

DEVELOPMENT NO.:	22037197
APPLICANT:	Tempo Constructions
AGENDA ITEM NO:	3.2
ADDRESS:	99-100 Brougham Place, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Demolition of existing dwellings and construction of two, four storey semi-detached dwellings with masonry front and side fences
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"> • Aircraft Noise Exposure • Airport Building Heights (Regulated) • Building Near Airfields • Design • Historic Area • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage – 12 metres • Minimum Site Area – Semi-detached dwelling – 450 m² • Maximum Building Height – 2 levels
LODGEMENT DATE:	8 November 2022
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2022.20 consolidated 27 October 2022
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Janaki Benson Team Leader, Development Assessment
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Heritage Architect Engineering

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
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All attachments and appendices are provided via [Link 1](#).

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Chris Harris – 14 Brougham Court, North Adelaide
- Rosemary Jones – 102 Brougham Place, North Adelaide
- James Hilditch on behalf of Paul and Bronwyn Smith – 88 Brougham Place, North Adelaide
- Sandy Wilkinson on behalf of David Sharpe – 97 Brougham Place, North Adelaide

Applicant

- Jason Cattonar of Future Urban and David Brown of BB Architects on behalf of applicant, Tempo Constructions

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 Planning consent is sought for the demolition of existing dwellings and construction of two, four storey semi-detached dwellings with masonry front and side fences. Each dwelling will comprise:
- Level 1 – garaging for four cars, a lift to the upper levels, wine room and storage space
 - Level 2 – entrance from Brougham Place, living room, office and two bedrooms
 - Level 3 – master suite, kitchen/living/diving space and associated balcony
 - Level 4 – roof terrace including an outdoor kitchen area.

2. BACKGROUND

- 2.1 The applicant has made amendments since lodgement of the application, in response to requests for further or amended information and to representations received during public notification. The assessment relates to the amended plans and details.
- 2.3 Of relevance is a recent decision made by the State Commission Assessment Panel for a development at 89-94 Brougham Place, approximately 50 metres to the west of the subject site. Consent has been granted for the demolition of a Local Heritage Place, demolition of a building, construction of a four level residential flat building, a three level addition to a Local Heritage Place and alterations and an addition to a State Heritage Place, a swimming pool and associated carparking and landscaping.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject site is located on the southern side of Brougham Place between Brougham Court to the west and Bagot Street to the east. The site is opposite the western portion of Brougham Gardens.
- 3.2 The site consists of two allotments. Allotment 138 (to the west) includes a right of way and has a site area of approximately 338m². Allotment 140 (to the east) has a site area of approximately 291m². This equates to a total site area of 629m². The development site has a frontage to Brougham Place of 16.4 metres.
- 3.3 The right of way provides access to Brougham Court for Allotment 140.
- 3.4 The site has a relatively significant fall of approximately 2.73 metres from the front to the rear.
- 3.5 Access to the existing dwellings is currently provided via crossovers off Brougham Place.

Locality

- 3.6 The locality is comprised of two distinct elements with the Adelaide Park Lands Zone located on the opposite side of Brougham Place to the north and the North Adelaide Low Intensity Subzone within the City Living Zone dominating the remainder.
- 3.7 Land uses are predominately residential in nature with low scale built form varying between one and three building levels.
- 3.8 There are several Local Heritage Places within the locality, including one adjacent the subject site to the west and one located to the rear. More broadly there are also State Heritage Places.



Figure 3.1 - Subject site as viewed from Brougham Place



Figure 3.2 – Adjacent Local Heritage place to the west of subject site



Figure 3.3 – Adjacent Local Heritage place located to south of subject site



Figure 3.4 – View of existing right of way from Brougham Court



Figure 3.5 – View of subject site from rear looking north



Figure 3.6 – View of western boundary looking south



Figure 3.7 – View from Brougham Place looking north across Brougham Gardens



Figure 3.8 – View from Brougham Place looking south along Bagot Street



Figure 3.9 – View from Brougham Place looking south down Brougham Court

4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

• **PER ELEMENT:**

Semi-detached dwelling - Code Assessed, Performance Assessed

Fences and Walls - Code Assessed, Performance Assessed

Retaining walls - Code Assessed, Performance Assessed

Demolition - Code Assessed, Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

Proposed development is listed in Zone Table 1 as Code Assessed, Performance Assessed

6. PUBLIC NOTIFICATION

• **REASON**

The proposed development exceeds the two level maximum building height specified in City Living DTS/DPF 2.2 and therefore public notification was undertaken.

