

<b>DEVELOPMENT NO.:</b>	23009994
<b>APPLICANT:</b>	Rick D'Andrea
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	87 Childers Street, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Dwelling additions and alterations
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• North Adelaide Low Intensity</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• <del>Aircraft Noise Exposure</del></li> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• <del>Building Near Airfields</del></li> <li>• <del>Design</del></li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• <del>Hazards (Flooding – Evidence Required)</del></li> <li>• Local Heritage Place</li> <li>• <del>Prescribed Wells Area</del></li> <li>• <del>Regulated and Significant Tree</del></li> <li>• <del>Stormwater Management</del></li> <li>• <del>Urban Tree Canopy</del></li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage – 12 metres</li> <li>• Minimum Site Area – 450m<sup>2</sup></li> <li>• Maximum Building Height – 2 levels</li> </ul>
<b>LODGEMENT DATE:</b>	11 April 2023
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2023.5 - 30 March 2023
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Edouard Pool Senior Planner – Development Assessment
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Heritage Architect

## CONTENTS:

<b>ATTACHMENT 1:</b>	Application Documents	<b>ATTACHMENT 5:</b>	Representations
<b>ATTACHMENT 2:</b>	Subject Land & Locality Map	<b>ATTACHMENT 6:</b>	Response to Representations
<b>ATTACHMENT 3:</b>	Zoning Map	<b>APPENDIX 1:</b>	Relevant P&D Code Policies
<b>ATTACHMENT 4:</b>	Representation Map		

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representor**

- Anthony Iasiello – on behalf of Judith Iasiello, 85 Childers Street North Adelaide

### **Applicant**

- Nicholas Giannakodakis of Future Urban – on behalf of applicant, James Martin

## **1. DETAILED DESCRIPTION OF PROPOSAL**

- 1.1 Planning consent is sought for the demolition of the rear portion of the existing dwelling, rear verandah and porch, and construction of a new single storey addition and verandah.
- 1.2 The addition will provide a walk-in robe off the master bedroom, a new bathroom, toilet/vanity suite, dining/living/kitchen area with walk-in pantry and a small rear verandah.
- 1.3 No alterations to the front of the existing dwelling are proposed.
- 1.4 There is currently no vehicular access or parking on site and this will remain unchanged by the proposal.

## **2. BACKGROUND**

- 2.1 An application to demolish part of the rear of the dwelling and construct a two storey rear addition (DA/717/2012) was considered by the then Development Assessment Panel and was refused in 2013. The applicant lodged an Appeal to the Environment Resources and Development Court, however the Appeal was later withdrawn due to unforeseen circumstances.

## **3. SUBJECT LAND & LOCALITY**

### **Subject Land**

- 3.1 The subject site is located on the southern side of Childers Street in the middle of three row cottages, all of which are Local Heritage Places.
- 3.2 The row cottage to the east has been significantly modified to incorporate a two storey addition, including a verandah/balcony to the front of the dwelling with the front stonework painted to match.
- 3.3 The subject site has a frontage to Childers Street of 5.03 metres. The rear boundary measures 5.08 metres, with the side boundaries measuring 45.12 metres. The site has area of approximately 228m<sup>2</sup>.
- 3.4 A 3 metre wide private road abuts the property at the rear which exits to Childers Street, immediately adjacent the neighbouring dwelling to the east.
- 3.5 The Certificate of Title for the land includes an area marked 'C' at the rear of the site. This land is subject to a free and unrestricted right of way appurtenant to the adjacent allotment to the west, which provides access to the private land for the said adjacent land across the rear of the subject site. This portion of the site will not be affected by the development.
- 3.6 The site is relatively flat, and the rear yard contains a large tree. This tree is not regulated or significant. The applicant intends to retain the tree for its amenity value.

### **Locality**

- 3.7 The locality is typified by low-rise residential development of varying eras of construction.
- 3.8 There are several dwellings in the locality that are Local Heritage Places.
- 3.9 The pattern of development is varied with the majority being compact with boundary to boundary built form, particularly on the southern side of Childers Street. Some two storey residential flat buildings are located in the area as well as contemporary semi-detached and group dwellings.
- 3.10 Childers Street is wide and incorporates angle parking to both sides wide grassed verges. Street trees are well established, providing a high level of amenity.



