

DEVELOPMENT NO.:	21019569
APPLICANT:	Neville Brandon
AGENDA ITEM NO:	3.3
ADDRESS:	94 Childers Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Construct two storey group dwelling with basement garage to rear of existing dwelling including retaining wall, construction of free-standing garage and removal of a regulated tree (Chinese Weeping Cypress)
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) • Local Heritage Place • Regulated and Significant Tree • 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:	8 July 2022
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2022.12 - 7 July 2022
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 Arborist

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
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ATTACHMENT 4:	Representation Map		

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

PERSONS SPEAKING BEFORE THE PANEL

Representor

- Fiona Shepley – 19 Barton Place, North Adelaide
- Yoland Higgs
- Annie Matsouliadis – 94 Childers Street, North Adelaide
- Scott Twine of URPS Planning Consultants on behalf of Tim Randall & Vyla Ellis – 88 Childers Street, North Adelaide
- David Cobbedick – 15 Barton Place, North Adelaide
- Sean Deslandes – 94 Childers Street, North Adelaide
- Kally Matsouliadis – 24 Hartman Avenue, Felixstow
- Ann and David Wald – Unit 7/124 Barton Terrace West, North Adelaide

Applicant

- Neville Brandon and Hosanna Ghandour

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks the construction of a two storey group dwelling with basement garage to rear of existing dwelling including retaining wall, construction of free-standing garage at rear of existing dwelling and removal of a regulated tree (Chinese Weeping Cypress).
- 1.2 Both the existing and proposed dwellings will share a common driveway 3.32 metres in width, with reciprocal rights of way provided from Childers Street.
- 1.3 Development data is contained in Table 1.1 below:

TABLE 1.1 – DEVELOPMENT DATA		
DESIGN CHARACTERISTICS	GUIDELINE	PROPOSED
Total Site Area: 1,057m²		
Site Area	600 m ²	Existing dwelling – 661m ² Proposed – 396m ²
Building Height	2 levels	2 levels
Soft Landscaping	20%	19%
Site Coverage	50%	Proposed 52% Existing 30%
Car Parking	4 (2 should be covered)	4 covered
Private Open Space	60m ² Minimum directly accessible from a living room: 16m ² / with a minimum dimension 3m	Proposed dwelling 61m ² Existing dwelling 94m ²
Side Setback	Building walls setback from side boundary not less than nearest side setback of the primary building on adjoining allotment	0m eastern side 230mm western side
Rear Setback	<ul style="list-style-type: none"> 3m for the ground floor level 5m for first floor building level 	<ul style="list-style-type: none"> 2.6m - 3.8m 5.2m
Boundary Walls	<ul style="list-style-type: none"> Not exceed 3m in height from the top of footings Not exceed a length of 8m When combined with other walls on the boundary, does not exceed 45% 	<ul style="list-style-type: none"> 4.4 metres 14.2m (east)/12.5 m(west) 28% of boundary length on west boundary and 22% on east boundary

2. BACKGROUND

- 2.1 Since 2000, two development applications have been lodged at the subject site for the construction of a similar two storey detached dwelling to the rear of the existing dwelling. These applications did not proceed and the development authorisations have lapsed.

2.2 Land division (DA 23004871) for 1 into 2 allotments in the configuration proposed in this land use application was lodged on 22 February 2023 and is currently on hold, pending the outcome of this built form application.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject land has a site area of 1,057m², with a primary frontage of 16.26 metres to Childers Street. A Local Heritage Place is located at the front and a 3.32 metre wide driveway is located along the eastern boundary.
- 3.2 The development site is level and contains a regulated tree located on the eastern boundary, being a Chinese Weeping Cypress (*Cupressus funebris*).
- 3.3 Colourbond fencing currently encloses the site and includes a portion of masonry stone wall to the northern and western sides. Although the wall is historic in nature, it does not form part of the Local Heritage Place listing.

Locality

- 3.4 The character of the locality is residential.
- 3.5 Dwellings comprise a variety of large detached dwellings on large allotments and modest detached dwellings, semi-detached and row dwellings on smaller allotments. Infill dwellings, consisting of residential flat buildings, dwellings on hammerhead allotments and group dwellings are also prevalent in the locality. This wide variety of dwelling types and allotment areas has resulted in a varied streetscape.
- 3.6 The street has a high level of amenity defined by mature street trees, landscaped and lawned verges, ornamental gardens and the presence of numerous Local Heritage Places.
- 3.7 Buildings in the locality have a high solid-to-void ratio and include robust materials such as brick, stone and rendered masonry.



