



COUNCIL ASSESSMENT PANEL

# Agenda and Reports

for the meeting  
Monday, 23 March 2026  
at 5.30 pm  
in the Colonel Light Room, Adelaide Town Hall



# Council Assessment Panel

## Meeting Agenda

Monday, 23 March 2026, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

### Panel Members

Presiding Member – Nathan Cunningham

Panel Members – Colleen Dunn, Councillor Eleanor Freeman, Robert Gagetti and Julian Rutt

Deputy Panel Member – Councillor Arman Abrahamzadeh and David Cooke

Councillor Eleanor Freeman [Apology]

## Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member will state:

'The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

## Meeting Agenda

### 1. Confirmation of Minutes

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 28 January 2026, be taken as read and be confirmed as an accurate record of proceedings.

View public 28 January 2026 Minutes [here](#).

### 2. Declaration of Conflict of interest

### 3. Applications assessed under PDI Act 2016 (SA) with Representations

3.1 195 Stanley Street, North Adelaide [Pages 4 - 23]

### 4. Applications assessed under PDI Act 2016 (SA) without Representations

Nil

### 5. Appeal to CAP for Assessment Manager's Decision Review

Nil

### 6. Other Business

6.1 Planning Policy Updates including Suggestions from Panel

6.2 Other Business raised at Panel Meeting

6.3 Next Meeting – 27 April 2026

## 7. Closure

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# Agenda Item 3.1

**Council Assessment Panel**

**Monday, 23 March 2026**

<b>Subject Site</b>	195 Stanley Street, North Adelaide
<b>Development Number</b>	25029849
<b>Nature of Development</b>	Demolition of existing outbuilding and swimming pool, construction of a dwelling addition, verandah, pergola and swimming pool with associated safety features and the removal of three regulated trees.
<b>Representations</b>	Listed to be Heard - Yes
<b>Summary Recommendation</b>	Planning Consent Granted
<b>Status</b>	Public

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<b>DEVELOPMENT NO.:</b>	25029849
<b>APPLICANT:</b>	Mr Thi Nguyen
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	195 Stanley Street, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Demolition of existing outbuilding and swimming pool, construction of a dwelling addition, verandah, pergola and swimming pool with associated safety features and the removal of three regulated trees
<b>ZONING INFORMATION:</b>	<p><b>Zones</b></p> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <p><b>Sub Zones</b></p> <ul style="list-style-type: none"> <li>• North Adelaide Low Intensity</li> </ul> <p><b>Overlays</b></p> <ul style="list-style-type: none"> <li>• <del>Airport Building Heights (Regulated) (All structures over 153.5 metres AHD)</del></li> <li>• <del>Design</del></li> <li>• Historic Area (Adel11)</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Local Heritage Place (21005)</li> <li>• <del>Prescribed Wells Area</del></li> <li>• Regulated and Significant Tree</li> <li>• <del>Stormwater Management</del></li> <li>• <del>Urban Tree Canopy</del></li> </ul> <p><b>Technical Numeric Variations (TNVs)</b></p> <ul style="list-style-type: none"> <li>• <del>Minimum Frontage</del></li> <li>• <del>Minimum Site Area</del></li> <li>• Maximum Building Height (2 Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	7 October 2025
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2025.18 – 25 September 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	SB
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage Arboriculture Independent Acoustic Engineer

**CONTENTS:**

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 5:</b>	<b>Representations</b>
<b>ATTACHMENT 2:</b>	<b>Site Map</b>	<b>ATTACHMENT 6:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>
<b>ATTACHMENT 4:</b>	<b>Representation Map</b>		

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

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Suzanne Hanna of PO Box 3118 Melbourne Street, North Adelaide

### **Applicant**

- Matilda Asser of URPS on behalf of the applicant

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

The application proposes the demolition of an existing garage, verandah and swimming pool at the rear of the subject site.

A dwelling addition and new swimming pool with associated safety features are proposed to replace the existing pool, together with a verandah and pergola. The dwelling addition will be detached from the associated dwelling and will comprise a two car garage and rumpus room.

Two regulated trees are proposed to be removed for the proposed dwelling addition and a third regulated tree is proposed to be removed along the driveway to facilitate construction.

## **2. BACKGROUND**

The application was initially submitted proposing a larger addition having a greater overall length and no setback from the rear boundary. Through the assessment process, the applicant amended the proposal to increase the setback of the addition and reduced its length. The amended version is being presented to the Panel.

