

DEVELOPMENT NO.:	22034409
APPLICANT:	Margherita Buselli
AGENDA ITEM NO:	3.3
ADDRESS:	31 Mann Terrace, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Demolish rear portion of existing single storey dwelling and garage and construct two storey rear addition and new garage
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Living <p>Subzones:</p> <ul style="list-style-type: none"> • North Adelaide Low Intensity <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Design • Historic Area • Heritage Adjacency • Hazards (Flooding – Evidence Required) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage semi-detached dwelling – 10 metres • Minimum Site Area semi-detached dwelling – 350m² • Maximum Building Height (Levels) - 2 levels
LODGEMENT DATE:	13 October 2022
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2022.19 – 13 October 2022
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kosta Tsekouras Planner, Development Assessment
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Heritage Architect

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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

- Jillian Gardner of 1/12 East Pallant Street, North Adelaide
- Dimitrios Moutos of 3/12 East Pallant Street, North Adelaide
- Ruth Zanker of 26 East Pallant Street, North Adelaide
- John Mason of Planning Chambers on behalf of John Tolland of 2/12 East Pallant Street, North Adelaide
- David Pyatt and Julie-Annie Yacoumis of 32 Mann Terrace, North Adelaide

Applicant

- Chelsea Jurek from URPS Planning Consultants on behalf of applicant Margherita Buselli

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 The application proposes demolition of a portion of an existing single storey dwelling and garage and construction of a two storey rear addition and outbuilding.
- 1.2 The southernmost portion of the existing dwelling, together with the outbuilding and associated verandah will be demolished. These are later additions to the Local Heritage Place.
- 1.3 The ground floor of the addition will have a floor area of 71.5m² and will contain a kitchen, open plan dining/living area, bathroom, laundry and an undercover alfresco area.
- 1.4 The upper level will have a floor area of 33m² and will contain a master bedroom with an ensuite, walk in robe and balcony.
- 1.5 At the highest point, the dwelling addition will be approximately 8.2 metres above ground level.
- 1.6 An outbuilding is proposed to the rear. In addition to providing undercover car parking, it will be used by occupants as a home gym. It will have a floor area of 53m² and height of 3.4 metres. Vehicle access to the garage will be obtained via a right of way.
- 1.7 A 4 metre high wall will extend from the main dwelling to the rear boundary directly adjacent an existing southern boundary wall.

2. BACKGROUND

- 2.1 The proposal has been amended since lodgement in response to Council and representor concerns. An obscured balustrade proposed to the first floor balcony has been removed in favour of a clear glass balustrade and projecting privacy screens on the northern and southern sides.

3. SUBJECT LAND & LOCALITY

Site Land

- 3.1 The subject site is located on the western side of Mann Terrace, approximately 60 metres southeast of the Stanley Street and Mann Terrace intersection. The site has a frontage of 7.1 metres to Mann Terrace, a side boundary length of 46 metres and an area of approximately 317m².
- 3.2 The site contains a single storey, semi-detached dwelling with 3 bedrooms, 2 bathrooms, living area and kitchen/dining area, with a detached garage situated at the rear of the site.
- 3.3 Vehicle access is provided via a right of way to the rear of the property from Mann Street.
- 3.4 The subject site forms one half of a semi-detached dwelling.

Locality

- 3.5 The locality is predominantly residential in nature.
- 3.6 Development along the street consists of single storey dwellings with several two storey dwellings. Two storey dwellings are located at 26-30 Mann Terrace and have floor levels constructed partly below ground level that reduce height and mass to the street frontage.
- 3.7 Site coverage within the locality is generally high and dwellings are located close to the street.
- 3.8 Development along Mann Terrace is confined to the western side, with the eastern side dedicated to a landscaped verge separating the street from Mann Road to the east.
- 3.9 Mann Terrace displays high amenity with mature street trees and a high concentration of local heritage listed and character buildings.
- 3.10 Mann Terrace is relatively narrow but provides parallel on-street car parking to both sides.



