

DEVELOPMENT NO.:	23026069
APPLICANT:	Val Mohyla Joshua Carrabs
AGENDA ITEM NO:	3.2
ADDRESS:	233 Gilles Street, Adelaide SA 5000
NATURE OF DEVELOPMENT:	Partial demolition of an existing dwelling (Local Heritage Place), the construction of alterations and additions to an existing dwelling and garage, a shade sail, a fence and a sliding gate, and the re-roofing of an existing dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • City Living <p>Subzones:</p> <ul style="list-style-type: none"> • Medium-High Intensity <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Design • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Local Heritage Place (997) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area for a detached dwelling is 120 sqm; semi-detached dwelling is 120 sqm; row dwelling is 120 sqm; group dwelling is 120 sqm; residential flat building is 120 sqm) • Maximum Building Height (Levels) (Maximum 2 levels)
LODGEMENT DATE:	7 September 2023
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) - Version 2023.13 - 31/08/2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	SB
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Heritage Architect

CONTENTS:

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

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

PERSONS SPEAKING BEFORE THE PANEL:

Representor:

- Adam and Sarah Forza of 10 Charlotte Street, Adelaide

Applicant:

- Val Mohyla and Joshua Carrabs

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 This application proposes partial demolition of the rear of an existing Local Heritage Place used as a dwelling. The portion to be demolished is not part of the original dwelling and is not within the scope of the heritage listing.
- 1.2 Internal building works are proposed inside the heritage listed portion of the dwelling, as well as the existing dwelling addition above the garage.
- 1.3 The addition above the garage is proposed to be extended towards the western boundary of the site to Charlotte Street (the secondary street frontage), and the inside of the dwelling refurbished. The area is currently used as a home office and this is not proposed to change.
- 1.4 A retractable shade sail is proposed above the proposed outdoor entertaining area.
- 1.5 A compressed fibre cement (CFC) clad fence is proposed to be constructed along the western boundary of the site with a gate across the driveway.
- 1.6 The frontage of the dwelling and the front fence will be repainted, and the roof of the existing dwelling replaced.

2. SUBJECT LAND & LOCALITY

Subject Land

- 2.1 The site is located on the southern side of Gilles Street, east of the intersection of Charlotte Street.
- 2.2 The site is a regular shaped allotment with an area of 371m², a frontage to Gilles Street of 12.1 metres and a secondary frontage to Charlotte Street of 30.4 metres.
- 2.3 Existing improvements on the site include a single-storey detached dwelling (Local Heritage Place 997), along with a two-storey habitable outbuilding to the rear that provides garaging at ground and a living space (home office) to the upper floor.
- 2.4 Existing access to the garage is obtained via a crossover to Charlotte Street. A front fence of masonry pillars and tubular infills extends along the front boundary of the site, with a timber panel fence and steel sliding gate extending along the secondary street boundary.
- 2.5 The site slopes gently from north to south.
- 2.6 There are no easements registered on the land.

Locality

- 2.7 The locality is residential in nature, comprising a range of low-rise detached dwellings, group dwellings and residential flat buildings at medium density. There are few examples of medium-rise buildings in the locality.
- 2.8 Front, side and rear setbacks are typically short to moderate, with high site coverage and low soft landscaping coverage.
- 2.9 The Charlotte Street streetscape character is especially intimate given the narrowness of Charlotte Street and minimal front setbacks of dwellings.
- 2.10 Dwellings are in average to good condition and comprise a mix of original dwellings and more contemporary designs.

