

DEVELOPMENT NO.:	21028498
AGENDA ITEM NUMBER	4.1
APPLICANT:	John Savva
ADDRESS:	92-94 Kermode Street, North Adelaide SA 5006
NATURE OF DEVELOPMENT:	Construction of three level detached dwelling with associated swimming pool, fence, earthworks and demolition of wall
ZONING INFORMATION:	Zones: • City Living Subzones: • North Adelaide Low Intensity Overlays: • Airport Building Heights (Regulated) • Building Near Airfields • Design • Historic Area • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	22 September 2021
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel Meeting Date – 28 March 2022
PLANNING & DESIGN CODE VERSION:	9 September 2021 - Version Number 2021.13
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edouard Pool Senior Planner – Development Assessment
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Local Heritage Traffic Infrastructure

CONTENTS:

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

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Mr Grazio Maiorano – URPS, Suite 12/154 Fullarton Road, Rose Park

- Mr Ryan Fitzgerald – 8 Rosina Street, Adelaide
- Ms Diana Laidlaw – Unit 4, 22 Bagot Street, North Adelaide
- Mr Chris Harris – 14 Brougham Court, North Adelaide

Applicant

- Mr Richard Dwyer – Ekistics Planning and Design

1. DETAILED DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks the construction of a three storey detached dwelling with associated swimming pool, rainwater tanks, fencing, landscaping, earthworks and retaining walls.
- 1.2 Demolition of the existing stone wall along the western boundary is proposed, along with its partial reconstruction along the northern boundary. A new 3 metre high masonry wall is also proposed for the remaining length of the northern boundary. Front fencing includes 2.1 metre high off-form concrete pillars with slatted powder coated steel slats.
- 1.3 A total floor area of 436m² is proposed and will comprise:
- ground/lower floor (106m²) – gym, storage, laundry and car parking for six vehicles
 - first level (160m²) – living area with kitchenette, two bedrooms (each with robe and bathrooms) and courtyard with pool
 - second level (170m²) – lounge, dining/kitchen, central landing with Juliet balcony, master bedroom, terrace and lift (that extends to all levels with overrun to the roof).
- 1.4 The main entry to the dwelling is proposed from Kermode Street with vehicle access to the undercover car parking via the 3.6 metre wide right of way accessed via Kermode Street.
- 1.5 The building will sit below natural ground level requiring up to 700mm excavation. Retaining walls will be located on the northern and eastern boundaries.

Table 1.1 – DEVELOPMENT DATA		
DESIGN CHARACTERISTICS	GUIDELINE	PROPOSED
Site Area: 320m²		
Building Height	2 levels	3 levels
Soft Landscaping	20%	8.7%
Site Coverage	50%	82%
Car Parking	2 (1 of which should be covered)	6 undercover
Private Open Space	60m ² Min. directly accessible from a living room: 16m ² / with a minimum dimension 3m	116m ² POS directly accessible from living area with min. dimension achieved
Front Setback	3 metres Average setback to the building line of existing buildings on adjoining sites	1.5 metres
Side Setback	Building walls setback from a side boundary not less than the nearest side setback of the primary building on adjoining allotment	1 metre – eastern side 230mm – western side

2. BACKGROUND

- 2.1 The subject site has been vacant for a number of years and the land division that created this allotment was granted over 20 years ago (020/D005/01).
- 2.2 The subject land previously formed part of the front portion/yard of 96 Kermode Street (Local Heritage Place (LHP) to the immediate north).
- 2.3 The date of the heritage listing of the LHP at 96 Kermode Street was 10 May 2007 and followed endorsement of the land division application (020/D005/01) in 2001.
- 2.4 The most recent approval at this site was for temporary car parking during the construction of St Mark's College car park building extension (DA/793/2019). This temporary use expired on 31 August 2020.