Photo 3.1 – subject site viewed from Mann Terrace



Photo 3.2 – subject site and adjacent sites viewed from the south on Mann Terrace



Photo 3.3 – subject site and adjacent sites viewed from north on Mann Terrace



Photo 3.4 – private open space and southern boundary wall



Photo 3.5 – private open space and northern boundary wall



Photo 3.6 – existing garage entrance and adjacent property viewed from private laneway accessible from Mann Street

4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Dwelling addition: Code Assessed – Performance Assessed

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

Partial demolition of a building or structure: Code Assessed – Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed – Performance Assessed

REASON

Proposed development not classified as Restricted, Accepted or Deemed to Satisfy within City Living Zone and is therefore considered as Performance Assessed development.

6. PUBLIC NOTIFICATION

• **REASON**

The proposal includes a boundary wall exceeding a height of 3 metres and therefore public notification was required as per Table 5 of the City Living Zone.

TABLE 6.1 – LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be Heard
1	Jillian Gardner – 1/12 East Pallant Street, North Adelaide	Yes - opposes
2	Dimitrios Moutos – 3/12 East Pallant Street, North Adelaide (referred to by representor as 27-30 Mann Terrace)	Yes - opposes
3	Ruth Zanker – 26 East Pallant Street, North Adelaide	Yes - opposes
4	Daniel and Sara-Jane Guidone – 20 East Pallant Street, North Adelaide	No – opposes
5	John Tolland – 2/12 East Pallant Street, North Adelaide	Yes - opposes
6	David Pyatt – 32 Mann Terrace, North Adelaide	Yes - opposes

TABLE 6.2 – SUMMARY OF REPRESENTATIONS
<ul style="list-style-type: none">• Overshadowing of neighbouring open space• Overlooking of adjacent open space and loss of privacy• Height and bulk not characteristic of the prevailing character of the area• Substantial boundary wall visible from south• Materials not compatible with the character of the area and adjacent buildings• Construction activity will create noise, safety and parking issues and damage to street• Results in high site coverage not keeping with the subzone policy• Inaccurate shadow diagrams provided• Development will cause structural damage to adjacent boundary walls• Sense of enclosure for adjacent open space

Note: The full representations and the applicant’s response are included in Attachments 5 and 6.

7. AGENCY REFERRALS

None required.

8. INTERNAL REFERRALS

Local Heritage

- Extension of the existing roof form to the addition should be low pitch over the link and below the existing eaves to maintain the existing hipped roof (LHP PO 1.3). However, this is acceptable as this connection will not be visible from public view.
- Minor visual impact on the Local Heritage Place at 26 East Pallant Street, however the addition will be setback appropriately and this context heavily features later buildings.
- The pitch of the roof is intended to accommodate services (e.g. air conditioning unit) which are not able to be accommodated elsewhere.

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 x
DO 1	<ul style="list-style-type: none">• Development constitutes low rise housing and will be set within landscaped grounds as desired by DO 1.	✓
Built Form and Character PO 1.1	<ul style="list-style-type: none">• Refer Section 9.5.	✓
Site Coverage PO 2.1	<ul style="list-style-type: none">• Refer Section 9.5.	✓

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

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none">• Constitutes low rise, low-density housing	✓
Land Use and Intensity PO 1.1	<ul style="list-style-type: none">• Contributes to diversity of housing options in the locality.	✓
Built Form and Character PO 2.2, 2.3	<ul style="list-style-type: none">• Height of 2 levels.• Addition will have limited visibility from the street and will maintain the streetscape characteristics and prevailing built form characteristics.	✓
Building Setbacks PO 3.3-3.5	<ul style="list-style-type: none">• Refer Section 9.5.	✓/x

Car Parking and Access PO 5.1	<ul style="list-style-type: none"> Garage maintains existing vehicle access/egress to property. Access will continue to be provided from private laneway via an existing arrangement. 	✓
Ancillary Buildings and Structures PO 8.1, 8.2	<ul style="list-style-type: none"> Refer Section 9.5. 	✓