Photo 2.1 – View of subject site from Gilles Street



Photo 2.2 – View of subject site from Charlotte Street



Photo 2.3 – View of existing garage from Charlotte Street



Photo 2.4 – View from Charlotte Street looking north toward Gilles Street



3. CONSENT TYPE REQUIRED

Planning Consent

4. CATEGORY OF DEVELOPMENT

PER ELEMENT

- Shade sail: Code Assessed - Performance Assessed
- Building Alterations: Code Assessed - Performance Assessed
- Dwelling addition: Code Assessed - Performance Assessed
- Partial demolition of a building or structure: Code Assessed - Performance Assessed
- Fence: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

- Code Assessed - Performance Assessed

REASON

- Planning and Design Code

5. PUBLIC NOTIFICATION

REASON

Does not satisfy Zone Table 5(3) due to boundary wall length and height. Additionally, does not satisfy Zone Table 5(5) due to the partial demolition of a Local Heritage Place. It is noted the heritage listing includes the whole house.

TABLE 5.1 - LIST OF REPRESENTATIONS		
No.	Representor Address	Request to be heard
1	Greg Perkin – 7A Charlotte St, Adelaide	No - Supports
2	Caroline Henderson – 16/211 Gilles St, Adelaide	No - Opposes
3	Kay Morphett – 11 Charlotte St, Adelaide	No - Supports with some concerns
4	Adam and Sarah Forza – 10 Charlotte St, Adelaide	Yes – Opposes

TABLE 5.2 - SUMMARY OF REPRESENTATIONS
<ul style="list-style-type: none">• Concern use is a second dwelling/short-term accommodation.• Excessive boundary development.• Future impacts to hypothetical dwelling additions or solar panels to adjacent dwellings.• Unsympathetic to Local Heritage Places and streetscape character.• Increase in domestic and traffic noise.• Existing stormwater outlet on Council land.• Reduction in privacy.

Note: Refer to Attachments 5 and 6 for full representations and applicant's response.

6. AGENCY REFERRALS

Nil.

7. INTERNAL REFERRALS

Heritage Architect

- The development is supported as it will retain the heritage value of the dwelling.
- Impact to adjacent cottage (Local Heritage Place) is acceptable.

8. PLANNING ASSESSMENT

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

8.1 Summary of Medium-High Intensity Subzone Assessment Provisions

Subject Code Reference	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1 & 2	<ul style="list-style-type: none">• Achieved	✓
Built Form and Character PO 1.1	<ul style="list-style-type: none">• Dwellings envisaged in the subzone.	✓

8.2 Summary of City Living Zone Assessment Provisions

Subject Code Reference	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1	<ul style="list-style-type: none">• Achieved.	✓
Land Use and Intensity PO 1.1	<ul style="list-style-type: none">• Dwellings envisaged in the zone. Addition not proposed to be used for any purpose other than a dwelling.	✓
Built Form and Character PO 2.2 & 2.3	<ul style="list-style-type: none">• Development not medium rise and is an addition only.• Addition consistent with streetscape character.	✓
Building Setbacks PO 3.1	<ul style="list-style-type: none">• Building setbacks complement existing streetscape character.	✓

PO 3.2	<ul style="list-style-type: none"> Secondary street (western) setback reinforces the intimate streetscape character of Charlotte Street. 	✓
PO 3.3	<ul style="list-style-type: none"> Eastern side setback will not impact on streetscape character or access to light and ventilation for neighbours. 	✓
PO 3.4	<ul style="list-style-type: none"> Rear (southern) setback will not compromise access to natural light and ventilation for neighbours. 	✓
PO 3.5	<ul style="list-style-type: none"> Southern boundary wall will be limited in length and height to manage impacts on the adjoining property to the south. 	✓
Ancillary Buildings and Structures PO 8.1	<ul style="list-style-type: none"> Proposed shade sail will be sited behind the front elevation of the dwelling and will be a modest size to not detract from the streetscape or appearance of dwellings. 	✓
PO 8.2	<ul style="list-style-type: none"> Proposed shade sail will not impact on private open space or car parking. 	✓

8.3 Summary of Applicable Overlays

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

- Affordable Housing – proposal seeks alterations and additions to an existing dwelling.
- Building Near Airfields – development not located near and airfield.
- Design – development cost does not exceed \$10 million.
- Prescribed Wells Area – no ground water concerns.
- Regulated and Significant Tree – no regulated or significant trees affected.
- Stormwater Management – not a new dwelling.
- Urban Tree Canopy – not a new dwelling.