3. SUBJECT LAND & LOCALITY

Subject Land

- 3.1 The subject site has a primary frontage of 15.09m to Kermode Street and a 21.03m frontage to the right of way along the western boundary, resulting in an area of 320m². The 3.61m right of way provides access to the adjacent properties at 98 and 96 Kermode Street.
- 3.2 The land is vacant and free from vegetation. The site fall towards the road with an approximate 500mm level difference from north to south. Colourbond fencing encloses the site and includes portion of a masonry stone wall to its north-western side.
- 3.3 A driveway crossover currently provides vehicle access to the site from Kermode Street.

Locality

- 3.4 The character of the locality is mixed in terms of both land use and built form. Land uses comprise residential properties together with offices and institutional uses.
- 3.5 The street has reasonable amenity defined by its mature street trees, brick paving and the presence of Local Heritage Places.
- 3.6 Buildings in the locality have a high solid-to-void ratio and include robust materials such as brick, stone and rendered masonry.

Photo 3.1 - Subject site viewed from Kermode Street



Photo 3.2- Site viewed from right of way to Kermode Street with 90 Kermode Street visible in the background and Local Heritage Place (Number 96 Kermode St) visible to the left



Photo 3.3 - Subject site with 98-100 Kermode Street visible in the background



Photo 3.4 - Front yard of Local Heritage Place at 96 Kermode Street looking towards rear boundary of subject site



Photo 3.5 - Front façade and yard at 96 Kermode Street



4. CONSENT TYPE REQUIRED

Planning Consent.

5. CATEGORY OF DEVELOPMENT

- **PER ELEMENT:**
 - Other - Residential - Earthworks:** Code Assessed - Performance Assessed
 - Swimming pool, spa pool or associated safety features:** Code Assessed - Performance Assessed
 - New housing - Demolition:** Code Assessed - Performance Assessed
 - Fence:** Code Assessed - Performance Assessed
 - Detached dwelling:** Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed
- **REASON**

The various components of the proposed development are either listed within Zone Table 1 as Accepted Development or in Table 2 Deemed to Satisfy, however the land is subject to the Historic Area Overlay and Heritage Adjacency Overlay. The proposal therefore defaults to Code Assessed – Performance Assessed development.

6. PUBLIC NOTIFICATION

• REASON

The proposal was subject to notification, pursuant to Zone Table 5 for the following reasons:

- The dwelling exceeds the maximum building height specified in City Living DTS/DPF 2.2 (2 levels); and
- The 'fence' (boundary wall) exceeds 8 metres in length along the northern boundary.

• LIST OF REPRESENTATIONS

Nine representations were received during the public notification period. Eight representors oppose the development and one supports the proposal but with concerns. One of the representors has provided two submissions. A summary of the representation concerns, and the applicant's response is detailed in Table 6.1.

TABLE 6.1 – SUMMARY OF REPRESENTATIONS	
Summary of Representations	Applicant Response
<p><u>Height, Scale and Mass</u></p> <ul style="list-style-type: none"> • Height of three levels is non-compliant • The mass and scale is out of character with the area • Not low-rise but rather high density • Will restrict outlook / views and reduce amenity • Design ignores the site limitations resulting from existing land area 	<ul style="list-style-type: none"> • Concerns regarding height and size are noted however the appropriateness of a three storey building on the site is considered appropriate in this context • The prevailing built form scale and massing is greater than typical two-storey forms and Kermode Street has an established built form character defined by substantial multi-level structures
<p><u>Heritage /Design</u></p> <ul style="list-style-type: none"> • Development not low-rise and does not include appropriate setbacks • Architectural style inappropriate and does not provide visual links with adjacent Local Heritage Places • The facades present a harsh, imposing, and bulky appearance and cause a sense of visual enclosure • Expanse of north facing masonry wall will cause unacceptable heat and sun glare • Boundary walls are non-compliant in terms of length and height • Site coverage more than 90% is unacceptable • Sustainable building measures not incorporated in the design 	<ul style="list-style-type: none"> • Applicant has engaged DASH Architects to review and respond to the comments raised in relation to heritage adjacency as well as the alignment of the proposal with the Historic Area and Heritage Adjacency Overlay • The building has been lowered so the parapet sits 90mm below the alignment of the hipped roof of its western neighbour • Subject site located immediately opposite St Mark's College and proposal will be viewed in the setting of this dominant three storey institutional building • Revised design has reduced the visual mass through increased setbacks at levels 1 and 2 and re-design of the balcony and removal of the outdoor stairs • The boundary wall location is not unreasonable, particularly on an allotment with