9.3 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated) and Building Near Airfields Overlay – height not a concern for aircraft/airports
- Design Overlay – development does not constitute medium to high rise building of State significance
- Hazards (Flooding – Evidence Required) Overlay – no flooding concern for dwelling addition
- Prescribed Wells Area Overlay – no well on site, development does not require independent water supply
- Regulated and Significant Tree Overlay – no regulated or significant trees on site or adjacent properties
- Traffic Generating Development Overlay – development will not have impact on urban transport routes and will not generate additional traffic movements

Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> Development maintains historic characteristics of site and responds to existing coherent patterns of division, site configuration and building siting. 	✓
All Development PO 1.1	<ul style="list-style-type: none"> Development will have limited visibility from the street. 	✓
Built Form PO 2.1	<ul style="list-style-type: none"> Development will not be readily visible from the historic streetscape. 	✓
Built Form PO 2.2, 2.4, 2.5	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/x
Alterations and Additions PO 3.1	<ul style="list-style-type: none"> Additions complement existing dwelling and sited to ensure they do not dominate the primary façade. 	✓
Ancillary Development PO 4.1, 4.2	<ul style="list-style-type: none"> Outbuilding size, height and form appropriate. Outbuilding behind the building line of the principal building and will not dominate the building or its setting. 	✓
Context & Streetscape Amenity PO 6.2	<ul style="list-style-type: none"> Development maintains landscape patterns and characteristics found throughout the Historic Area. 	✓

Local Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO1	<ul style="list-style-type: none"> Development maintains the heritage and cultural values of the Local Heritage Place. 	✓
Built Form PO 1.1-1.7	<ul style="list-style-type: none"> Addition maintains heritage values of Local Heritage Place. Development consistent with boundary setbacks in locality. Materials and colours complement the heritage values of the Local Heritage Place. Addition separated from front façade by existing building. 	✓
Alterations and Additions PO 2.1	<ul style="list-style-type: none"> Alterations and additions sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting. 	✓
Ancillary Development PO 3.1, 3.2	<ul style="list-style-type: none"> Outbuilding located behind building line and does not detract from the heritage values of the Local Heritage Place. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO1	<ul style="list-style-type: none"> Development maintains heritage and cultural values of adjacent Local Heritage Places. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> Development does not dominate, encroach on or unduly impact on the setting of adjacent Local Heritage Places. 	✓

9.4 Summary of General Development Policies

Clearance from Overhead Powerlines

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> Sufficient separation from overhead powerlines 	✓
PO 1.1	<ul style="list-style-type: none"> Declaration provided by applicant upon submission of application. 	✓

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO1	<ul style="list-style-type: none"> Will incorporate durable materials/finishes and provide an appropriate contextual response. 	✓
Overlooking / Visual Privacy PO 10.1, 10.2	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/x
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> Living areas will have windows with an external outlook to provide a high standard of amenity for occupants. 	✓

External Appearance PO 20.1	<ul style="list-style-type: none"> Outbuilding will not detract from the streetscape or appearance of the dwelling. Satisfies requirements of DPF 20.1 as garage will be setback 5.5 metres from the primary street, behind main dwelling and door width not exceeding 7 metres or 50% of site frontage. 	✓
Private Open Space PO 21.1	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/x
Private Open Space PO 21.2	<ul style="list-style-type: none"> All areas of private open space will be directly accessible from a habitable room in accordance with DPF 21.2. 	✓
Landscaping PO 22.1	<ul style="list-style-type: none"> Refer Section 9.5. 	✓
Car Parking, Access and Manoeuvrability PO 23.1	<ul style="list-style-type: none"> Proposed car parking space dimensions will be functional, accessible and convenient. Parking space meets minimum requirements of DPF 23.1 with a length of at least 5.4 metres and width of 3 metres. 	✓
Car Parking, Access and Manoeuvrability PO 3.4	<ul style="list-style-type: none"> Vehicle access is provided via an existing access point in accordance with DPF 23.4. 	✓

Interface Between Land Uses

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
DO 1	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/x
Overshadowing PO3.1-3.3	<ul style="list-style-type: none"> Refer Section 9.5. 	✓/x

Transport, Access and Parking

Subject Code Ref	Assessment	Achieved ✓ Not Achieved x
PO 5.1	<ul style="list-style-type: none"> Development includes sufficient on site vehicle car parking to meet demands of occupants. Existing car parking requirements for dwelling as per Transport, Access and Parking Table 1 are two spaces. Dwelling currently has one space. The proposal will maintain this and carries over an existing parking shortfall. 	✓

9.5 Detailed Discussion

Local Heritage and Historic Area Overlays

Council's Heritage Architect confirmed the proposal adequately maintains the heritage value of the site and adjacent sites in accordance with the relevant provisions of the Local Heritage Place and Heritage Adjacency Overlays.

