

# Council Assessment Panel Minutes

**28 July 2025**

## **Our Vision**

*A City which values its heritage, cultural diversity,  
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable  
and socially cohesive, with a strong community spirit.*

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)  
Socials [f /cityofnpsp](https://www.facebook.com/cityofnpsp) [@cityofnpsp](https://www.instagram.com/cityofnpsp)



City of  
Norwood  
Payneham  
& St Peters

1.	COMMENCEMENT AND WELCOME .....	1
2.	APOLOGIES .....	1
3.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 JULY 2025 .....	1
4.	DECLARATION OF INTERESTS .....	1
5.	DEVELOPMENT APPLICATIONS – PDI ACT .....	2
5.1	DEVELOPMENT NUMBER ID 24028066 – TOWN PLANNING ADVISORS 2 COLLEGE STREET COLLEGE PARK SA 5069 .....	2
5.2	DEVELOPMENT NUMBER ID 25003620 – GALVIN GROUP STUDIO PTY LTD 74A FIFTH AVENUE ST PETERS SA 5069 .....	16
5.3	DEVELOPMENT NUMBER ID 25010926 – LISA RICKARD 60 & 62 SECOND AVENUE ST PETERS SA 5069 .....	35
5.4	DEVELOPMENT NUMBER ID 25010933 - LISA RICKARD 62 & 60 SECOND AVENUE ST PETERS SA 5069 .....	51
6.	DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT .....	68
7.	REVIEW OF ASSESSMENT MANAGER DECISIONS .....	68
8.	ERD COURT APPEALS .....	68
9.	OTHER BUSINESS .....	68
10.	CONFIDENTIAL REPORTS .....	68
11.	CLOSURE .....	68

**VENUE** Don Pyatt Hall, Norwood Town Hall

**HOUR** 6.30pm

**PRESENT**

**Panel Members** Mr Stephen Smith  
Mr Ross Bateup  
Mr Julian Rutt  
Mr Paul Mickan  
Cr Kester Moorhouse

**Staff** Geoff Parsons – Manager, Development & Regulatory Services  
Kieran Fairbrother – Senior Urban Planner  
Ned Feary - Senior Urban Planner  
Tala Aslat – Administration Officer

**APOLOGIES** Mr Mark Adcock  
Cr Christel Mex

**ABSENT**

1. **COMMENCEMENT AND WELCOME**

2. **APOLOGIES**

3. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT  
PANEL HELD ON 21 JULY 2025**

*Moved by Mr Moorhouse and Seconded by Mr Rutt  
CARRIED*

4. **DECLARATION OF INTERESTS**

**5. DEVELOPMENT APPLICATIONS – PDI ACT**

**5.1 DEVELOPMENT NUMBER ID 24028066 – TOWN PLANNING ADVISORS  
- 2 COLLEGE STREET COLLEGE PARK SA 5069**

<b>DEVELOPMENT NO.:</b>	24028066
<b>APPLICANT:</b>	Town Planning Advisors
<b>ADDRESS:</b>	2 COLLEGE ST COLLEGE PARK SA 5069
<b>NATURE OF DEVELOPMENT:</b>	Single-storey alterations and additions to existing dwelling (Representative Building) including a basement, partial demolition of existing dwelling and associated fencing and retaining, and the construction of a garage, tennis court lighting and retractable net
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 900 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> <li>• Site Coverage (Maximum site coverage is 40 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	17 Sept 2024
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Norwood Payneham and St. Peters
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.17 12/9/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Kieran Fairbrother Senior Urban Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	David Brown, Heritage Advisor

## CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Representation Map
ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 7:	Internal Referral Advice

## DETAILED DESCRIPTION OF PROPOSAL:

This application involves the following elements:

- Partial demolition of the existing dwelling, including a non-original box bay window facing the primary street and internal alterations.
- Demolition of an outbuilding
- Single-storey additions to the existing dwelling comprising:
  - New French doors to the primary façade (in lieu of the box bay window);
  - A new ensuite to the rear;
  - A single-storey living area addition to the side of the dwelling (adjacent Eton Lane), with a basement below that links to the garage;
- A double-car garage in the northwest corner of the site;
- Renovation of the existing, disused tennis court (which does not constitute development in its own right);
- New tennis court lights and a retractable sports net along the Torrens Street frontage and against the rear of the dwelling; and
- Associated retaining walls and boundary fencing.

This application does not include the construction of the carport, swimming pool or pool equipment shed, as they were approved in a separate development application.

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 2 COLLEGE ST COLLEGE PARK SA 5069

<b>Title ref.:</b> CT 5688/953	<b>Plan Parcel:</b> F136397 AL46	<b>Council:</b> THE CITY OF NORWOOD PAYNEHAM AND ST PETERS
-----------------------------------	-------------------------------------	---

Shape:	regular
Frontage Width:	46.06m to College Street, 42.67m to Torrens Street and 48.23m to Eton Lane
Area:	approximately 2078m <sup>2</sup>
Topography:	the site sits slightly higher than footpath level on College Street and Torrens Street, with ground levels falling towards the northwest corner of the site where it meets Eton Lane
Existing structures:	a single-storey Queen Anne style sandstone fronted dwelling that has undergone significant renovations over the years, associated fencing and ancillary structures and a disused tennis court
Existing vegetation:	significant areas of landscaping exist between the dwelling and both street frontages and where the disused tennis court exist

## Locality

The locality is considered to comprise the area outlined in **Attachment 2**. This locality predominantly encompasses dwellings with frontages to Torrens Street and College Street that are within 70m of the subject land, along with part of the school grounds west of Eton Lane.

This locality is characterised by low density residential development, with the exception of the school oval that adjoins Eton Lane. The built form within this locality is predominantly comprised of single-storey, historical dwellings set on larger allotments. There are two exceptions to this. The first is 6 College Street, which has a two-storey component at the rear of the dwelling that is not readily visible from College Street. The second is the dwelling at 4 Torrens Street, which has a large three-storey addition at the rear of the dwelling, that is not readily visible from the primary street frontage but is unmissable from Eton Lane and adjoining allotments. This locality enjoys a very high level of amenity due to a combination of the high-quality built form, the larger allotment sizes and consistent, mature street tree plantings.

## CONSENT TYPE REQUIRED:

Planning Consent

## CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

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

Fence: Code Assessed - Performance Assessed

Retaining wall: Code Assessed - Performance Assessed

Other - Residential - Tennis court lighting and sports net: Code Assessed - Performance Assessed

Building Alterations: Code Assessed - Performance Assessed

Dwelling addition: Code Assessed - Performance Assessed

Outbuilding (Carport or garage): Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

## PUBLIC NOTIFICATION

- **REASON**

The freestanding basketball wall and tennis court lighting are undefined elements and are therefore not exempt from public notification per Table 5.

- **LIST OF REPRESENTATIONS**

Only one representation was received during the public notification period, from the adjacent neighbour at 2 Torrens Street.

- **SUMMARY**

The sole representor expressed concerns about:

- Noise and light spill from the tennis court
- Noise from the pool equipment (which does not form part of this application)
- The retractable net for the tennis court being left expanded when not in use, negatively impacting the streetscape

- Unknowns regarding the use and frequency of the basketball wall – which has now been removed from this proposal
- The garage showing enough space for three vehicles when it does not meet the minimum dimensions to do so.

## INTERNAL REFERRALS

- David Brown, Heritage Advisor

Council's Heritage Advisor is supportive of the proposal.

## PLANNING ASSESSMENT

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

### Demolition

Performance Outcome 7.3 of the Historic Area Overlay states:

*Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.*

The outbuilding in the northwest corner of the site is not part of the original building's fabric, and its demolition is therefore supported by this Performance Outcome.

Performance Outcome 7.2 of the Historic Area Overlay states:

*Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.*

With respect to the partial demolition of the existing dwelling, Council's Heritage Advisor has confirmed that the box bay window facing College Street is a non-original addition, supported by Performance Outcome 7.2. There is a small chimney at the rear of the dwelling (western side) that is proposed to be removed. Given this is not visible from the street, it does not contribute to the historic character of the streetscape and its demolition can be supported by this Performance Outcome also. Similarly, the demolition of the ensuite wall on the northern side of the dwelling contributes very little to the streetscape (being one of the less elegant features of this building), and so its demolition is considered acceptable.

### Building Height

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

*Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

The corresponding Designated Performance Feature contains a TNV of two (2) building levels.

Performance Outcome 1.1 of the Historic Area Overlay states:

*All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*

With respect to building heights, the Historic Area Statement states “single storey, two storeys in some locations”.

Performance Outcome 2.2 of the Historic Area Overlay states:

*Development is consistent with the prevailing building and wall heights in the historic area.*

The proposed pavilion-style side addition is single storey and consistent with the height of the associated dwelling, satisfying these Performance Outcomes notwithstanding that it won't be readily visible from the streetscape. Similarly, the ensuite addition to the rear has been designed to match the height of the existing ensuite wall, thereby not impacting on streetscape character in a manner consistent with these Performance Outcomes.

The garage measures 4.4m tall from ground to the top, which is taller than a typical garage and therefore at odds with Performance Outcome 2.2 above. However, this is not considered fatal to the proposal because the garage will only be seen from Eton Lane, which has a low level of visual amenity and is bounded by other structures on adjacent allotments of similar or greater heights.

### **Heritage, Design & Appearance**

Performance Outcome 4.2 of the Established Neighbourhood Zone states:

*Additions and alterations do not adversely impact on streetscape character.*

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

*The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches*

Performance Outcome 2.1 of the Historic Area Overlay states:

*The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.*

Performance Outcome 3.1 of the Historic Area Overlay states:

*Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.*

Performance Outcome 2.5 of the Historic Area Overlay states:

*Materials are either consistent with or complement those within the historic area.*

The side addition is set well behind the main face of the associated dwelling, and behind an approved carport structure, such that it won't be readily visible from the primary street frontage. It will be visible from Eton Lane, however, although this lane does enjoy a relatively low level of amenity. Notwithstanding, this addition is a pavilion-style structure, heavily comprised of glazing with rendered surrounds, designed to take advantage of the northern sunlight. The additions sits lower than the ridgeline of the roof of the associated



dwelling, thereby complementing the original building through a sympathetic design. The materials employed are modern but compatible and are acceptable. Similarly, the ensuite addition will employ a white rendered wall akin to the existing wall condition and will not adversely affect the streetscape character of this dwelling from Torrens Street.

Performance Outcome 10.1 of the Established Neighbourhood Zone states:

*Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.*

The garage, being set so far back on Eton Lane, will not impact either the College Street or Torrens Street streetscapes and therefore cannot dominate the appearance of the associated dwelling, consistent with this Performance Outcome. Although the garage is tall, Eton Lane enjoys a low level of amenity and the presence of a three-storey building two sites to the north ensures that this garage will remain relatively discreet in comparison.

### **Setbacks and Visual Impact**

Performance Outcome 2.4 of the Historic Area Overlay states:

*Development is consistent with the prevailing front and side boundary setback pattern in the historic area.*

Performance Outcome 6.1 of the Established Neighbourhood Zone states:

*Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.*

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

*Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.*

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

*Buildings are set back from side boundaries to provide:*

- (a) Separation between buildings in a way that complements the established character of the locality*
- (b) Access to natural light and ventilation for neighbours.*

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

*Buildings are set back from rear boundaries to provide:*

- (a) Separation between buildings in a way that complements the established character of the locality*
- (b) Access to natural light and ventilation for neighbours*
- (c) Private open space*
- (d) Space for landscaping and vegetation.*

The dwelling additions are sufficiently set back from the rear boundary to not produce any impacts on the adjoining neighbour and sufficiently set back from the side street boundaries to continue to complement the established character of the locality – consistent with Performance Outcomes 8.1 and 6.1 of the Zone. The garage at the rear of the site is proposed to be sited on both the secondary street boundary and the rear boundary of the site. For the purposes of Performance Outcome 6.1 above, while Eton Lane is not technically a rear laneway for this site – because the site's primary street frontage is College Street – for all intents and purposes it serves the same as a rear laneway, as it does for all adjacent properties to the north. The pattern of development along this section of Eton Lane involves buildings constructed on or close to the rear boundary and so the siting of the garage on this boundary is consistent with the existing character of Eton Lane and therefore acceptable.

The garage is 4.4m tall and extends 11.1m in length along the rear boundary of the site; a boundary shared with 2 Torrens Street. This will abut the neighbour's own garage for a length of approximately 6m, then extending a further 5.1m adjacent the dwelling's rear yard (private open space). This will have a noticeable visual impact on the use of the private open space associated with 2 Torrens Street, by way of approximately 22m<sup>2</sup> of walling adjacent this area. But, being located south of this private open space, the wall will not produce any overshadowing, which is a positive. Notably, in their representation, the occupant of 2 Torrens Street did not object to this boundary wall, from which one could infer that they are comfortable with the impact of this wall (which could be because of an existing planning consent they have in place for their own dwelling additions along this boundary, which will minimise any impacts of this wall). Accordingly, despite being at odds with Performance Outcome 7.1 of the Zone, the impact that this wall will have is not considered to be fatal to the application as a whole.

### **Tennis Court Lighting and Retractable Net**

Performance Outcome 6.1 of the Interface Between Land Uses module states:

*External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers.*

*Australian Standard 4282-1997: The Control of the Obtrusive Effects of Lighting* sets a standard for maximum lux levels recommended in residential settings. It is considered appropriate to assess Performance Outcome 6.1 above by reference to this Australian Standard.

To this end, AS4282-1997 prescribes the following maximum lux levels, when measured at the boundary of adjoining residential properties in the vertical plane:

- During "pre-curfew hours" (i.e. 6am to 11pm), a maximum of 10 lux; and
- During "curfew hours" (i.e. 11pm to 6am), a maximum of 2 lux.