**Figure 3.1 – Subject site viewed from Childers Street**



**Figure 3.2 – Neighbouring two storey dwellings to the west of the site**



**Figure 3.3 – Adjacent dwellings to the east of the subject site**



**Figure 3.4 – Looking south along the private laneway located adjacent the dwelling to the east of the subject site**



**Figure 3.5 – Row cottage adjacent subject site to the east**



**Figure 3.6 – Rear yard of subject site**



**Figure 3.7 – Dwellings to southwest of subject site viewed from right of way at rear**



**Figure 3.8 – Dwelling at the end of the private laneway towards rear of subject site**

**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

Partial Demolition of a Building or Structure – Code Assessed – Performance Assessed  
Dwelling Alteration and Addition – Code Assessed – Performance Assessed  
Verandah – Code Assessed – Performance Assessed  
Rainwater Tank – Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

- **REASON:**

The building is a Local Heritage Place, located in the Historic Area Overlay. Partial demolition of the existing building and construction of a dwelling addition are identified in Table 3 as being Code Assessed - Performance Assessed.

**6. PUBLIC NOTIFICATION**

- **REASON**

The proposed wall located on the eastern boundary of the site has a length of 8.8 metres and height of 3.4 metres, which does not satisfy City Living Zone, Table 5 - Class of Development Part 2 and Part 5, therefore public notification was undertaken. The following representation was received as part of the notification process:

<b>TABLE 6.1 – LIST OF REPRESENTATION</b>		
<b>No.</b>	<b>Representor Address</b>	<b>Request to be Heard</b>
1	Judith Iasiello, 85 Childers Street, North Adelaide	Yes – Opposes

<b>TABLE 6.2 SUMMARY OF REPRESENTATION</b>
<ul style="list-style-type: none"><li>• Loss of natural light and ventilation</li><li>• Potential obstruction of solar panels</li><li>• Diminished views</li></ul>

Note: The full representation and applicant's response to the representation are included in Attachments 5 and 6.



## 7. AGENCY REFERRALS

None required.

## 8. INTERNAL REFERRALS

### Local Heritage

The listing extends only to the 'frontage and side wall returns visible from the street' and there are no works or impacts to the streetscape presentation. The identified listed elements will be retained and the existing chimney needs be noted as being retained.

Note: The applicant confirmed the existing chimney will be retained and updated plans accordingly.

## 9. PLANNING ASSESSMENT

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

### 9.1 **Summary of North Adelaide Low Intensity Subzone Assessment Provisions**

<b>Subject Code Ref</b>	<b>Assessment</b>	<b>Achieved ✓ Not Achieved ✗</b>
DO 1, DO 2	<ul style="list-style-type: none"><li>Existing low-rise development remains.</li><li>Not a predominance of 'large grand dwellings on landscaped grounds' sought by DO 2.</li></ul>	✓
Built Form & Character PO 1.1	<ul style="list-style-type: none"><li>Open landscape setting character does not prevail in locality.</li></ul>	✗
Site Coverage PO 2.1	<ul style="list-style-type: none"><li>Exceeds 50% (130 m<sup>2</sup> vs 114 m<sup>2</sup>).</li><li>Current site coverage is 95m<sup>2</sup>.</li></ul>	✗

### 9.2 **Summary of City Living Zone Assessment Provisions**

<b>Subject Code Ref</b>	<b>Assessment</b>	<b>Achieved ✓ Not Achieved</b>
DO 1	<ul style="list-style-type: none"><li>Existing low-rise dwelling remains.</li></ul>	✓
Land Use and Intensity PO 1.1	<ul style="list-style-type: none"><li>Dwelling a desired land use.</li></ul>	✓
Built Form and Character PO 2.2-2.5	<ul style="list-style-type: none"><li>Dwelling remains as single storey.</li><li>Addition to rear and not visible from public realm.</li></ul>	✓
Building Setbacks PO 3.1-3.5	<ul style="list-style-type: none"><li>No change to front setback.</li><li>Existing dwelling and new addition located for the most part on side boundaries.</li><li>Bathroom wall 1.5 metres off western boundary and living room 610mm off the western boundary,</li></ul>	✓/✗