The portion of the property of heritage significance includes the external form, materials and details of the buildings at 31 and 32 Mann Terrace, including walls, verandah and roof form. The development will maintain these elements and will not unreasonably impact the presentation of the heritage building to the street due to its siting. The limited visibility of the dwelling addition and maintenance of the existing presentation to the street satisfies Historic Area Overlay PO 1.1 and 2.1.

Historic Area Overlay PO 2.2 seeks development consistent with prevailing building and wall heights in the Historic Area. The two storey addition is higher than prevailing building and wall heights in area, which are predominantly single storey. However, there are examples of two storey development within the immediate locality and the height will be mitigated by siting behind the principal building and the substantial setback from the street. The height of the garage is also considered consistent with other ancillary structures in the locality.

Built Form, Site Coverage and Setbacks

In terms of scale and mass, the proposal is anticipated within the Low Intensity Subzone and City Living Zone. The development is defined as 'low scale' and it will not exceed two storeys as prescribed by City Living Zone DPF 2.2 and desired in Zone DO 1.

North Adelaide Low Intensity Subzone PO 1.1 and 1.2 envisages buildings sited and designed to complement the low density character of the neighbourhood, where an open landscape setting is the prevailing character. Along Mann Terrace, the character is not considered 'open landscaped' and the proposal is consistent with nearby dwellings in terms of density and building footprint.

The limited visibility of the addition from the street and maintenance of the existing presentation of the property to Mann Terrace satisfy City Living Zone PO 2.3, which calls for new buildings and structures visible from the public realm to be consistent with the valued streetscape characteristics and prevailing built form characteristics of the area.

City Living Zone PO 3.3 suggests buildings should be setback from side boundaries to be consistent with the established streetscape of the locality and to provide access to natural light and ventilation to neighbours. The side setbacks are consistent with others along the street as the building will extend to both side boundaries. The extent of the development and wall height located to the side boundaries will have an impact on the natural light and ventilation of adjacent properties to the south. These properties, which share their rear boundary with the subject site side boundary, will lose some natural light to ground floor private open space and ground floor habitable windows and will also be subject to additional enclosure. Properties to the north and the west will not be significantly impacted.

City Living Zone PO 3.4 envisages buildings setback from rear boundaries to provide access to natural light and ventilation for neighbours and space for recreation, landscaping and vegetation. As a replacement structure, the outbuilding will directly abut the rear boundary as the existing does. This is consistent with the siting of other ancillary structures on adjacent properties and will allow for provision of private open space and landscaping. The rear setback of the single storey garage is not expected to result in significant additional overshadowing or loss of ventilation.

City Living Zone PO 3.5 requires boundary walls be limited in height and length to manage impacts on adjoining properties. The proposal includes additional boundary walls on the northern, southern and western boundaries. On the northern side, the boundary walls will abut those existing on the adjacent site and will have minimal impact to the adjacent property. On the western side, the extent of boundary wall proposed is similar to the existing and will not result in additional impact to this abutting property. On the southern side of the addition, an associated wall and the outbuilding will result in additional overshadowing and enclosure at ground level of adjacent properties.

Overshadowing

Interface between Land Uses PO 3.1 and 3.2 seek development that maintains direct winter sunlight and minimises overshadowing to habitable room windows and private open space areas of residential land uses. DPF 3.1 outlines one way to achieve PO 3.1 is to ensure habitable room windows of adjacent residential land uses receive at least three hours of direct sunlight between 9am and 3pm on 21 June (the winter solstice). DPF 3.2 outlines one way to achieve PO 3.2 is to maintain two hours of direct sunlight to private open space areas between 9am and 3pm on 21 June, to at least half of the existing ground level open space.