As demonstrated by the 'Lighting Design Analysis' Plan in **Attachment 1**, the tennis court lights achieve the relevant "pre-curfew hours" maximum but would fail the "curfew hours" maximum. Consequently, the lights are considered to satisfy Performance Outcome 6.1 (above) providing the lights are not permitted to be used between the hours of 11pm and 6am. Although the tennis court is unlikely to be used during these hours, Condition No. 3 has been recommended to ensure the continued compliance with AS4282-1997 and Performance Outcome 6.1.

Performance Outcome 9.1 of the Design in Urban Areas module states:

*Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.*

The retractable net proposed for the tennis court extends along the eastern and southern side of the tennis court – along the Torrens Street frontage of the site and adjacent to the rear of the dwelling. This will have zero impact on the amenity of the neighbouring dwelling at 2 Torrens Street. The net does, however, have the ability to impact the visual amenity of the Torrens Street streetscape. But, as pointed out by the applicant in their response to representations (see **Attachment 6**), the net is visually permeable and will not be an imposing structure in the streetscape. It is likely that the net may only be visible at certain angles and is therefore not considered to negatively impact the streetscape. Nevertheless, the net is the same height as the existing chain mesh fence on the subject site, but with fewer poles and more visual permeability, so in this context the net is an appropriate structure.

### **Site Coverage, Private Open Space, Soft Landscaping and Fencing/Retaining**

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

*Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

The corresponding Designated Performance Feature suggests that site coverage should not exceed 40%. Upon completion of this development, site coverage will remain far below 40% and hence satisfy this Performance Outcome.

Performance Outcome 21.1 of the Design in Urban Areas module of the general development policies states:

*Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.*

Performance Outcome 21.2 of the Design in Urban Areas module of the general development policies states:

*Private open space is positioned to provide convenient access from internal living areas.*

The dwelling will still maintain an abundance of private open space, conveniently accessible from internal living areas, in accordance with these Performance Outcomes.

Performance Outcome 22.1 of the Design in Urban Areas module of the general development policies states:

*Soft landscaping is incorporated into development to:*

- (a) Minimise heat absorption and reflection*
- (b) Contribute shade and shelter*
- (c) Provide for stormwater infiltration and biodiversity*
- (d) Enhance the appearance of land and streetscapes.*

The proposed development does not result in any significant change in soft landscaping on the site, with the additions and garage being constructed over existing hard-surfaced areas. As such, the site will still be over 40% comprised of soft landscaping and so Performance Outcome 22.1 is considered to be satisfied.

Performance Outcome 9.1 of the Design in Urban Areas module states:

*Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.*

Retaining walls are required along the boundary with Eton Lane, adjacent to the dwelling addition, and along the rear boundary shared with 2 Torrens Street. With respect to the rear boundary retaining, the levels provided on the Siteworks Plan indicate that this retaining is internal to the site, meaning there will be no impact on the neighbour consistent with this Performance Outcome.

The retaining wall required along the Eton Lane boundary varies in height, from 510mm closer to College Street to 1.6m adjacent to the new dwelling addition. Atop these retaining walls will be solid sheet metal fencing to provide privacy to the dwelling site. The total height of the combined fencing and retaining is 2.37m at the College Street end and 2.9m further north where it adjoins the rendered wall of the garage and basement link. This retaining is required to accommodate the finished floor levels of the addition (which will match the existing dwelling), which is a justifiable outcome. Furthermore, as mentioned in other sections of this report, Eton Lane has a very low level of amenity and therefore these retaining walls and the fencing above will not have a negative impact on visual amenity of this public place and is hence consistent with this Performance Outcome also.

### **Access and Parking**

Performance Outcome 5.1 of the Transport, Access and Parking module of the general development policies states:

*Sufficient on-site vehicle parking...[is] provided to meet the needs of the development...*

While this application proposes a new two car garage, this is in addition to an existing two car carport located to the western side of the dwelling which is accessed from College Street. Thus, after completion of the development, the site will provide for four (4) covered parking spaces which exceeds the requirements set out in Table 1 of the Transport, Access and Parking module of 2 spaces and is therefore sufficient.

Performance Outcome 23.5 of the Design in Urban Areas module of the general development policies states:

*Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.*

Eton Lane is approximately 4.5 metres wide from boundary to boundary. Ordinarily, this does not provide enough width to allow vehicles to enter and exit the garage in no less than a three-point turn manoeuvre. In this case, though, the garage opening is 6.6m wide and the garage is approx. 6.3m deep, to provide extra room for manoeuvrability as demonstrated by the applicant's turn path diagram; therefore satisfying Performance Outcome 23.5.

### **Question of Seriously at Variance**

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.17, dated 12/09/2024), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code because all proposed elements of this development are envisaged within the Established Neighbourhood Zone and this Historic Area, are compatible with the built form in the locality, and tennis court lights are not a foreign element to this locality and those proposed will not result in any nuisance by way of light spill.

## CONCLUSION

The proposed development involves acceptable minor alterations to the existing dwelling and a contextually-responsive addition to the west of this dwelling, both of which are supported by Council's Heritage Advisor. The additions employ a contemporary palette of materials which successfully provides visual separation between 'old and new', in a manner that complements the existing Representative Building. Set well back behind the façade of the dwelling, the addition will remain relatively discreet in the streetscape thereby failing to impact streetscape character at all. The small northern addition is similarly successful in design and siting.

The new garage, rendered wall and retaining and fencing along the west boundary will produce noticeable changes in the Eton Lane landscape, replacing much smaller structures that currently exist on the site. However, because of the low level of amenity enjoyed in this laneway, and the presence of much larger, imposing structures elsewhere along the lane, this is not considered to be problematic for this application because, although noticeable, these structures will not negatively impact the visual amenity of Eton Lane.

The boundary wall for the garage will produce impose some visual impact on the adjoining dwelling's private open space, but for the reasons stated above, and the affected neighbour's absence of opposition to this wall, this is not considered fatal to the proposal.

Elsewhere, the dwelling site will maintain sufficient private open space and soft landscaping and will not exceed the relevant site coverage expectations. Sufficient and functional car parking spaces will be provided on the site. The lighting plan provided for the tennis court lights show that the lux levels will comply with the relevant Australian Standard during the daytime hours, and hence Condition No. 3 has been recommended to ensure that they are not used outside of these hours to ensure no nuisance by way of light spill is imposed on the adjoining dwelling site. Finally, the retractable nets proposed for the tennis court are not considered to have any discernible impact on the Torrens Street streetscape character.

## RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24028066, by Town Planning Advisors is granted Planning Consent subject to the following conditions:

## CONDITIONS

### Planning Consent

#### Condition 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).

#### Condition 2

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Please note that disposal of the stormwater to Eton Lane is not permitted and compliance with this condition will only be achieved with all stormwater being directed to either the Torrens Street or College Street kerb and water table or associated underground pipe drainage system.

Condition 3

The tennis court lights are not permitted to be used between 11pm and 6am the following day.

Condition 4

Any change in gradient required to accommodate vehicle access into the garage shall be accommodated for entirely within the boundaries of the subject land. No changes to the finished levels in Eton Lane are permitted without separate authorisation from the Council.

**ADVISORY NOTES**

***Planning Consent***

Advisory Note 1

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.

Advisory Note 2

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 3

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.

Advisory Note 4

The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including all fencing).

Advisory Note 5

The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Advisory Note 6

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the *Fences Act 1975* regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

Advisory Note 7

The Applicant is advised that construction noise is not allowed:

1. on any Sunday or public holiday; or
2. after 7pm or before 7am on any other day

Advisory Note 8

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Advisory Note 9

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 10

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

---

**Moved by Mr Rutt**

1. *The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 24028066, by Town Planning Advisors is granted Planning Consent subject to the following conditions:*

## **CONDITIONS**

### **Planning Consent**

#### *Condition 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).*

#### *Condition 2*

*All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.*

*Please note that disposal of the stormwater to Eton Lane is not permitted and compliance with this condition will only be achieved with all stormwater being directed to either the Torrens Street or College Street kerb and water table or associated underground pipe drainage system.*

#### *Condition 3*

*The tennis court lights are not permitted to be used between 11pm and 6am the following day.*

#### *Condition 4*

*Any change in gradient required to accommodate vehicle access into the garage shall be accommodated for entirely within the boundaries of the subject land. No changes to the finished levels in Eton Lane are permitted without separate authorisation from the Council.*

## **ADVISORY NOTES**

### **Planning Consent**

#### *Advisory Note 1*

*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.*

#### *Advisory Note 2*

*Consents issued for this Development Application will remain valid for the following periods of time:*

- 1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;*
- 2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;*
- 3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.*

*If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.*

#### *Advisory Note 3*

*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.*



**Advisory Note 4**

*The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including all fencing).*

**Advisory Note 5**

*The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.*

**Advisory Note 6**

*The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.*

*The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.*

**Advisory Note 7**

*The Applicant is advised that construction noise is not allowed:*

- 1. on any Sunday or public holiday; or*
- 2. after 7pm or before 7am on any other day*

**Advisory Note 8**

*The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.*

**Advisory Note 9**

*The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*

**Advisory Note 10**

*The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

**Seconded by Mr Moorhouse**  
**CARRIED**

**5.2 DEVELOPMENT NUMBER ID 25003620 – GALVIN GROUP STUDIO PTY LTD  
– 74A FIFTH AVENUE ST PETERS SA 5069**

<b>DEVELOPMENT NO.:</b>	25003620
<b>APPLICANT:</b>	GALVIN GROUP STUDIO PTY LTD
<b>ADDRESS:</b>	74A FIFTH AV ST PETERS SA 5069
<b>NATURE OF DEVELOPMENT:</b>	Two-storey detached dwelling with associated retaining and fencing, and the demolition of the existing shed
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Hazards (Flooding)</li> <li>• Historic Area</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 18m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	17 Feb 2025
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.3 13/2/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Kieran Fairbrother Senior Urban Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	David Brown, Heritage Advisor

## CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Representation Map
ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 7:	Internal Referral Advice

---

## DETAILED DESCRIPTION OF PROPOSAL:

This application seeks planning consent for the construction of a two-storey detached dwelling where the second building level is concealed entirely within the roof space of the building. A flat-roofed garage sits behind and southwest of the main façade of the dwelling, as does similarly an ensuite on the northeast side of the dwelling.

The site contains over 1.5m of fall from front to rear, where it meets the rear lane. Thus, to achieve the finished level required to provide sufficient freeboard from flood waters in a 1% AEP event, significant fill of over 1.5m in some places is required. However, to avoid completely filling the site and to continue to provide an overland flow path for flows in such an event, the perimeter paving and rear yard of the dwelling step down by just over 1m below the FFL. Fencing and retaining walls are proposed commensurate to these finished levels.

## BACKGROUND:

The first design iteration of this dwelling involved a more obviously-two-storey dwelling, that had taller external wall heights, a 45° pitched roof and dormer windows. In response to feedback from Council administration and Council's Heritage Advisor, the applicant made favourable amendments to present the dwelling design now before the Council Assessment Panel.

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 74A FIFTH AV ST PETERS SA 5069

<b>Title ref.:</b> CT 5804/868	<b>Plan Parcel:</b> D796 AL556	<b>Council:</b> THE CITY OF NORWOOD PAYNEHAM AND ST PETERS
-----------------------------------	-----------------------------------	---

Shape:	regular
Frontage Width:	22.86m
Area:	approximately 1045m <sup>2</sup>
Topography:	approx. 1m of fall from front to rear
Existing structures:	an outbuilding in the rear western corner of the site
Existing vegetation:	scrubs and weeds have overtaken this vacant site

### Locality

The locality is characterised predominantly by single-storey, traditional residential dwellings that make up this historic area. There are several exceptions to this single-storey character, being 82, 80 and 74 Fifth Avenue, which all have a second level addition but that are not readily visible from the primary street.

This locality enjoys a high level of amenity, provided by a wide road carriageway, consistent, mature street tree plantings and generous front setbacks that accommodate well-landscaped front yards.

### CONSENT TYPE REQUIRED:

Planning Consent

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Fence: Code Assessed - Performance Assessed  
Retaining wall: Code Assessed - Performance Assessed  
Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

### PUBLIC NOTIFICATION

- **REASON**  
Development exceeds maximum building height TNV of 1 level
- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Andrew	Veitch	98 Fifth Avenue St Peters	Supportive	Yes
Duanna	Banham	69 Fifth Avenue St Peters	Opposed	Yes

- **SUMMARY**

The representor who is supportive of the development simply commented that this is a “great development”. The representor opposed to this development believes that the proposed dwelling is out of character with the streetscape by way of its “modern design” and “obvious two storey” appearance.

### INTERNAL REFERRALS

- David Brown, Heritage Advisor

Council’s Heritage Advisor is supportive of the proposal except for the front setback, which he believes should be increased by another 500mm.

### PLANNING ASSESSMENT

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

#### Demolition

Performance Outcome 7.3 of the Historic Area Overlay states:

*Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.*

The outbuilding in the western rear corner of the site is an ancillary building with no historic significance and its demolition is therefore supported by this Performance Outcome.

### **Building Height**

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

*Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

The corresponding Designated Performance Feature contains a TNV of one (1) building level.

Performance Outcome 1.1 of the Historic Area Overlay states:

*All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*

With respect to building heights, the Historic Area Statement states “predominantly single storey, up to two storeys in some locations”.