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

### **Subject Land**

The site is formally Allotment 3 in Deposited Plan 21533, contained in Certificate of Title 5445, Folio 923, Hundred of Yatala. It is commonly known as 195 Stanley Street, North Adelaide.

The site has a frontage of approximately 28 metres to Stanley Street and a site area of 1,125m<sup>2</sup>.

A two storey detached dwelling is located on the site. This dwelling is a Local Heritage Place (excluding the rear of the building) representing an example of an Inter-War, Mediterranean-style dwelling constructed in North Adelaide in the 1920-1940 period.

A garage and swimming pool covered by a verandah are located at the rear of the site. A driveway from Stanley Street extends along the eastern boundary allowing access to the garage.

The site is particularly vegetated along its eastern portion where three regulated trees are located.

The site slopes relatively steeply from north to south until the centre where it becomes more level.

### **Locality**

The locality is residential in nature, predominantly comprising large one and two storey dwellings on relatively large allotments. Dwellings are from the nineteenth and early twentieth centuries and are generally fenced along their front boundaries. Garages and outbuildings are typically located to the side or rear of dwellings, especially on the southern side of Stanley Street where access is commonly from rear laneways.

The locality slopes from north to south, with dwellings on the southern side of Stanley Street often presenting as single storey despite being two storeys or split level.

Stanley Street is a wide treelined street comprising moderate front and side building setbacks and high quality landscaping, contribute to an open landscaped character.

There are limited examples of infill development in the locality and this predominantly exists in laneways to the south of Stanley Street except for a four storey residential flat building directly to the east of the subject site. Rear laneways are narrow with limited building setbacks and do not share the same open, landscaped character as Stanley Street.

**Figure 3.1 – View of subject site from Stanley Street**



**Figure 3.2 – View of Stanley Street looking southwest**



**Figure 3.3 – View along driveway of adjacent residential flat building**



**Figure 3.4 – View of Common Lilly Pilly proposed to be removed**



**Figure 3.5 – View along western side of subject site**



**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

- Partial demolition: Code Assessed - Performance Assessed
- Dwelling addition: Code Assessed - Performance Assessed
- Verandah: Code Assessed - Performance Assessed
- Pergola: Code Assessed - Performance Assessed
- Swimming pool: Code Assessed - Performance Assessed
- Tree-damaging activity: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASONS:**

- Partial demolition: excluded from City Living Zone, Table 1: Accepted Development as site within Local Heritage Place Overlay. Not listed in Table 2: Deemed-to-Satisfy Development, Table 3: Performance Assessed Development or Table 4: Restricted Development. Therefore, defaults to performance assessed development.

- Dwelling addition: excluded from City Living Zone, Table 2: Deemed-to-Satisfy Development as site within the Local Heritage Place Overlay. Not listed in Table 1: Accepted Development or Table 4: Restricted Development. Listed in Table 3: Performance Assessed Development and is therefore performance assessed development.
- Verandah: excluded from City Living Zone, Table 1: Accepted Development and Table 2: Deemed-to-Satisfy Development as site within the Local Heritage Place Overlay. Not listed in Table 4: Restricted Development. Listed in Table 3: Performance Assessed Development and is therefore performance assessed development.
- Pergola: not listed in Table 1: Accepted Development, Table 2: Deemed-to-Satisfy Development, Table 3: Performance Assessed Development or Table 4: Restricted Development. Therefore, defaults to performance assessed development.
- Swimming pool: excluded from City Living Zone, Table 2: Deemed-to-Satisfy Development as site within the Local Heritage Place Overlay. Not listed in Table 1: Accepted Development, Table 3: Performance Assessed Development or Table 4: Restricted Development. Therefore, defaults to performance assessed development.
- Tree-damaging activity: not listed in Table 1: Accepted Development, Table 2: Deemed-to-Satisfy Development or Table 4: Restricted Development. Listed in Table 3: Performance Assessed Development and is therefore performance assessed development.

## 6. **PUBLIC NOTIFICATION**

### **REASONS:**

- The proposed partial demolition satisfies Table 5(5) of the City Living Zone and was excluded from public notification.
- The proposed dwelling addition does not satisfy Table 5(2) of the City Living Zone as the length of the boundary wall exceeds 8 metres and therefore public notification was required.
- The proposed verandah, pergola, swimming pool and tree-damaging activity satisfy Table 5(4) of the City Living Zone and were excluded from public notification.