	<p>ensuring light, ventilation and bulk appropriately managed.</p> <ul style="list-style-type: none"> <li>• Wall on eastern boundary approximately 10.4 metres from rear boundary and a wall height to 4.5 metres.</li> <li>• Locality tightly held and examples of boundary to boundary development.</li> </ul>	
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### 9.3 Summary of Applicable Overlays

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

- Aircraft Noise Exposure Overlay – existing dwelling but also located in area with an ANEF value below 30
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – existing low-rise dwelling
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a value over \$10 million
- Hazard (Flooding – Evidence Required) Overlay – existing dwelling
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no regulated or significant trees affected
- Stormwater Management Overlay – not a new dwelling
- Urban Tree Canopy – not a new dwelling

#### Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>• Maintains heritage and cultural values of adjacent Local Heritage Place.</li> </ul>	✓
Built Form PO 1.1	<ul style="list-style-type: none"> <li>• Will not dominate, encroach or unduly impact upon the setting of adjacent Local Heritage Place.</li> </ul>	✓

#### Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>• Maintains single storey per Historic Area Statement.</li> </ul>	✓
All Development PO 1.1	<ul style="list-style-type: none"> <li>• No impact to streetscape.</li> </ul>	✓
Built Form PO 2.1 – 2.5	<ul style="list-style-type: none"> <li>• Addition not visible from public realm.</li> <li>• Prevailing boundary to boundary setbacks.</li> </ul>	✓
Alterations & Additions PO 3.1, 3.2	<ul style="list-style-type: none"> <li>• Located at the rear.</li> <li>• Proposal supports retention of heritage place.</li> </ul>	✓
Context and Streetscape Amenity PO 6.1, PO 6.2	<ul style="list-style-type: none"> <li>• No impact on the streetscape.</li> </ul>	✓
Demolition PO 7.1 - 7.3	<ul style="list-style-type: none"> <li>• Proposed rear addition does not form part of the elements of heritage value.</li> </ul>	✓

### Local Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Maintains heritage and cultural values of the Local Heritage Place.</li> <li>Addition will extend ongoing use of the Local Heritage Place.</li> </ul>	✓
Built Form PO 1.1 - 1.7	<ul style="list-style-type: none"> <li>Maintains heritage value of Local Heritage Place.</li> <li>Addition to the rear.</li> <li>Consistent setbacks achieved.</li> <li>Existing chimney retained.</li> </ul>	✓
Alterations and Additions PO 3.1, 3.2	<ul style="list-style-type: none"> <li>Located at the rear and heritage elements not impacted.</li> </ul>	✓
Demolition PO 6.1	<ul style="list-style-type: none"> <li>Existing portion to be demolished does not contribute to heritage values of the Local Heritage Place.</li> </ul>	✓

## 9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

### Clearance from Overhead Powerlines

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

### Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Sustainable, durable materials and will provide a reasonable contextual outcome in the locality.</li> </ul>	✓
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> <li>Living area has full height glazing taking advantage of external outlook to private open space.</li> </ul>	✓
Private Open Space PO 21.1, 21.2	<ul style="list-style-type: none"> <li>Private open space of 35m<sup>2</sup>, meets DPF minimum requirement.</li> <li>Rear yard directly accessible from a habitable room.</li> </ul>	✓
Landscaping PO 22.1	<ul style="list-style-type: none"> <li>Development incorporates 69m<sup>2</sup> of soft landscaping which equates to 30% exceeding recommended minimum 20% in DPF 22.1.</li> <li>No change to landscaping between the primary street boundary and primary building line.</li> </ul>	✓