Performance Outcome 2.2 of the Historic Area Overlay states:

*Development is consistent with the prevailing building and wall heights in the historic area.*

The proposed dwelling is two storeys in height, but with the second building level contained entirely within the roof space. Skylights are used to receive light into the upper floor, which are not visible from ground level surrounding the dwelling. Consequently, from all angles the building presents as a single-storey dwelling which is consistent with the prevailing character of the neighbourhood and the streetscape.

Furthermore, the Streetscape Elevation provided in **Attachment 1** shows that the proposed dwelling will complement the height of nearby buildings; sitting lower than both adjoining buildings. The dwelling has external wall heights of 3.5m and an overall height of 6.8m, which is not dissimilar to the wall heights and building heights of some of the traditional buildings in this historic area. Accordingly, the proposed development is considered to satisfy the abovementioned Performance Outcomes.

### **Heritage (Design & Streetscape Character)**

Performance Outcome 2.1 of the Historic Area Overlay states:

*The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.*

Performance Outcome 2.3 of the Historic Area Overlay states:

*Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.*

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

*The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches*

The dwelling has been designed to mimic the form of a traditional double-fronted cottage with a 35° hipped roof above. The dwelling also contained a flat roofed garage to one side and a flat roofed addition to the other, both of which are setback further than the building line of the dwelling. A steel canopy is provided across the entire façade, which extends 1.8m forward of the stone pillared elements, as a contemporary take on a traditional front verandah. This design and roof pitch is a contextually-appropriate response to new development in this historic area and therefore satisfies the abovementioned Performance Outcomes.

Performance Outcome 2.5 of the Historic Area Overlay states:

*Materials are either consistent with or complement those within the historic area.*

Stone cladding is included across the façade of the dwelling, consistent with traditional materials used in this historic area. The flat-roofed side addition and garage employ a texture-coated render to give prominence to the main façade of the dwelling, which is a positive and reflective of traditional material palettes where render was used as a secondary material. The roof sheeting is proposed in a corrugated profile and in basalt colour, which is reflective of traditional roofing (both in profile and colour) and hence accords with Performance Outcome 2.5 above.

Performance Outcome 10.1 of the Established Neighbourhood Zone states:

*Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.*

The separation of the garage from under the main roof is a positive to the design, noting that the traditional dwellings in this historic area were never constructed with garaging or carports, and therefore could not be under the main roof. This design, combined with the increased setback of 2 metres, 'heroes' the double-fronted cottage-style design which is a positive for the street and the historic area, consistent with this Performance Outcome.

### **Setbacks and Visual Impact**

Performance Outcome 5.1 of the Established Neighbourhood Zone states:

*Buildings are set back from primary street boundaries consistent with the existing streetscape.*

Performance Outcome 2.4 of the Historic Area Overlay states:

*Development is consistent with the prevailing front and side boundary setback pattern in the historic area.*

There is a very consistent front setback line along the northwest side of Fifth Avenue, as demonstrated in **Attachment 2**. The front setback proposed for the subject building is 8.70m to the stone pillars and 9.20m to the windows in between, with the front canopy extending 1.8m forward of the building line. The garage is then set back further at 10.43m. These setbacks site the proposed dwelling further back than the building line of 74B Fifth Avenue (which is measured to the projecting gable wall on the northern side) and slightly forward of the building line of 74 Fifth Avenue.

Council's Heritage Advisor is of the view that the dwelling should be set back another 500mm, to better align with the neighbouring dwellings. However, this is not considered necessary because:

- The increased setback to the garage provides a stepped setback transition between the subject building and 74 Fifth Avenue;
- The canopy does not extend any closer to the street than the front verandah of 74 Fifth Avenue
- The dwelling at 74 Fifth Avenue is sited far below footpath level such that, at street level, it is difficult to discern exactly where the wall of the dwelling is located relative to the front of the front verandah; and
- The proposed front setback sits comfortably between the setback of the projecting gable of 74B Fifth Avenue and the balance of that dwelling's stepped façade.

Accordingly, the front setback proposed is considered to be consistent with the existing streetscape and the two adjoining dwellings and is therefore consistent with the abovementioned Performance Outcomes.

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

*Buildings are set back from side boundaries to provide:*

- (a) Separation between buildings in a way that complements the established character of the locality*
- (b) Access to natural light and ventilation for neighbours.*

With respect to the northern side boundary, the dwelling is set back between 1.67m and 4.86m at the ground level. Where the dwelling is situated 1.67m from the side boundary, the lower gutter level will be approximately 41.5 mAHD. As evidenced by the site plan in **Attachment 1**, this is almost the same level as the lower gutter level of the boundary wall at 74B Fifth Avenue, meaning the dwelling will not be any significantly taller than 74B Fifth Avenue despite the raised ground levels. As such, the 1.67m setback is considered appropriate. The increased setbacks to other sections of the dwelling are therefore equally adequate and hence this Performance Outcome is met in respect of the northern side boundary.

With respect to the southern side boundary, the dwelling is setback 1m the whole length of the building. The lower gutter level of the southern side of the dwelling is approximately 41.30 mAHD. As evidenced by the site plan in **Attachment 1**, the lower gutter level of the later addition at 74 Fifth Avenue is only approximately 300mm lower and therefore the 1m setback provided is considered consistent with Performance Outcome 8.1.

Performance Outcome 20.3 of the Design in Urban Areas module states:

*The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.*

The swimming pool area associated with 74 Fifth Avenue sits lower than the finished ground level of the proposed development where it adjacent this pool, such that the wall height visible from the neighbouring site will be approximately 4.2m tall. (This has been calculated by council administration by reviewing the levels provided in a 2017 development application for 74 Fifth Avenue, alongside the approximate levels provided in the applicant's elevation drawings). Thus, at a 1 metre setback, this wall will extend 1.8m above the existing 2.4m tall lightweight wall adjacent this swimming pool. This wall of the dwelling will be an imposing structure for occupants of the adjacent swimming pool and is therefore considered to contravene this Performance Outcome. However, for reasons explained below, and when considered on balance with all other aspects of the proposal, this is not considered fatal to the proposal. It is also worth noting in this context that the adjoining neighbour did not submit a representation during the public notification period.

Performance Outcome 3.2 of the Interface Between Land Uses module states:

*Overshadowing of the primary area of private open space... of adjacent residential land uses in a neighbourhood-type zone is minimised to maintain access to direct winter sunlight.*

The corresponding Designated Performance Feature states:

*Development maintains 2 hours of direct sunlight between 9.00am and 3.00pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- (a) For ground level private open space, the smaller of the following:*
  - i. Half the existing ground level open space*  
*Or*
  - ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)...*

The applicant's shadow diagrams (see **Attachment 1**) demonstrate that during the winter solstice (21 June), the private open space and swimming pool of 74 Fifth Avenue will be: heavily shadowed during the morning, mostly free from shadow by midday, and completely free of shadow by 3pm except for one very small section of the swimming pool. The Panel should note that these diagrams fail to demonstrate any shadowing expected from boundary fencing – only showing that from the proposed dwelling.

The extent of overshadowing created by this development comfortably achieves the expectations of DPF 3.2 (above). Notwithstanding, the extent of shadow produced at midday on the winter solstice evidences that most of the shadowing is limited to the morning and consequently the development is not considered to produce an unreasonable amount of overshadowing such that Performance Outcome 3.2 (above) is satisfied.

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

*Buildings are set back from rear boundaries to provide:*

- (a) Separation between buildings in a way that complements the established character of the locality*
- (b) Access to natural light and ventilation for neighbours*
- (c) Private open space*
- (d) Space for landscaping and vegetation.*

Notwithstanding that there is a laneway separating this site from sites to the rear, the dwelling is set back 7.5m from the rear boundary, providing areas for landscaping and vegetation and private open space consistent with this Performance Outcome.

## **Access and Parking**

Performance Outcome 23.4 of the Design in Urban Areas module of the general development policies states:

*Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.*

Performance Outcome 6.1 of the Historic Area Overlay states:



*The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.*

With respect to “streetscape and public realm features”, the Historic Area Statement suggests that ‘rear lanes [are] used for vehicle access and garages’.

This proposal seeks to establish a new crossover on the southern side of the allotment, measuring 5.2m in width. There is an existing crossover on the northern side of the subject land, which is proposed to be closed off as part of this development (and Condition No. 3 reinforces the need to do this).

Although this development does not seek to utilise the rear lane for access – as sought by the Historic Area Overlay – the development will not result in an additional crossover along Fifth Avenue, nor is this method of vehicle access inconsistent with the existing streetscape character. In particular, the two dwellings either side of the subject land and all five dwelling sites opposite the subject land have crossovers from Fifth Avenue. This access point does not interfere with any street tree plantings, street furniture or street infrastructure and is therefore considered to comply with these Performance Outcomes.

Performance Outcome 5.1 of the Transport, Access and Parking module of the general development policies states:

*Sufficient on-site vehicle parking...[is] provided to meet the needs of the development...*

Table 1 of the Transport, Access and Parking module suggests that a detached dwelling with two or more bedrooms should provide two car parking spaces. This development will provide for the parking of four vehicles within the garage, as well as at least two other vehicles on the driveway, if required, thereby satisfying Performance Outcome 5.1 above.

### **Site Coverage, Soft Landscaping and Private Open Space**

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

*Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

The corresponding Designated Performance Feature suggests that site coverage should not exceed 50%.

The building footprint proposed occupies approximately 523m<sup>2</sup> of the site, which equates to 50% of the site and is therefore acceptable from a quantitative perspective. As established in preceding sections of this report, sufficient space is provided around the building to limit visual impact, provide an attractive outlook and access to light and ventilation. Hence, Performance Outcome 3.1 is satisfied.

Performance Outcome 21.1 of the Design in Urban Areas module of the general development policies states:

*Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.*

Performance Outcome 21.2 of the Design in Urban Areas module of the general development policies states:

*Private open space is positioned to provide convenient access from internal living areas.*

Excluding the two small courtyards, over 300m<sup>2</sup> of private open space is provided for the occupants including the alfresco, which is directly accessible from the main living/entertaining areas of the dwelling; thereby satisfying both of these Performance Outcomes.

Performance Outcome 22.1 of the Design in Urban Areas module of the general development policies states:

*Soft landscaping is incorporated into development to:*

- (a) Minimise heat absorption and reflection*
- (b) Contribute shade and shelter*
- (c) Provide for stormwater infiltration and biodiversity*
- (d) Enhance the appearance of land and streetscapes.*

The corresponding Designated Performance Feature suggests that 25% of the site should be comprised of soft landscaping to satisfy this Performance Outcome.

Performance Outcome 6.2 of the Historic Area Overlay states:

*Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.*

With respect to landscaping, the Historic Area Statement states that 'landscaping around a dwelling, particularly in the front garden', is an important design element.

A landscaping plan has been provided for this development (**Attachment 1**) which shows:

- Over 30% of the site will be comprised of soft landscaping areas
- Substantial plantings are being provided along the rear and side boundaries of the site;
- The front setback area will be comprised predominantly of significant areas of soft landscaping, including lawn, small shrubs and small tree plantings.

Accordingly, the development is considered to contribute to the valued landscape patterns sought in this Historic Area (per Performance Outcome 6.2 above) and provide sufficient soft landscaping to achieve the outcomes sought by Performance Outcome 22.1 of the Design in Urban Areas module.

Performance Outcome 1.1 of the Urban Tree Canopy Overlay states:

*Trees are planted or retained to contribute to an urban tree canopy.*

The corresponding Designated Performance Feature sets out minimum plantings expected of development involving new dwellings. Practice Direction 12 mandates the inclusion of a condition that requires tree(s) to be planted in accordance with this DPF, which is reflected in Condition No. 5.

## **Flooding & Stormwater**

Performance Outcome 2.1 of the Hazards (Flooding – General) Overlay states:

*Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.*

The corresponding Designated Performance Feature suggests that a finished floor level of at least 300mm above the 1% AEP event flood level is sufficient to satisfy this Performance Outcome. In this respect, advice received by Council's external engineer (Tonkin) has confirmed that the dwelling will maintain sufficient freeboard (approximately 500mm) in a 1% AEP event (see **Attachment 7**).

Performance Outcome 3.2 of the Hazards (Flooding) Overlay states:

*Development does not cause unacceptable impacts on any adjoining property by the diversion of flood waters or an increase in flood velocity or flood level.*

Performance Outcome 3.3 of the Hazards (Flooding) Overlay states:

*Development does not impede the flow of floodwaters through the allotment or the surrounding land, or cause an unacceptable loss of flood storage.*

In similar terms, Performance Outcome 5.1 of the Hazards (Flooding) Overlay states:

*The depth and extent of filling required to raise the finished floor level of a building does not cause unacceptable impact on any adjoining property by diversion of flood waters, an increase in flood velocity or flood level, or an unacceptable loss of flood storage.*

The subject land serves as an overland flow path in a 1% AEP event (see **Attachment 3**) and so advice was sought from Tonkin in respect of these Performance Outcomes. Specifically, it needs to be understood whether the proposed development will impede the flow of flood waters such that an unreasonable impact is caused to adjoining properties.

In so doing, it is important to note that the assessment undertaken needs to be a comparative analysis between the flow path provided by the site prior to the previous dwelling on the site being demolished (which was in late 2017/early 2018) and the flow path provided upon completion of the proposed development. This is because the flood mapping shown in **Attachment 3** was modelled and completed before the demolition of the dwelling on this site.

To this end, because the side setbacks of the proposed development are lesser than those provided to the previous dwelling on this site, Tonkin has undertaken a high-level assessment to quantify the approximate increase in depth of waters in a 1% AEP event and thus determine if the side setbacks provided in this development remain sufficient.

Tonkin have confirmed that the side setbacks provided are still sufficient, noting that the depth of the flows in a 1% AEP event will increase by approximately 6-13mm. Furthermore, because the dwelling has a finished floor level 500mm above the pre-development flood level, the additional 6-13mm of flood depth means that the finished floor level remains sufficient.