TABLE 6.1 – LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Glynis Hannell – 21 Palmer Lane, North Adelaide	No - Opposes
2	James Katsaros – 174 Ward Street, North Adelaide	No - Supports
3	Andrea Katsaros – 92 Brougham Place, North Adelaide	No - Supports
4	Chris Harris – 14 Brougham Court, North Adelaide	Yes - Opposes
5	Matthew Gerschwitz – 18 Brougham Court, North Adelaide	No - Opposes
6	Rosemary Jones – 102 Brougham Place, North Adelaide	Yes - Opposes
7	Paul Smith – 88 Brougham Place, North Adelaide	Yes - Opposes
8	David Sharpe – 97 Brougham Place, North Adelaide	Yes - Opposes

TABLE 6.2 SUMMARY OF REPRESENTATIONS

- Impact on heritage character
- Incompatible with existing low scale character
- Poor design quality
- Exceeds maximum building height
- Excessive bulk, scale and site coverage
- Inadequate vehicular access
- Does not comply with Heritage Adjacency and Historic Area Overlays
- Proper fence on boundary with Brougham Court required
- Loss of existing tree on site
- Inconsistencies with proposed plans
- Appropriate development, high end accommodation that will enhance the precinct

Note: Full representations and response to representations provided in Attachments 5 and 6.

7. AGENCY REFERRALS

None required.

8. INTERNAL REFERRALS

Heritage

The revised corrugated roof cladding and rendered wall finishes are consistent with the materials palette in the Heritage Area and are considered acceptable. The selected brick to the side walls, whilst of a differing dimension from standard size bricks, will provide the desired fine grain detail characterised by traditional brickwork and will be acceptable.

The revised stonework selection will now provide a 'coursed' appearance and is consistent with traditional face stonework found within the Historic Area.

Engineering and Traffic

Floor level of the garage is RL39.32m AHD above the adjacent surface of rear right of way that ranges from RL39.14 - 38.81m AHD. Floor level of ground floor is RL42.22m AHD above the adjacent surface of Brougham Place footpath which ranges from RL41.74 - 41.44 m AHD.

Council requires all roof areas from the dwellings discharge via free draining gravity system to Brougham Place. This will require the rainwater tanks to be located below ground in the front yard with design of overflow pipe and surcharge to Brougham Place.

Only minor surface areas at rear of site unable to drain to public road are permitted to drain via pump out. For these areas, the pump out system must discharge to Brougham Place. Each dwelling must have separate pump out systems with two pumps, battery backup and suitable tank volume.

Note: Applicant has amended proposal to incorporate rainwater tanks outside of the garage to the satisfaction of Council's Development Engineer.

Traffic

Vehicle swept paths provided indicate vehicles can manoeuvre in and out in a forward direction between internal parking spaces and Brougham Court.

9. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning and Design Code, which are contained in Appendix One. Where there is policy guidance provided for both 'low rise' (up to two building levels) and 'medium rise' development (three to six building levels), medium rise has been used to assess this proposal.

9.1 Summary of North Adelaide Low Intensity Subzone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1, DO 2	<ul style="list-style-type: none"> Four building levels not "low scale" development. Locality not typically "large grand dwellings on landscaped grounds" as sought by DO2. 	✓/✗
Built Form and Character PO1.1	<ul style="list-style-type: none"> Open landscape setting character does not prevail in this locality. Built form design is complementary to existing form. 	✓/✗
Site Coverage PO2.1	<ul style="list-style-type: none"> Exceeds 50% coverage. 	✗

