

DEVELOPMENT NO.:	23037888
APPLICANT:	Anne Taylor
AGENDA ITEM NO:	3.1
ADDRESS:	184 Gilbert Street, Adelaide SA 5000
NATURE OF DEVELOPMENT:	Alterations to existing dwelling and construction of a two storey rear addition
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 • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height – 2 levels • Minimum Site Area – Detached Dwelling – 100m²
LODGEMENT DATE:	21 December 2023
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2023.19 – 21 December 2023
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	KT
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

Representors

- Diana Staple of 32 Hamley Street, Adelaide

Applicant

- Michael Buchtman of Taylor Buchtman Architecture on behalf of Applicant Anne Taylor

1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes partial demolition of an existing rear lean-to, construction of a two storey rear dwelling addition and alterations to the existing dwelling including new skylights and internal works at 184 Gilbert Street, Adelaide.

Partial demolition will include doors, walls and windows of a rear lean-to and the stone planter in the covered courtyard area.

The proposed dwelling addition will incorporate:

- kitchen and dining area, two courtyards, bin storage and bike storage at ground level
- bedroom with dressing area and ensuite, landing area and outdoor terrace area at first floor level. The outdoor terrace will include privacy screening on the northern and western boundaries, a retractable awning structure and planter boxes.
- solar panels on the roof.

Materials will consist of Colorbond corrugated sheeting, powdercoated aluminium framing, perforated aluminium screening, painted steel and painted masonry.

Internal alterations will include a new bathroom, fixtures and fittings at ground level.

External alterations will consist of the addition of skylights to the roof of the original dwelling and installation of an air conditioning unit on the northern portion of the roof of the original dwelling.

2. **BACKGROUND**

Following submission of this application, a request for further information was issued for:

- a detailed schedule of colours, materials and finishes
- shadow diagrams demonstrating extent of overshadowing on 21 June
- street level perspective
- sight line study demonstrating potential for overlooking to property to the north at 32 Hamley Street.

The response to this request included minor amendments to the proposal including:

- alterations to western privacy screening
- additional privacy screening to northern side of terrace
- replacement of pergola with retractable awning.

3. **SUBJECT LAND & LOCALITY**

Subject Land

The subject site is located on the northern side of Gilbert Street and has a rear boundary fronting Avoca Place which is a public laneway located to the north.

The subject site contains a single storey dwelling listed as a Local Heritage Place. The dwelling forms one half of a pair of semi-detached dwellings, with the other located adjacent to the east at 182 Gilbert Street.

The subject site has a slightly irregular shape. It has a frontage to Gilbert Street of 4.85 metres, a frontage to Avoca Place of 4.42 metres and a length of 24.92 metres. The site has an approximate area of 117m².

The existing dwelling occupies an area of approximately 72m², with a covered, partially enclosed courtyard occupying an area of approximately 30m² at the rear. This equates to total site coverage of approximately 87%.

The site is relatively level and does not contain any regulated or significant trees.

Locality

The locality has a mixed use character including dwellings, offices, small scale shops, motor repair station and a retail fuel outlet.

Scale of development in the area is predominantly single storey with some two storey development. Site coverage is relatively high throughout the locality. Character of development consists of a mix of historic residential buildings and modern commercial/residential buildings.

Immediately adjacent the site on Gilbert Street, are several single storey Local Heritage listed dwellings to the east and west. On the opposite side of Avoca Place is the side boundary of a single storey dwelling facing Hamley Street. On the opposite side of Gilbert Street is a mix of single storey, Local Heritage listed dwellings and single storey commercial tenancies.