<b>Table 6.1 – List of Representations</b>		
<b>No.</b>	<b>Representor Address</b>	<b>Request to be Heard</b>
1	Bruce McNair, 11/181 Stanley Street, North Adelaide	No – Support with concerns
2	Fran E, 12 Wilcox Street, Adelaide	No – Opposes
3	Giles Tanner, 2/181 Stanley Street, North Adelaide	No – Opposes
4	Carolyn Chadunow, 4/29 Old Street, North Adelaide	No – Support with concerns
5	Suzanne Hanna, PO Box 3118 Melbourne Street, North Adelaide	Yes – Opposes

Table 6.2 – Summary of Representations

Oppose:

- Nuisance impacts from swimming pool filtration equipment including noise and vibration
- Water runoff from swimming pool
- Structural impacts and ground movement caused by excavation for swimming pool
- Domestic noise
- Impact on boundary fence
- Loss of trees.

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

**7. INTERNAL REFERRALS**

Senior Local Heritage Advisor

- Demolition of the existing outbuilding is supported as there is no visibility of this outbuilding from the street and it does not contribute to the historic character.
- Proposed dwelling addition, verandah and swimming pool are supported as there is no alteration to the primary façade of the Local Heritage Place.

Tree Protection Officer – Arboriculture

- The trees proposed to be removed are not native or endangered.
- They provide a positive contribution to local character and amenity due to their medium size.
- They provide limited habitat value.

Independent Acoustic Engineer

- The pool filtration system is expected to achieve the EPA noise criteria with the acoustic housing and distance from the nearest adjacent dwelling.

**8. PLANNING ASSESSMENT**

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

**8.1 Summary of North Adelaide Low Intensity Subzone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>• Predominantly low rise, low density housing on large allotments in an open landscaped setting.</li> </ul>		
DO 2	<ul style="list-style-type: none"> <li>• An important part of the town plan of Adelaide and the city grid layout, containing large grand dwellings on landscaped grounds.</li> </ul>		

<b>Built Form and Character</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Buildings located to the rear will minimally impact on the low to very low-density character of Stanley Street.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Site Coverage</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Site coverage will remain low at 36% to preserve the prevailing low density landscaped character.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 8.2 Summary of City Living Zone Assessment Provisions

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>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. Small scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</li> </ul>		
<b>Land Use and Intensity</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Dwelling addition and ancillary structures support ongoing use and enjoyment of the land for residential purposes.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Built Form and Character</b>			
PO 2.2	<ul style="list-style-type: none"> <li>Single storey dwelling addition contributes to low rise residential character.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Setbacks</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Dwelling addition has a large front setback with minimal impact to streetscape character.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	<ul style="list-style-type: none"> <li>PO 3.4(a): Refer Section 8.5.</li> <li>PO 3.4(b) and (c): Sufficient private open space and soft landscaping provided.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Car Parking and Access</b>			
PO 5.1	<ul style="list-style-type: none"> <li>Access to vehicle parking provided via existing driveway, with parking to the rear to maintain existing pattern of development.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Buildings and Structures</b>			
PO 8.1	<ul style="list-style-type: none"> <li>Siting of the verandah and pergola to the rear of the dwelling will not detract from streetscape appearance or the appearance of any dwelling on neighbouring sites.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 8.2	<ul style="list-style-type: none"> <li>The verandah and pergola will not impact on vehicle parking or the provision of private open space.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 8.3 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 153.5 metres
- Design Overlay – medium to high rise buildings not proposed
- Prescribed Wells Area Overlay – no groundwater concerns
- Stormwater Management Overlay – new dwellings not proposed
- Urban Tree Canopy Overlay – new dwellings not proposed.

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

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

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>• 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.</li> </ul>		
<b>Flood Resilience</b>			
PO 1.1	<ul style="list-style-type: none"> <li>• Locating addition 300mm above top of kerb is not possible due to the slope of the site. The entry of floodwaters into the building will not cause undue damage to a building of value and no known flood risk to the site.</li> </ul>	☑	☐

#### Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>• Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>• Development sited to the rear and will not be visible or unduly impact on adjacent Local Heritage Place to the west as only front and side walls of that dwelling are listed.</li> </ul>	☑	☐

#### Historic Area Overlay (Adel11)

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>• Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.</li> </ul>		