However, in order to continue to provide an adequate flow path, it is imperative that openings continue to be provided on both sides of the dwelling and at the rear of the site to allow water to flow through. Rather than relying on a condition to this effect, Council administration believe that a Reserved Matter provides a more effective mechanism for determining how this is to be achieved which, once satisfied, can form part of the approved plans. Upon satisfaction of this Reserved Matter, conditions will be imposed requiring such

openings to remain in place and preventing the erection of any other structures within the rear yard without obtaining development approval, to ensure the flow path remains available. This is reflected in the recommendation below.

### **Question of Seriously at Variance**

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2025.3, dated 13/02/2025), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code because:

- Detached dwellings are envisaged within the Established Neighbourhood Zone;
- Despite being two storeys in height, the building presents as a single storey building consistent with the character sought in this Historic Area;
- The site achieves the expected quantitative criteria in terms of site coverage, soft landscaping and private open space; and
- Engineering advice has confirmed that the proposed development accords with relevant policies within the relevant Flooding Overlays.

### **CONCLUSION**

This proposal is for a contemporary two-storey detached dwelling that has taken design cues from a traditional double-fronted cottage, including a canopy across the façade and visual separation to a garage and side ensuite. The second level of the building is to be constructed entirely within the appropriately-pitched roof of the dwelling which, with rooftop skylights, eliminates any knowledge of there being a second level to outside observers.

The building maintains appropriate setbacks to all site boundaries and achieves all site coverage, soft landscaping, private open space and car parking expectations. Although the alfresco wall will produce some unreasonable visual impact on occupants of the adjoining dwelling to the south, the shadow produced by this wall is considered reasonable in the context and this one departure is not considered to render the whole proposal unsupportable.

Adequate provisions shall be made for overland flows for a 1% AEP storm event, to ensure the site remains suitable as an overland flow path and adjacent sites are not unreasonably impacted by this development by way of increased susceptibility to flooding. The dwelling will maintain sufficient freeboard in such an event too.

### **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 25003620, by GALVIN GROUP STUDIO PTY LTD is granted Planning Consent subject to the following conditions and reserved matters:

## RESERVED MATTERS

### *Planning Consent*

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

This site currently provides an overland flow path for flood waters in a 1% AEP storm event. Accordingly, to ensure such waters are not diverted in a manner that would unreasonably impact adjacent properties, this site must provide open-style fencing on both sides of the dwelling as well as an opening along the rear boundary to allow these waters to continue to flow through.

To that end, you are required to provide Elevation Drawings, to the reasonable satisfaction of the Assessment Manager, that demonstrate:

- open-style (e.g. tubular) fencing/gates on both sides of the dwelling and garage; and
- an opening along the rear boundary that is either comprised of an open-style gate, or an opening of minimum 700mm width below solid fencing above.

The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.

*NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matters.*

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

## CONDITIONS

### **Planning Consent**

#### Condition 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).

#### Condition 2

All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.

#### Condition 3

The existing vehicular crossover on Fifth Avenue shall be reinstated to kerb and gutter so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Assessment Manager. All associated costs shall be borne by the owner / applicant.

#### Condition 4

The approved development must include rainwater tank storage which is:

1. connected to at least 60% of the roof area;
2. connected to one toilet and either the laundry cold water outlets or hot water service;
3. with a minimum retention capacity of 4000 litres;
4. if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and

5. where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank within 12 months of occupation of the dwelling(s).

**Condition 5**

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

**Condition 6**

The retaining walls indicated on the approved plans are to be constructed prior to the commencement of the construction of the dwelling(s) to ensure that the land is suitably stabilised to prevent slip and pollution through soil erosion.

**Condition 7**

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Please note that disposal of the stormwater to the adjacent laneway is not permitted and compliance with this condition will only be achieved with all stormwater being directed to the primary street kerb and water table or associated underground pipe drainage system.

**Condition 8**

All new retaining walls and fencing on side boundaries shall be waterproofed to prevent the entry of flood waters into neighbouring allotments by sealing airtight the junction between the retaining walls and fencing panels above.

**Condition 9**

Council's specifications require the driveway crossover between the back of kerb and the property boundary to be shaped to provide a verge slope no greater than 2.5% fall towards the road where a footpath is present and a maximum 5% where no footpath is present. Any gradient required to accommodate vehicle access that exceeds the Council specifications shall be accommodated entirely within the boundaries of the subject land.

**ADVISORY NOTES**

**Planning Consent**

**Advisory Note 1**

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.

**Advisory Note 2**

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;

3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

#### Advisory Note 3

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.

#### Advisory Note 4

To assist in the interpretation of the Urban Tree Canopy condition noted above, where payment into a relevant off-set scheme is not possible or chosen, tree(s) must be planted in accordance with the requirements set out below. Further guidance and information can be obtained by visiting the Landscaping and Development webpage on the Council's website ([https://www.npsp.sa.gov.au/planning\\_and\\_development/landscaping-and-development](https://www.npsp.sa.gov.au/planning_and_development/landscaping-and-development)) or contacting the Council's Planning Department on (08) 8366 4555.

#### **Lot Size Per Dwelling (m2) // Tree Size and Number Required**

<450 // 1 small tree

450-800 // 1 medium tree or 2 small trees

>800 // 1 large tree or 2 medium trees or 4 small trees

#### **Tree Size // Mature Height (minimum) // Mature Spread (minimum) // Soil Area Around Tree Within Development Site (minimum)**

Small // 4m // 2m // 10m<sup>2</sup> and min. dimension of 1.5m

Medium // 6m // 4m // 30m<sup>2</sup> and min. dimension of 2m

Large // 12m // 8m // 60m<sup>2</sup> and min. dimension of 4m

#### Advisory Note 5

The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including all fencing).

#### Advisory Note 6

The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

#### Advisory Note 7

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the *Fences Act 1975* regarding notification of any neighbours affected by new boundary development or boundary fencing.

Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

**Advisory Note 8**

The Applicant is advised that construction noise is not allowed:

1. on any Sunday or public holiday; or
2. after 7pm or before 7am on any other day

**Advisory Note 9**

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

**Advisory Note 10**

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

**Advisory Note 11**

If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.

**Advisory Note 12**

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

---

*Mr Banham addressed the Council Assessment Panel from 6:49pm until 6:54pm*

*Mr Pritchard addressed the Council Assessment Panel from 6:58pm until 7:03pm*

**Moved by Mr Bateup**

1. *The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 25003620, by GALVIN GROUP STUDIO PTY LTD is granted Planning Consent subject to the following conditions and reserved matters:*



## **RESERVED MATTERS**

### **Planning Consent**

*Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:*

*This site currently provides an overland flow path for flood waters in a 1% AEP storm event. Accordingly, to ensure such waters are not diverted in a manner that would unreasonably impact adjacent properties, this site must provide open-style fencing on both sides of the dwelling as well as an opening along the rear boundary to allow these waters to continue to flow through.*

*To that end, you are required to provide Elevation Drawings, to the reasonable satisfaction of the Assessment Manager, that demonstrate:*

- open-style (e.g. tubular) fencing/gates on both sides of the dwelling and garage; and*
- an opening along the rear boundary that is either comprised of an open-style gate, or an opening of minimum 700mm height below solid fencing above.*

*The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.*

*NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matters.*

*Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.*

## **CONDITIONS**

### **Planning Consent**

#### *Condition 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).*

#### *Condition 2*

*All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.*

#### *Condition 3*

*The existing vehicular crossover on Fifth Avenue shall be reinstated to kerb and gutter so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Assessment Manager. All associated costs shall be borne by the owner / applicant.*

#### *Condition 4*

*The approved development must include rainwater tank storage which is:*

- 1. connected to at least 60% of the roof area;*
- 2. connected to one toilet and either the laundry cold water outlets or hot water service;*
- 3. with a minimum retention capacity of 4000 litres;*

4. if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and
5. where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank

within 12 months of occupation of the dwelling(s).

**Condition 5**

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

**Condition 6**

The retaining walls indicated on the approved plans are to be constructed prior to the commencement of the construction of the dwelling(s) to ensure that the land is suitably stabilised to prevent slip and pollution through soil erosion.

**Condition 7**

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Please note that disposal of the stormwater to the adjacent laneway is not permitted and compliance with this condition will only be achieved with all stormwater being directed to the primary street kerb and water table or associated underground pipe drainage system.

**Condition 8**

All new retaining walls and fencing on side boundaries shall be waterproofed to prevent the entry of flood waters into neighbouring allotments by sealing airtight the junction between the retaining walls and fencing panels above.

**Condition 9**

Council's specifications require the driveway crossover between the back of kerb and the property boundary to be shaped to provide a verge slope no greater than 2.5% fall towards the road where a footpath is present and a maximum 5% where no footpath is present. Any gradient required to accommodate vehicle access that exceeds the Council specifications shall be accommodated entirely within the boundaries of the subject land.

**ADVISORY NOTES**

**Planning Consent**

**Advisory Note 1**

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.

**Advisory Note 2**

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;

3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

**Advisory Note 3**

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.

**Advisory Note 4**

To assist in the interpretation of the Urban Tree Canopy condition noted above, where payment into a relevant off-set scheme is not possible or chosen, tree(s) must be planted in accordance with the requirements set out below. Further guidance and information can be obtained by visiting the Landscaping and Development webpage on the Council's website ([https://www.npsp.sa.gov.au/planning\\_and\\_development/landscaping-and-development](https://www.npsp.sa.gov.au/planning_and_development/landscaping-and-development)) or contacting the Council's Planning Department on (08) 8366 4555.

**Lot Size Per Dwelling (m2) // Tree Size and Number Required**

<450 // 1 small tree

450-800 // 1 medium tree or 2 small trees

>800 // 1 large tree or 2 medium trees or 4 small trees

**Tree Size // Mature Height (minimum) // Mature Spread (minimum) // Soil Area Around Tree Within Development Site (minimum)**

Small // 4m // 2m // 10m<sup>2</sup> and min. dimension of 1.5m

Medium // 6m // 4m // 30m<sup>2</sup> and min. dimension of 2m

Large // 12m // 8m // 60m<sup>2</sup> and min. dimension of 4m

**Advisory Note 5**

The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including all fencing).

**Advisory Note 6**

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

**Advisory Note 7**

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing.

*Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.*

**Advisory Note 8**

*The Applicant is advised that construction noise is not allowed:*

- 1. on any Sunday or public holiday; or*
- 2. after 7pm or before 7am on any other day*

**Advisory Note 9**

*The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.*

**Advisory Note 10**

*The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*

**Advisory Note 11**

*If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.*

**Advisory Note 12**

*The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

**Seconded by Mr Mickan  
CARRIED**

**5.3 DEVELOPMENT NUMBER ID 25010926 – LISA RICKARD  
– 60 & 62 SECOND AVENUE ST PETERS SA 5069**

<b>DEVELOPMENT NO.:</b>	25010926
<b>APPLICANT:</b>	Lisa Rickard
<b>ADDRESS:</b>	60 SECOND AV ST PETERS SA 5069 62 SECOND AV ST PETERS SA 5069
<b>NATURE OF DEVELOPMENT:</b>	Demolition of the existing building, and construction of a new two-storey detached dwelling at 60 Second Avenue, St Peters, and an associated swimming pool
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Historic Area</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 18m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	22 Apr 2025
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.7 10/04/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Edmund Feary Senior Urban Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Heritage Advisor City Arborist Consultant Hydrological Engineer

## CONTENTS:

<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>	<b>ATTACHMENT 5:</b>	<b>Representations</b>
<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 6:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land &amp; Locality Map</b>	<b>ATTACHMENT 7:</b>	<b>Internal Referral Advice</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>		
<b>ATTACHMENT 4:</b>	<b>Representation Map</b>		

## DETAILED DESCRIPTION OF PROPOSAL:

The application proposes to demolish the existing building which straddles the boundary line between the two allotments. The building contains two semi-detached dwellings, which generally reflect the allotment boundaries.

The proposed dwelling in this application is on the allotment identified as 60 Second Avenue, St Peters; at the corner of Second Avenue and Westminster Street. The building is a two-storey detached dwelling, though it seeks to provide a mostly single storey appearance to the street, with the upper floor being set substantially back from the primary street, and in the roof space when viewed from the secondary street.

Vehicle access is provided from Third Lane to a proposed garage which is within the structure of the main building, with a third space in the garage provided through access via the existing crossover on Westminster Street. Private open space is provided between the building and the secondary street, and includes an alfresco area and a swimming pool.

## BACKGROUND:

This application is also related with DA 25010933, which also proposes the demolition of the building, and the construction of a dwelling on 62 Second Ave, St Peters.

As the construction of both dwellings is contingent on the demolition of the building, which requires approval due to being in the Historic Area Overlay, both applications include both allotments in the site description, and include the demolition of the building in the elements and nature of development.

This site at 60 Second Avenue also had a significant willow myrtle tree growing on the site, but this was removed, as approved under DA 24037091.

## SUBJECT LAND & LOCALITY:

### Site Description:

The site is two existing Torrens-Title allotments, with one building across both allotments, as outlined above. The dwelling proposed is on the allotment known as 60 Second Ave, St Peters. Other than in relation to demolition, when referring to “the site” in this report, it will refer to 60 Second Ave.