Figure 3.1 - View of site with rear courtyards of 19 and 17 Barton Place in foreground



Figure 3.2 - Rear courtyard of 19 Barton Place



Figure 3.3 - Outlook from courtyard of 19 Barton Place



Figure 3.4 - Rear of site in lower left corner, with the rear of Units 3 & 4 Barton Place and 98 Barnard Street visible behind



Figure 3.5 - Original boundary wall of 96 Barnard Street adjacent rear wall of 19 Barton Place

4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

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

Group dwelling: Code Assessed - Performance Assessed

Tree-damaging activity: Code Assessed – Performance Assessed

Fence and retaining wall structure: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON:

All structures located in the Local Heritage and Historic Conservation Overlays and therefore cannot be Accepted or Deemed to Satisfy development.

6. **PUBLIC NOTIFICATION**

The proposal was subject to notification, pursuant to Table 5 of the Zone, given the height of walls along the boundaries (east and west) exceed three metres in height. Eight representations were received during the public notification period, all of whom oppose the development.

TABLE 6.1 – LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Fiona Shepley – 19 Barton Place, North Adelaide	Yes – Oppose
2	Yoland Higgs	Yes – Oppose
3	Annie Matsouliadis – 94 Childers Street, North Adelaide	Yes – Oppose
4	Scott Twine of URPS Planning Consultants on behalf of Tim Randall & Vyla Ellis – 88 Childers Street, North Adelaide	Yes – Support with some concerns
5	David Cobbledick – 15 Barton Place, North Adelaide	Yes – Oppose
6	Sean Deslandes – 94 Childers Street, North Adelaide	Yes – Oppose
7	Kally Matsouliadis – 24 Hartman Avenue, Felixstow	Yes – Oppose
8	Ann and David Wald – Unit 7/124 Barton Terrace West, North Adelaide	Yes – Oppose

TABLE 6.2 – SUMMARY OF REPRESENTATIONS
<ul style="list-style-type: none"> • Noise • Impact on outlook and ventilation • Loss of privacy • Emergency access restriction • Overshadowing • Possible encroachment of roof and inconsistent plans regarding wall heights • Reduction in length and height of proposed boundary wall adjacent 88 Childers Street • Retention of the existing masonry wall on the eastern boundary • Amenity impact of wall on the eastern boundary with 88 Childers Street • Concerned at removal of the tree

Note: A full version of the representations and response to representations are included in Attachments 5 and 6.

7. **AGENCY REFERRALS**

Not required.

8. **INTERNAL REFERRALS**

Local Heritage

No objection to the proposal as it will be setback an adequate distance from the Local Heritage Place.

Arborist

No objection to the proposed removal of the regulated Chinese Weeping Cypress (*Cupressus funebris*) tree on the eastern boundary as:

- it is not considered to make a positive contribution to local amenity, is not indigenous to the local area and does not provide an important habitat for native fauna.
- removal will accommodate the reasonable development of land

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 ✗
DO 1 – DO 2	<ul style="list-style-type: none"> Achieved. 	✓
Built Form and Character PO 1.1	<ul style="list-style-type: none"> Achieved. 	✓
Site Coverage PO 2.1	<ul style="list-style-type: none"> Site Coverage 52%, marginally exceeding desired maximum of 50%. 	✗

9.2 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Land Use & Intensity PO 1.1	<ul style="list-style-type: none"> Dwellings desired in the zone. 	✓
Built Form and Character PO 2.1 – PO 2.5	<ul style="list-style-type: none"> Site can accommodate additional dwelling. Does not exceed maximum height. Existing driveway used. 	✓
Building Setbacks PO 3.1 - 3.5	<ul style="list-style-type: none"> Side setbacks do not complement adjacent dwellings and private open space areas. 	✗
Site Dimensions and Land Division PO 4.1	<ul style="list-style-type: none"> Detached dwellings should have a minimum site area of 600m². Proposal achieves average of 525m² for each dwelling. 	✗
Car Parking and Access PO 5.1	<ul style="list-style-type: none"> Achieved. 	✓
Ancillary Building and Structures PO 8.1 DO 8.2	<ul style="list-style-type: none"> Freestanding garage satisfies relevant criteria. 	✓