<b>All Development</b>			
PO 1.1	<ul style="list-style-type: none"> <li>While the Historic Area Statement makes no reference to ancillary structures, the addition is consistent with low density, single storey building heights sought on southern side of Stanley Street.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Built Form</b>			
PO 2.2	<ul style="list-style-type: none"> <li>Dwelling addition consistent with prevailing low rise building height in the Historic Area.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> <li>Dwelling addition sited to the rear of associated dwelling consistent with other additions in the Historic Area.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> <li>Dwelling addition incorporates deep corrugated sheet metal roofing in a light sand colour and rendered walls in a light colour to complement buildings in the Historic Area.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and Additions</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Dwelling addition is a simple, gable roof design with light, neutral colours and sited far behind the dwelling to ensure it will not dominate the primary façade of the dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Development</b>			
PO 4.1 & 4.2	<ul style="list-style-type: none"> <li>Verandah and pergola simple in their design and not visible from the streetscape to reduce impact on the historic character of the area and associated buildings.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 7.3	<ul style="list-style-type: none"> <li>Verandah and swimming pool to be demolished are of no historic value and will not conform with the values described in the Historic Area Statement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Local Heritage Place Overlay (17480)

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and Additions</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Development</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Verandah and pergola simple in design and not visible from the streetscape to minimise impact on the heritage values of the Local Heritage Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Verandah and pergola located to rear of dwelling will not dominate the Local Heritage Place or its setting.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Regulated and Significant Tree Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.</li> </ul>		
<b>Tree Retention and Health</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 8.4 General Development Policies

The following General Development Policies are relevant to the assessment:

### Design in Urban Areas

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development is contextual, durable, inclusive and sustainable.</li> </ul>		
<b>Ancillary Development</b>			
PO 19.1	<ul style="list-style-type: none"> <li>Verandah and pergola modest in size and designed and sited to not detract from streetscape or appearance of primary residential buildings on site or neighbouring sites.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 19.2	<ul style="list-style-type: none"> <li>Verandah and pergola will not impact on provision of private open space or car parking.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 19.3	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Car Parking, Access and Manoeuvrability</b>			
PO 23.1	<ul style="list-style-type: none"> <li>Dimensions of the garage will provide for accessible and convenient access and storage for two vehicles.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 23.4	<ul style="list-style-type: none"> <li>Vehicle access to the garage provided via an existing driveway.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Interface between Land Uses

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</li> </ul>		
<b>Overshadowing</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>No adjacent solar panels will be impacted.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Activities Generating Noise or Vibration			
PO 4.1	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 4.3	<ul style="list-style-type: none"> <li>Refer Section 8.5.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</li> </ul>		
<b>Vehicle Access</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Access to the garage provided via an existing driveway.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Vehicle Parking Rates</b>			
PO 5.1	<ul style="list-style-type: none"> <li>Two vehicle parking spaces provided.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 8.5 Detailed Discussion

### Bulk and Scale

The site contains a Local Heritage Place, being the '*House; Two-storey Inter-War Mediterranean style residence. Excludes rear of building*'. Local Heritage Place Overlay PO 2.1 seeks alterations and additions that complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.

The proposed addition will be sited to the rear in the eastern corner of the site, well behind the primary façade of the Local Heritage Place and almost 3 metres from the rear of the dwelling. Combined with its siting at the bottom of the slope toward the rear of the site, the siting of the addition is considered unobtrusive and will not conceal or obstruct any part of the heritage elements and detailing of the Place. Further, the siting of the addition at the rear corner retains the sense of openness particularly to the front and sides of the dwelling due to moderate to large setbacks. While the addition will appear prominently when viewed from the rear of the dwelling, the open, landscaped setting of the Place will be largely preserved. Importantly, there is minimal impact to this setting when viewed from the streetscape.

On balance, the addition achieves PO 2.1 as its siting is unobtrusive, will not conceal heritage elements and will not dominate the Local Heritage Place or its setting. The heritage values of the Place will be maintained and PO 1.1 of the Local Heritage Place Overlay will also be achieved.

### *Boundary Walls*

City Living Zone PO 3.5 seeks boundary walls limited in height and length to manage impacts on adjoining properties. The dwelling addition is proposed to the eastern side boundary with a wall height of 3.1 metres and a length of 11.5 metres.

The adjacent site to the east contains a four level residential flat building, with the driveway of this building separating it from the proposed addition. The ground level of this building only contains garages, with dwellings on levels one, two and three.

There is also a separation of around 5 metres between the proposed addition and the nearest dwellings in the adjacent residential flat building. Consequently, visual impacts from the addition will be significantly reduced. Dwellings on level one of the adjacent residential flat building will only be slightly impacted by the bulk of the proposed addition, while dwellings on levels two and three will be largely unaffected as views from these dwellings will be mostly over the proposed addition.