Airport Building Heights (Regulated) Overlay

Subject	Assessment	Achieved
Code Reference		✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> Building height does not exceed regulated height of 140m AHD. 	✓

Summary of Hazards (Flooding – Evidence Required) Overlay Provisions

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
Flood Resilience PO 1.1	<ul style="list-style-type: none"> Finished floor level sufficient to minimise risk of entry of potential floodwaters. 	✓

Heritage Adjacency Overlay

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> Development will not unduly dominate, encroach or impact on the heritage setting adjacent heritage places. Refer Section 8.5. 	✓

Local Heritage Place Overlay

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Built Form PO 1.1	<ul style="list-style-type: none"> Form of the addition maintains the heritage values of the place. 	✓
PO 1.2	<ul style="list-style-type: none"> Massing, scale and siting of the addition maintains the heritage values of the place. 	✓
PO 1.3	<ul style="list-style-type: none"> Design of the addition maintains the heritage values of the place. 	✓
PO 1.4	<ul style="list-style-type: none"> Addition consistent with boundary setbacks and setting. 	✓
PO 1.5	<ul style="list-style-type: none"> Materials and colours sufficiently complementary to the heritage place. 	✓
PO 1.6	<ul style="list-style-type: none"> Addition not placed between primary or secondary street boundary and the façade of the heritage place. 	✓
PO 1.7	<ul style="list-style-type: none"> Development of the heritage place retains features contributing to its heritage value. 	✓

Alterations and Additions PO 2.1	<ul style="list-style-type: none"> Proposed addition not sited obtrusively and will not dominate the heritage place. 	✓
PO 2.2	<ul style="list-style-type: none"> Local Heritage Place being adapted to support its retention and ongoing use as a dwelling. 	✓
Ancillary Development PO 3.1	<ul style="list-style-type: none"> Shade sail will not impact on heritage values of dwelling. 	✓
PO 3.2	<ul style="list-style-type: none"> Shade sail located behind building line of dwelling. 	✓
PO 3.4	<ul style="list-style-type: none"> Side fence will not unduly detract from appearance of the dwelling despite not being of a traditional design. 	✓
Demolition PO 6.1	<ul style="list-style-type: none"> Portion of Local Heritage Place to be demolished is not part of the original dwelling and therefore will not impact the heritage fabric. 	✓
PO 6.2	<ul style="list-style-type: none"> Portion of the dwelling to be demolished does not contribute to the heritage values of the place. 	✓

8.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

Clearance from Overhead Powerlines

Subject	Assessment	Achieved ✓ Not Achieved x
Code Reference		
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
PO 1.1	<ul style="list-style-type: none"> Electricity declaration provided at lodgement. 	✓

Design in Urban Areas

Subject	Assessment	Achieved ✓ Not Achieved x
Code Reference		
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Fences and Walls PO 9.1	<ul style="list-style-type: none"> Proposed fence sufficient to provide privacy and security for adjacent dwellings without unreasonably impacting visual amenity and access to sunlight. 	✓

Overlooking / Visual Privacy (low rise buildings) PO 10.1	<ul style="list-style-type: none"> No east or south-facing upper-level windows. 	✓
PO 10.2	<ul style="list-style-type: none"> While balcony facing the secondary side street/Charlotte Street will be within 15 metres of the habitable rooms of an adjacent dwelling, undue overlooking is not anticipated. 	✓/x
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> Living rooms have an external outlook to provide for high amenity. 	✓
Ancillary Development PO 19.1	<ul style="list-style-type: none"> Proposed shade sail will be sited behind the front elevation of the dwelling and is a modest size to not detract from the streetscape. 	✓
PO 19.2	<ul style="list-style-type: none"> Proposed shade sail will not impact on private open space or car parking. 	✓
External Appearance PO 20.3	<ul style="list-style-type: none"> The visual mass of the addition is reduced when viewed from the streetscape and adjoining allotments. 	✓
Private Open Space PO 21.1 & 21.2	<ul style="list-style-type: none"> No change to existing private open space. 	N/A
Landscaping PO 22.1	<ul style="list-style-type: none"> No change to existing soft landscaping. 	N/A
Car Parking, Access and Manoeuvrability PO 23.1 – 23.6	<ul style="list-style-type: none"> Existing driveway crossover and garage to remain. 	N/A
Waste Storage PO 24.1	<ul style="list-style-type: none"> Sufficient area for waste bins on-site where not visible from the streetscape. 	✓