	a shallow depth where built form on/close to the boundary would be anticipated
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> • Development will cause an unreasonable loss of natural light 	<ul style="list-style-type: none"> • Orientation of the site ensures development on the land will not overshadow 98 Kermode Street to the north and will have negligible shadow impact on the two adjoining neighbouring properties (90 and 98 Kermode Street) both of which present predominately solid walls towards the subject site
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • Excavation will cause damage and be fatal to existing trees/vegetation on adjacent sites • Insufficient landscaping incorporated in the design 	<ul style="list-style-type: none"> • Design amendments have enabled the inclusion of more landscaping with a Landscape Architect engaged to inform the design and planting selections • The impact to the existing tree at 96 Kermode Street is noted however this tree is not regulated or significant
<p><u>Overlooking</u></p> <ul style="list-style-type: none"> • The proposal does not prevent overlooking or protect visual privacy 	<ul style="list-style-type: none"> • Measures to minimise overlooking have been amended through inclusion of 1.5 metre screening, obscure glazing and plant screening
<p><u>Traffic /Car Parking</u></p> <ul style="list-style-type: none"> • Proposal includes access via the right of way. This will not provide safe and convenient access for emergency service vehicles, motorists or pedestrians • Design of the garage and parking for six vehicles will not minimise impacts on adjacent dwellings in terms noise and amenity 	<ul style="list-style-type: none"> • Frank Siow & Associates have reviewed the traffic comments and concerns raised by representors. Swept paths for garage access/egress, the grade of the ramp and ground clearances access and design adjustments have been provided • Reduction of the height of the northern garage wall from 5.5 metres to 3 metres is proposed
<p><u>Construction</u></p> <ul style="list-style-type: none"> • Construction may undermine adjacent development and cause cracking given the small setback proposed 	<ul style="list-style-type: none"> • The applicant is aware of their obligations under Section 139 of the PDI Act 2016 and Reg 64 and Schedule 10 of the PDI (General) Regs 2017 and will issue required and prescribed notices for any '<i>works that effects the stability of other land or premises</i>'

7. AGENCY REFERRALS

Nil

8. **INTERNAL REFERRALS**

Local Heritage

- The proposed development is not considered to meet the desired outcomes for heritage adjacency or the historic area.
- There is a clear delineation between the visual characters of the northern and southern sides of Kermode Street. The southern side is characterised by three storey red brick institutional buildings whereas the northern side is more eclectic in character, but a lower scale. It is not appropriate for new development to take scale cues from the southern institutional side of the street. The imposing front façade is more than 2 metres higher than the front façade of the adjacent Local Heritage Place. It will be the tallest element on the northern side of Kermode Street. The front door, at approximately 3.4 metres high, suggests entry to a grand institution.
- It is recommended the applicants consider reducing the basement at the front of the building so that the height of the residence can be reduced to two storeys fronting Kermode Street.

Traffic

- From a traffic perspective, the closure of the crossover on Kermode would be a greater benefit to pedestrians and other road users. Considering the small number of movements, even with six car spaces there is no objection.
- The design of the access and car parking facilities must comply with AS/NZS 2890. 1: 2004 Parking Facilities Part 1: Off-street car parking and planning and design code requirements.

Infrastructure

- Stormwater Drainage Plan and supporting documentation should be updated to address all relevant water related requirements of the Planning and Design Code and Council requirements.

9. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix 1.