**Location reference:** 62 SECOND AV ST PETERS SA 5069

**Title ref.:** CT 5479/529

**Plan Parcel:** F13509 AL2

**Council:** THE CITY OF NORWOOD  
PAYNEHAM AND ST PETERS

**Location reference:** 60 SECOND AV ST PETERS SA 5069

**Title ref.:** CT 5479/20

**Plan Parcel:** F13509 AL1

**Council:** THE CITY OF NORWOOD  
PAYNEHAM AND ST PETERS

Shape: Regular

Frontage width:	11.5m
Area:	Approximately 524m <sup>2</sup>
Topography:	Mostly flat
Existing structures:	Single storey Spanish Mission style building (two semi-detached dwellings) and associated outbuildings
Existing vegetation:	Lawn, shrubs and small trees. Note recently removed, significant willow myrtle tree

## Locality

The locality is shown in **Attachment 2**. It extends some 120m to the southwest of the site along Second Avenue, and includes sites on the opposite sides of both Second Avenue and Third Lane from the subject site. The locality also includes part of the East Adelaide Primary School site, which sits on the opposite side of Westminster Street from the subject site.

The area is characterised by wide, tree-lined streets, generally with mature London Plane street trees. Small service lanes (formerly “night-cart lanes”) run parallel to the avenues, with most properties having vehicle access from these lanes.

The residential built form of the locality is predominantly double-fronted villas and cottages, typically constructed from 1880-1910.

The main school building (for the purposes of its influence on this locality) is located on the corner of Second Avenue and Westminster Street, with a car parking area between the building and the Westminster Street frontage. This building (and the small building to its northeast) are of a similar era to the dwellings in the locality, and also has similar design elements with gables and stone construction. Nonetheless, this building has a taller wall and roof height with a steeper pitch of around 45 degrees, compared to 30 degrees more typical for the residential buildings of the locality.

The school generates a relatively large amount of traffic and parking demand in what is otherwise a fairly quiet residential area. Nonetheless, the locality exhibits a very high degree of residential amenity.

## CONSENT TYPE REQUIRED:

Planning Consent

## CATEGORY OF DEVELOPMENT:

- **PER** **ELEMENT:**  

Detached dwelling:	Code	Assessed	-	Performance	Assessed
Demolition:	Code	Assessed	-	Performance	Assessed
New					housing
Demolition					
Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed					
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code; No other pathway available- HAO

## PUBLIC NOTIFICATION

- **REASON**  
Two storey building in an area with a single storey TNV

• **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Martin	Godfrey	105 First Ave, Joslin	Opposed	No
St Peters Residents' Association		N/A	Opposed	No
East Adelaide Primary School		57 Second Ave, St Peters	Supportive, with concerns	No

It is noted that an additional representation was received on the related DA for the new dwelling at 62 Second Ave, that representation coming from the owner of the home to the southwest of the site. That representation was concerned with overlooking, which given the nature of the sites, would actually be a consequence of this application, rather than the one to which that representation was submitted. Its concerns about overlooking are therefore also considered relevant to this application, and will be addressed in the Planning Assessment.

**SUMMARY**

Concerns raised by representors include overlooking and streetscape appearance, including upper floor prominence and landscaping. The school also raised concerns regarding traffic management during the construction phase.

**AGENCY REFERRALS**

None

**INTERNAL REFERRALS**

- Heritage Advisor, David Brown

Council's Heritage Advisor provided preliminary advice on this proposal and is generally supportive. His advice can be found in **Attachment 7**.

- City Arborist, Matthew Cole

The application was referred to the City Arborist to evaluate potential impacts on street trees. This will be addressed under the relevant section of this report, with the advice included in **Attachment 7**.

- Consultant Hydrological Engineer, Melinda Lutton

As the site is within the Hazards (Flooding-General) Overlay, the application was referred to Council's Consultant Hydrological Engineers (Tonkin Consulting). It was confirmed that the site is not subject to inundation in the 1% AEP event. However, the referral advice was provided on the basis of a finished floor level (FFL) which was 300mm above the top of kerb. The design has since been revised to have an FFL of only 10mm above the top of kerb.

Given that the site is not subject to flooding, it is not expected that this lower level will cause additional issues, however it was determined by administration to be prudent to seek additional advice to confirm this. This additional advice confirmed that as neither property was flood affected, an FFL which is at kerb level is acceptable.

**PLANNING ASSESSMENT**

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



## Land Use

The proposed development is residential in use, consistent with the existing use. While the application does involve a change of use from semi-detached dwelling to detached dwelling, this is within the same sensitivity category for the purposes of site contamination, and no contamination investigations are required.

Residential uses are the primarily intended uses of the Established Neighbourhood Zone, and detached dwellings are the form identified in the Historic Area Overlay as being typical in the locality. The land use is therefore considered consistent with the Code.

## Demolition and Heritage Value of Existing Building

As the site is in the Historic Area Overlay, the demolition of the existing building is development, but it is noted that the site is not identified as a Representative Building.

It is noted that Valuer-General's data suggests that the existing building on the site was constructed in 1940, generally consistent with the era of the Historic Area Statement (only being one year after the "interwar" period ended). Nonetheless, the Historic Area Statement also specifies the styles of dwelling which are significant within the Historic Area Overlay, which in this case is:

*Predominantly single-storey, detached, late Victorian Italianate villas of reasonably substantial proportions.*

*Elsewhere - the consistent styles of detached late Victorian Italianate villas of reasonably substantial proportions.*

*Double fronted asymmetrical dwellings are the most common dwelling type, although there are a range of symmetrical dwellings, East Adelaide Company dwellings and some larger villas and mansions.*

*The double fronted symmetrical and asymmetrical dwellings are an elegant, larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element.*

*Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling.*

*Some Edwardian style housing (such as Queen Anne and Art Nouveau styles), generally located within the later subdivided areas or on blocks which were re-subdivided from larger allotments.*

Through this extensive explanation of what styles are consistent with the Overlay's intent, there is no mention of Spanish Mission.

Council's Heritage Advisor did not object to the demolition, noting the following:

*The existing house on the site has been reworked several times over its life. It appears to have started off as an Interwar dwelling with a low pitched hipped roof and has no remaining defining stylistic features that allude to whether it was a late Bungalow, Spanish Mission, early Art Deco or other Interwar Style. It has then had a layer of 1970s Spanish Mission added to the front, likely when it was split into two dwellings, with the interiors and exterior significantly reworked.*

*The dwelling does not demonstrate the historic characteristics as expressed in the Historic Area Statement, as while it is probably an Interwar Dwelling, it has been greatly reworked, and is not a notable example of its era (hence not picked up in the Interwar Heritage Survey).*

Further detail can be found in the Heritage Advisor's report in **Attachment 7**.

The relevant policy in this case is Historic Area Overlay PO 7.3:

*Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.*

As outlined in the advice from Council's Heritage Advisor, this building does not conform with the values described in the Historic Area Statement, and therefore, its demolition is acceptable.

## Streetscape Appearance

Council's Heritage Advisor summarises his overall view of the proposal as follows:

*The overall design is relatively understated, simple and does not try to compete visually [with] the surrounding dwellings. It has similar forms and materials to other historic dwellings in the area. While the roof is slightly taller than some other buildings nearby, the intent is to hide the upper level from the street. The upper level is not quite as well integrated as No 62, so may be partially visible from the street from some angles.*

*From a heritage perspective, the building is considered an acceptable insertion in this historic area.*

The dwelling is hipped roofed, similarly to double fronted cottages which are commonplace in the Historic Area.

The building is two storeys in height compared to the single storey TNV for the area. The upper floor is set behind a single-storey with a large, hipped roof. This roof will largely hide the upper floor such that it will not be easily seen from the streetscape.

This results in a larger roof than is typical, which was a concern raised by a representor. In particular, they noted that the 45 degree pitch was inconsistent with the 30 degree pitch typical in the area, and they did not support the concept of using the school buildings as justification for the roof proposed. As noted in the plans provided by the applicant, the school buildings include a 45 degree pitch and a much taller roof height. Council's Heritage Advisor disagreed with this representor, and is of the view that the higher pitch was a positive in tying in the school building with the rest of the streetscape.

Indeed, the school buildings are part of the locality, and are part of the area's historic fabric, even if the institutional character is somewhat distinct from the residential nature of this site. Nonetheless, it should be noted that the school site is in the Community Facilities Zone and is not part of the Historic Area Overlay (though the main building in question is a Local Heritage Place).

Relevant policies include Established Neighbourhood Zone PO 10.2 and Historic Area Overlay PO 2.1, 2.2 and 2.3:

*The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.*

*The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.*

*Development is consistent with the prevailing building and wall heights in the historic area. Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.*

While the proposed roof is of a slightly larger scale than is typical in the locality, it is more comparable to the residential buildings than the much larger scale of the school building. Its slightly larger scale provides a transition in order to create an overall consistent appearance through the broader streetscape.

The colour palette is predominately grey and white, with the stonework on the front facade generally consistent with the materials in the Historic Area.

No garaging faces the streetscape, with vehicle access instead being achieved from Third Lane. This is typical in the Historic Area, though the existing building does have a driveway from Second Avenue. Nonetheless, the removal of garaging from the streetscape is a positive.

The proposed front setback of the development is 8.85m, substantially further back than the dwelling to the southwest. Council's Heritage Advisor made the following comments:

*The front setback for the proposed dwelling is quite generous given the context. It is set further back than the existing old dwelling on the adjacent site. The dwelling is attached to the other new dwelling at No 62, but with a recessed area that the front of the dwelling giving the appearance of being detached. This is also the case at the rear.*

The additional front setback increases the space available for landscaping. The Historic Area Statement does state that, "Landscaping around a dwelling, particularly in the front garden, is an important design element", so adding additional landscaping to this front yard is consistent with this pattern in the streetscape, despite it being further back.

Moreover, the 4.875m front setback of the neighbouring dwelling shown on the plans is generally substantially closer to the street than the standard pattern, with this being a projecting bay window. The 8.5m to the carport is more consistent with the overall streetscape pattern, though this is somewhat further back than the general pattern. Nonetheless, the proposed setback will not look so substantially out of place as to warrant refusal.

### **Traffic, Access and Parking**

The proposal includes a three-car garage, accessed from Third Lane. This is done through two doors; one double width (5m wide) and another single width (2.4m wide). The double door is set back 1.6m from the laneway boundary, and the single door 2.2m.

The new proposal, with reinstatement of the existing crossover to upright kerb, is expected to result in an additional on-street parking space being created.

The three covered parking spaces provide more than meet the guideline provided by Transport, Access and Parking Table 1. These spaces comply with the minimum dimensions outlined in the Code.

The additional setback of 3m from the laneway to the garage allows for suitable manoeuvring room for vehicles to enter and exit the garage. The Code at Design in Urban Areas DPF 23.5 seeks for 6.2m from the opposite side of the laneway to allow for such turning manoeuvres, and it is understood that the laneway is 4.5m wide, meaning that the 1.6m and 2.2m provided allows for 6.1m and 6.7m respectively. The wider double door is the one set closer to the laneway, and this being 5m wide rather than the standard 4.8m is expected to adequately allow for manoeuvring despite the slight shortfall in manoeuvring width.

Furthermore, it is noted that, as raised by East Adelaide Primary School in their representation, the area is heavily trafficked around school pick-up/drop-off time. In order to manage the impacts of construction on this traffic and parking situation, and Reserved Matter is proposed requiring the applicant to coordinate a Construction Environment Management Plan with Council.

### **Neighbour Outlook**

The proposal includes a long boundary wall on the northeastern boundary. This would abut a similar wall on the complimentary proposal on the neighbouring site. Given these walls would abut each other, the resultant visual impact (should both proposals be constructed as proposed), would be substantially reduced.

The upper floor would also be more visible from neighbouring properties than is the case for its streetscape appearance.

The site immediately to the northwest of the subject site is oriented to face Westminster Street and is separated from the subject site by Third Lane. This is to say that impacts on this neighbour will be mitigated by the orientation of the site (i.e. it is their side boundary), and by the separation from the lane.

The development would result in a site coverage of 330.7m<sup>2</sup> or 63%. This is well above the 50% sought by the Technical and Numeric Variation. Established Neighbourhood Zone PO 3.1 seeks that "Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and allow access to light and ventilation."

This PO will require consideration of setbacks, which are outlined below.

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

*Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.*

As noted above, there is a large dwelling boundary wall which aligns with the proposed boundary wall on the neighbouring allotment, minimising its impact. There is also, however, a boundary wall for the garage, 3.2m tall and 6.6m long. This conforms with the dimensions expected in Established Neighbourhood Zone DPF 7.1. This garage boundary wall abuts the garage of the neighbouring dwelling to the southwest.

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

*Buildings are set back from side boundaries to provide:*

- a) *separation between buildings in a way that complements the established character of the locality*
- b) *access to natural light and ventilation for neighbours.*

The proposed upper floor setbacks are 2.98m on the northeastern side, 4.45m on the southwestern side. With a 6.8m wall height for the upper floor, the associated DPF seeks an upper floor side setback of 2.17m. Therefore, the development complies with the relevant guideline for a setback.

That said, the upper floor is a slightly unusual arrangement, with the verandah having a 45-degree pitch down from the upper floor wall, covering part of the proposed wall. This is challenging to understand from some of the elevations, so it may be best understood from the perspective images showing the pool area.

This roof starts at approximately 450mm from the property boundary, so this roof would be outside the building envelope expected by the side setback DPF. Nonetheless, this roof will be less impactful than a wall, particularly with the proposed louvres skylights.

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

*Buildings are set back from rear boundaries to provide:*

- a) *separation between buildings in a way that complements the established character of the locality*
- b) *access to natural light and ventilation for neighbours*
- c) *private open space*
- d) *space for landscaping and vegetation.*

The associated DPF suggests a 4m ground floor rear setback, and 6m for the upper floor. The upper floor setback is substantially greater than this, but the ground floor setback to the garage is well short of this at only 1.6m.