Interface between Land Uses

Subject Code Reference	Assessment	Achieved ✓ Not Achieved x
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Overshadowing PO 3.1	<ul style="list-style-type: none"> Direct winter sunlight access to adjacent residential uses maintained. 	✓

PO 3.2	<ul style="list-style-type: none"> Overshadowing of private open space of adjacent dwellings minimised to maintain winter sunlight access. 	✓
PO 3.3	<ul style="list-style-type: none"> Adjacent solar panels marginally impacted by proposal. 	✓

Transport, Access and Parking

Subject Code Reference	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Achieved. 	✓
Sightlines PO 2.2	<ul style="list-style-type: none"> Side fence provides sufficient vehicle sightlines. 	✓
Vehicle Parking Rates PO 5.1	<ul style="list-style-type: none"> Sufficient on-site vehicle parking provided with two undercover garage spaces. 	✓
Corner Cut-Offs PO 10.1	<ul style="list-style-type: none"> Development located outside of any corner cut-off. 	✓

8.5 Detailed Discussion

Land Use

The proposal consists of alterations and additions to an existing two storey habitable outbuilding and detached dwelling. The applicant has confirmed the addition will not be used for the purposes of short-term accommodation such as 'AirBNB' (a concern raised by a representor). In some instances, dwellings or rooms used sporadically or on a short-term basis for tourist accommodation do not trigger a change of use. This is a question of fact and degree and an advisory note has been recommended advising the applicant to seek advice should the intention be to use the dwelling for any other purposes in the future. Consequently, City Living Zone PO 1.1 and Medium-High Intensity Subzone 1.1 are satisfied.

Demolition

The extent of the heritage listing is limited to the original dwelling. The portion of the dwelling to be demolished is a later addition and does not include any of the original external form of listed fabric. Works to the original portion of the dwelling will not impact on the external appearance of the listed heritage place. PO 6.1 and 6.2 of the Local Heritage Place Overlay are therefore satisfied.

Design and Appearance

The proposed addition will comprise a mix of materials in a combination of black and white tones, including a precast wall to the southern boundary, continuation of masonry wall to the southern and eastern boundaries and metal roofing. The existing dwelling is also proposed to be re-roofed to a corrugated Colorbond material in dark grey. While not traditional colours and materials, the addition will be located to the rear of the existing dwelling. This will retain the heritage value the

dwelling provides to Gilles Street. The re-roofing material is not traditional but will be sufficiently complementary given the corrugated profile. The architectural detailing including the chimney to the existing dwelling will be retained.

While there will be some visual impact to the Local Heritage Place, on balance, Council's Heritage Architect considers the works will not unduly compromise the heritage fabric and will adequately retain the heritage value and setting of the place. Local Heritage Place Overlay PO 1.1, 1.3, 1.5, 1.7 and 2.2 are therefore satisfied.

Similarly, while the proposed white CFC clad fence to the Charlotte Street boundary is not a traditional colour or material, it is simple in its design and colour, and Council's Heritage Architect considers it will not unduly detract from the appearance of the heritage place. The proposed height of 2 metres is sufficient to maintain privacy and security for occupants of the dwelling, as well as preserving views of the dwelling from the streetscape, without compromising the residential amenity of adjacent dwellings. Local Heritage Place Overlay PO 3.4 and Design in Urban Areas PO 9.1 are satisfied.