## Interface between Land Uses

Subject Code Ref	Assessment	Achieved ✓
		Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>• Achieved.</li> </ul>	✓
Overshadowing PO 3.1 - 3.3	<ul style="list-style-type: none"> <li>• North facing windows of adjacent residential uses not impacted.</li> <li>• Given extent of additional building approximately 3.7 metres beyond the rear boundary additional overshadowing will occur.</li> <li>• Despite additional overshadowing, proposal will result in at least two hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses for at least 35m<sup>2</sup> of existing ground level private open space.</li> <li>• No adjacent rooftop solar energy facilities, however single storey addition unlikely to unreasonably impact upon adjacent properties harvesting sunlight in the future.</li> </ul>	✓

## 9.5 Detailed Discussion

### Built Form

#### *Building Height*

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 envisaged. There is not a high proportion of housing on large allotments in an open landscaped setting as envisaged in the Subzone, particularly on the southern side of Childers Street where development is relatively dense and built to side boundaries.

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 site to not exceed two building levels. The locality is typified by single and two storey dwellings. The proposed single storey addition is in accordance with Zone DPF 2.2 and the townscape character sought.

#### *Setbacks*

The City Living Zone provides guidance in relation to appropriate setbacks in a residential setting. PO 3.3 seeks buildings be setback from side boundaries to provide separation between dwellings in a way that is consistent with the established streetscape of the locality and to provide for access to natural light and ventilation to neighbours.

DPF 3.3 states one way of achieving this is for building walls to be setback from a side boundary not less than the nearest side setback of the primary building on the adjoining allotment.

PO 3.5 seeks boundary walls be limited in height and length to manage impacts on adjoining properties. DPF 3.5 states one way of achieving this is for walls sited on a side boundary to not exceed three metres in height from the top of the footings, not exceed 8 metres in length and when combined with other walls on the boundary, not exceed 45% of the total length of the side boundary.

#### *East boundary*

The existing rear addition is sited on the eastern boundary for a length of approximately 12.8 metres (including the rear verandah). The new addition will have a length of 18.5 metres (including the verandah and wall nib) on this boundary. Approximately 5.9 metres of this shared boundary will be free from built form, other than fencing.

### *West boundary*

The addition will be located on the western boundary for a length of 8.83 metres beyond the existing small verandah at the rear of the main dwelling. A setback from the bathroom wall and the living area provides a courtyard space. Coupled with the setback of the building on the western neighbour, there is sufficient separation between the dwellings to provide access to light and ventilation. Approximately 15.5 metres of this shared boundary will be free from built form, other than fencing.

These row cottages are very narrow, with the site having a width of just over 5 metres, making it difficult to construct an addition that provides separation from its neighbours. This is evident, with neighbouring buildings constructed boundary to boundary, albeit for a shorter length than the proposal. The setbacks are considered appropriate as they are consistent with built form in the locality and will not unreasonably impact on access to light and ventilation for adjoining sites.

### *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”* with DPF 2.1 seeking development not result in a site coverage exceeding 50%.

While the proposed 57% site coverage exceeds the recommended 50% (130m<sup>2</sup> compared to 114m<sup>2</sup>), it is considered acceptable as the locality does not have an open landscaped setting and the coverage is consistent with built form in the immediate locality.

### Historic Area, Heritage Adjacency and Local Heritage Place Overlays

The site is one of three row cottages listed as Local Heritage Places. The site is also located in the Historic Area Overlay and is covered by the Heritage Adjacency Overlay.

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 addition is single storey and will be set to the rear of the existing cottage, therefore it will maintain the heritage and cultural values of the adjacent Local Heritage Places.

The Historic Area Overlay provides specific guidance to different areas of Council through Historic Area Statements. The North Adelaide Childers East Historic Area Statement (Adel2) is relevant for this site. In terms of built form patterns, the Area Statement refers to Childers Street displaying consistently sited row cottages on the northern side and varying setbacks on the southern side.

Architectural styles, detailing and built form features for Childers Street are listed as being Victorian, Edwardian and Inter-war housing, as well as single storey Local Heritage Places, including consistently sited single storey row cottages, detached cottages and the occasional terrace house with narrow frontages on the northern side and on the southern side, detached and attached cottages with varying setbacks. There is a continuity of verandahs, parapets, roof profiles and single storey detached or semi-detached cottages on the southern side.

