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| DEVELOPMENT NUMBER: | 21036598 |
| AGENDA ITEM NUMBER: | 4.2 |
| APPLICANT: | Brenton Cox |
| ADDRESS: | 336 Angas Street, ADELAIDE |
| NATURE OF DEVELOPMENT: | Construct third storey addition including associated external alterations |
| ZONING INFORMATION: | <p>Zone:</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 • Design in • Hazards (Flooding - Evidence Required) • 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 (11 metres) • Maximum Building Height (3 levels) • Minimum Site Area – Row dwelling - 120m² |
| LODGEMENT DATE: | 30 November 2021 |
| RELEVANT AUTHORITY: | Council Assessment Panel – 28 March 2022 |
| PLANNING & DESIGN CODE VERSION: | 4 November 2021 – Version Number 2021.16 |
| CATEGORY OF DEVELOPMENT: | Code Assessed - Performance Assessed |
| NOTIFICATION: | Yes |
| RECOMMENDING OFFICER: | Dylan Grieve Senior Planner - Development Assessment |
| REFERRALS STATUTORY: | Nil |
| REFERRALS NON-STATUTORY: | Nil |

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| | | | |
|----------------------|---|----------------------|------------------------------------|
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PERSONS SPEAKING BEFORE THE PANEL

Representors

- Mr Bill Fragos of 336A Angas Street, Adelaide

Applicant

- Mr Brenton Cox

1. **DETAILED DESCRIPTION OF PROPOSAL**

- 1.1 This application proposes the partial demolition of an existing two storey dwelling and construction of a third storey addition with associated external alterations.
- 1.2 The proposed addition will have a maximum height of approximately 9.4 metres and floor area of 55m². This will result in a total internal floor area of 176m² and external verandah/porch areas totalling 35m².
- 1.3 A mix of materials, finishes and colours are proposed including Surfmist shiplap wall cladding, Vivid White matrix, woodgrain Grey Oak external wall cladding and Woodland Grey roof sheeting.
- 1.4 A rear courtyard private open space area and the carport and shed adjacent to the northern boundary will be retained.

| TABLE 1.1 - DEVELOPMENT DATA | | |
|-------------------------------------|------------------|--------------------|
| DESIGN CHARACTERISTICS | GUIDELINE | PROPOSED |
| Site Area: 156m² | | |
| Building Height | 3 Storeys | 3 Storeys |
| | 11 metres | 9.4 metres |
| Private Open Space | 24m ² | 55m ² |
| Soft Landscaping | 15% | 15% |
| Car Parking | 2 spaces | 1 space (existing) |

2. **BACKGROUND**

- 2.1 The applicant sought pre-application advice from Council prior to lodging this development application. Amendments were made prior to lodgement to mitigate overlooking and to improve the proposed external appearance.

3. **SUBJECT LAND & LOCALITY**

Subject Land

- 3.1 The subject land is located on the northern side of Angas Street. It has a frontage to Angas Street of 5.45 metres and a frontage to Angas Court of 5.45 metres for rear vehicle access, resulting in a site area of approximately 156m².
- 3.2 A two-storey dwelling is located on the subject land and is subject to party wall rights through the eastern wall, being one of a pair of semi-detached dwellings.
- 3.3 An off-street car parking space/sheltered by a carport is accessed from Angas Court.
- 3.4 There are no regulated or significant trees on the site.

Locality

- 3.5 The locality is comprised of two and three-storey detached, semi-detached and row dwellings. A number of small lanes provide rear access to allotments fronting Angas Street. The area displays consistency in its pattern of development and this pattern has been reinforced through recent redevelopments in the locality.
- 3.6 Modern row-type dwellings and residential flat buildings of two storeys predominate in the area. There is inconsistency in the heights of the two-storey dwellings which date from the 1970's onwards and have replaced lower density dwellings and commercial premises.
- 3.7 Angas Street is characterised by being wide with paved footpaths and mature street trees.

Photo 3.1 – Subject site, viewed from Angas Street looking north



Photo 3.2 – Subject site, viewed from Angas Court looking south



Photo 3.3 – James Court viewed from the west, 336 Angas Street in the background



4. CONSENT TYPE REQUIRED

Planning Consent

5. CATEGORY OF DEVELOPMENT

- **PER ELEMENT:**
Dwelling addition: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
Proposed land use is not listed within Zone Tables 1, 2 or 4 as Accepted, Deemed to Satisfy or Restricted development. The proposal is listed in Zone Table 3 and is therefore Code Assessed – Performance Assessed development.