The applicant has provided shadow diagrams detailing the extent of shadowing from 8am to 3pm during both the winter and summer solstices. Adjoining properties impacted by overshadowing during winter are mostly those to the south. The property to the north will not be shadowed due to its orientation in relation to the subject site.

The extent of overshadowing to habitable windows and open space of the property to the west at 26 East Pallant Street will be almost identical to what occurs from existing buildings on the site. The property to the southwest at 20 East Pallant Street will receive a similar amount of sunlight, with minor increases to the area shadowed throughout the day.

Properties to the south will receive additional overshadowing in winter due to their orientation and being located below the ground level of the subject site. This difference in levels increases overshadowing to ground floor windows and private open space. The properties most affected will be units 1, 2 and 3 at 12 East Pallant Street as follows.

Unit 1

- Currently this unit receives the recommended two hours of sunlight to half its private open space. However, this is also impacted by a shade sail in this space. The proposal will increase overshadowing to this area and it will no longer receive the recommended amount of sunlight.
- Ground floor windows currently receive sunlight for at least four hours. Additional overshadowing of ground floor windows will occur but to a lesser extent with partial sunlight still expected for at least four hours. These windows are also partly shaded by an existing shade sail.
- Additional shadowing to first floor windows will occur but will be comparable to the existing situation.

Unit 2

- Currently this unit does not meet the recommended two hours of sunlight to half of its private open space. Overshadowing will increase to this area but to a lesser extent due to existing overshadowing. A retractable awning also already shades this area at times.
- Ground floor windows currently receive sunlight for at least four hours when the awning is retracted. Overshadowing will occur as a result of the proposal until 3:00pm.
- Additional shadowing to first floor windows will occur but this will be comparable to the existing situation.

Unit 3

- Currently this unit does not receive the recommended two hours of sunlight to half of its private open space and overshadowing from the proposal will not worsen this.
- Ground floor windows of this unit currently receive three hours of partial sunlight and this will be reduced to minimal direct sunlight as a result of the proposal.
- Approximately two hours of sunlight will be provided at first level as opposed to four hours previously.

While several properties to the south will not receive the recommended amount of sunlight to their ground floor windows during the Winter solstice, this will be mitigated with light provided to the upper levels.

The extent of overshadowing to units 1, 2 and 3 is not considered unreasonable when allowing for existing overshadowing (including an existing shade sail for unit 1 and retractable awning for unit 2) and the development being of a scale anticipated within the Zone.

The development will satisfy Interface Between Land Uses PO 3.3 as it is not expected to overshadow neighbouring solar panels.

Overlooking

Design in Urban Areas PO 10.1 and PO 10.2 require development mitigate overlooking from upper level windows and balconies to habitable rooms and private open space areas of adjoining residential uses.

There is potential for overlooking from the first floor and the balcony and the proposal originally included a full height obscured balcony balustrade. This has been revised by the applicant to a lower, clear glass balustrade with privacy screens now projecting from the façade on the northern and southern sides to prevent direct overlooking into neighbouring properties.

The privacy screens will each be 1.7 metres in height. The southern screen will protrude from the balcony up to 2 metres and the northern screen will protrude up to 3 metres. Overlooking to the north will be mitigated, with most of the open space and all habitable windows screened from view. To the south, overlooking will be minimised to neighbouring properties. Some overlooking will occur to the rear of Unit 1/12 East Pallant Street, however an existing shade sail at this property will limit views. The property at 20 East Pallant Street will be located approximately 15 metres from the proposed balcony.

To the west, 26 East Pallant Street will be visible from the balcony, however the only window visible is a high level window at first level and the ground floor private open space of the property will be screened from view.

Properties immediately adjacent to the south and southwest contain first level windows visible from the site, however these are all clearly visible from the existing ground floor private open space of the subject site and many are obscured by obscured glazing. The proposal is not expected to increase overlooking to these windows.