The Local Heritage Place Overlay seeks development maintain the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse. The proposal will ensure liveability of the existing cottage is enhanced, thereby fostering its ongoing use.

This proposal maintains the single storey built form of the existing row cottages evident on the southern side of Childers Street.

The application was referred to Council’s Heritage Advisor who supports the proposal, only noting the existing chimney should be retained. The applicant has since updated the plans to include reference to retention of the chimney.

### Residential Amenity

Residential amenity for occupants will be satisfactory, with access to natural light and ventilation and a spacious living area expected to provide a pleasant living environment. The private open space exceeds the recommended DPF minimum of 24m<sup>2</sup> in Table 1 – Private Open Space. The open space area provides an acceptable level of amenity as the area has access to sunlight and ventilation and enjoys direct access from the living/dining/kitchen area of the dwelling.

In terms of overshadowing of neighbouring properties, PO 3.1 seeks development to minimise overshadowing impact to adjacent residential areas. DPF 3.1 states north-facing windows should receive at least three hours of direct sunlight between 9.00 am and 3.00 pm on 21 June. This proposal does not impact on north-facing windows of adjacent properties.



**Figure 9.5.1: Rear view of proposed addition (left) and adjacent two storey dwelling to the east (right)**

PO 3.2 seeks private open spaces of adjoining residential properties not unreasonably impact development. DPF 3.2 suggests development maintain two hours of direct sunlight to neighbouring areas of private open space between 9.00 am and 3.00 pm on 21 June. Figure 9.1 above illustrates the relationship between the addition and the adjacent dwelling at 85 Childers Street (representor's property).

The applicant has provided overshadowing diagrams which confirm there will be some overshadowing impacts caused to the adjacent properties to the east and west, however the recommended minimum of two hours direct sunlight will be maintained to both abutting properties at the height of winter and is therefore acceptable.



**Figure 9.5.2: Aerial view of the subject site and adjacent properties showing the location of existing solar panels in February 2023**

PO 3.3 seeks development not unduly reduce the generating capacity of adjacent rooftop solar energy facilities. A recent aerial photograph of the site (Figure 9.5.2) shows 'adjacent' rooftop solar energy facilities at properties located directly to the south and east. A flat-roofed single storey addition is not expected to unreasonably impact upon the ability for these existing facilities to harvest sunlight given the separation distance and height of the proposal.

## **10. CONCLUSION**

This proposal seeks to demolish the existing rear addition and construct a single storey addition at 87 Childers Street, North Adelaide. The proposal is expected to achieve the relevant provisions of the Planning and Design Code by:

- maintaining an existing residential property
- maintaining existing single storey built form as expressed in the Historic Area Statement
- retaining an existing Local Heritage Place, ensuring elements of heritage value remain intact
- maintaining the heritage and cultural value of the adjacent Local Heritage Place
- proposing an addition with a scale, form and siting appropriate in the context of the locality and the Historic Area Overlay
- resulting in good access to light and ventilation and an increase in quality living space for the dwelling
- providing private open space and landscaping.

It is acknowledged the proposal extends development on the eastern side boundary, however this is considered acceptable as:

- the additional built form on the boundary is single storey
- the impact of the additional extent on the boundary is not unreasonable in terms of both visual impacts and overshadowing to the abutting neighbour.

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 23009994, by Rick D'Andrea 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 D'Andrea Architects, Sheet Nos. 0000, 2201, 2202, 2203 received by Council on 30 June 2023**
    - **Civil drawings drafted by Schmidt Bentley Engineering Consulting, Job No. SBEC 2303-46, sheet nos. C1.0, C1.1, C2.0, all issue A, all dated 5 April 2023**
    - **Detail and Level Survey drafted by Alexander Symonds, drawing no. 22A0380(0) MGA20P, dated 15 March 2022**
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2. **The applicant or the person having the benefit of this consent shall ensure that all storm water run off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.**
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### **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 [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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### **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).

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### **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.

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### **5. Fences Act 1975**

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.

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### **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](http://www.legislation.sa.gov.au).

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### **7. 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/](http://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.