Bulk and Scale

The proposed two level height is consistent with the prevailing one to two level buildings established in the locality and therefore PO 2.2 of the zone is satisfied.

While there is no change to the rear setback, with the existing addition constructed to the rear boundary, the length of wall along the rear/southern boundary is proposed to increase by 2.6 metres. The height of the proposal will also be increased by 560mm with an overall wall height of 5.4 metres sought.

Although the length and height of wall to the rear boundary are proposed to be increased, the impact to the abutting southern property is considered negligible as this dwelling is also constructed to its northern boundary. Existing improvements on the adjacent site to the east also prevent views of the proposal including any additional visual impacts from the increase in height of the existing boundary wall. Access to natural light and ventilation for neighbours is not expected to be impacted.

While the rear setback will not provide opportunities for open space and landscaping, these opportunities currently do not exist and are provided to the front and side of the dwelling. Likewise, the wall height on the eastern boundary will not unduly impact on the abutting dwellings given the above and therefore zone PO 3.4 and 3.5 are satisfied.

The addition will be setback 1.7 metres from the secondary street which is behind both the existing dwelling and the adjacent dwelling to the south. Given the development pattern along Charlotte Street of dwellings with minimal front setbacks, the proposed secondary street setback of 1.7 metres is consistent with the established streetscape character and will not impact on access to natural light and ventilation for neighbours, satisfying zone PO 3.3.

The proposed setback from Charlotte Street, combined with the slope of the site from north to south, reduces the appearance of the addition from Gilles Street and ensures it will not be readily visible in the context of the heritage listed dwelling. As the addition does not protrude forward of the adjacent heritage listed dwellings to the south and its design and form will be restrained, it will not unduly dominate, encroach or impact on the heritage setting of adjacent places. Local Heritage Place Overlay PO 1.2, 1.4, 1.6 and 2.1 are satisfied as well as Heritage Adjacency PO 1.1.

Amenity

Shadow diagrams provided by the applicant demonstrate there will be no undue overshadowing of private open space areas and the habitable room windows of the adjacent dwelling. The shadow diagrams are unclear as to the extent of existing overshadowing to the dwellings to the west at 227

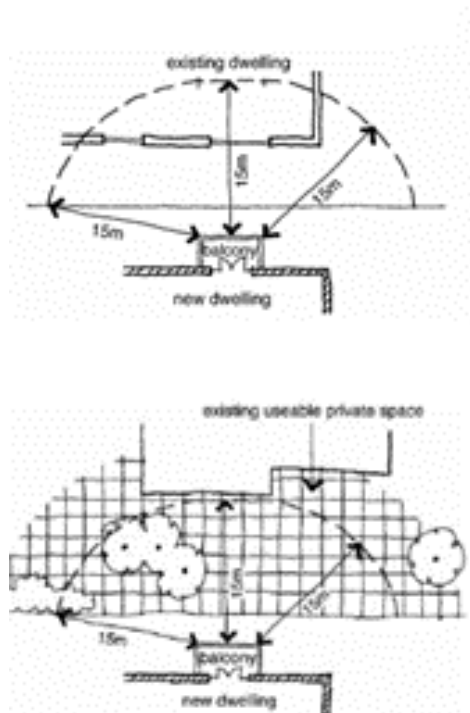
Gilles Street and 11 Charlotte Street, notwithstanding any overshadowing caused by the proposed addition would only be cast during the morning hours and end by midday at the height of winter.

To the south, the adjacent dwelling at 10 Charlotte Street is constructed to its northern boundary and there are no north facing windows. Furthermore, no overshadowing will occur to the private open space area of this dwelling to the south between 9am and 3pm on 21 June. It is noted structures in the rear yard of the adjacent dwelling to the east at 237 Gilles Street largely cover and shade the rear yard of that dwelling.