As addressed elsewhere, private open space and landscaping are provided sufficiently, so the relevant considerations are “character” and shadowing. Given the orientation of the sites, it is considered that the shadowing impact would not be unreasonable.

In terms of character, buildings closer to the rear boundary is not uncommon in the area, given the presence of rear lanes, with garaging off of these lanes. Having this garaging physically linked to the main dwelling is not uncommon, meaning that this would not be inconsistent with this character.

Overall, while site coverage is quite high, the actual building footprint is not inconsistent with the character of the area.

### **Privacy**

One representor was concerned by the potential overlooking from the windows which look southwest. These windows include a louvre system, which was presumed to be for the purposes of privacy. However, as advised by the applicant in their response to representations, the windows behind these louvres have a proposed sill height of 1.5m, and the louvres are not there for privacy.

As the windows comply with Design in Urban Areas DPF 10.1, the development generally provides appropriate privacy. The standard privacy condition is recommended.

### **Landscaping**

The proposal includes 103.5m<sup>2</sup> of soft landscaping, which represents approximately 19.7% of the site.

Nonetheless, there are additional areas which do not meet the minimum dimension (700mm) sought by the Code, and the proposed swimming pool also contributes to the outcomes sought by Design in Urban Areas

Performance Outcome PO 22.1. Much this is in the front yard, including two substantial trees, contributing to the leafy character of the area. A series of other trees and shrubs are proposed close to the secondary frontage, also achieving this.

It should be noted that for a site of this size, the Urban Tree Canopy Overlay requires the planting of one medium or two small trees. A medium tree requires a soil area of at least 30m<sup>2</sup> with a minimum dimension of 2m. The trees outlined on the landscaping plan are provided with suitable soil area to achieve this, and the height and spread of these trees, while on the small side for a medium tree, appears to be generally appropriate.

### **Private Open Space**

Approximately 104m<sup>2</sup> of private open space, directly accessible from a living area, is provided in the area between the dwelling and the secondary street, well exceeding the 60m<sup>2</sup> minimum guideline outlined in Design in Urban Areas Table 1. Additional landscaping and utility areas are proposed in addition to this.

While lacking a traditional “backyard”, the proposed private open space is in a side yard which is suitable for this purpose.

### **Stormwater Management**

A simple stormwater layout is provided on the site plan, showing stormwater flowing by gravity to the existing outlet on Second Avenue. The standard condition relating to stormwater management is recommended, with an additional note that stormwater should not be disposed of into Third Lane due to the lack of infrastructure in Third Lane. The standard condition relating to the installation of rainwater tanks is also recommended.

### **Flooding**

The site is within the Hazards (Flooding- General Overlay) but Council’s Consultant Hydrological Engineer has confirmed that the site is in fact outside of the extent of the 1% AEP floodplain. As outlined in the internal referrals section of this report, the lower level of the proposed dwelling is of some concern, but Council’s engineer has advised that a floor level at kerb level (as proposed) is acceptable

### **Verge Infrastructure (including street trees)**

As outlined in Council’s City Arborist’s advice (see **Attachment 7**), the site is surrounded by London Plane Trees. The City Arborist suggested that, in general, these trees are fairly tolerant of root disturbance, and he does not expect major issues relating to these trees, though some conditions are recommended.

Tree 1 is the only tree relevant for this site, with the City Arborist advising:

*Root pruning with respect to Trees 1-3 should be conditioned advising no root pruning can occur within 4m of the centre of the subject tree.*

It is not anticipated that any such pruning should be needed as part of this development, given the proposed retention of the existing fencing and stormwater outlet, but the condition is recommended regardless.

A condition is also recommended requiring reinstatement of the existing crossover.

### **Question of Seriously at Variance**

The proposed development comprises demolition of an existing building containing two semi-detached dwellings, and construction of a two-storey detached dwelling (with a mostly single-storey streetscape appearance). It is located in the Established Neighbourhood Zone. Development of this nature is appropriate within the site, locality or in the subject Zone for the following reasons:

- The Established Neighbourhood Zone envisages the development of detached dwellings;
- The demolition of buildings in the Historic Area Overlay is also contemplated in the Code;

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

## CONCLUSION

Overall, the proposal generally accords with the relevant Performance Outcomes of the Code. The existing building on the site is not representative of the Historic Area, and its demolition is therefore envisaged by the Historic Area Overlay. The new building, while it does exceed the building height and site coverage guidelines, is designed to minimise these impacts. Its design is suitably consistent with design features of the Historic Area such that its appearance will complement the traditional housing stock in the area.

## RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 25010926, by Lisa Rickard is granted Planning Consent subject to the following reserved matter/conditions:

### RESERVED MATTER

#### Planning Consent

##### Reserved Matter 1

A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with, and to the satisfaction of, the Assessment Manager prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- Car parking and access arrangements for tradespersons
- Work in the Public Realm
- Hoarding
- Traffic requirements including construction access/egress and heavy vehicle routes
- Reinstatement of infrastructure

The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.

NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.

Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

### CONDITIONS

#### Planning Consent

##### Condition 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).

Condition 2

Either:

1. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
2. Where provided for by any relevant off-set scheme established under section 197 of the *Planning, Development and Infrastructure Act 2016* (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.

Condition 3

The approved development must include rainwater tank storage which is:

1. connected to at least 60% of the roof area;
2. connected to one toilet and either the laundry cold water outlets or hot water service;
3. with a minimum retention capacity of 4000 litres;
4. if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and
5. where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank

within 12 months of occupation of the dwelling(s).

Condition 4

All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.

Condition 5

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system. Please note that disposal of the stormwater to the adjacent laneway is not permitted and compliance with this condition will only be achieved with all stormwater being directed to the primary street kerb and water table or associated underground pipe drainage system.

Condition 6

The upper floor windows shall either have sill heights of a minimum of 1500mm above floor level or be treated to a minimum height of 1500mm above floor level, within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

Condition 7

The existing vehicular crossover on Second Avenue shall be reinstated to kerb and gutter so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Assessment Manager. All associated costs shall be borne by the owner / applicant.

Condition 8

The Relevant Authority notes the existing street tree *Platanus x acerifolia* "London Plane" on Second Avenue. The tree has a Structural Root Zone of 2.63m and a Tree Protection Zone of 6.36m, measured as a radius from the centre of the tree. In order to protect the ongoing health of this tree, no root pruning should occur within 4m of this tree, should any excavation be required in this area (e.g. for service trenching). For further details, please contact Council's Planning Department on 8366 4530.

## **ADVISORY NOTES**

### **Planning Consent**

#### **Advisory Note 1**

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.

#### **Advisory Note 2**

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

#### **Advisory Note 3**

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.

#### **Advisory Note 4**

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

#### **Advisory Note 5**

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

#### **Advisory Note 6**

The Applicant is advised that construction noise is not allowed:

1. on any Sunday or public holiday; or
2. after 7pm or before 7am on any other day

#### **Advisory Note 7**

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken.

Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.



**Advisory Note 8**

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

**Advisory Note 9**

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

**Advisory Note 10**

If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.

---

**Moved by Mr Bateup**

1. *The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 25010926, by Lisa Rickard is granted Planning Consent subject to the following reserved matter/conditions:*

**RESERVED MATTER**

**Planning Consent**

**Reserved Matter 1**

*A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with, and to the satisfaction of, the Assessment Manager prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:*

- *Car parking and access arrangements for tradespersons*
- *Work in the Public Realm*
- *Hoarding*
- *Traffic requirements including construction access/egress and heavy vehicle routes*
- *Reinstatement of infrastructure*

*The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.*

*NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.*

*Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.*

*Reserved Matter 2*

*A detailed landscaping plan specifying the species, location and height of planting, and the extent of landscaping to be retained shall be provided to the Assessment Manager prior to Development Approval.*

*The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.*

*NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.*

*Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.*

**CONDITIONS**

**Planning Consent**

*Condition 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).*

*Condition 2*

*Either:*

- 1. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.*
- 2. Where provided for by any relevant off-set scheme established under section 197 of the Planning, Development and Infrastructure Act 2016 (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.*

*Condition 3*

*The approved development must include rainwater tank storage which is:*

- 1. connected to at least 60% of the roof area;*
- 2. connected to one toilet and either the laundry cold water outlets or hot water service;*
- 3. with a minimum retention capacity of 4000 litres;*
- 4. if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and*
- 5. where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank*

*within 12 months of occupation of the dwelling(s).*

*Condition 4*

*All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.*

*Condition 5*

*All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system. Please note that disposal of the stormwater to the adjacent laneway is not permitted and compliance with this condition will only be achieved with all stormwater being directed to the primary street kerb and water table or associated underground pipe drainage system.*

**Condition 6**

*The upper floor windows shall either have sill heights of a minimum of 1500mm above floor level or be treated to a minimum height of 1500mm above floor level, within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.*

**Condition 7**

*The existing vehicular crossover on Second Avenue shall be reinstated to kerb and gutter so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Assessment Manager. All associated costs shall be borne by the owner / applicant.*

**Condition 8**

*The Relevant Authority notes the existing street tree *Platanus x acerifolia* "London Plane" on Second Avenue. The tree has a Structural Root Zone of 2.63m and a Tree Protection Zone of 6.36m, measured as a radius from the centre of the tree. In order to protect the ongoing health of this tree, no root pruning should occur within 4m of this tree, should any excavation be required in this area (e.g. for service trenching). For further details, please contact Council's Planning Department on 8366 4530.*

**ADVISORY NOTES**

**Planning Consent**

**Advisory Note 1**

*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.*

**Advisory Note 2**

*Consents issued for this Development Application will remain valid for the following periods of time:*

- 1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;*
- 2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;*
- 3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.*

*If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsa.gov.au](mailto:townhall@npsa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.*

**Advisory Note 3**

*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.*

**Advisory Note 4**

*The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.*

*The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.*

**Advisory Note 5**

*The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and*

*site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.*

**Advisory Note 6**

*The Applicant is advised that construction noise is not allowed:*

- 1. on any Sunday or public holiday; or*
- 2. after 7pm or before 7am on any other day*

**Advisory Note 7**

*The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken.*

*Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.*

**Advisory Note 8**

*The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*

**Advisory Note 9**

*The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

**Advisory Note 10**

*If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.*

**Seconded by Mr Rutt**  
**CARRIED**

**5.4 DEVELOPMENT NUMBER ID 25010933 - LISA RICKARD  
- 62 & 60 SECOND AVENUE ST PETERS SA 5069**

<b>DEVELOPMENT NO.:</b>	25010933
<b>APPLICANT:</b>	Lisa Rickard
<b>ADDRESS:</b>	62 SECOND AV ST PETERS SA 5069 60 SECOND AV ST PETERS SA 5069
<b>NATURE OF DEVELOPMENT:</b>	Demolition of the existing building, and construction of a new two-storey detached dwelling at 62 Second Avenue, St Peters, and an associated swimming pool
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Historic Area</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> <li>• Hazards (Flooding - General)</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 18m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	22 Apr 2025
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.7 10/04/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Edmund Feary Senior Urban Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Heritage Advisor City Arborist Consultant Hydrological Engineer

**CONTENTS:**

<b>APPENDIX 1: Relevant P&amp;D Code Policies</b>	<b>ATTACHMENT 5: Representations</b>
<b>ATTACHMENT 1: Application Documents</b>	<b>ATTACHMENT 6: Response to Representations</b>
<b>ATTACHMENT 2: Subject Land &amp; Locality Map</b>	<b>ATTACHMENT 7: Internal Referral Advice</b>
<b>ATTACHMENT 3: Zoning Map</b>	
<b>ATTACHMENT 4: Representation Map</b>	

## DETAILED DESCRIPTION OF PROPOSAL:

The application proposes to demolish the existing building which straddles the boundary line between the two allotments. The building contains two semi-detached dwellings, which generally reflect the allotment boundaries.

The proposed dwelling in this application is on the allotment identified as 62 Second Avenue, St Peters; at the corner of Second Avenue and Westminster Street. The building is a two-storey detached dwelling, though it seeks to provide a mostly single storey appearance to the street, with the upper floor being set substantially back from the primary street, and in the roof space when viewed from the secondary street.

Vehicle access is provided from Third Lane to a proposed garage which is within the structure of the main building, with a third space in the garage provided through access via the existing crossover on Westminster Street. Private open space is provided between the building and the secondary street and includes an alfresco area and a swimming pool.

## BACKGROUND:

This application is also related with DA 25010926, which also proposes the demolition of the building, and the construction of a dwelling on 60 Second Ave, St Peters.

As the construction of both dwellings is contingent on the demolition of the building, which requires approval due to being in the Historic Area Overlay, both applications include both allotments in the site description, and include the demolition of the building in the elements and nature of development.

This adjoining site at 60 Second Avenue also had a significant willow myrtle growing on the site, but this was removed, as approved under DA 24037091.

## SUBJECT LAND & LOCALITY:

### Site Description:

The site comprises two existing Torrens-Title allotments, with one building across both allotments, as outlined above. The dwelling proposed is on the allotment known as 62 Second Ave, St Peters. Other than in relation to demolition, when referring to “the site” in this report, it will refer to 62 Second Ave.