9.2 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Medium rise development proposed. 	✓/✗
Land Use and Intensity PO 1.1	<ul style="list-style-type: none"> Desired land use. 	✓
Built Form and Character PO 2.1 – 2.5	<ul style="list-style-type: none"> No increase in number of dwellings. Exceeds maximum building levels. Building addresses primary street frontage. 	✓
Building Setbacks PO 3.1, 3.3, 3.4, 3.5	<ul style="list-style-type: none"> Primary setback consistent with those in locality. Side setbacks vary in locality with some built form on boundaries. 	✓/✗
Site Dimensions and Land Division PO 4.1	<ul style="list-style-type: none"> Dwellings do not achieve minimum site area of 450m² however site currently contains two dwellings over two existing allotments. Does not meet minimum street frontage of 12 metres. Existing site already comprises two dwellings on two allotments. Land division not proposed as existing will be allotments will be maintained. 	✓/✗
Car Parking and Access PO 5.1	<ul style="list-style-type: none"> Achieved. Via minor secondary street. 	✓

9.3 Summary of Applicable Overlays

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

- Aircraft Noise Exposure Overlay – site located in area with an ANEF value below 30
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level
- Prescribed Wells Area Overlay – no groundwater concerns
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a value over \$10 million

Hazards (Flooding – Evidence Required) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 PO1.1	<ul style="list-style-type: none"> • Achieved. 	✓
Flood Resilience PO1.1	<ul style="list-style-type: none"> • Garage and ground floors above footpath and road surface. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> • Proposal addresses adjacency to Local Heritage Places as per Heritage Architect comments. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> • Refer Section 9.5. 	✓

Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1, PO 1.1	<ul style="list-style-type: none"> • Refer Section 9.5. 	✓
Built Form PO 2.1 – 2.5	<ul style="list-style-type: none"> • Adequately addresses historic streetscape. • Streetscape diverse with historic and modern forms. 	✓
Ancillary Development PO 4.4	<ul style="list-style-type: none"> • Fence deemed appropriate in terms of height and materials. 	✓
Context & Streetscape Amenity PO 6.1, PO 3.2	<ul style="list-style-type: none"> • Refer Section 9.5. 	✓

Stormwater Management Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 PO1.1	<ul style="list-style-type: none"> • 2,000L rainwater tanks below ground level in front yard with mandatory condition in Section 11. 	✓

Urban Tree Canopy Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Tree is proposed for removal however it is not 'regulated' or 'significant'. Includes deep soil zone for planting of one small tree per dwelling with mandatory condition in Section 11. 	✓

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerline

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> Declaration provided with submission of application. 	✓

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Constructed with durable materials and will provide a reasonable contextual outcome. Reduction in crossovers to Brougham Place assists in improving the public realm. 	✓
Car Parking Appearance PO 7.1	<ul style="list-style-type: none"> Achieved. 	✓
Earthworks and sloping land PO 8.1 – 8.5	<ul style="list-style-type: none"> Excavation exceeds one metre in portions of the site. Excavation will follow natural fall of the land and will reduce impact of overall height of proposal. 	✓
Fences and Walls PO 9.1 & 9.2	<ul style="list-style-type: none"> Front fence of open nature and reasonable height. 	✓
External Appearance PO 12.1 – 12.8	<ul style="list-style-type: none"> Proposal presents a well-designed building using quality materials sufficiently varied to reduce visual mass. 	✓
Landscaping PO 13.1 – 13.4	<ul style="list-style-type: none"> Deep soil zones provided with mandatory condition in relation to planting of trees included in Section 11. 	✓
Environmental PO 14.1 & 14.2	<ul style="list-style-type: none"> Appropriate orientation, inclusion of shading devices and water harvesting undertaken. 	✓

Overlooking/Visual Privacy PO 16.1 & 16.2	<ul style="list-style-type: none"> 1.7 metre high opaque glazing applied where direct overlooking could occur. 	✓
Front elevations and passive surveillance PO 17.1 & 17.2	<ul style="list-style-type: none"> Achieved. 	✓
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> Achieved. 	✓
Outlook and Visual Privacy PO 26.1 & 26.2	<ul style="list-style-type: none"> Achieved. 	✓
Private Open Space PO 27.1	<ul style="list-style-type: none"> Private open space with north and south balconies and rooftop terrace equates to approximately 55m² for each dwelling. Areas do not achieve total in Table 1 – Private Open Space, however will be easily accessible. 	✓/✗

Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Overshadowing PO 3.1 – 3.3	<ul style="list-style-type: none"> Most overshadowing occurs over rear access of subject site. 	✓

Site Contamination

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> No change in land use. 	✓

Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Vehicle Parking Rates PO 5.1	<ul style="list-style-type: none"> Achieved. As required by Table 1, dwellings provide two spaces per dwelling, both of which are undercover. 	✓

9.5 Detailed Discussion

Land Use

The application proposes the replacement of existing dwellings with two new semi-detached dwellings which is desired within the North Adelaide Low Intensity Subzone and the City Living Zone.