Hence, any additional overshadowing caused by the proposal would be negligible and only occur for a portion of the late afternoon, noting the existing wall is only being raised by 560mm. Accordingly, Interface between Land Uses PO 3.1 and 3.2 are satisfied.

Solar panels are located at the rear portion of the roof of 10 Charlotte Street. The shadow diagrams indicate these panels will be shaded in the late afternoon on 21 June, noting most of this shading is existing due to the existing two storey building on the subject site. The proposal therefore does not unduly increase shading of these panels satisfying Interface between Land Uses PO 3.3.

A balcony of 6.5 metres width and 1.35 metres depth is proposed to face the secondary side street above the garage with no screening proposed to the front of the balcony. Design In Urban Areas PO 10.2 prescribes development mitigate 'direct overlooking' from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood-type zones. Part 8 of the Planning and Design Code defines 'direct overlooking' as demonstrated in Figure 8.5.1.



In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.

Figure 8.5.1 – Direct Overlooking as defined by the Planning and Design Code

The site plan indicates a portion of the front yard of the adjacent dwelling to the west at 11 Charlotte Street, as well as a portion of the rear of the adjacent dwelling at 227 Gilles Street, will be within 15 metres of the proposed balcony as shown in Figure 8.5.2.

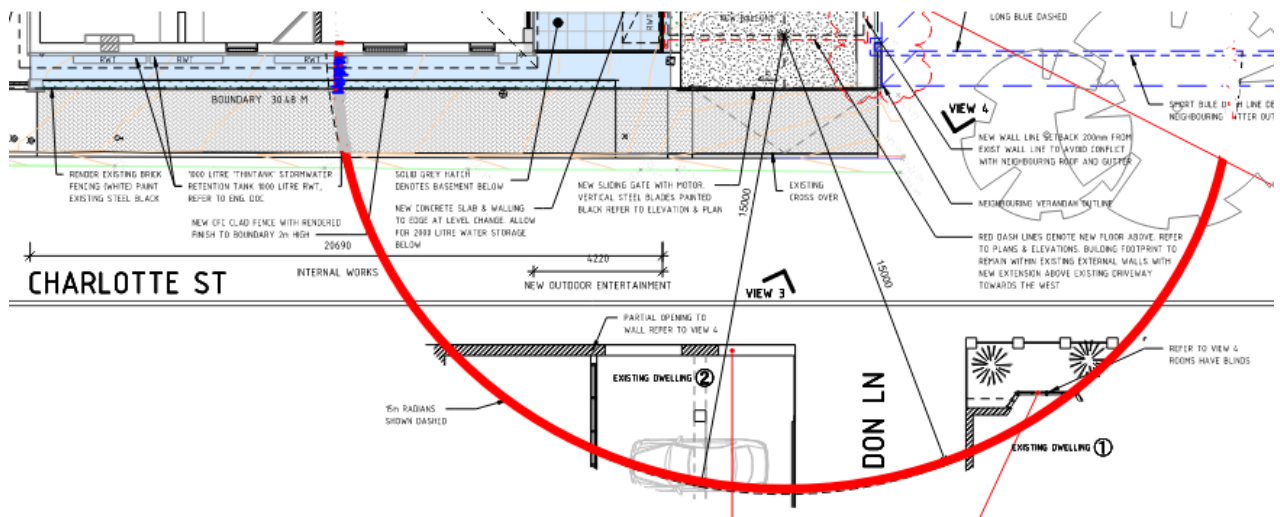


Figure 8.5.2 – Diagram indicating 15 metre radius from front of balcony

With regard to 227 Gilles Street, the area of the site within view appears to be for the purposes of vehicle parking, and contains a small domestic shed, indicating this area is not used for recreational purposes but instead as a service yard. In relation to 11 Charlotte Street, it is understood the front room on the lower level is a living room, while the front room on the upper level is a bedroom. The proposal therefore does not appear to mitigate 'direct overlooking' from the balcony into the habitable rooms of 11 Charlotte Street.