On balance, City Living Zone PO 3.5 is achieved as the proposed boundary walls manage impacts on the adjoining property.

### Amenity

#### *Overshadowing*

Interface between Land Uses PO 3.1 requires overshadowing of habitable room windows of adjacent residential uses in neighbourhood-type zones be minimised to maintain access to direct winter sunlight.

The applicant has provided shadow diagrams to assist in the assessment of overshadowing. The diagrams indicate that during winter, the windows of the adjacent dwelling to the south at 3/11 Old Street are currently fully shaded in the morning, with some sunlight reaching these windows by the early afternoon. The diagrams also indicate this existing situation will not be made materially worse by the addition. Similarly for the windows of the adjacent dwelling to the south at 4/11 Old Street, these are already extensively shaded in the morning, with sunlight access from the early afternoon. The addition will only marginally reduce direct sunlight access to the windows of this adjacent dwelling and will not result in a significant loss of natural light.

Interface between Land Uses PO 3.2 requires overshadowing of the primary area of private open space of adjacent residential land uses to be minimised to maintain access to direct winter sunlight.

The shadow diagrams indicate the private open space of 3/11 Old Street is already almost completely shaded on 21 June. The proposed addition will therefore not materially reduce direct sunlight to the private open space of this adjacent dwelling. While the narrow strip of paving between the rear of 4/11 Old Street and its rear boundary is also already fully shaded on 21 June, that dwelling also has access to a larger and more useable courtyard in its front yard which is likely used as private open space more so than the land at its rear.

The shadow diagrams also demonstrate that despite the dwelling addition being located on the eastern boundary wall, there will be no overshadowing of any adjacent dwelling in the four level residential flat building to the east as dwellings are not located on the ground floor of that building.

The Planning and Design Code does not envisage overshadowing of adjacent dwellings will be entirely avoided but instead minimised. Therefore, it is considered, on balance, the overshadowing of adjacent dwellings is not unreasonable. City Living Zone PO 3.3(b) and 3.4(a) and Interface between Land Uses PO 3.1 and 3.2 are expected to be achieved.

#### *Noise*

The swimming pool filtration system is proposed in the eastern corner of the site, behind the proposed addition. It will be located between 3 to 4 metres from the nearest adjacent dwelling to the south.

Interface between Land Uses PO 4.1 and 4.3 provide guidance on the assessment of noise and noise nuisance caused by pumps and/or filtration systems for a swimming pool.

The Environment Protection Authority (EPA) Environment Protection (Commercial and Industrial Noise) Policy provides a maximum indicative nighttime noise level for residential of 45 dB(A). As the proposal is the subject of a development application, an additional penalty is applied resulting in a maximum indicative nighttime noise level criteria of 40 dB(A) for the swimming pool filtration system.

The applicant has supplied specifications for the acoustic enclosure for the filtration system. The specifications demonstrate noise from the system contained within the acoustic enclosure can be reduced to at least 49 dB(A) when measured 1 metre from the enclosure.

Council Administration sought advice from an Independent Acoustic Engineer who confirmed the noise, when measured from the adjacent dwelling at a distance of at least 3 metres and when combined with the presence of a brick fence between the properties, is expected to achieve the EPA criteria.

Any noise emitted by the filtration system is therefore unlikely to unreasonably impact the amenity of adjacent sensitive receivers when housed within the acoustic enclosure, achieving Interface between Land Uses PO 4.1 and 4.3, as well as Design in Urban Areas PO 19.3.

The representor has raised concerns relating to noise due to social gatherings in and around the swimming pool, however domestic noise is a matter for SAPOL and not a planning assessment.

#### *Water runoff*

The representor has raised concerns relating to water runoff from the proposed swimming pool having the potential to cause damage to their property. However, there are no applicable policies in the Planning and Design Code to address this matter. This detail is expected to be resolved as part of the building rules assessment at the detailed design stage.

#### Tree Removals

Three regulated trees are located along the eastern side of the site. Two River She Oaks (Trees 1 and 2) and a Common Lilly Pilly (Tree 3). Trees 1 and 2 conflict with the siting of the addition and the removal of Tree 3 is not in connection with other development as the reconstruction of the driveway is not 'development' in accordance with Section 3 of the *Planning, Development and Infrastructure Act 2016*. The three trees are proposed to be removed.