9.3 Summary of Applicable Overlays

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

- Design Overlay – value of the development is below \$10 million
- Prescribed Wells Area Overlay – no groundwater concerns

Airport Building Heights (Regulated)

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> • Achieved. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> • Development does not exceed the maximum height specified in the Overlay. 	✓

Aircraft Noise Exposure

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> • Achieved. 	✓
Land Use and Intensity PO 1.1	<ul style="list-style-type: none"> • Site located in the ANEF 20 – 25 contour with no special attenuation required. 	✓

Building Near Airfields

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> • Does not impinge upon safe operation of Adelaide Airport. 	
PO 1.1	<ul style="list-style-type: none"> • Outdoor lighting associated with use is permissible. 	✓
PO 1.2	<ul style="list-style-type: none"> • Development will not encourage bird wildlife. 	✓
PO 1.3	<ul style="list-style-type: none"> • Building within the desired maximum height. 	✓

Hazards (Flooding - Evidence Required)

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Flood Resilience PO 1.1	<ul style="list-style-type: none"> Finished floor level 1.1 metres above top of kerb level to Childers Street. 	✓

Heritage Adjacency

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> New dwelling and garage are well set back from the street façade and will not affect the setting of the Local Heritage Place. 	✓

Historic Area

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Refer Section 9.5 	✗
All Development PO 1.1	<ul style="list-style-type: none"> Development will result in a reduction in landscaped open space as expressed in Historic Area Statement. 	✗
Built Form PO 2.1 – PO 2.5	<ul style="list-style-type: none"> Not highly visible from public realm. Side setbacks not entirely consistent with the prevailing setback pattern in the Historic Area, however examples of similar infill dwellings located away from street frontages exist. Materials complementary with those predominant and contributory to Historic Area. 	✓/✗
Context and Streetscape Amenity PO 6.1 – PO 6.2	<ul style="list-style-type: none"> Achieved. 	✓

Local Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Built Form PO 1.1 – PO 1.7	<ul style="list-style-type: none"> Proposed building maintains heritage values of the existing Local Heritage Places. Design and architectural detailing, whilst not a faithful reproduction of a Georgian dwelling, are broadly complementary, noting inconsistencies in roof pitch, window proportions, asymmetry, portico thickness, and absence of chimneys, corbel lines, friezes and decoration. 	✓

Regulated and Significant Trees

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Applicant will plant replacement trees with condition included in Section 11. 	✓
PO 1.1	<ul style="list-style-type: none"> Council's Arborist supports removal of the Chinese Weeping Cypress (<i>Cupressus funebris</i>) tree on the eastern boundary as it is not considered to make a positive contribution to local amenity, is not indigenous to the local area and does not provide an important habitat for native fauna. Removal will be compensated by a requirement to either plant two replacement trees or payment into the Urban Tree Fund included as a condition in Section 11. 	✓
PO 1.4	<ul style="list-style-type: none"> Removal of tree required to provide vehicular access which will accommodate the reasonable development of the land. Health of the tree is assessed as fair by an arborist, however it has been overly pruned and its life expectancy has been reduced as a result. 	✓

Stormwater Management

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> Rainwater tank will be a minimum of 1,000 litre capacity and connected to the toilet, laundry or hot water service as required. 	✓

Urban Tree Canopy

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> One small tree required (4 metre height and 2 metre spread). Condition included in Section 11. 	✓