Historic Area and Heritage Adjacency Overlays

The subject site is located adjacent a Local Heritage Place to the west as well as one to the rear (south). PO 1.1 of the Heritage Adjacency Overlay seeks development adjacent listed places that does not dominate, encroach or unduly impact upon the setting of the place. The site is also located in the Historic Area Overlay which provides specific guidance to different areas of Council through Historic Area Statements.

The North Adelaide Cathedral Historic Area Statement (Adel 9) is of relevance for this site. Regarding architectural styles, detailing and built form features, the Area Statement attributes Brougham Place with low scale, Victorian and Inter-war detached dwellings. The Area Statement provides guidance on materials, fencing, landscaping, setting and public realm features as sought. It is included with the Code extract attached to this report for further information.

The application was referred to Council's Heritage Advisor for comments on heritage related matters. Amendments were made to the proposal to address concerns and refine certain elements of the design as sought by the Heritage Architect. Further detail follows in the 'materials' section of this report.

Amendments were requested to ensure the proposal addressed the heritage adjacency and historic character requirements, including appropriate materials and fencing details. In summary, Council's Heritage Advisor confirmed the proposal is consistent with the Performance Outcomes of both Overlays.

Built Form Scale

The site is located within the North Adelaide Low Intensity Subzone of the City Living Zone. In this Subzone, low-rise, low-density housing on large allotments in an open landscaped setting are considered the predominant outcome. More broadly, the City Living Zone seeks low to medium rise residential development. DPF 2.2 of the City Living Zone seeks building heights for the subject site not exceed two building levels. At four building levels, the proposal is not 'low rise' and does not meet the stipulated design performance feature. Further, PO 12.3 of Design in Urban Areas also seeks *"buildings are designed to reduce visual mass by breaking up building elevations into distinct elements"*.

Whilst there are many single and two storey dwellings in the locality, there are also some with a greater scale and density. The significant fall of the subject site is of particular relevance. The proposal nestles the lower level of the dwellings into the natural fall which appears to reduce the height. This allows the next level to be at grade, appearing as a ground level to Brougham Place. The uppermost level has a reduced floor plate and is proposed within the roof space, further reducing the appearance of the height and bulk of the built form.

Whilst four building levels is generally not desired in this locality, the proposal has been designed to ensure the bulk will not unreasonably dominate the streetscape. The locality is not typified by "large grand dwellings on landscaped grounds" as sought by DO2 of the North Adelaide Low Intensity Subzone.

In terms of site coverage, PO 2.1 of the North Adelaide Low Intensity Subzone seeks *"building footprints that are consistent with the character and pattern of the prevailing open landscaped character of the neighbourhood, in locations where an open landscape setting is the prevailing character"*. DPF 2.1 seeks development not result in site coverage exceeding 50%. The proposal will have a site coverage 60%, however this is consistent with a majority of the built form in the locality which does not comply with the 50% criteria.

In relation to site dimensions and land division, PO 4.1 of the City Living Zone seeks allotments created for residential purpose to be a *“suitable size and dimension and are compatible with the housing pattern consistent to the locality.”* DPF 4.1 seeks site areas for semi-detached dwellings to be 450m² and the minimum street frontage to be 12 metres per dwelling. The proposal does not meet the minimum site area or frontage, however the existing site already comprises two dwellings on two allotments and therefore land division is not proposed as the existing allotments will be maintained.

Setbacks

The City Living Zone provides guidance in relation to appropriate setbacks. PO 3.1 seeks to achieve consistent and complementary development to the existing streetscape character. DPF 3.1 states this can be achieved if the building line is at least the average setback of existing buildings on adjoining site facing the same street. After public notification, the primary setback to the main roof and the balcony was increased by two metres and 500mm respectively. The setback now proposed is consistent with those in the locality.