Figure 3.1 – Subject site viewed from southern side of Gilbert Street



Figure 3.2 – Development to west of subject site



Figure 3.3 – Development to east of subject site



Figure 3.4 – Development on southern side of Gilbert Street opposite subject site



Figure 3.5 – Development on southern side of Gilbert Street opposite subject site



Figure 3.6 – Rear of subject site viewed from Avoca Place



Figure 3.7 – Avoca Place viewed from west



Figure 3.8 – Adjacent property to north viewed from Avoca Place



Figure 3.9 – View to subject site and adjacent properties from Collins Street



Figure 3.10 – Avoca Place viewed from east



Figure 3.11 – Two storey development on Gilbert Street to west of subject site



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

PER ELEMENT:

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

Dwelling addition: Code Assessed – Performance Assessed

Building alterations: Code Assessed – Performance Assessed

Solar panels: Code Assessed – Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed – Performance Assessed

REASON:

Proposed partial demolition, building alterations and dwelling addition are not classified as Restricted, Accepted or Deemed to Satisfy development as per criteria in Tables 1, 2 or 4 of the City Living Zone. Development is therefore classified as Code Assessed – Performance Assessed.

6. PUBLIC NOTIFICATION

REASON:

The height of the western boundary wall/privacy screen will exceed three metres when measured from the top of footings and will not abut an existing wall or structure, therefore the dwelling addition is subject to public notification in accordance with City Living Zone Table 5 Clause 2 and it is not considered minor in this instance.

Partial demolition of the rear lean-to represents demolition of a portion of a Local Heritage Place. The portion of the building to be demolished is not considered an excluded building but is of no heritage significance. For the purposes of notification, proposed demolition is considered minor in nature and will not unreasonably impact on adjacent owners or occupiers and is therefore excluded from the need for public notification in accordance with City Living Zone Table 5 Clause 1.

Table 6.1 – List of Representations		
No.	Representor Address	Request to be Heard
1	Diana Staple, 32 Hamley Street, Adelaide SA 5000	Yes - Opposes

Table 6.2 – Summary of Representations	
<u>Oppose</u>	
<ul style="list-style-type: none">• Development will overlook open space and habitable room windows of adjacent property at 32 Hamley Street• Privacy screening insufficient to prevent overlooking• Construction of development will result in overlooking, noise and disruption to access via Avoca Lane	

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

7. **AGENCY REFERRALS**

Nil

8. **INTERNAL REFERRALS**

Local Heritage

- Development will occupy a majority of the site, however will be located to the rear and will be reasonably low for a two storey development. Conservation work, repainting or alterations to the frontage should be confirmed. A detailed finishes schedule (including colours) for the new addition is also required.
- Following the above comments, the applicant provided a revised proposal with the requested schedule of colours and materials. No conservation works, repainting or additions to the front of the property are proposed. The latest heritage response supports this amended proposal.

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 City Living Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Dwelling addition contributes to diversity of housing. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.2	<ul style="list-style-type: none"> Within maximum building height of 2 levels and contributes to low-rise residential character. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setbacks			
PO 3.2	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.2 **Summary of Medium-High Intensity Subzone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Medium rise, medium density housing in a variety of forms with an eclectic mix of supporting non-residential land uses interspersed (including as mixed use development) that complement the area's urban residential amenity. 		
Land Use and Intensity			
PO 1.1	<ul style="list-style-type: none"> Addition increases density of development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Interface Height			
PO 2.1	<ul style="list-style-type: none"> Subject site separated from boundary of Medium-High Intensity Subzone and will have minimal impact on areas of the City Living Zone outside the Subzone. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.3 **Summary of Applicable Overlays**

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

- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 80 metres

- Affordable Housing – development does not propose new dwellings
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a value over \$10 million
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no trees affected
- Urban Tree Canopy – development constitutes addition to existing residential building

The following Overlays are considered relevant to the assessment of the application:

Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> • Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development. 		
Flood Resilience			
PO 1.1	<ul style="list-style-type: none"> • Development maintains existing floor levels and will not increase risk of potential floodwater entering the building. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Local Heritage Place Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> • Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse. 		
Built Form			
PO 1.1	<ul style="list-style-type: none"> • The form of new buildings and structures maintains the heritage values of the Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> • Massing, scale and siting of development maintains the heritage values of the Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> • Design and architectural detailing maintains the heritage values of the Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> • Development consistent with boundary setbacks and setting. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> • Materials and colours complement the heritage values of the Local Heritage Place. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> • Refer Section 9.5. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.7	<ul style="list-style-type: none"> • Development retains features contributing to the heritage value of the subject site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Built Form			
PO 2.1	<ul style="list-style-type: none"> Addition complements existing building and sited to be unobtrusive and not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting. 	☑	☐

Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those 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. 	☑	☐

Stormwater Management Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development incorporates water sensitive urban design techniques to capture and re-use stormwater. 		
PO 1.1	<ul style="list-style-type: none"> Proposal includes a 1000L rainwater tank connected to the existing water system which will maximise conservation of water resources and reduce stormwater runoff. 	☑	☐

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines. 		
PO 1.1	<ul style="list-style-type: none"> Proposal adequately separated from aboveground powerlines in Gilbert Street. 	☑	☐

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development that is contextual, durable, inclusive and sustainable. 		
All Development			
External Appearance			
PO1.4	<ul style="list-style-type: none"> Solar panels and air conditioning unit sited to minimise visibility from the public realm and negative impacts on amenity. 	☑	☐
Safety			
PO 2.1	<ul style="list-style-type: none"> Development provides additional opportunities for passive surveillance via upper level windows. 	☑	☐
Landscaping			
PO 3.1	<ul style="list-style-type: none"> Development incorporates soft landscaping at upper levels in a planter box. This will maintain a similar level of soft landscaping in compared to what is currently on the site. 	☑	☐
Environmental Performance			
PO 4.1	<ul style="list-style-type: none"> Addition will receive northern sunlight in winter due to orientation, while additional skylights will improve natural sunlight access for the existing dwelling. Addition and existing building will have access to sufficient ventilation. 	☑	☐
PO 4.2	<ul style="list-style-type: none"> Addition designed to reduce energy consumption and reliance on mechanical systems via access to northern sunlight in winter and ventilation. 	☑	☐
PO 4.3	<ul style="list-style-type: none"> Proposal incorporates solar panels, rainwater tank and building orientation to improve environmental performance. 	☑	☐
Overlooking/Visual Privacy (low rise buildings)			
PO 10.1	<ul style="list-style-type: none"> Refer Section 9.5. 	☑	☐
PO 10.2	<ul style="list-style-type: none"> Refer Section 9.5. 	☑	☐
All Residential Development			
Outlook and Amenity			
PO 18.1	<ul style="list-style-type: none"> Living rooms within dwelling will have external outlook to provide amenity for occupants. 	☑	☐
Residential Development – Low Rise			
External Appearance			
PO 20.2	<ul style="list-style-type: none"> Refer Section 9.5. 	☑	☐
PO 20.3	<ul style="list-style-type: none"> Visual mass of the addition mitigated by distance from Gilbert Street frontage, Hamley Street and built form on subject site and adjacent sites that will obscure visibility. 	☑	☐

Private Open Space			
PO 21.1	<ul style="list-style-type: none"> Development provides approximately 30m² of private open space at ground and first floor level. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 21.2	<ul style="list-style-type: none"> All areas of private open space accessible from an internal living area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping			
PO 22.1	<ul style="list-style-type: none"> Development incorporates soft landscaping at upper levels in a planter box. This will maintain a similar level of soft landscaping compared to what exists on the site. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. 		
Overshadowing			
PO 3.1, PO3.2	<ul style="list-style-type: none"> Shadow diagrams demonstrate the extent of overshadowing to open space and habitable windows of adjacent properties will be almost identical between existing building and the proposal. Overshadowing resulting is therefore considered acceptable. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> Development will not result in additional shadowing to adjacent rooftop solar panels. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Vehicle Parking Rates			
PO 5.1	<ul style="list-style-type: none"> Subject site does not provide on-site vehicle parking and the proposal will not change existing shortfall. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9.5 Detailed Discussion

Built Form and Character

Design and Appearance

City Living Zone PO 2.3 suggests new buildings and structures visible from the public realm should be consistent with the valued streetscape characteristics and prevailing built form characteristics (such as floor to ceiling heights) of the area. Due to its scale and setback from the front of the property, the proposed addition will have modest visibility from Gilbert Street. The existing single storey heritage listed portion will remain as the predominant built form to Gilbert Street.