**Location reference:** 62 SECOND AV ST PETERS SA 5069

**Title ref.:** CT 5479/529

**Plan Parcel:** F13509 AL2

**Council:** THE CITY OF NORWOOD  
PAYNEHAM AND ST PETERS

**Location reference:** 60 SECOND AV ST PETERS SA 5069

**Title ref.:** CT 5479/20

**Plan Parcel:** F13509 AL1

**Council:** THE CITY OF NORWOOD  
PAYNEHAM AND ST PETERS

Shape:	Regular, with corner cut-offs
Frontage width:	11.5m
Area:	Approximately 512m <sup>2</sup>
Topography:	Mostly flat
Existing structures:	Single storey Spanish Mission style building (two semi-detached dwellings) and associated outbuildings
Existing vegetation:	Lawn, shrubs and small trees. Note recently removed, significant willow myrtle tree

## Locality

The locality is shown in **Attachment 2**. It extends some 120m to the southwest of the site along Second Avenue, and includes sites on the opposite sides of both Second Avenue and Third Lane from the subject site. The locality also includes part of the East Adelaide Primary School site, which sits on the opposite side of Westminster Street from the subject site.

The area is characterised by wide, tree-lined streets, generally with mature London Plane street trees. Small service lanes (formerly “night-cart lanes”) run parallel to the avenues, with most properties having vehicle access from these lanes.

The residential built form of the locality is predominantly double-fronted villas and cottages, typically constructed from 1880-1910.

The main school building (for the purposes of its influence on this locality) is located on the corner of Second Avenue and Westminster Street, with a car parking area between the building and the Westminster Street frontage. This building (and the small building to its northeast) are of a similar era to the dwellings in the locality, and also has similar design elements with gables and stone construction. Nonetheless, this building has a taller wall and roof height with a steeper pitch of around 45 degrees, compared to 30 degrees more typical for the residential buildings of the locality.

The school generates a relatively large amount of traffic and parking demand in what is otherwise a fairly quiet residential area. Nonetheless, the locality exhibits a very high degree of residential amenity.

## CONSENT TYPE REQUIRED:

Planning Consent

## CATEGORY OF DEVELOPMENT:

- **PER** **ELEMENT:**  
Demolition  
New housing  
Swimming pool or spa pool and associated swimming pool safety features: Code Assessed -  
Performance Assessed  
Demolition: Code Assessed - Performance Assessed  
Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code; No other pathway available- Historic Area Overlay

## PUBLIC NOTIFICATION

- **REASON**  
Two storey dwelling in an area with a single storey TNV
- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Martin	Godfrey	105 First Ave, Joslin	Opposed	No
Joe	Mannarino	58 Second Ave, St Peters	Supportive, with concerns	No
St Peters Residents' Association		N/A	Opposed	No

It is noted that an additional representation was received on the related DA for the new dwelling at 60 Second Ave, that representation coming from a representative of East Adelaide Primary School, which is on the opposite side of Westminster Street from this site. That representation expressed concerns regarding traffic, parking and heavy vehicle management during the construction phase of both developments. While not submitted to this application, it is considered that the matters raised in that representation are equally applicable to both applications and are addressed accordingly.

- **SUMMARY**

Concerns raised by representors include overlooking and streetscape appearance, including upper floor prominence and landscaping.

## **AGENCY REFERRALS**

None

## **INTERNAL REFERRALS**

- Heritage Advisor, David Brown

Council's Heritage Advisor provided preliminary advice on this proposal and is generally supportive. His advice can be found in **Attachment 7**.

- City Arborist, Matthew Cole

The application was referred to the City Arborist to evaluate potential impacts on street trees. This will be addressed under the relevant section of this report, with the advice included in **Attachment 7**.

- Consultant Hydrological Engineer, Melinda Lutton

As the site is within the Hazards (Flooding-General) Overlay, the application was referred to Council's Consultant Hydrological Engineers (Tonkin Consulting). It was confirmed that the site is not subject to inundation in the 1% AEP event. However, the referral advice was provided on the basis of a finished floor level (FFL) which was 300mm above the top of kerb. The design has since been revised to have an FFL of 6mm below the top of kerb level of the primary street.

Given that the site is not subject to flooding, it is not expected that this lower level will cause additional issues, however it was determined by administration to be prudent to seek additional advice to confirm this. This additional advice confirmed that as neither property was flood affected, an FFL which is at kerb level is acceptable.

## **PLANNING ASSESSMENT**

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

### **Land Use**

The proposed development is residential in use, consistent with the existing use. While the application does involve a change of use from semi-detached dwelling to detached dwelling, this is within the same sensitivity category for the purposes of site contamination, and no contamination investigations are required.

Residential uses are the primarily intended uses of the Established Neighbourhood Zone, and detached dwellings are the form identified in the Historic Area Overlay as being typical in the locality. The land use is therefore considered consistent with the Code.



## Demolition and Heritage Value of Existing Building

As the site is in the Historic Area Overlay, the demolition of the existing building is development, but it is noted that the site is not identified as a Representative Building.

It is noted that Valuer-General's data suggests that the existing building on the site was constructed in 1940, generally consistent with the era of the Historic Area Statement (only being one year after the "interwar" period ended). Nonetheless, the Historic Area Statement also specifies the styles of dwelling which are significant within the Historic Area Overlay, which in this case is:

*Predominantly single-storey, detached, late Victorian Italianate villas of reasonably substantial proportions.*

*Elsewhere - the consistent styles of detached late Victorian Italianate villas of reasonably substantial proportions.*

*Double fronted asymmetrical dwellings are the most common dwelling type, although there are a range of symmetrical dwellings, East Adelaide Company dwellings and some larger villas and mansions.*

*The double fronted symmetrical and asymmetrical dwellings are an elegant, larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element.*

*Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling.*

*Some Edwardian style housing (such as Queen Anne and Art Nouveau styles), generally located within the later subdivided areas or on blocks which were re-subdivided from larger allotments.*

Through this extensive explanation of what styles are consistent with the Overlay's intent, there is no mention of Spanish Mission.

Council's Heritage Advisor did not object to the demolition, noting the following:

*The existing house on the site has been reworked several times over its life. It appears to have started off as an Interwar dwelling with a low pitched hipped roof and has no remaining defining stylistic features that allude to whether it was a late Bungalow, Spanish Mission, early Art Deco or other Interwar Style. It has then had a layer of 1970s Spanish Mission added to the front, likely when it was split into two dwellings, with the interiors and exterior significantly reworked.*

*The dwelling does not demonstrate the historic characteristics as expressed in the Historic Area Statement, as while it is probably an Interwar Dwelling, it has been greatly reworked, and is not a notable example of its era (hence not picked up in the Interwar Heritage Survey).*

Further detail can be found in the Heritage Advisor's report in **Attachment 7**.

The relevant policy in this case is Historic Area Overlay PO 7.3:

*Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.*

As outlined in the advice from Council's Heritage Advisor, this building does not conform with the values described in the Historic Area Statement, and therefore, its demolition is acceptable.

## Streetscape Appearance

Council's Heritage Advisor summarises his overall view of the proposal as follows:

*The overall design is relatively understated, simple and does not try to compete visually with the Local Heritage Place school building, or the surrounding dwellings. It has similar forms and materials to other historic dwellings in the area. While slightly taller than some other buildings nearby, it is of sufficient length to accommodate that height and not look out of context.*

*From a heritage perspective, the building is considered an acceptable insertion in this historic area.*

One of the key features of the design is the feature gable facing Second Avenue, with a minor gable facing Westminster Street. These design features are appropriate in tying the dwelling in with the villas which are typical in this Historic Area.

The building is two storeys in height compared to the single storey TNV for the area. The upper floor is, as far as the streetscape appearance is concerned, hidden in the roof space of the dwelling, though this results in a larger roof than is typical, which was a concern raised by a representor. In particular, they noted that the 45 degree pitch was inconsistent with the 30 degree pitch typical in the area, and they did not support the concept of using the school buildings as justification for the roof proposed. As noted in the plans provided by the applicant, the school buildings include a 45 degree pitch and a much taller roof height. Council's Heritage Advisor disagreed with this representor, and is of the view that the higher pitch was a positive in tying in the school building with the rest of the streetscape.

Indeed, the school buildings are part of the locality, and are part of the area's historic fabric, even if the institutional character is somewhat distinct from the residential nature of this site. Nonetheless, it should be noted that the school site is in the Community Facilities Zone and is not part of the Historic Area Overlay (though the main building in question is a Local Heritage Place).

Relevant policies include Established Neighbourhood Zone PO 10.2 and Historic Area Overlay PO 2.1, 2.2 and 2.3:

*The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.*

*The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.*

*Development is consistent with the prevailing building and wall heights in the historic area*

*Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.*

While the proposed roof is of a slightly larger scale than is typical in the locality, it is more comparable to the more residential buildings, than the much larger scale of the school building. Its slightly larger scale provides a transition in order to create an overall consistent appearance through the broader streetscape.

The colour palette is predominately grey and white, with the stonework on the front facade generally consistent with the materials in the Historic Area.

On advice from Council's Heritage Advisor, the proposed garaging has been sited so that two spaces are accessed from the laneway, while one additional space is accessed from the secondary street. This suitably minimises the visual impact of the garaging on the streetscape.

The proposed front setback of the development is 7.85m, some 1.85m further back than the existing dwelling. Council's Heritage Advisor made the following comments:

*The front setback for the proposed dwelling is quite generous given the context. It is set further back than the existing old dwelling to the southwest. The dwelling is attached to the other new dwelling at No 60, but with a recessed area that the front of the dwelling giving the appearance of being detached. This is also the case at the rear.*

*As it is a corner site, the side setbacks are also quite generous, mostly to allow for sun into the private open spaces.*

The additional front setback increases the space available for landscaping. The Historic Area Statement does state that, "Landscaping around a dwelling, particularly in the front garden, is an important design element", so adding additional landscaping to this front yard is consistent with this pattern in the streetscape, despite it being further back.

### **Traffic, Access and Parking**

The proposal includes a three-car garage, with two spaces accessed via Third Lane, and one additional space, running perpendicular to the others, which is accessed via the existing crossover on Westminster Street. This minimises the visual impact of the garaging on the streetscape of Westminster Street, as well as improving the current situation with a very wide crossover limiting on-street parking in a crucial location opposite a primary school. The new proposal, with reinstatement of part of the existing crossover to upright kerb, will result in an additional on-street parking space being created.

The three covered parking spaces provide more than meet the guideline provided by Transport, Access and Parking Table 1.

The additional setback of 3m from the laneway to the garage allows for suitable manoeuvring room for vehicles to enter and exit the garage. The Code at Design in Urban Areas DPF 23.5 seeks for 6.2m from the opposite side of the laneway to allow for such turning manoeuvres, and it is understood that the laneway is 4.5m wide, meaning that the 3m provided allows for 7.5m, making this manoeuvre suitably safe and convenient.

It is noted that the site is on a corner, and while cadastral mapping indicates that the site boundaries include corner cut-offs on both the northern and eastern corners of the site, neither the existing nor proposed fencing layouts reflect these corner cutoffs. At the eastern corner, the existing fencing is proposed to be retained, although this does seemingly encroach on Council land. At the northern corner, new fencing is proposed, which could not legally be constructed in the manner proposed.

To this end, a condition is recommended, drawing the applicant's attention to this matter, and outlining that any approval of this application does not endorse the encroachments on Council land that are shown on the plans on this DA, and requiring that any new fencing must follow the boundaries of the land, unless otherwise approved.

Furthermore, it is noted that, as raised by East Adelaide Primary School in their representation, the area is heavily trafficked around school pick-up/drop-off time. In order to manage the impacts of construction on this traffic and parking situation, and Reserved Matter is proposed requiring the applicant to coordinate a Construction Environment Management Plan with Council.

### **Neighbour Outlook**

The proposal includes a long boundary wall on the southwestern boundary. This would abut a similar wall on the complimentary proposal on the neighbouring site. Given these walls would abut each other, the resultant visual impact (should both proposals be constructed as proposed), would be substantially reduced.

The upper floor would also be more visible from the north and west than is the case for its streetscape appearance.

The site immediately to the northwest of the subject site is oriented to face Westminster Street, and is separated from the subject site by Third Lane. This is to say that impacts on this neighbour will be mitigated by the orientation of the site (i.e. it is their side boundary), and by the separation from the lane.

The development would result in a site coverage of 275.7m<sup>2</sup> or 52.8%. This is very close to the 50% sought by the Technical and Numeric Variation. Established Neighbourhood Zone PO 3.1 seeks that "Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.". As noted, the overall context of the site will limit visual impact, but the 3% variance from the DPF is not so substantial that the building footprint would be out of character with the surrounding pattern of development.

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

*Buildings are set back from side boundaries to provide:*

- a) *separation between buildings in a way that complements the established character of the locality*
- b) *access to natural light and ventilation for neighbours.*

Noting that the walls are not south-facing, the associated DPF expects a ground floor side setback of 900mm for a wall of less than 3m in height, and for taller walls, 900mm plus one-third of the height above 3m; for the upper floor in question here, this would mean 2.3m. Therefore, the upper floor side setback provided of only 900mm is well short of this.

Nonetheless, as noted above, the complimentary design of the neighbouring allotment is oriented away from this side. While there are three windows (two of which are high-level) on this side, these provide light to two bedrooms and a shower and are more for purposes of natural light than of outlook. As a result, the limited setback's implications on "character" as viewed from the neighbouring property will be limited. Given that the only windows are higher level, there are also not expected to be any overshadowing implications, though shadow diagrams are also provided which demonstrate this.

Therefore, the impact of the upper floor is generally reasonable despite the quantum of the shortfall.

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

*Buildings are set back from rear boundaries to provide:*

- a) *separation between buildings in a way that complements the established character of the locality*
- b) *access to natural light and ventilation for neighbours*
- c) *private open space*
- d) *space for landscaping and vegetation.*

The associated DPF suggests a 4m ground floor rear setback, and 6m for the upper floor. The upper floor setback is met, and the ground floor is only 1m short, with the garage setback 3m from the lane. Considering the laneway and the orientation of the neighbouring dwelling, it is considered that this PO is suitably achieved.

