of this consent shall ensure that all storm water runoff from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.

3. Privacy screening as depicted on 'Privacy Screen – Details' for those windows shown on 'Elevations - North & South' shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority.

4. The studio, located above the garage, shall not be occupied by persons unrelated to the occupants of the principal dwelling on the subject site, to the reasonable satisfaction of the Relevant Authority.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

5. New structure required to support the second storey shall not be located within the front room and passage.

Reason: Structural information not available at planning consent stage. The internal attributes of heritage significance are primarily embodied in the front room and passage.

6. New structure required to support the second storey shall not be located within the front passage.

Reason: Structural information not available at planning consent stage. The internal attributes of heritage significance are primarily embodied in the front room and main passage.

ADVISORY NOTES

1. Expiration Time of Approval

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site

of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

2. Appeal Rights

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

3. Notifications

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

4. Boundaries

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

5. Fencing

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

6. Demolition

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

7. Other Requirements

In addition to notification and other requirements under the Planning, Development and Infrastructure Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after

Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

8. Please note the following requirements of the Heritage Places Act 1993.

(a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.

(b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

9. Please note the following requirements of the Aboriginal Heritage Act 1988.

(a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the Aboriginal Heritage Act 1988.

Agenda Item 7

Council Assessment Panel

Monday, 22 August 2022

Subject	Exclusion of the Public
Development Number	2103292022 22 Brougham Court, North Adelaide
Nature of Development	Variation to DA/210/2020 - Alterations to previously approved addition including internal wall changes and additional upper living spaces
Summary Recommendation	Exclude the public from attendance at this part of the meeting to receive, discuss or consider information in confidence

Meeting Conduct

Section 13(2) of the Planning, *Development and Infrastructure (General) Regulations 2017 (SA)*, enables an assessment panel to exclude the public from attendance at a meeting, during so much of the meeting as is necessary to receive, discuss or consider information in confidence.

The Panel is required to exclude the public from the meeting through a resolution.

Conclusion

The Panel is requested to exclude the public from this part of the meeting. in accordance with and pursuant to Section 13(2) (a) (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)* to receive, discuss or consider information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place.

Recommendation

That the public be excluded from this part of the meeting of the City of Adelaide Council Assessment Panel dated 22/8/2022, (with the exception of members of Corporation staff who are hereby permitted to remain) to enable the Panel to receive, discuss or consider information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place associated with Item 8.1 - 22 Brougham Court, North Adelaide.

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