

<b>DEVELOPMENT NO.:</b>	23012731
<b>APPLICANT:</b>	Jaqueline Murdoch
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	87-90 Palmer Place, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Alterations and addition to existing dwelling, including demolition of rear addition, construction of two storey addition with roof top deck, repainting, re-roofing and heritage conservation works to front verandah
<b>ZONING INFORMATION:</b>	<b>Zones:</b> • City Living <b>Subzones:</b> • North Adelaide Low Intensity <b>Overlays:</b> • <del>Aircraft Noise Exposure</del> • <del>Airport Building Heights (Regulated)</del> • <del>Building Near Airfields</del> • Hazards (Flooding - Evidence Required) • Heritage Adjacency • Historic Area • Local Heritage Place <b>Technical Numeric Variations (TNVs):</b> • Maximum Building Height – 2 levels
<b>LODGEMENT DATE:</b>	8 May 2023
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2023.6 – 27 April 2023
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Janaki Benson Team Leader, Development Assessment
<b>REFERRALS NON-STATUTORY:</b>	Heritage Architect Traffic and Engineering

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<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 4:</b>	<b>Representation Map</b>
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All attachments and appendices are provided via [Link 1](#)

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representor**

- John Mason of Planning Chambers on behalf of Paul and Sally Patterson – 156 Kermode Street, North Adelaide

### **Applicant**

- Jaqueline Murdoch

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

1.1 Alterations and additions are proposed to the existing dwelling at 87-90 Palmer Place, consisting of the following:

- Demolition of the existing two storey rear addition containing garage, laundry, kitchen, bedroom, bathroom and roof balcony
- Construction of a two storey addition comprising:
  - ground level – garage, laundry, new staircase, lift, entry and staircase
  - upper level – kitchen, living, dining, toilet, staircase within the roof line and balcony
  - roof level – roof deck with balustrading and staircase
- Alterations to the existing dwelling including new entrance from Palmer Place through existing window opening and a renovated ensuite, walk-in robe area adjacent the main bedroom.

## **2. BACKGROUND**

- 2.1 The dwelling is a Local Heritage Place, constructed circa 1890-1920 in the Edwardian style.
- 2.2 The existing two storey rear addition was constructed in 2001-2002 and incorporates eaves that encroach over Palmer Lane.
- 2.3 Since public notification, the applicant has made amendments to the proposal including the lowering of the parapet wall to the east and the inclusion of an obscured glazed balustrade.
- 2.4 Minor amendments to materials have also occurred to satisfy Council's Heritage Architect requirements.

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

### **Subject Land**

- 3.1 The subject site is located on the corner of Palmer Place and Kermode Street. The site slopes down from the northwest to the southeast towards Kermode Street, which is its primary frontage.
- 3.2 The site is rectangular with a western boundary to Palmer Place of 27.66 metres, an eastern side boundary of 27.62 metres, a rear boundary to Palmer Lane of 9.09 metres and frontage to Kermode Street of 9.32 metres. The site has an area of approximately 254m<sup>2</sup>.
- 3.3 The existing building occupies almost the entire site, with no private open space at ground level. A small front and side yard of 18m<sup>2</sup> in area fronts Kermode Street and Palmer Place and includes small ornamental vegetation.
- 3.4 The site abuts a two storey dwelling to the east at 156 Kermode Street which is a single storey heritage listed cottage with a two storey addition to the rear.

### **Locality**

- 3.5 The locality is mostly residential in nature, containing a mix of single and two storey dwellings. Several commercial premises are located further to the east on Kermode Street.
- 3.6 Large stately homes are located on the northern and western sides of Palmer Place, whilst a denser pattern of land division and smaller dwellings characterise the eastern side, especially on Kermode Street.
- 3.7 Palmer Gardens dominates the locality, providing expansive views and a sense of openness for properties fronting the reserve.





**Photo 3.1: View of subject site from Palmer Place**



**Photo 3.2: View of subject site from Kermode Street**





**Photo 3.3: View of subject site looking northeast**



**Photo 3.4: View of subject site from Palmer Gardens**





**Photo 3.5: View of adjacent dwelling to the north on Palmer Place**



**Photo 3.6: View of adjacent dwelling to north at 85 Palmer Place**





**Photo 3.7: View of existing upper addition**



**Photo 3.8: Current separation to the rear between 156 and 158 Kermode Street**



**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  
Internal building work – Code Assessed – Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed – Performance Assessed
- **REASON**  
The dwelling is in an Historic Area Overlay and is a Local Heritage Place. Partial demolition of the existing building and construction of a dwelling addition are Code Assessed - Performance Assessed development.