Therefore, while the development does not comply with the relevant setback DPFs, considering that a) the site to the southwest is being developed concurrently with a complimentary design, and b) the site to the northwest is oriented to face a different direction, the actual impact on neighbouring properties is relatively limited.

### **Privacy**

It is noted that all the upper floor windows are southwest facing, towards the other site which is being developed in conjunction with this. Nonetheless, all windows have a sill height in excess of the 1.5m above the floor level that is expected by Design in Urban Areas DPF 10.1. Therefore, it is considered that the privacy impacts of the development are acceptable.

It is noted that the overlooking concerns raised by one of the representors relate to a louvred screen not featured on this dwelling, but which are instead on the dwelling proposed at 60 Second Avenue.

### **Landscaping**

The proposal includes 135.5m<sup>2</sup> of soft landscaping, which represents approximately 26% of the site, therefore exceeding the 25% guideline set by Design in Urban Areas DPF 22.1. Much of this is in the front yard, including two substantial trees, contributing to the leafy character of the area. A series of other trees and shrubs are proposed close to the secondary frontage, also achieving this.

It should be noted that for a site of this size, the Urban Tree Canopy Overlay requires the planting of one medium or two small trees. A medium tree requires a soil area of at least 30m<sup>2</sup> with a minimum dimension of 2m. The Large Leaved Linden in the southern corner of the site is noted as a large tree on the plans, but the soil area is only sufficient for a medium tree per the requirements of the Overlay. Nonetheless, this is sufficient to comply with the requirements of the Overlay.

### **Private Open Space**

Approximately 104m<sup>2</sup> of private open space, directly accessible from a living area, is provided in the area between the dwelling and the secondary street, well exceeding the 60m<sup>2</sup> minimum guideline outlined in

Design in Urban Areas Table 1. Additional landscaping and utility areas are proposed in addition to this. While lacking a traditional “backyard”, the proposed private open space is behind the building line and is behind taller fencing on the secondary frontage. Such taller fencing is common throughout the Historic Area on secondary streets and provides suitable privacy for this area to be suitably functional.

### **Stormwater Management**

A simple stormwater layout is provided on the site plan, showing stormwater flowing by gravity to the existing outlets on Westminster Street. The standard condition relating to stormwater management is recommended, with an additional note that stormwater should not be disposed of into Third Lane due to the lack of infrastructure in Third Lane.

The standard condition relating to the installation of rainwater tanks is also recommended.

### **Flooding**

The site is within the Hazards (Flooding- General Overlay) but Council's Consultant Hydrological Engineer has confirmed that the site is in fact outside of the extent of the 1% AEP floodplain. As outlined in the internal referrals section of this report, the lower level of the proposed dwelling is of some concern, but is not expected to present an unreasonable flood risk. It is noted that the advice from the engineer referred to a level “at kerb level” and while the FFL in this case is above kerb level on the secondary street, it is below the kerb level of the primary street. Nonetheless, given that the kerb and footpath levels would prevent the entry of floodwaters into the property, the level is considered to suitably protect the dwelling from floodwaters.

### **Verge Infrastructure (including street trees)**

As outlined in Council's City Arborist's advice (see **Attachment 7**), the site is surrounded by London Plane Trees. The City Arborist suggested that, in general, these trees are fairly tolerant of root disturbance, and he does not expect major issues relating to these trees, though some conditions are recommended.

The tree identified as “Tree 2” in his report is a juvenile specimen on the Second Avenue frontage. Trees 3 and 4 are more mature and located on the Westminster Street frontage. The City Arborist has recommended that no root pruning should occur within 4m of the centre of any of these trees.

His assessment does outline additional measures for tree 4:

*Tree 4 is not situated next to existing boundary wall (newer Good Neighbour type fencing). Any new boundary wall construction should be done with care within the trees TPZ. Trenching for new foundations (for any new wall or fence construction, should they occur) will be done using hydro vac excavation techniques or hand dug.*

*Any roots exposed of 150mm or less diameter (regarding Tree 4 only) can be cut with specific tree pruning equipment. Tree roots exposed during works with a diameter of 150mm or greater that require removal may need arboricultural assessment prior to cutting.*

The area adjacent to tree 4 would retain the existing good neighbour fencing, but there may be some need for excavations associated with the utility area and the new internal fencing/gates.

Given the limited extent of the potential excavations and the hardness of the tree species, it is considered that requiring hydrovac or non-invasive methods for this area would be unnecessarily cautious and onerous. Therefore, the condition recommended below only addresses the root pruning comments.

### **Question of Seriously at Variance**

The proposed development comprises demolition of an existing building containing two semi-detached dwellings, and construction of a two-storey detached dwelling (with a mostly single-storey streetscape appearance). It is located in the Established Neighbourhood Zone. Development of this nature is appropriate within the site, locality or in the subject Zone for the following reasons:

- The Established Neighbourhood Zone envisages the development of detached dwellings;
- The demolition of buildings in the Historic Area Overlay is also contemplated in the Code;

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

## CONCLUSION

Overall, the proposal generally accords with the relevant Performance Outcomes of the Code. The existing building on the site is not representative of the Historic Area, and its demolition is therefore envisaged by the Historic Area Overlay. The new building, while it does exceed the building height guidelines, is designed to minimise these impacts. Its design is suitably consistent with design features of the Historic Area such that its appearance will complement the traditional housing stock in the area.

## RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 25010933, by Lisa Rickard is granted Planning Consent subject to the following reserved matters/conditions:

### RESERVED MATTER Planning Consent

#### Reserved Matter 1

A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with, and to the satisfaction of, the Assessment Manager prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:

- Car parking and access arrangements for tradespersons
- Work in the Public Realm
- Hoarding
- Traffic requirements including construction access/egress and heavy vehicle routes
- Reinstatement of infrastructure

The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.

NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.

Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

### CONDITIONS Planning Consent

#### Condition 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).

Condition 2

Either:

1. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
2. Where provided for by any relevant off-set scheme established under section 197 of the *Planning, Development and Infrastructure Act 2016* (as at the date of lodgement of the application), payment
3. of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.

Condition 3

The approved development must include rainwater tank storage which is:

1. connected to at least 60% of the roof area;
2. connected to one toilet and either the laundry cold water outlets or hot water service;
3. with a minimum retention capacity of 4000 litres;
4. if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and
5. where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank

within 12 months of occupation of the dwelling(s).

Condition 4

All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.

Condition 5

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Please note that disposal of the stormwater to the adjacent laneway is not permitted and compliance with this condition will only be achieved with all stormwater being directed to the primary street kerb and water table or associated underground pipe drainage system.

Condition 6

The upper floor windows shall either have sill heights of a minimum of 1500mm above floor level or be treated to a minimum height of 1500mm above floor level, within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

Condition 7

The existing vehicular crossover on Westminster Street shall be reinstated to kerb and gutter so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Assessment Manager. All associated costs shall be borne by the owner / applicant.

Condition 8

The Authority notes that the site boundaries appear to include corner cut-offs at both the Second Avenue/Westminster Street intersection, and the Westminster Street/Third Lane intersection. These corner cutoffs are not reflected in the site boundaries shown on the site plans.

This Consent does not grant the right for fencing to encroach on Council land. Any proposed fencing included within the plans herein approved shall follow the site boundaries, not the alignment shown on the site plan. Council reserves any right to take action regarding encroachments on Council land.

Condition 9

The Authority notes the three street trees surrounding the site, all *Platanus x acerifolia* "London Plane trees":

- Tree 2 on the Second Avenue frontage has a Structural Root Zone (SRZ) of 1.5m, and Tree Protection Zone (TPZ) of 2.5m;
- Tree 3 on the Westminster Street frontage (closest to Second Avenue) has an SRZ of 2.65m, and a TPZ of 6.36m; and,
- Tree 4 on the Westminster Street frontage (closest to Third Lane) has an SRZ of 2.65m and a TPZ of 7.08m.

These are measured as a radius from the centre of the tree.

No root pruning may occur within 4m of any of these trees, should excavation be necessary (e.g. for service trenching or the like).

With regard to tree 4 specifically, any roots exposed of 150mm or less can be cut with specific tree pruning equipment. Tree roots exposed during works with a diameter of 150mm or greater may only be cut if absolutely necessary, and with assessment from a suitably qualified arborist.

## **ADVISORY NOTES**

### **Planning Consent**

Advisory Note 1

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.

Advisory Note 2

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 3

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.



**Advisory Note 4**

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

**Advisory Note 5**

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

**Advisory Note 6**

The Applicant is advised that construction noise is not allowed:

1. on any Sunday or public holiday; or
2. after 7pm or before 7am on any other day

**Advisory Note 7**

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken.

Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

**Advisory Note 8**

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

**Advisory Note 9**

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

**Advisory Note 10**

If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.

**Moved by Mr Rutt**

1. *The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 25010933, by Lisa Rickard is granted Planning Consent subject to the following reserved matters/conditions:*

**RESERVED MATTER**  
**Planning Consent**

*Reserved Matter 1*

*A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with, and to the satisfaction of, the Assessment Manager prior to the issue of Development Approval. The approved CEMP shall be implemented throughout the development and should incorporate, without being limited to, the following matters:*

- Car parking and access arrangements for tradespersons*
- Work in the Public Realm*
- Hoarding*
- Traffic requirements including construction access/egress and heavy vehicle routes*
- Reinstatement of infrastructure*

*The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.*

*NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.*

*Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.*

*Reserved Matter 2*

*A detailed landscaping plan specifying the species, location and height of planting, and the extent of landscaping to be retained shall be provided to the Assessment Manager prior to Development Approval.*

*The authority to resolve the Reserved Matter is hereby delegated to the Assessment Manager.*

*NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matter.*

*Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.*

**CONDITIONS**  
**Planning Consent**

*Condition 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).*

*Condition 2*

*Either:*

1. *Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.*

2. *Where provided for by any relevant off-set scheme established under section 197 of the Planning, Development and Infrastructure Act 2016 (as at the date of lodgement of the application), payment*
3. *of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.*

**Condition 3**

*The approved development must include rainwater tank storage which is:*

1. *connected to at least 60% of the roof area;*
2. *connected to one toilet and either the laundry cold water outlets or hot water service;*
3. *with a minimum retention capacity of 4000 litres;*
4. *if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and*
5. *where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank*

*within 12 months of occupation of the dwelling(s).*

**Condition 4**

*All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.*

**Condition 5**

*All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.*

*Please note that disposal of the stormwater to the adjacent laneway is not permitted and compliance with this condition will only be achieved with all stormwater being directed to the primary street kerb and water table or associated underground pipe drainage system.*

**Condition 6**

*The upper floor windows shall either have sill heights of a minimum of 1500mm above floor level or be treated to a minimum height of 1500mm above floor level, within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.*

**Condition 7**

*The existing vehicular crossover on Westminster Street shall be reinstated to kerb and gutter so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Assessment Manager. All associated costs shall be borne by the owner / applicant.*

**Condition 8**

*The Authority notes that the site boundaries appear to include corner cut-offs at both the Second Avenue/Westminster Street intersection, and the Westminster Street/Third Lane intersection. These corner cutoffs are not reflected in the site boundaries shown on the site plans.*

*This Consent does not grant the right for fencing to encroach on Council land. Any proposed fencing included within the plans herein approved shall follow the site boundaries, not the alignment shown on the site plan. Council reserves any right to take action regarding encroachments on Council land.*

**Condition 9**

The Authority notes the three street trees surrounding the site, all *Platanus x acerifolia* "London Plane trees":

- Tree 2 on the Second Avenue frontage has a Structural Root Zone (SRZ) of 1.5m, and Tree Protection Zone (TPZ) of 2.5m;
- Tree 3 on the Westminster Street frontage (closest to Second Avenue) has an SRZ of 2.65m, and a TPZ of 6.36m; and,
- Tree 4 on the Westminster Street frontage (closest to Third Lane) has an SRZ of 2.65m and a TPZ of 7.08m.

These are measured as a radius from the centre of the tree.

No root pruning may occur within 4m of any of these trees, should excavation be necessary (e.g. for service trenching or the like).

With regard to tree 4 specifically, any roots exposed of 150mm or less can be cut with specific tree pruning equipment. Tree roots exposed during works with a diameter of 150mm or greater may only be cut if absolutely necessary, and with assessment from a suitably qualified arborist.

**ADVISORY NOTES**

**Planning Consent**

**Advisory Note 1**

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.

**Advisory Note 2**

Consents issued for this Development Application will remain valid for the following periods of time:

1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at [townhall@npsa.gov.au](mailto:townhall@npsa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

**Advisory Note 3**

**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.

**Advisory Note 4**

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

**Advisory Note 5**

*The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.*

**Advisory Note 6**

*The Applicant is advised that construction noise is not allowed:*

- 1. on any Sunday or public holiday; or*
- 2. after 7pm or before 7am on any other day*

**Advisory Note 7**

*The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that*

*require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken.*

*Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.*

**Advisory Note 8**

*The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*

**Advisory Note 9**

*The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

**Advisory Note 10**

*If excavating, it is recommended you contact Before You Dig Australia (BYDA) ([www.byda.com.au](http://www.byda.com.au)) to keep people safe and help protect underground infrastructure.*

**Seconded by Mr Mickan  
CARRIED**

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT
7. REVIEW OF ASSESSMENT MANAGER DECISIONS
8. ERD COURT APPEALS
9. OTHER BUSINESS  
*Nil*
10. CONFIDENTIAL REPORTS
11. CLOSURE

The Presiding Member declared the meeting closed at 8:00pm

---

Stephen Smith  
**PRESIDING MEMBER**

---

Geoff Parsons  
**MANAGER, DEVELOPMENT & REGULATORY SERVICES**