The addition will be visible from Hamley Street, however it will be partially obscured by existing built form. The proposal will maintain the valued characteristics of the streetscape in accordance with PO 2.3. While there is minimal two storey development directly adjacent the site, two storey development is commonplace to the west on Gilbert Street and to the northwest on Hamley Street. Two storey development is therefore considered to align with the prevailing built form of the area in accordance with PO 2.3.

Due to its height and setback from the front of the property, the massing, scale, siting, form, design and architectural detailing of the addition will maintain the heritage values of the Local Heritage Place in accordance with Local Heritage Place Overlay PO 1.1-1.3 and PO 1.7. Visibility of the addition from Hamley Street to the west is not considered to impact the heritage fabric of the site.

Avoca Place to the rear is predominantly utilised for rear access and servicing to buildings facing other streets, and the proposed addition will not have prominent visibility from within the street. The impact of the proposal on the Avoca Place streetscape will be in accordance with Design in Urban Areas PO 20.2.

The building height of two levels is consistent with the local variation of two building levels for this site. The addition positively responds to the local context and therefore Zone PO 2.2 is satisfied.

Setbacks

The secondary street for this site is Avoca Place to the north, which is a public road. Avoca Place is a narrow laneway mostly utilised for rear access to properties facing Gilbert Street, Hamley Street and Whitmore Square. It is characterised by single storey carports, walls and fences abutting the street boundary on both sides. The addition will be more than 900mm from the secondary street boundary in accordance with Zone DPF 3.2 and will not have a significant impact on the Avoca Place streetscape in accordance with Zone PO 3.2.

The proposal will be built to each side boundary consistent with the existing building and others in the immediate locality. It will not result in loss of natural light to neighbours and there will be minimal impact to ventilation. The proposal is therefore considered acceptable in accordance with Zone PO 3.3.

The proposal will have minimal impact on natural light and ventilation for adjacent properties by way of its rear setback and allows for an area of usable private open space at ground level.

The proposal is consistent with boundary setbacks and setting of the subject site and adjacent heritage properties in accordance with Local Heritage Place Overlay PO 1.4 as adjacent heritage properties are built to each side boundary in a similar manner to the proposal.

Boundary Walls

The subject site currently has structures (the main dwelling building and pergola surrounding and covering the rear courtyard) built to the eastern and western boundaries.

The proposed addition presents additional boundary development at first floor level on both boundaries. The extent of ground level boundary development will be similar to existing conditions. To the east, additional boundary development mostly abuts the building on the adjacent site at 182 Gilbert Street, extending further than the rear façade of the adjacent building by approximately 1.3 metres. This will result in minimal impact to the adjacent property on this side.

To the west, additional first storey development on the boundary is proposed extending past the rear façade of the adjacent building at 186 Gilbert Street. This consists mostly of privacy screening to the terrace and void area, with the internal area of the addition mostly abutting the adjacent building. Additional boundary development will result in minimal additional overshadowing to the property directly to the west, however, will present additional enclosure of the private open space. The open space will retain an acceptable level of outlook and ventilation, with the extent of development on its northern and eastern sides relatively restrained. The extent of boundary development proposed is considered acceptable in accordance with Zone PO 3.5.

Overlooking

There is the potential for overlooking of adjacent properties from the upper level. Neighbouring properties with habitable windows or private open space potentially overlooked by the development are to the north, east and west.

Overlooking will be mitigated by privacy screening to the eastern, western and northern sides of the upper level terrace as follows:

- screening to the eastern and western sides of the upper level terrace with the top of the screening slanted, from 1.8 metres in height near the building, to 1.5 metres in height at the northernmost point of the terrace
- screening will continue beyond the void area on the western side of the addition to mitigate overlooking from the upper level western facing window
- screening to the northern side of the terrace will include a 1.1 metre high planter box with additional 400mm high perforated aluminium screening (overall 1.5 metre height). The planter will be 600mm wide which will prevent people from standing directly adjacent the screening.