The Regulated and Significant Tree Overlay provides guidance regarding assessment of tree-damaging activity in relation to regulated trees. PO 1.1 sets out criteria to determine if a regulated tree is worthy of retention and is the first test to consider the appropriateness of the removal of a regulated tree. Should this be answered in the affirmative, that is, the tree is worthy of retention, PO 1.3 and 1.4 continue to provide guidance where a regulated tree can be removed.

All three trees are approximately 13 to 15 metres tall resulting in visibility from surrounding sites and the public realm. The applicant's Arborist suggests the River She Oaks only have a fair structure and their form has been impacted by lopping. This has resulted in epicormic growth in the upper crown and comprises the aesthetic appeal of the trees. The Arborist also suggests the structure of the Common Lilly Pilly as fair and its form as typical. From surrounding land, the top portion of the tree can be seen, however its canopy appears unevenly spread and sparse in parts.

While all the trees are partially visible from surrounding land, this is purely due to their height. Each tree represents a relatively poor example of its species and therefore none are considered to make an important visual contribution to local character and amenity. Council's Arborist agreed while the trees make a positive contribution to local character and amenity, this contribution was not considered important. All trees therefore fail the test for retention provided in PO 1.1(a).

The tree species are not indigenous to the local area or listed as a rare or endangered native species. All the trees therefore fail the test for retention provided in PO 1.1(b).

The applicant's Arborist confirmed none of the trees contain significant hollows or cavities comprising an important habitat for native fauna. All the trees therefore fail the test for retention provided in PO 1.1(c).

As the subject trees are not considered worthy of retention with reference to PO 1.1(a), (b) and (c), there is no requirement to then consider the criteria set out in PO 1.3 and 1.4 and their removal is considered appropriate.

#### Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes.

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 Code, particularly as it is proposed in association with existing residential development which is envisaged in the Zone and Subzone.

## 9. **CONCLUSION**

On balance, the proposal is considered to warrant support as:

- the siting of the dwelling addition is unobtrusive and does not dominate the Local Heritage listed dwelling or its setting
- overshadowing of adjacent dwellings will not be unreasonable
- the swimming pool filtration system will be housed in an acoustic enclosure to mitigate unreasonable noise nuisance
- the verandah and pergola are inconsequential in the context of the site
- none of the three trees proposed to be removed are considered worthy of retention.

The proposed development satisfies a majority of the relevant provisions of the Code and therefore it is recommended Planning Consent be granted.

## 10. **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 25029849 by Thi Nguyen is GRANTED Planning Consent subject to the following conditions and advices:

### **CONDITIONS**

1. **The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any):**
    - **Drawing no. PL01.C by Proske, project no. 25.002, dated 16 January 2025**
    - **Drawing no. PL02.D by Proske, project no. 25.002, dated 11 February 2026**
    - **Drawing no. PL03.D by Proske, project no. 25.002, dated 16 January 2025**
    - **Drawing no. PL05.C by Proske, project no. 25.002, dated 11 February 2026**
    - **Landscape Plan by Landskap, ref no. 25.033, dated 28 October 2025**
    - **Pre-Development Arboricultural Impact Assessment by Treeline Consultants, dated 12 February 2026**
    - **AstraPool Australia E-Series 170 Pool Pump specifications by The Acoustic Box Pump and Filter Enclosures, dated 3 May 2016**

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  2. **The applicant or the person having the benefit of this consent shall ensure that all stormwater runoff from the development herein approved is collected and then discharged to the stormwater 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.**

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  3. **The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.**
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4. All mechanical machinery associated with the heating, cleaning, and filtration of the swimming pool on the and shall be enclosed in a solid acoustic structure and maintained at all times to the satisfaction of the Relevant Authority.

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5. External materials, surface finishes and colours of the development shall be consistent with the description and sample hereby granted consent and shall be to the reasonable satisfaction of the Relevant Authority.

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6. Replacement trees must be planted within 12 months of months of completion of the development at the following rates:

- i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or
- ii. if the development relates to a significant tree—3 trees to replace a significant tree.

Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*, and cannot be planted within 3 metres of an existing dwelling or in-ground swimming pool.

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## **ADVISORY NOTES**

### **1. Development Approval Required**

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.

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### **2. 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.

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### **3. Commencement and Completion**

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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#### **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).

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#### **5. Fences Act 1975**

The applicant is reminded of the requirements of the *Fences Act 1975*. Should the proposed works include work involving a shared boundary, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

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#### **6. 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.