**6. PUBLIC NOTIFICATION**

- **REASON**  
The wall proposed on the east boundary will exceed 3 metres in height which does not satisfy City Living Zone, Table 5 - Class of Development Part 2. Consequently, public notification was undertaken. The following representation was received as part of the notification process:

<b>TABLE 6.1 – LIST OF REPRESENTATIONS</b>		
<b>No.</b>	<b>Representor Address</b>	<b>Request to be heard</b>
1	Paul and Sally Patterson, 156 Kermod Street, North Adelaide	Yes - Opposes

<b>TABLE 6.2 SUMMARY OF REPRESENTATIONS</b>
<ul style="list-style-type: none"><li>• Height of proposed side wall on common boundary</li><li>• Enclosure of existing shared light well</li><li>• Impact on access to light, ventilation and outlook</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

Significant views to the Cathedral spires will be retained with no greater impact than the existing arrangement when viewed from Palmer Gardens.

The proposal is ambitious, however appropriate when considered in terms of the existing addition. The development is a more appropriate update that clearly separates historic and modern fabric, compared with the existing addition.

### Traffic & Engineering

No issues from traffic perspective and stormwater drainage should comply with Australian Standard AS3500.

## 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**

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1 & DO2	<ul style="list-style-type: none"> <li>Existing low rise dwelling maintained.</li> <li>Site is not large with an open landscaped setting, nor are others in immediate locality.</li> </ul>	✓
Built Form & Character PO 1.1	<ul style="list-style-type: none"> <li>Open landscape setting character does not prevail in immediate locality.</li> <li>Low density character of the area is to the west and north around Palmer Place, rather than on the eastern side where this development is located.</li> </ul>	✓
Site Coverage PO 2.1	<ul style="list-style-type: none"> <li>Exceeds 50% desired, however no additional site coverage proposed.</li> <li>New structure constructed to the property boundaries in a similar manner to the existing structure.</li> </ul>	✓

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

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Existing low rise dwelling form maintained.</li> </ul>	✓
Land Intensity & Land Use PO 1.1	<ul style="list-style-type: none"> <li>Existing dwelling desired use.</li> </ul>	✓
Built Form & Character PO 2.2, 2.3, 2.5	<ul style="list-style-type: none"> <li>Maximum building height of two levels maintained (deck not a building level).</li> </ul>	✓

	<ul style="list-style-type: none"> <li>• Addition proposes built form visible from the public realm but that is not discordant with existing built form.</li> <li>• Addition will not address the primary frontage.</li> </ul>	
Building Setbacks PO 3.1 - 3.5	<ul style="list-style-type: none"> <li>• No change to primary street boundary.</li> <li>• Proposal will be constructed to the secondary street boundary, however current dwelling and addition located on this boundary.</li> <li>• At the upper level, the existing structure is setback (in part) from the boundary abutting 156 Kermode Street.</li> <li>• Recommended side setbacks not achieved, however existing addition only provides a setback for a small portion of the boundary.</li> </ul>	✓/✗
Car Parking & Access PO 5.1	<ul style="list-style-type: none"> <li>• No change from existing arrangement.</li> </ul>	✓

### 9.3 Summary of Applicable Overlays

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

- Aircraft Noise Exposure Overlay – existing dwelling but also located in area with an ANEF value below 30
- Airport Building Heights (Regulated) – existing low-rise dwelling
- Building Near Airfields Overlay – building not located near airfield

#### Hazards (Flooding – Evidence Required) Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>• Not achieved.</li> </ul>	✗
Floor Resilience PO 1.1	<ul style="list-style-type: none"> <li>• Finished floor level not at least 300mm above top of kerb.</li> <li>• Proposed heights acceptable as the entrance matches the floor level of the heritage place and the remainder, consisting of the carport and laundry cannot achieve the desired level given the absence of a setback to accommodate a ramp.</li> </ul>	✓/✗



### Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Built Form PO 1.1	<ul style="list-style-type: none"> <li>Proposed addition setback sufficient distance from the Local Heritage Place at 156 Kermode Street so visibility will be limited to the roof deck when viewed from Kermode Street.</li> </ul>	✓

### Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>North Adelaide Cathedral Historic Area Statement (Adel9) relevant.</li> <li>Replacement addition not dissimilar to existing rear addition and development in the locality.</li> <li>More sympathetic than current addition.</li> </ul>	✓
All Development PO 1.1	<ul style="list-style-type: none"> <li>Form not expressed in Historic Area Statement, however consistent with locality.</li> </ul>	✓/✗
Built Form PO 2.1 - 2.5	<ul style="list-style-type: none"> <li>Proposal consistent with prevailing development in locality.</li> <li>Built form more sympathetic than previous addition.</li> <li>Materials as amended considered appropriate.</li> </ul>	✓/✗
Alterations & Additions PO 3.1, 3.2	<ul style="list-style-type: none"> <li>Addition replacing existing rear addition, with inclusion of roof deck.</li> <li>No changes to the building elevation facing primary street.</li> </ul>	✓/✗
Context & Streetscape Amenity PO 6.1, 6.2	<ul style="list-style-type: none"> <li>No change to the existing driveway access.</li> </ul>	✓

## Local Heritage Place Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
DO 1	<ul style="list-style-type: none"> <li>Achieved.</li> </ul>	✓
Built Form PO 1.1 - 1.7	<ul style="list-style-type: none"> <li>Replacement addition does not diminish heritage value.</li> <li>Addition will be visible from Palmer Place and not dissimilar to the existing addition.</li> <li>Addition minimises visual presence when viewed from Kermode Street, which is the primary heritage viewpoint.</li> <li>Proposal is a modern design generally visually compatible with the heritage built form.</li> </ul>	✓
Alterations & Additions PO 2.1, 2.2	<ul style="list-style-type: none"> <li>Proposed addition generally more sympathetic than previous addition.</li> </ul>	✓
Demolition PO 6.1, 6.2	<ul style="list-style-type: none"> <li>Demolition will not impact elements of heritage value.</li> </ul>	✓

## 9.4 Summary of General Development Policies

### Clearance from Overhead Powerlines

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

### Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> <li>Proposal consistent with development in the locality.</li> <li>Materials durable and sustainable.</li> </ul>	✓

<b>All Development</b>		
Earthworks and Sloping Land PO 8.1 – PO 8.5	<ul style="list-style-type: none"> <li>• Driveway not proposed with access via existing crossover to Palmer Place.</li> </ul>	✓
Overlooking/Visual Privacy (low rise buildings) PO 10.1, 10.2	<ul style="list-style-type: none"> <li>• Application amended to include obscured glazing to upper level deck.</li> </ul>	✓
<b>All Residential Development</b>		
Front elevations and passive surveillance PO 17.1, PO 17.2	<ul style="list-style-type: none"> <li>• Proposal removes existing front entry from Kermode Street and Palmer Place corner.</li> <li>• Entry will be gained via door to Palmer Place, adjacent the garage.</li> <li>• Adequate opportunity for surveillance of the public realm from the dwelling.</li> </ul>	✓
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> <li>• Upper level living room has external outlook to Palmer Gardens.</li> </ul>	✓
External appearance PO 20.1 - 20.3	<ul style="list-style-type: none"> <li>• Existing garaging replaced in same location with access from Palmer Place.</li> <li>• Insufficient space for alternative design.</li> <li>• Elevation from Palmer Place makes a positive contribution to the streetscape through provision of an extensive glazed upper level addition.</li> <li>• Presentation of the addition at ground level is inactive and non-contributory aesthetically, however remainder of existing dwelling contributes to the streetscape.</li> <li>• Uppermost level of the roof deck features glazing to reduce visual mass.</li> </ul>	✓/x
Private Open Space PO 21.1- PO 21.2	<ul style="list-style-type: none"> <li>• Table 1 – POS seeks a dwelling with a site area exceeding 200m<sup>2</sup> to have 20% private open space.</li> <li>• Existing dwelling has a covered upper level balcony of 20m<sup>2</sup>. This equates to 8% of the site area.</li> <li>• Proposed roof deck and small balcony at upper level will provide 47m<sup>2</sup> of POS (18.6% of the site area).</li> </ul>	✓/x
Landscaping PO 22.1	<ul style="list-style-type: none"> <li>• No reduction in soft landscaping resulting from the development.</li> </ul>	✓
Car Parking, Access and Manoeuvrability PO 23.1 - 23.6	<ul style="list-style-type: none"> <li>• Replacement garage will not exacerbate current garaging and manoeuvring.</li> </ul>	✓
Waste Storage PO 24.1	<ul style="list-style-type: none"> <li>• Located within the garage.</li> </ul>	✓



## 9.5 Detailed Discussion

### Heritage

The existing dwelling is one of a series of Local Heritage Places located on the northern side of Kermode Street.