9.4 General Development Policies

Clearance from Overhead Powerlines

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

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Earthworks and sloping land PO 8.1	<ul style="list-style-type: none"> Basement car park involves excavation exceeding 1 metre in depth requiring stabilisation of adjacent land during excavation and construction. 	✗
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> Living room looks out over front yard. 	✓
Overlooking PO 10.1 – PO 10.2	<ul style="list-style-type: none"> Overlooking into rear yard and windows of 88 Childers Street prevented through installation of obscure glazing to a height of 1.6 to 1.7 metres. 	✓
Private Open Space PO 21.1 PO 21.2	<ul style="list-style-type: none"> Private open spaces satisfy minimum requirement for both dwellings. Spaces directly accessible from a habitable room and of useable dimensions. 	✓
Landscaping PO 22.1	<ul style="list-style-type: none"> Minimum area of 125m² is sought by the DPF, however only 61m² is provided for the new dwelling and 92m² for the existing dwelling. 	✗
Car Parking PO 23.1, 23.3 – 23.6	<ul style="list-style-type: none"> Each dwelling requires two onsite car parking spaces which will be provided. 	✓
Waste Storage PO 24.1	<ul style="list-style-type: none"> Waste bins capable of being stored at each site and out of public view. 	✓
Amenity PO 31.1	<ul style="list-style-type: none"> Both dwellings exceed the minimum floor area required by the DPF for the number of rooms sought. 	✓
PO 31.2	<ul style="list-style-type: none"> Orientation and siting of building minimises impacts on the amenity, outlook and privacy of occupants and neighbours. 	✓
PO 31.4	<ul style="list-style-type: none"> Battle-axe development not sought by the DPF, however impact not unreasonable in terms of amenity impacts to adjacent land. 	✓
Car Parking, Access and Manoeuvrability PO 33.1, PO 33.5	<ul style="list-style-type: none"> Existing driveway used, with no loss of on-street car parking. 	✓
Soft Landscaping PO 34.2	<ul style="list-style-type: none"> Driveway and manoeuvring areas will be paved with bricks having 50% permeability rating as required, thus decreasing stormwater runoff arising from a lack of landscaping. Insufficient space to incorporate a 1 metre wide landscaping strip for visual and microclimatic benefit. 	✗

Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Vehicle Parking Rates PO 5.1	<ul style="list-style-type: none"> Achieved. 	✓

9.5 Detailed Discussion

Land Use and Intensity

The policy framework focusses on satisfaction of the applicable Performance Outcome (PO). City Living Zone PO 1.1 states *“Diverse housing and accommodation complemented by a range of compatible non-residential uses supporting an active and convenient neighbourhood”*.

The proposed dwelling will be located behind an existing Local Heritage Place and will not impact upon the existing streetscape. The proposal will reinforce the residential nature of the locality.

Intensity is controlled by a desired minimum allotment size of 600m² for group dwellings. In this instance, the average allotment size provided for dwellings on the land is 528m². Whilst this is below the desired minimum set by the TNV, the amenity outcome has been assessed to determine suitability of the development as further discussed in the body of this report below.

Built Form, Mass/Bulk and Design

The built form and design of the development has been subject to concerns from representors regarding building height, scale, form, intensity and lack of conformity to the historic character of North Adelaide.

City Living Zone PO 2.2 prescribes a maximum height of two building levels. The proposal achieves this height at two levels, noting the basement is not a level as it will be located more than 1.5 metres below finished ground level.

The rear setback is in accordance with City Living Zone PO/DPF 3.4, satisfying the desired setback at both ground and upper levels (3 metres and 5 metres respectively) and is assessed as providing adequate separation from dwellings to the north. These setbacks will ensure adequate ventilation, sunlight and outlook for the townhouses at 15, 17 and 19 Barton Place.

The suitability of side setbacks is more finely balanced. To the west lies an infill development in a similar location, footprint, height, scale and roof pitch and presents a two storey wall setback 900mm from the western boundary of the site with a single window to the staircase.

The proposed dwelling will cause a loss of sunlight to the staircase and cast morning shadow to the front courtyard. These impacts, including visual bulk are not unreasonable as both areas are not habitable spaces of the adjacent dwelling. There will be no impact upon the amount of sunlight to habitable rooms and private open space.

There will be no ground level setback on the eastern boundary and this boundary wall will abut the private open space at 88 Childers Street. The primary impact will be the transformation of the context; whereby built form will occupy once open landscaped space, being a new visual element.

The extent of wall on the boundary does not satisfy the DPF 3.5 which seeks a maximum height of 3 metres and a length of 8 metres. In this instance, the proposed length of wall is 14 metres and the height is 4.4 metres. The resultant bulk and scale impact to 88 Childers Street is mitigated by a separation distance of 13 metres from the rear of the neighbouring dwelling and therefore PO 3.5 is considered satisfactorily achieved.

The upper level of the building will be setback 1.7 metres from the eastern boundary. This will break up the visual bulk when viewed from 88 Childers Street.

Overshadowing

The development will cast a shadow into the private open space of 88 Childers Street to the east in the afternoon and the front courtyard of 4/98 Childers Street to the west in the morning. The extent of overshadowing does not exceed that permitted by the Code, with shadowing to the private open space of the adjacent land to the east not occurring until after midday, ensuring over three hours of direct sunlight from 9am to midday.