9.1 Summary of City Living Zone Assessment Provisions

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Land Use & Intensity DO 1 & PO 1.1	<ul style="list-style-type: none"> Proposes 'medium rise' housing within easy reach of services and facilities. 	✓
Built Form & Character PO 2.1	<ul style="list-style-type: none"> The redevelopment of the vacant site for a residential purpose will increase the number of dwellings in the locality without unreasonably compromising residential amenity. 	✓
PO 2.2	<ul style="list-style-type: none"> The proposal is not low rise at three building levels, noting the existing streetscape context is not considered predominately low-rise residential in character. 	✗
PO 2.3	<ul style="list-style-type: none"> See Section 9.5. 	✓
PO 2.4	<ul style="list-style-type: none"> The existing vehicle crossover is to be reinstated and lawful use of the right of way is proposed. 	✓
Building Setbacks PO 3.1, 3.3, 3.4, 3.5	<ul style="list-style-type: none"> See Section 9.5. 	✓

9.2 North Adelaide Low Intensity Subzone

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Proposal seeks a 'medium-rise' development at three levels on a relatively small allotment. 	✗
DO2	<ul style="list-style-type: none"> While the dwelling is considered substantial it is not set within substantial landscaped grounds. 	✓/✗
Built Form and Character PO 1.1	<ul style="list-style-type: none"> See Section 9.5. 	✓/✗
Site Coverage PO 2.1	<ul style="list-style-type: none"> Proposed 82% site coverage is considered appropriate in this context with appropriate setbacks and landscaping reflective of this. 	✗

9.3 Summary of Applicable Overlays

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

- Airport Building Heights (Regulated)
- Building Near Airfields
- Regulated and Significant Tree
- Hazards (Flooding – Evidence Required)
- Prescribed Wells Area

Historic Area Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> • See Section 9.5. 	✓
Performance Outcomes PO 1.1, 2.1, 2.2, 2.3, 2.4, 2.5,	<ul style="list-style-type: none"> • See Section 9.5. 	✓
Context & Streetscape PO 6.2	<ul style="list-style-type: none"> • See Section 9.5. 	✓

Heritage Adjacency Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> • See Section 9.5. 	✓/✗
Performance Outcome PO 1.1	<ul style="list-style-type: none"> • See Section 9.5. 	✓/✗

Site Contamination Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> There is no evidence to suggest that the land may be subject to site contamination. 	✓
Performance Outcome PO 1.1	<ul style="list-style-type: none"> Pursuant to the State Planning Commission's Practice Direction 14 – Site Contamination Assessment 2021, the proposal does not constitute a change to a more sensitive use given the allotment was lawfully created for a residential purpose and the previous temporary use as a car park has ceased with the previous use still valid. 	✓

Stormwater Management Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Development proposes to capture and re-use stormwater on-site. 	✓
Performance Outcome PO 1.1	<ul style="list-style-type: none"> Rainwater tanks comprising a total 3,000 litres capacity are proposed (3 x 1,000 litres) These are expected to capture a minimum 60% of the roof area with 2000 litres to be plumbed to a toilet and laundry cold water outlets. The remaining 1,000 litres will act as detention storage with a slow-release orifice. 	✓

Urban Tree Canopy Overlay

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Desired Outcome DO 1	<ul style="list-style-type: none"> Development will increase urban tree canopy with the planting of three small trees. 	✓
Performance Outcome PO 1.1	<ul style="list-style-type: none"> The three trees will be located within soil areas slightly less than 10m² (noting the minimum dimension of 1.5 metres is still achieved). Notwithstanding the minimum soil area is not satisfied, this tree species (ginkgo biloba) is known to tolerate urban conditions including 	✓

	heat, pollution and confined spaces and are expected to grow to the minimum height and spread sought by DPF 1.1.	
--	--	--

9.4 Summary of General Development Policies

The following General Development policies are relevant to the assessment:

Design in Urban Areas

Subject Code Ref	Assessment	Achieved ✓ Not Achieved ✗
Design in Urban Areas DO 1	<ul style="list-style-type: none"> See Section 9.5. 	✓
Earthworks and Sloping Land PO 8.1	<ul style="list-style-type: none"> With 700mm retaining walls proposed, excavation does not exceed a vertical height of one metre. 	✓
Overlooking PO 10.1 & 10.2	<ul style="list-style-type: none"> Proposal incorporates either 1.5 metre fixed screening, obscure glazing or planting to upper level windows to prevent direct views into adjacent properties. Views to the west are acceptable as the design incorporates screens to the swimming pool which block views into the private open space and windows of 98 Kermode Street (See Drawing P12) of the architect's submission. 	✓ ✓
Front Elevations and Passive Surveillance PO 17.1 & 17.2	<ul style="list-style-type: none"> The proposal incorporates more than one window facing the primary street from a habitable room that has a minimum internal room dimension of 2 metres and aggregate window area of more than 2m². An entry door will also be visible from Kermode Street. 	✓ ✓
Outlook and Amenity PO 18.1	<ul style="list-style-type: none"> Proposal incorporates a living room with an external outlook over both Kermode Street and private open space areas. 	✓
Interface between Land Uses DO 1 / PO 3.1 & 3.2	<ul style="list-style-type: none"> The north-south orientation of the site will ensure overshadowing of neighbouring properties to the east and west will be minimised. The north-facing habitable room windows of adjacent residential properties will continue to receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June. 	✓ ✓

	<ul style="list-style-type: none"> Proposal will maintain 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to neighbouring ground level private open space areas. 	✓
Transport, Access and Parking DO 1 / PO 5.1	<ul style="list-style-type: none"> The proposal satisfies the minimum car parking rate prescribed for a 'Detached Dwelling' within Transport, Access and parking Table 1 – General Off-Street Car Parking Requirements with more than 2 spaces (1 of which is covered) proposed. 	✓

9.5 Detailed Discussion

Desired Outcome

The development of low to medium scale dwellings with a mix of some complementary services and facilities that support city living is desired in the City Living Zone. The North Adelaide Low Intensity Subzone seeks low-rise low-density dwellings on large landscaped allotments. This outcome is relatively discordant with parts of North Adelaide such as the 'Cathedral Precinct' which displays a smaller allotment pattern, reduced landscaped open spaces surrounding dwellings and a relatively high mix of commercial and community land uses.

The proposal does not satisfy the North Adelaide Low Intensity Subzone outcome, however a dwelling is proposed in a form that complements the established streetscape and has similar size and features of dwellings on similar allotments which are also below the minimum size sought under the Planning and Design Code. In this instance, the inability to satisfy the relevant numeric controls must be tempered by the achievement of good design, high amenity, reasonable minimisation of impacts to adjacent land and contribution towards achievement of a high quality streetscape.

Built Form and Design

The distinctive brick façade incorporates traditional proportions for fenestration and a high solid to void ratio. The use of 'Simmental Silver' bricks provides a gentle contrast to the red brick facades predominant in the area, particularly St Mark's College. The façade includes patterning in the brickwork to provide visual interest. The front fence is composed of off-form concrete plinths and columns infilled with wrought iron which is not uncommon in the locality, providing security and visual permeability.

Bulk and Scale

Whilst a maximum height of two levels is desired, the dwelling features a semi-basement lowered 750mm below ground level and a flat roof that reduces the overall bulk and scale. Located between two large two-storey dwellings, the proposed building sits comfortably between these, having similar side and front setbacks. Despite being three levels, excavation of the site to create a semi basement garage and store and the flat roof form ensures the building is not out of scale with existing built form in the locality. The three storey building associated with St Mark's College opposite the subject site further ensures the proposal does not appear out of scale.

The proposed dwelling has no setback to the Right of Way which is similar to 98 Kermode Street to the west. To the east, at ground level, the dwelling is setback approximately one metre from the boundary. This is similar to the adjacent dwelling and the presence of only one window at the upper level ensures there is minimal impact to this building.