PO 3.3 seeks side setbacks to provide separation between dwellings in a way that is consistent with the established streetscape of the locality and to ensure access to natural light and ventilation for the neighbours.

The locality is relatively tightly held with setbacks sitting between nil and one metre from side boundaries. The subject site currently contains a 2.7 metre high portion of wall on both side boundaries of the garage area. The adjoining site to the west also has a large masonry wall on its boundary with the subject site.

Aside from the proposed boundary blade walls, the remainder of the building will be set back at least one metre on each side. Following public notification, the applicant reduced the height of these boundary walls by 500mm to reduce impact to the neighbours. The side boundaries are relatively consistent with other development in the locality and considered appropriate.

Materials

The Historic Area Statement (Adel 9) details masonry stone materials (brick, rubble, rock face/freestone) and render as forming the historic character.

The development incorporates feature stone walls and high levels of glazing to front and rear elevations. The proposal originally provided a mix of masonry rendered light weight panels and metal cladding for the walls, and Lysaght Snapseam Wide Pan cladding panel for the roof.

These were ultimately amended in response to comments from Council’s Heritage Advisor regarding appropriateness. The proposal now incorporates True Oak roofing and brick walling in lieu of the metal wall cladding and roof, to provide for better suitability and more complementary materials given the context of the historic character. These changes are supported by Council’s Heritage Advisor as referred to in Section 8.

Landscaping

Policy relating to soft landscaping is covered in Design in Urban Areas PO 3.1 which seeks soft landscaping and tree planting to be incorporated in developments to provide amenity and environmental benefits.

In terms of landscaping, in relation to medium and high rise development, PO 13.1 states development facing a street should provide a well landscaped area with deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings. PO/DPF 13.2 further defines the required depth, dimension and tree size. The development proposes to plant at least one small tree per dwelling, each with deep soil zones thereby achieving PO/DPF 13.2.

PO 22.1 regarding landscaping is not relevant as this only applies to low scale residential development.

The quantity and quality of vegetation proposed will provide a reasonable landscaped environment. As previously stated, the proposal incorporates the planting of one small tree per dwelling, achieving Urban Tree Canopy Overlay PO 1.1.

Residential Amenity

Subject site

Residential amenity for the occupants will be acceptable as good access to natural light and ventilation will be provided. The dwellings will be generously sized, have an excellent outlook and adequate storage space, exceeding the 13m³ stipulated in DPF 28.4.

Each dwelling provides private open space in the form of a north facing balcony off the living space, a balcony off the master bedroom to the south and a roof top terrace. With a total area of approximately 55m², the private open space for each dwelling falls short of the recommended 60m² in Table 1 – Private Open Space by approximately 5m², however this is not considered fatal to the proposal. Each area provides good quality open space for the occupants with the living, dining and kitchen areas having direct access to the north facing terraces. Adequate on-site parking directly accessible for each dwelling is also incorporated for each dwelling.

Adjoining sites

Overlooking has been mitigated with privacy screens to all side and rear facing windows and rear facing balconies to a height of 1.7 metres. For these reasons, the proposal is considered to achieve PO 10.1.

Interface between Land Uses provisions seek to ensure development is located and designed to mitigate adverse effects to neighbouring land uses. PO 3.1 suggests overshadowing of habitable room windows of adjacent residential land should be minimised with DPF 3.1 stipulating these windows should receive at least three hours of direct sunlight between 9am and 3pm on 21 June.

It is acknowledged with increased height of the proposal over and above the current built form, there will be an increased overshadowing, particularly to the south. The applicant has provided shadow diagrams which indicate much of the shadowing will impact upon the common driveway to the rear of the subject site. The adjoining site to the west will also still receive access to natural sunlight for the desired minimum of three hours.

Traffic and Car Parking

PO 5.1 of the City Living Zone seeks parking access to be located and designed to minimise any impact to the pedestrian environment as well as maintain the residential scale and pattern of development. PO 33.2 of Design in Urban Areas seeks to minimise the number of vehicular access points onto public road to reduce interruption of the footpath and positively contribute to public safety and walkability. Vehicular access for both dwellings is provided via a single common driveway to Brougham Court, the minor street in this instance. The parking is also not highly visible, being located away from the street frontage.