6. PUBLIC NOTIFICATION

- **REASON**
Zone Table 5 excludes a dwelling addition from notification except where a building wall is proposed on the side boundary or exceeds three metres in height measured from the top of footings. The proposal involves a third storey addition located along the eastern and western boundaries where the length of wall exceeds the permitted maximum of 8 metres and also three metres in height. Consequently, public notification was required.
- **LIST OF REPRESENTATIONS**

Does not support the development

Mr Bill Fragos of 336A Angas Street, Adelaide

| Summary of Representations | Applicant Response |
|-----------------------------------|---|
| Light and overshadowing | <ul style="list-style-type: none">• The proposed 336 Angas Street development at its highest point is 9.5 metres above ground level which is lower than 11 metres permitted under City Living Zone DTS/DPF 2.2, which allows 3 building levels• Proposed development complies with the maximum allowable building and storeys for the property• Heights noted above are reflected in the shadow diagrams provided• The calculations indicate only a marginal difference in shadowing to 338 Angas Street during both the Winter solstice and Summer solstice at 3pm. This includes shadowing of the front yard• Calculations also indicate the development will have minimal effect on the roof of the neighbours' property for future solar panels and the existing skylights. Google Earth shows 336A |

| | |
|--------------------------|---|
| | <p>has an existing verandah at the rear of the property where there is adequate roof area for future solar panels</p> <ul style="list-style-type: none"> • The façade does not exceed the existing building line of 336A. The proposal still maintains a setback from the existing corner of 336A continuing the stepped formation of facades to adjacent residences along the streetscape |
| Overlooking and security | <ul style="list-style-type: none"> • Proposal indicates a 1800mm high privacy screen that reduces overlooking into the private open space of adjoining residential spaces • 336A has a 45° roof pitch. An abseiling harness, ropes and magnetic shoes to climb the roof successfully and gain entry through the existing skylights would be required |
| Streetscape appearance | <ul style="list-style-type: none"> • The proposal provides a modern approach to the building frontage using current materials. As the third floor is setback 1.8 metres from the lower levels, the visual impact of the top floor is reduced to make the lower levels more prominent • The finished building, selection of cladding and colours are of a neutral palate with enough contrast to provide street interest between existing buildings to compliment tree lined streetscape to coincide policy guidelines |

7. AGENCY REFERRALS

Nil

8. INTERNAL REFERRALS

Nil

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 ✗ |
|--|--|------------------------------------|
| Desired Outcome DO 1 | <ul style="list-style-type: none"> Achieved. | ✓ |
| Land Use & Intensity PO 1.1 | <ul style="list-style-type: none"> Achieved. | ✓ |
| Built Form and Character PO 2.1 – PO 2.3 | <ul style="list-style-type: none"> Achieved. | ✓ |
| Building Setbacks PO 3.1 – PO 3.5 | <ul style="list-style-type: none"> Refer to Section 9.5. | ✓/✗ |
| Car Parking & Access PO 5.1 | <ul style="list-style-type: none"> Existing carparking remains unchanged. | ✓ |
| Ancillary Buildings and Structures PO 8.1 – PO 8.2 | <ul style="list-style-type: none"> Soft landscaping area required is 15% and the development will maintain approximately 15%. | ✓ |

9.2 Summary of Medium-High Intensity Subzone Assessment Provisions

| Subject Code Ref | Assessment | Achieved ✓ Not Achieved ✗ |
|---|---|------------------------------------|
| Desired Outcome DO 1 | <ul style="list-style-type: none"> Achieved. | ✓ |
| Land Use & Intensity PO 1.1 | <ul style="list-style-type: none"> Achieved. | ✓ |

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) Overlay* – Two storey building height not of concern
- *Hazards (Flooding – Evidence Required) Overlay* – No flooding concern for proposed third-storey addition
- *Prescribed Wells Area Overlay* – No groundwater concerns
- *Regulated and Significant Tree Overlay* – No regulated or significant trees impacted

An assessment of relevant Overlays is provided below:

Stormwater Management Overlay

| Subject Code Ref | Assessment | Achieved ✓ Not Achieved ✗ |
|---------------------|---|------------------------------------|
| PO 1.1 | <ul style="list-style-type: none"> • A 1,000 litre rainwater tank for retention and household use is provided. | ✓ |

Interface between Land Uses Overlay

| Subject Code Ref | Assessment | Achieved ✓ Not Achieved ✗ |
|--|--|------------------------------------|
| Desired Outcome DO 1 PO 3.1 – 3.3 | <ul style="list-style-type: none"> • The additional height of the dwelling casts a majority of additional winter shadow over Angas Street. • Maintains two hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses. • Impacts on neighbouring solar panels (see Section 9.5). | ✓ |

9.4 Summary of General Development Policies

The following General Development Policies are relevant to the assessment:

| Subject Code Ref | Assessment | Achieved ✓ Not Achieved ✗ |
|--|--|------------------------------------|
| Desired Outcome DO 1 | <ul style="list-style-type: none"> Achieved. | ✓ |
| Overlooking / Visual Privacy (Low Rise Buildings) PO 10.1 – 10.2 | <ul style="list-style-type: none"> Northern upper floor windows have translucent glass to 1,500mm above FFL. Southern balcony has horizontal slats to 1,800mm above FFL at each side to mitigate overlooking to neighbouring open spaces to the east and west. | ✓ |
| Front Elevations and Passive Surveillance PO 17.1 – 17.2 | <ul style="list-style-type: none"> Achieved. | ✓ |
| Outlook and Amenity PO 17.1 – 17.2 | <ul style="list-style-type: none"> Achieved. | ✓ |
| External Appearance PO 20.2 – 20.3 | <ul style="list-style-type: none"> A minimum of 30% of the building wall is set back an additional 300mm from the building line. A balcony projects from the building wall. A minimum of two different materials or finishes are incorporated on the walls of the front elevation, with a maximum of 80% of the elevation in a single material or finish. | ✓ |
| Private Open Space PO 20.2 – 20.3 | <ul style="list-style-type: none"> Greater than 24m² of private open space area proposed. | ✓ |
| Landscaping PO 20.2 – 20.3 | <ul style="list-style-type: none"> The site has a front yard comprising approximately 15% of the site in accordance with the minimum requirement. | ✓ |

Transport, Access and Parking

| Subject Code Ref | Assessment | Achieved ✓ Not Achieved ✗ |
|--------------------------------|--|------------------------------------|
| Desired Outcome DO 1 | <ul style="list-style-type: none"> Existing access via Angas Court with one on-site carpark space provided. | ✓ |

9.5 Detailed Discussion

Land Use

The subject site is located within the City Living Zone where medium rise dwellings are anticipated as per Desired Outcome 1:

'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.'

The proposal seeks to construct a third storey addition to an existing two-storey dwelling and is a form of development anticipated within the zone.

Built Form and Design

The City Living Zone seeks that *'Development contributes to a predominantly low-rise residential character'*. The proposed construction of a third storey addition will complement the medium-rise form of development within this portion of Angas Street.

The proposed boundary walls have a maximum height of 9.3 metres above natural ground level and maximum length of 13.9 metres. This is acceptable given a maximum building height of 11 metres and 3 levels is specified in the City Living Zone and the context in which the proposed walls are located amongst neighbouring boundary walls.

In relation to building setbacks, the existing dwelling and the neighbouring western dwelling (334 Angas Street) are semi-detached, sharing a party wall. The dwelling addition is proposed on the eastern and western property boundary continuing the existing semi-detached form of these dwellings. This is acceptable as it matches the zero side boundary setback of the adjoining dwellings which is consistent with DPF 3.3 as follows:

'Building walls are setback from a side boundary not less than the nearest side setback of the primary building on the adjoining allotment.'

All other setback parameters are satisfied by the proposal.

The existing vehicle access from Albert Court and on-site car arrangement parking for a single car will not change as part of this proposal.

Overall, the scale and intensity of development proposed on the subject site is appropriate and commensurate to other development in the locality.

Materials and Appearance

The design of the proposal is contemporary having external materials consisting of Surfist shiplap wall cladding, Vivid White matrix, woodgrain grey oak external wall cladding and Woodland Grey roof sheeting.

The proposal is consistent with the specified maximum height for the zone and with adjoining and adjacent development in Angas Street.

Although a contemporary design, the proposal is relatively consistent with the local pattern of development, which includes a preponderance of two-storey dwellings with an interspersed with three-storey dwellings.

Interface

Since lodgement of the application, solar photovoltaic panels have been installed (viewed during site visit on 3 March 2022) at 336A Angas Street on the west facing portion of roof. The proposed development does not unduly reduce the generating capacity of these adjacent rooftop solar energy facilities with the proposal beginning to cast a shadow on the roof of 336A Angas Street from 1.30pm on 21 June.

9.6 Conclusion

The application proposes the demolition of the existing roof and construction of a third storey addition and including associated external alterations. On balance, the proposal is considered acceptable as it:

- will incorporate a third storey setback behind a balcony addressing the street
- will not create adverse bulk and scale impacts as the addition and balcony abut existing built form on the adjoining eastern and western property boundaries
- provides adequate private open space and soft landscaping area
- consists of an appropriate scale and design within the streetscape.

The level of impact is acceptable within the context of the City Living Zone and Angas Street streetscape. It has been determined that, on balance, the proposal warrants 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 21036598, by Brenton Cox 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:**
 - Site Plan 70615 Dwg. No. 1 Rev A dated 05/08/2021
 - Floor Plans 70615 Dwg. No. 2 Rev B dated 05/08/2021
 - Elevations 70615 Dwg. No. 3 Rev B dated 05/08/2021
 - Elevations 70615 Dwg. No. 4 Rev B dated 05/08/2021**to the reasonable satisfaction of the Council except where varied by conditions below (if any).**

2. **The privacy screening as depicted on the plans granted consent described as Elevations 70615 Dwg. No. 3 Rev B dated 05/08/2021 shall be installed prior to the occupation or use of the Development and thereafter shall be maintained to the reasonable satisfaction of the Council at all times.**

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. **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 City of Adelaide City Works Guide # 2: 'Works Impacting Council Assets' which can be located on Council's website <https://www.cityofadelaide.com.au/> and shall be to the reasonable satisfaction of the Council.**

5. **All storm water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.**

Advisory Notes

1. 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.

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. 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.