PO 2.1 of the Local Heritage Place Overlay seeks alterations and additions that complement the building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place.

The proposal is a sleeker, simpler update of the existing rear addition. Being sited on the corner of Palmer Place and Kermode Street, coupled with a large expanse of open Park Lands adjacent the site to the west, any addition will be visible and it is difficult for it to be unobtrusive. The proposal is set at the rear of the Local Heritage Place, so when viewed from the primary front elevation, visibility will be minimal. Council's Heritage Architect has confirmed the proposal is appropriate and clearly separates the historic fabric from the modern version.

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 replacement addition has no greater impact upon the adjacent places than the previous addition. The addition is located at the rear of the adjacent Local Heritage Place where it will be largely imperceptible from the Kermode Street primary views of the adjacent heritage place.

The site is located in the Historic Area Overlay which provides specific guidance for certain areas through Historic Area Statements. The North Adelaide Cathedral Historic Area Statement (Adel9) is of relevance for this site. In terms of architectural styles, detailing and built form features, the Area Statement attributes the area with Victorian and Inter-war detached dwellings. It provides guidance on materials, fencing, landscaping, setting and public realm features noting the important view of St Peters Cathedral south from Kermode Street. Whilst the proposal is not specifically in accordance with the Historic Area Statement, it is an improvement on the previous addition and is considered to result in more appropriate heritage impact which is supported by Council's Heritage Architect.

### Built Form

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. More broadly, the City Living Zone seeks low to medium rise residential development. Whilst housing on large allotments in an open landscaped setting is desired, this type of development does not prevail in the immediate locality.

The addition proposes built form visible from the public realm not discordant with existing built form. As the proposal will maintain the existing two building levels this is consistent with PO 2.2/DPF 2.2 of the Zone. The removal of the pitched roof, replaced with a roof deck, reduces any perceptible height difference as viewed from the adjacent Park Lands.

The proposal will exceed the 50% site coverage contrary to PO 2.1 of the Subzone, however it will replicate the existing addition and no additional site coverage is proposed.

The built form is considered appropriate given the context of the existing site and the locality. The improved relationship between the existing Local Heritage Place and the new addition is a positive outcome.

### Setbacks

The City Living Zone provides guidance on appropriate setbacks to maintain important streetscapes as well as protect residential amenity. There is no change to the primary setback to Kermode Street.

PO 3.2 seeks setbacks from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and to reinforce the streetscape character. DPF 3.2 states building walls should be no closer than 900mm to the secondary boundary.

The replacement addition will be on the secondary boundary, however will be consistent with the current addition.

DPF 3.4 seeks buildings setback from the rear boundary to provide adequate light and ventilation for neighbouring properties. There will be no setback from the rear, however this elevation faces a private laneway providing vehicular access for the property at 85 Palmer Place and is acceptable.

PO 3.5 seeks side boundary built form limited in height and length to manage impacts on adjoining properties. The ground level of the existing addition is set on the boundary. The upper level is setback approximately 800mm for a portion of the boundary with 156 Kermode Street. This provides separation for a western window to a bedroom on the upper level of the neighbouring dwelling and some light penetration to a service walkway at ground level. The new addition will locate the wall along the entire length of the boundary at both ground and upper levels.

The setbacks are considered acceptable as there will still be adequate access to light and ventilation to the bedroom of the adjacent dwelling via a window on the northern elevation. The applicant has also amended the proposal to reduce the wall height and included a 1.6 metre high obscure glass screen setback 350mm off the boundary to reduce the impact and sense of enclosure for the neighbour.

### Residential Amenity

#### *Subject Site*

The addition will provide an improved amenity outcome for the occupiers with the elevation of the kitchen/dining/living area to the upper level and a balcony, directly accessible from the living space in accordance with PO 21.1 'Design in Urban Areas', General Development Policies. A new roof deck will be accessed via external stairs off the dining area, offering views across the adjacent Park Lands which accords with PO 18.1 of 'Design in Urban Areas', General Development Policies.