The proposed setback from the rear boundary does not reflect the traditional siting pattern in the locality, with no ground level landscaped open space proposed. This area is instead proposed to be occupied by the semi-basement garage. The setback is appropriate for the following reasons:

- the ground level wall spanning 84% of the rear boundary is articulated and rendered
- the garage roof is landscaped to a depth of 2 to 3.2 metres with substantial landscaping to soften the visual outlook
- the adjacent swimming pool and courtyard private open space above will ensure the majority of the building at first floor level is setback at 10.4 metres from the rear boundary

- there will not be overshadowing of 96 Kermode Street considering the proposed building will be located to the south.

The Local Heritage Place at the rear (96 Kermode Street) is setback between 13.5 to 11.4 metres from the common boundary with a landscaped garden, providing a reasonable degree of physical separation. Whilst the impact upon the existing outlook from this property will be impacted by the proposal, it is important to note the subject site originally formed part of the gardens of 96 Kermode Street and was subdivided prior to heritage listing of this building. As a result, a smaller than desirable allotment has already been created.

Heritage and Conservation

Council's Heritage Advisor is of the opinion the bulk and scale of the proposal are not sufficiently reduced.

The applicant's Heritage and Character Impact Assessment report states the development does not dominate, encroach or unduly impact on the setting of the heritage and cultural value of 98 Kermode Street. Furthermore, they are of the opinion the proposal sufficiently manages setback, articulation, modelling and materiality to minimise impact upon the Local Heritage Place.

The Heritage and Character Impact Assessment report considers:

- The development is of a similar scale and setback to the LHP at 98 Kermode Street.
- While wall heights are not identical, this requirement is not specifically sought by PO 1.1.

The report concludes the development does not dominate nor unduly impact on the setting of this place at 98 Kermode Street, with consistency in scale and setbacks ensuring for this outcome.

The proposed development has been assessed as being acceptable, despite the comments made by Council's Heritage Advisor, for the following reasons:

- St Mark's College buildings are the most prominent feature within the streetscape, being of a large imposing scale and extent
- The north side of Kermode Street is varied ranging from single to three storeys in height
- The proposed dwelling is located between two, two storey dwellings, with the parapet height being consistent with roof ridge heights of adjacent buildings
- Does not unreasonably impact upon the heritage value of the Local heritage place at 98-100 Kermode Street to the west as it is separated by a 3 metre wide right of way, is of a similar front setback, minimises its height through creation of a semi-basement level and has a façade which is complementary in terms of solid to void ratio, materiality and façade detail
- The materials, articulation and solid to void ratio are consistent with heritage places in the locality
- Setbacks are consistent with the prevailing pattern in the locality and the adjacent Local Heritage Place
- Fencing design is consistent with the prevailing historic character
- Landscaping patterns in the locality are varied but generally minimal, influenced by minimal front setbacks
- 96 Kermode Street is not visible from the public realm and development of the subject site would further reinforce this separation

- The massing and articulation of the proposal at the rear does not unduly impact upon the curtilage and setting of the heritage place at 96 Kermode Street which has sufficient setback from its boundaries
- The land division pre-dates the heritage listing of 96 Kermode Street and there is an expectation that development on the subject site could reasonably occur.

Access and Car Parking

The proposed development has a registered right to access the Right of Way for vehicle access. Access from the Right of Way will enable closure of the existing crossover to Kermode Street, which in turn will allow for additional on-street car parking, planting of a street tree and vehicles to enter and exit the site in a forward direction.

During public notification, concern was raised regarding on site-vehicle manoeuvring. The applicant has amended the plans since notification and a traffic report has also been provided. Council's Traffic Advisor supports the amended parking and access arrangements.