Notwithstanding the above, there are several mitigating factors which reduce the impact of overlooking on this adjacent site including:

- The depth of the balcony is narrow at 1.35 metres, and this suggests it has not been designed with the intent of being occupied for entertaining purposes or extended periods
- If direct overlooking is measured from the window of the office to the front of the addition, the front of 11 Charlotte Street falls outside of the 15 metre radius
- Direct views are currently possible from public areas into windows to the front of the property at 11 Charlotte Street
- The balcony will increase opportunities for passive surveillance of Charlotte Street, therefore acting as a potential crime deterrent.

These are factors which limit unreasonable overlooking from the proposal into the habitable rooms of the adjacent dwelling although they are not factors explicitly mentioned in Design in Urban Areas PO 10.2. This matter is finely balanced, however the proposed overlooking is considered acceptable for the reasons outlined above.

Other Matters

A representor has raised concern the proposal will result in increase domestic noise and traffic. The existing dwelling remains a 'low-scale' dwelling and there is no increase in the size of the existing garage/on-site car parking spaces. The intensity of the existing residential use remains the same and any domestic noise that may be generated by occupants is not a relevant planning consideration.

A concern has been raised by a representor regarding the existing stormwater outlet to Charlotte Street which comprises a checker plate running adjacent the front boundary of 10 Charlotte Street. It is alleged water from heavy rains results in water bubbling up from the checker plate in front of 10 Charlotte Street. It is unclear if this water enters the land at 10 Charlotte Street or simply remains on the Council footpath adjacent this property. Council records indicate no complaint has previously been made in relation to any drainage issues on this site and there is no requirement for the applicant to make changes to the existing stormwater connection across Council land, the same as there being no requirement to alter the existing crossover to Charlotte Street.

It is noted there is no increase in roof area given the site of the addition is already occupied by a roofed garage. There should therefore be no increase in stormwater run-off generated by the site. Additionally, a rainwater tank is proposed as part of this application which may result in a decrease in stormwater run-off from the site.

Seriously at Variance

The application is not considered to be seriously at variance with the provisions of the Planning and Design Code as the City Living Zone envisages dwelling additions as being appropriate in the zone. The proposal also aligns with the Planning and Design Code with respect to the design and scale of the built form as it will maintain the predominantly low-rise character of the zone.

9. CONCLUSION

The application proposes the partial demolition of the existing dwelling, with the extent of the demolition not impacting heritage fabric.

The proposed dwelling addition will be contemporary in appearance and will be sufficiently designed and sited to reduce impacts on the listed heritage building and adjacent heritage places. Furthermore, the proposed reroofing and fence are complementary to the heritage place and supported by Council's Heritage Architect.

The design and siting of the proposed addition will not result in any unreasonable visual bulk or overshadowing impacts. The addition of a balcony to the secondary side is not expected to cause undue overlooking into habitable rooms of adjacent sites.

On balance, 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.

10. 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 23026069, by Val Mohyla and Joshua Carrabs is GRANTED Planning Consent subject to the following conditions:

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 and documentation by Mohyla Architects, drawing no. WD00 - WD07 & SK01, dated September 2023.**
-
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.**
-

ADVISORY NOTES

1. **Expiration of Consent**

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

2. **Commencement and Completion**

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. Boundary Work

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. Fences

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 or other structure located on a common boundary, a 'Notice of Intention' must be served on adjoining owners. It is recommended you contact the Legal Services Commission for further advice on 8463 3555.

6. Use of Dwelling

The dwelling addition has not been approved for use as tourist accommodation nor any form of ancillary accommodation such as a 'granny flat'. The use of the site for these purposes may be subject to a separate consent. It is recommended you seek advice from Council prior to using the site for any purpose other than a detached dwelling.

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 <https://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.

Applications will require a minimum notice period of two to five business days, depending on the nature of work, and can be lodged online via <https://www.cityofadelaide.com.au/business/permits-licences/city-works>.