The window on the southern elevation of the addition will have a sill height 1.8 metres above floor level and therefore overlooking will not be possible from this window.

Ancillary Development

City Living Zone PO 8.1 suggests residential ancillary buildings (garage/gym outbuilding) should be sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties. In terms of DPF 8.1, the proposed outbuilding will:

- be ancillary to a dwelling erected on the same site
- have a floor area not exceeding 60m²
- be constructed so no part of the building is situated forward of the dwelling to which it is ancillary and no part of the building is within a secondary street (adjacent driveway is private land)
- be at least 5.5 metres from the boundary of the primary street
- will not be located within 3 metres of any other building wall on the same boundary
- have a roof height not exceeding 5 metres above the natural ground level and retains a similar level of soft landscaping to the existing.

DPF 8.1 requires boundary walls of ancillary buildings to not exceed 8 metres in length or 3 metres in height. The southern wall of the garage will marginally exceed this, being approximately 8.2 metres in length and approximately 3.4 metres in height. The existing boundary wall will abut this garage wall.

The proposed garage/gym will not impede on-site functional requirements such as private open space provision, car parking requirements or result in over development.

Amenity

Design in Urban Areas PO 21.1 envisages dwellings with suitable areas of usable private open space to meet the needs of occupants.

Approximately 40m² of open space will be provided at ground level. For allotments greater than 301m² (subject site) DPF 21.1 and Table 1 – Private Open Space recommend private open space of 60m². The proposed area falls short of this recommendation. However, the amount provided is consistent with other properties in the locality. The first floor balcony, while not large enough to meet the dimension requirements for private open space, will provide an additional outdoor area. Overall, the amount of private open space provided is acceptable.

The private open space will be directly accessible from a habitable room in accordance with Design in Urban Areas PO 21.2. The living rooms in the addition will also have a direct outlook to the rear yard in accordance with Design in Urban Areas PO 18.1.

Design in Urban Areas PO 22.1 calls for incorporation of soft landscaping. Soft landscaping will be incorporated at ground level as well as first level in the form of a planter box. The private open space will be substantially landscaped with grass and garden beds. Currently the private open space area at the property is larger but consists mostly of hard surfaces.

10. CONCLUSION

This proposal seeks to demolish the rear portion of existing single storey dwelling and garage and construct two storey rear addition and new garage at 17 Mann Terrace, North Adelaide.

The addition and separate garage are of a scale anticipated within the City Living Zone and North Adelaide Low Intensity Subzone and are consistent with existing development in the locality. The development will have limited visibility from the street, preserving the heritage character of the subject site and Historic Area, as well as the predominantly single storey presentation along the street frontage.

The addition and garage will maintain existing vehicle access and a car parking space, whilst providing adequate areas of private open space and landscaped open space and including liveable areas receptive of natural light and ventilation.

There will be impact in the form of overshadowing, enclosure and to a lesser extent overlooking to some adjacent properties. The dwellings to the south will be the most affected due to their lower ground level, the height of the proposal and the extent of built form adjacent the southern boundary. Outside of this, impacts to other properties to the north and the west are relatively minor.

Whilst there will be impact to the southern neighbouring properties, this is not considered to outweigh the proposal satisfying other relevant provisions of the Planning and Design Code.

On balance the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code, and it exhibits merit to support the granting 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 22034409, by Margherita Buselli 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).**

- **Think Architects – Plans and Details, Sheets 1 to 4, dated 8 June 2023**
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2. **The applicant or the person having the benefit of this consent shall ensure that all storm water runoff from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.**
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3. **The privacy screening as depicted on the plans granted consent, specifically on Sheet 2, 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.**
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4. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith 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 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. Boundaries

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

5. Fencing

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

6. Notification

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.

7. Construction Noise

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.

8. Notification of Heritage Works

You are advised that you are required to notify Councils Heritage Unit (8203 7348) at least 24 hours prior to the commencement of work so that a Heritage Officer can discuss aspects of the work with the builder/contractor.

9. Right of Way

The applicant should ensure that any right of way on the land is not blocked or access restricted during the construction of the development herein approved.