9. **CONCLUSION**

The proposal is considered to achieve the relevant principles of the Planning and Design Code as:

- the development proposes a desired land use
- the dwelling size is generous and provides good internal amenity
- floor to ceiling heights of 3 metres to living areas will maximise internal sunlight and daylight penetration
- materials and finishes are durable and of a high quality with the use of pre-finished materials in lieu of painted finishes
- a high quality low scale residential development is proposed which supports the attainment of the Desired Outcome and the broader requirements of the City Living Zone and General Development Principles
- the quality of architectural design and scale of the building will achieve a high quality urban design outcome and reinforce the Zone being an attractive residential area of low to medium scale
- landscaped areas are of a sufficient size to provide a reasonable level of landscaping at ground level with vehicular and pedestrian access arrangements resulting in positive impacts to Kermode Street
- the varied layout and setback of the upper levels diminishes building bulk and maintains a reasonable sense of openness to the adjacent Local Heritage Place at 96 Kermode Street
- potentially adverse effects such as overshadowing and overlooking have been resolved
- the shortfall of ground level landscaped open space is countered by a generous provision of open spaces in the form of a green roof, decks and a swimming pool
- the high site coverage is considered inevitable given the subdivision that created the small allotment below the desired minimum area currently envisaged in the Planning and Design Code.

Whilst it is acknowledged the proposal exceeds the maximum building height, does not accord with the desired site coverage and incorporates an extent of built form at the rear of the site in lieu of ground level landscaped open space, it has been determined that, on balance, the proposal warrants the granting 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 21028498, by John Savva is granted Planning Consent subject to the following conditions:

Conditions

1. **The Development shall be undertaken in accordance with the plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent as listed below:**

- Archaea Drawing No. P02 Revision 1.2
- Archaea Drawing No. P03 Revision 1.2
- Archaea Drawing No. P04 Revision 1.2
- Archaea Drawing No. P05 Revision 1.2
- Archaea Drawing No. P06 Revision 1.2
- Archaea Drawing No. P07 Revision 1.2
- Archaea Drawing No. P08 Revision 1.2
- Archaea Drawing No. P09 Revision 1.2
- Archaea Drawing No. P10 Revision 1.2
- Archaea Drawing No. P11 Revision 1.2
- Archaea Drawing No. P12 Revision 1.2
- Archaea Drawing No. P13 Revision 1.2
- Archaea Drawing - Materiality Page dated 23.02.2022
- Archaea Drawing – Landscaping Plan dated 23.02.2022
- Structural Systems Job No. DT 210503 drawing No. 01 Stage PA Issue 2
- Structural Systems Hydrological Analysis Report dated 17 February 2022

to the reasonable satisfaction of the Council except where varied by conditions below (if any).

2. **Convex Mirrors shall be installed to the garage in accordance with the recommendation as per the revised Traffic Report by Frank Siow and Associates dated 4 March 2022.**
-

3. **External materials, surface finishes and colours of the Development shall be consistent with the description hereby granted consent and shall be to the reasonable satisfaction of the Council.**
-

4. **Where stormwater disposal is required, the following requirements shall be complied with:**
 - **All car parks, driveways and vehicle manoeuvring areas shall be graded to ensure that no surface water or rubble from within the property is transported across the footpath**

- The applicant must ensure that storm water run-off is contained within the property boundaries, collected and discharged to either the Melbourne or Frederick street road reserve
 - The applicant must ensure that storm water run-off from the proposed arbour structure is contained within the canopy perimeter, collected and discharged to the building storm water system. All down pipes required to discharge the verandah storm water run-off must be installed within the property boundary
 - Collected drainage water from any landscaped areas, planter boxes, seepage collection systems, water features, swimming pools and/or air conditioning units shall be discharged to the sewer.
-

5. The connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Council.

6. The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of Council.

Advisory Notes

1. Development Approval

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. Appeal Rights

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

3. Expiration of Consent

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

4. Building Consent for Approval

Development Approval will not be granted until Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

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. Residential Parking Permits

No on-street residential parking permits will be issued for use by occupants of, or visitors to, the development herein approved (unless the subject site meets the relevant criteria). Please visit <https://www.cityofadelaide.com.au/transport-parking/parking/residentialparking/> or contact the Customer Centre on 8203 7203 for further information.

7. Damage to Council's Footpath/Kerbing/Road Pavement

Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.

8. 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/

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.