With regard to general policy in relation to transport, access and parking PO 5.1 seeks developments provide sufficient number of parking spaces to cater for the development, with DPF 5.1 deferring to “Table 1 – General Off-Street Car Parking Requirements”. This table seeks dwellings with three or more bedrooms to include two spaces per dwelling, one of which is covered. Each of the dwellings will have two undercover parks, thereby achieving the recommended minimum of Table 1. The removal of redundant crossovers to Brougham Place is a positive aspect of proposal.

Whilst one of the representations voiced concerns around vehicular access, Council’s traffic section has reviewed the application and determined it is appropriate in terms of vehicular access and parking.

10. **CONCLUSION**

The proposal seeks the demolition of two existing dwellings and construction of two, four storey semi-detached dwellings with masonry front and side fences and vehicular access from Brougham Court. The proposal is considered to achieve relevant provisions of the Planning and Design Code as follows:

- in terms of the requirements of the Historic Area Overlay, the scale, form, siting and streetscape managed and considered appropriate in context of the locality
- maintains the heritage and cultural value of the adjacent Local Heritage Places in the context of the locality
- will achieve a high quality urban design outcome
- materials and finishes are durable and will be high quality
- setbacks mostly achieved and where there is a discrepancy, unreasonable impact not created
- residential amenity value high with access to light and ventilation, generous proportions and adequate storage
- privacy of adjoining properties protected through the use of screening
- overshadowing impact considered acceptable
- vehicular access and parking gained via a single driveway, hidden from public view and with an adequate number of car parks
- landscaped open space provides amenity and environmental benefits consistent with other development in the locality.

It is acknowledged the proposal exceeds the maximum desired height and site coverage, and will not achieve the minimum site area or level of private open space, however it is considered to warrant support as:

- the basement level will be set into the natural slope of the land and the upper most level is designed to sit within the roof space which has resulted in the proposal presenting as two levels to the street, thereby minimising impact on the streetscape via its mass/height
- whilst the site coverage exceeds 50% by approximately 10%, this is not inconsistent with the prevailing character and pattern of development in the locality
- provision of private open space is only marginally less than the recommended amount, is well located and will be high quality.

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.

11. **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 22037197, by Tempo Constructions is granted Planning Consent subject to the following conditions and advices:

CONDITIONS

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
 - **Plans drafted by BB Architects, project no. 22.22, drawing nos. DA00H, DA-01C, DA-02D, DA-03D, DA-04F, DA-05C, DA-06E, DA-07E, DA-08F, DA-09C, DA-10D, DA-16C, DA-17A, all dated 5 June 2023**
 - **Site Plan drafted by Structural Systems, job no. DT230222, drawing no. 01 stage PA issue 1, revised date 7 June 2023**
 - **Hydrological Analysis undertaken by Structural Systems, job no. DT230222, issue date 7 June 2023**

2. **The finished floor level at the boundary of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.**

3. **Prior to the issue of Development Approval or any demolition, the Certifying Authority shall be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.**

4. **External materials, surface finishes and colours of the Development shall be consistent with the descriptions hereby granted consent and shall be to the reasonable satisfaction of the Relevant Authority.**

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

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

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

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

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

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

ADVISORY NOTES

1. Expiration Time of Approval

Pursuant to the provisions of Regulation 67 of the *Planning, Development and Infrastructure (General) Regulations 2017*, this consent/approval will lapse at the expiration of 2 years from the operative date of the consent/approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

2. Notifications

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

3. Appeal Rights

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

4. Access Rights

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

5. Boundaries

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

6. Demolition

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

7. Other Requirements

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

8. Damage to Council's Footpath/Kerbing/Road Pavement

Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.

9. City Works Permit

Any activity in the public realm, whether it be on the road or footpath, requires a City Works Permit. This includes activities that have received Development Approval. The City Works Guidelines detailing the requirements for various activities, a complete list of fees and charges and an application form can all be found on Council's website at www.cityofadelaide.com.au/business/permits-licences/city-works/

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.); Description of equipment to be used;
 - A copy of your Public Liability Insurance Certificate (minimum cover of \$20 Million required);
 - Copies of consultation with any affected stakeholders including businesses or residents.
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