The applicant has provided a sight line study demonstrating potential overlooking to the north of the site. A site visit has been undertaken and this study is considered accurate.

Whilst the proposal does not directly satisfy Design in Urban Areas DPF 10.2, as the screening will be less than 1.7 metres in height, it will be of an adequate height to mitigate direct overlooking to windows and open space areas of neighbouring properties from the upper level terrace, with the orientation of the building to the east reducing the possibility of overlooking of habitable windows on this side and existing mature landscaping further obscuring views to the west.

The sight line study demonstrates potential overlooking to the private open space and habitable windows of the properties to the north facing Hamley Street will be limited by a 1.5 metre high screen and separation afforded by the planter box adjacent this screen. The proposal will mitigate overlooking from the upper level terrace to the north in accordance with Design in Urban Areas PO 10.2.

Overlooking from windows within the upper level of the addition will be restricted by terrace screening in accordance with Design in Urban Areas PO 10.1. Views to any habitable windows or private open space on adjacent properties will be prevented from windows within the addition.

10. CONCLUSION

This application proposes partial demolition of an existing rear lean-to, construction of a two storey rear dwelling addition and alterations to the existing dwelling including new skylights and internal works.

The proposal will maintain the heritage value of the existing building, with alterations not significantly affecting the historic components of this building and additions not encroaching on the heritage value. The proposed addition is at a scale envisaged within the locality and the wider area of the City Living Zone, presenting acceptable outcomes in height, setbacks and extent of boundary development.

The visibility of the development from the street will be relatively modest, with the existing single storey heritage dwelling remaining the prominent element of built form on the site when viewed from the main street frontage on Gilbert Street. Elements of development visible from the street are satisfactory in terms of their design, with a complimentary selection of materials and built form elements contributing to visual interest.

The proposal will maintain the amenity of the subject site, with suitable areas of private open space, external outlook and access to natural light and ventilation provided.

Impact on adjacent properties is considered acceptable, with additional overshadowing and overlooking largely avoided despite the additional built form located on the property boundaries.

The application is not considered to be seriously at variance with the relevant provisions of the Planning and Design Code.

11. **RECOMMENDATION**

It is recommended 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

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number ID 23037888, by Anne Taylor is granted Planning Consent subject to the following reserved matters, 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).**
 - **Survey Plan by 360 Surveying, dated 18 April 2023**
 - **Taylor Buchtmann Architecture – Plans and Details, dated 12 December 2023 and 22 March 2024 – Drawing No. A001, A200, A301, A201, A302, A015, A016**

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 runoff shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.**

3. **The privacy screening as depicted on the plans granted consent shall:**
 - **have a maximum 25% transparency/openings; and**
 - **be installed prior to the occupation or use of the Development; and**
 - **be maintained thereafter to the reasonable satisfaction of the Relevant Authority at all times.**

4. **The upper level planter as depicted on the plans granted consent shall be installed prior to the occupation/use of the development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.**

ADVISORY NOTES

1. Development Approval Required Prior to Commencement of Works

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

2. 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.

3. Commencement and Completion

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business day's 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.

4. 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 8204 0289).

5. 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.

6. 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.

7. Fences Act 1975

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

8. Consultation With Adjoining Owners

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.

9. Construction Noise

Construction activities and associated noise are typically permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays). A construction activity that does not have an adverse impact on amenity is not specifically restricted by the identified times.

See Environment Protection Authority noise guideline for more information:
www.epa.sa.gov.au/files/4773_info_noise_construction.pdf.

10. City Works Permit

Any activity in the public realm, whether it be on the road or footpath (including the Adelaide Park Lands), requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities and fee calculator and online 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/Site 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, noting the City of Adelaide as an interested party (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 five business days. For more information, contact cityworks@cityofadelaide.com.au