Overlooking

The site is surrounded by sensitive uses in immediate proximity. There is potential for direct overlooking to the east into the expansive private open space of 88 Childers Street and north to the private courtyards of 13 to 19 Barton Place. This potential overlooking was raised as an issue during public notification and the applicant has subsequently amended the proposal to include 1.6 to 1.7 metre high obscure glazing to the upper level windows in accordance with Design in Urban Areas PO 10.1.

Architectural Response & Heritage

The location of the dwelling at the rear of the existing site means visibility from the public realm will be limited. There will be negligible impact upon the existing townscape and streetscape. The proposed neo-Georgian design is not uncommon in the locality, with examples dating from the 1930's as well as recent structures dating from the 1990's onwards. The simple restrained design is not architecturally notable nor controversial.

Council's Heritage Architect has advised that the location of the dwelling, its distance from public view and its separation from the Local Heritage Place, will ensure it has minimal heritage impact.

10. CONCLUSION

The proposal seeks the construction of a two storey group dwelling with basement garage to rear of existing dwelling including retaining wall, construction of free standing garage at rear of existing dwelling and removal of a regulated tree (Chinese Weeping Cypress) at 92 Childers Street, North Adelaide. The proposal is considered to achieve the outcomes sought by the Planning and Design Code as follows:

- proposes a desired land use at a low density as envisaged in City Living Zone DO 1 and PO 1.1
- acceptable density despite variance with Subzone DPF 2.1, being only marginally above the desired 50% maximum and impacts to adjacent land are within acceptable limits with no direct overlooking
- a generous dwelling size with good internal amenity and adequate private open space
- the built form will have no impact upon the heritage streetscape value of Childers Street, being well setback from the public realm
- vehicle access will take advantage of the existing driveway with all movements occurring in a safe forward direction.

The proposal is considered a satisfactory outcome 'not seriously at variance' with the relevant provisions of the Planning and Design Code. It is recommended Planning Consent be granted.

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 21019569, by Neville Brandon is granted Planning Consent subject to the following reserved matter, conditions and advices:

RESERVE MATTER

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- **document extent of retention, demolition and rebuilding of the existing boundary masonry fences, with an intention to maximise the extent of fence retention**
- **outline structural engineering required to stabilise the existing boundary masonry fences and maximise retention of the existing building fabric**
- **all masonry repair works to be documented, including stone replacement, proposed repair methodologies and materials for all repairs (to be consistent with accepted heritage practice)**

Note - further conditions may be imposed on the Planning Consent in respect of the above matters.

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):**
 - **Specialty Surveys Level and Detail Survey Plan Ref: 1784_NORTHchilders.dxf dated 7 December 2021**
 - **Building Design Studio Drawings; Proposed Site Plans 1/9 &1A/9, Proposed Stormwater Plan 2A/9, Proposed Basement Plan 3/9, Proposed Ground Floor Plan 4/9, Proposed First Floor Plan 5/9, Schematic Section Through Driveway Plan 6/9, Elevation Drawing 7A/9, Elevation Drawing 8A/9, Garage Plan 9/9**

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

3. **The shared driveway and manoeuvring areas shall consist of permeable paving with a permeability rating of a minimum 50%.**

4. **All stormwater run-off from the development shall be collected in a system of gutters, pits and pipelines and discharged by gravity to the kerb and gutter of a public road in accordance with the National Construction Code, AS3500.3 and Council's City Works Guide #2 Works Impacting City of Adelaide Assets and Urban Elements Catalogue.**

5. **The obscured glazing as depicted on the plans granted consent described as Building Design Studio Elevations 7A/9 and 8A/9 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.**

6. **Two (2) replacement trees (for removal of the regulated tree) must be planted within 12 months of completion of the development. Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the Planning, Development and Infrastructure (General) Regulations 2017, and cannot be planted within 10 metres of an existing dwelling or inground swimming pool.**
Alternatively, payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the Planning and Development Fund in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

7. **Tree(s) 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 dwelling(s) and maintained or alternatively money shall be paid in accordance with Practice Direction 16: Urban Tree Canopy Off-set Scheme 2021.**

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

ADVISORY NOTES

1. **Development Approval**
Expiration of Consent 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.
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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. Expiration of Consent

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

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. Expiration of Consent

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

6. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria). Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residentialparking/> or contact the Customer Centre on 8203 7203 for further information.

7. 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.

8. 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.

9. Notice of Construction

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.