The private open space will increase from 8% to 18.6%. Whilst the proposal falls short of the 20% of the site area recommendation in Table 1 – Private Open Space in 'Design in Urban Areas', General Development Policies, the increase is a positive aspect of the proposal and an improvement, particularly given the limited opportunity to provide space at ground level.

No additional landscaping is proposed and the site is constrained in this aspect. Given the increase in private open space and the quality it will achieve, this is acceptable.

#### *Adjoining Site*

PO 10.2 of 'Design in Urban Areas', General Development Policies seeks development mitigate direct overlooking from upper levels into adjoining residential properties. It provides techniques, including installation of obscured screening to a minimum height of 1.7 metres above the finished floor level when located within 15 metres from the nearest habitable window of a dwelling on adjacent land.

Originally, the proposal incorporated a solid wall on the eastern boundary, having an overall height of approximately 8.9 metres which would block views to adjoining properties. In response to concerns from the neighbour regarding loss of light and outlook, it was amended to 7.8 metres, with a 1.6 metre high obscure glass screen, setback 350mm from the boundary.

The screening returns to the northern façade of the roof deck to mitigate overlooking to the rear of the residence at 85 Palmer Place. Despite the screening not being 1.7 metres, the sightline to the neighbouring bedroom window to the east will be disrupted. This will occur as the neighbouring window is only 2 metres from the obscured balustrade and approximately 3 metres lower than the top of the balustrade.

In terms of overshadowing, PO 3.1 'Interface between Land Uses', General Development Policies seeks to minimise overshadowing of habitable room windows of adjacent residential premises. DPF 3.1 states north-facing windows of habitable rooms of adjacent residential land uses should receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.

The proposal will alter existing direct winter sunlight for the adjoining property at 156 Kermode Street. As previously mentioned, there is currently separation between the two buildings at the upper level with an 800mm setback along a portion of the boundary. With the introduction of a wall along the entire length of the boundary, this will reduce access to some direct light for the adjoining site. This is acceptable as the bedroom impacted has a window facing north and one facing west. The proposal does not impact on the north facing window as sought by DPF 3.1.

## 10. **CONCLUSION**

This application proposes alterations and additions to the existing Local Heritage Place including demolition of the existing rear two storey addition and construction of a new addition with the inclusion of a roof deck accessed via an external stair from the living area. The proposal achieves relevant provisions of the Planning and Design Code as follows:

- in terms of Historic Area Overlay requirements, the scale, form, siting and streetscape is considered appropriate in context of the locality and the current addition
- provides a more sympathetic addition to the existing Local Heritage Place thereby enhancing the heritage and cultural value of the place
- will not negatively impact upon the setting of the adjacent Local Heritage Place
- incorporates high quality materials and finishes that will be durable
- residential amenity will be high with good access to light and ventilation
- privacy of adjoining properties protected through screening
- vehicular access and parking whilst reconstructed, will maintain the status quo in terms of access and the number of car parks.

It is acknowledged the proposal does not achieve all relevant provisions, however it is considered to warrant support for the following reasons:

- whilst all setback requirements are not met, several will be the same as the existing addition
- where there has been a change in the setback to the eastern boundary, the impact upon the adjoining property at 156 Kermode Street is not considered fatal as sunlight to the northern habitable room window is not altered and impact to the western facing window of the same room is not unreasonable
- the proposal does not achieve the minimum level of private open space as desired, however it will improve the current provision, is well located and will be of high quality
- whilst landscaped open space provisions are not met, the proposal does not decrease the current provision.

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* (SA), 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 23012731, by Jaqueline Murdoch 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 Proske Architects, project no. 22-043 drawing nos. SK01.A, SK04.A, SK05.A, SK06.A and SK07 all dated 14.8.2023 and SK02, SK03 all dated 03.05.2023**

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2. **The privacy screening as depicted on the plans granted consent described as Drawing No. SK04.a and SK05.A 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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3. **All stormwater run-off from the development including awnings 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 Works Impacting City of Adelaide Assets and Urban Elements Catalogue. All downpipes affixed to the Development which are required to discharge the storm water runoff shall be installed within the property boundaries of the Land and the development designed to prevent ingress of surface flows from adjacent public land.**

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4. **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.**

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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.

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### **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. 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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### **6. 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.