

Council Assessment Panel Minutes

15 December 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.*

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 6.30PM

PRESENT

Panel Members Mr Stephen Smith
Mr Mark Adcock
Mr Ross Bateup
Mr Julian Rutt
Cr Kester Moorhouse

Staff Geoff Parsons - Manager, Development & Regulatory Services
Kieran Fairbrother – Senior Urban Planner
Marie Molinaro – Urban Planner
Mark Thomson – Consultant Planner
Daniella Hadgis – Administration Officer

APOLOGIES 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 17 NOVEMBER 2025

Moved by Mr Adcock and Seconded by Mr Rutt
CARRIED

4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER – ID 23030946 – DAMIAN CAMPAGNARO
– 38 FLINDERS STREET KENT TOWN SA 5067**

DEVELOPMENT NO.:	23030946
APPLICANT:	Damian Campagnaro
ADDRESS:	38 FLINDERS ST KENT TOWN SA 5067
NATURE OF DEVELOPMENT:	three storey additions and alterations to an existing dwelling, involving the creation of one additional dwelling, and a front fence
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Future Road Widening • Historic Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	29 Nov 2023
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) - Version 2023.17 23/11/2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Mark Thomson Consultant Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Heritage Advisor

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	Representations
ATTACHMENT 3:	Response to Representations
ATTACHMENT 4:	Heritage Advisor Advice

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is to retain the original hipped roof, four-room cottage at the front of the site and to construct a three-storey addition to the rear containing two dwellings and a common basement car parking level.

One of the proposed dwellings (referred to as Apartment A on the plans) is comprised of an informal living area within the proposed building and use of the existing cottage as studio space at ground level, and 3 bedrooms and a living/dining/kitchen area at First Floor level. Private open space for this dwelling is proposed within a courtyard at ground level and within balconies at the front and rear of the first-floor level.

The second dwelling (referred to as Apartment B on the plans) is located entirely at Second Floor level and comprises 3 bedrooms. Private open space is provided within balconies at the front and rear.

The basement level contains 6 car parking spaces, with access proposed via Little Wakefield Street. This level extends all the way to the rear of the existing cottage below ground level, and the applicant has advised that the construction would involve a physical connection between the two structures. Therefore, the proposed building work comprises additions which effectively convert the existing building into a residential flat building containing 2 dwellings.

The external walls at ground level comprise face brick to a height of 1.2m with continuous windows above. The First Floor and Second Floor level external walls comprise face brick, with all windows and balconies partly concealed by a 'skin' of hit-and-miss pattern brickwork. The corners of the building are curved. All bricks are proposed to be red bricks.

Restoration work to the existing cottage is proposed to include replacement of the front verandah with a concave verandah with timber federation style fret work and central gable element, removal of render from the façade, replacement of the roofing and re-working of the chimney.

A timber picket fence is proposed along the Flinders Street frontage, to replace the existing brush fence.

BACKGROUND:

Development Application 23030946 was lodged in October 2023, seeking Planning Consent to demolish the existing dwelling and to construct a three-level residential flat building containing two dwellings.

On 26 October 2023, the applicant was requested to provide an engineer's report on the structural integrity and condition of the dwelling. Although an engineer's report was provided, it did not substantiate a recommendation for underpinning. Specifically, the report did not adequately detail the extent and severity of cracking to walls. This additional information was requested, however was not formally provided. The applicant's engineer verbally advised that the cracking is not severe and that the recommendation for underpinning was a precautionary approach, to prevent potential future cracking.

Upon receiving advice from the Council's assessing planner that the demolition was not supported, the applicant varied the application, to include retention and restoration of the existing dwelling.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 38 FLINDERS ST KENT TOWN SA 5067

Title ref.: CT 5897/932
Plan Parcel: F100137 AL20

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

The subject land is a rectangular shaped allotment with a primary street frontage to Flinders Street and a secondary street frontage to Little Wakefield Street, both of 11.28m, and a depth of 48.16m, resulting in a site area of 555m².

The land contains a hipped roof cottage with rear lean-to at the front of the site and a freestanding garage at the rear adjacent to Little Wakefield Street. A brush fence is located along the Flinders Street boundary.

The land has a gradual slope from back to front of approximately 700mm over the 48.16m depth.

Figure 1. Subject Land, as viewed from Flinders Street



Locality

The locality of the subject land is considered to extend along Flinders Street and Little Wakefield Street approximately 80m to the north-east and south-west as shown in Figure 2.

The entire locality is within the Historic Area Overlay, Established Neighbourhood Zone and 2 Level Maximum Building Height (Levels) Technical Numeric Variations (TNV) layer.

Within the Flinders Street part of the locality, the character differs between that to the north-east of the subject land and that to the south-west. To the north-east, between the subject land and Fullarton Road, the streetscape contains entirely original historic buildings, including cottages, maisonettes and villas. To the south-west, the streetscape contains a mix of historic single storey buildings and more recent 2 and 3 storey buildings. Examples of 2 storey buildings are located at 30, 32a and 36 Flinders Street. Examples of 3 storey buildings are located at 27 Flinders Street.

The Little Wakefield Street part of the locality is characterised by a mix of single storey garaging servicing properties which front onto Flinders Street and Wakefield Street, and 2 storey dwellings fronting the laneway. Directly adjacent the subject land at 49 Little Wakefield Street is a pair of 3 storey townhouses.

Figure 2. Locality of the subject land



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Partial Demolition: Code Assessed - Performance Assessed
 - Residential flat building: Code Assessed - Performance Assessed
 - Fence – Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - There is no alternative assessment pathway for either of the elements within the Historic Area Overlay.

PUBLIC NOTIFICATION

- **REASON**

The proposed development exceeds two building levels in height.

- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position on Application	Wishes to be Heard
Richard	Thomson		Opposed	No
David	Osborn		Opposed	Yes

- **SUMMARY**

Mr Thomson is concerned that the proposed 3 storey addition is not the same character as the original building or nearby buildings. In addition, Mr Thomson is concerned that the addition will appear substantive and imposing when viewed from Flinders Street.

Mr Osborn is concerned with the impact of the proposal on the character of Little Wakefield Street; particularly the dominance that it would have on the streetscape. Mr Osborn is also concerned that the design of the addition is not consistent with heritage style houses in the local area, suggesting that it looks like a school gymnasium. Mr Osborn is also concerned that neighbouring properties would be overlooked, including by a roof deck.

The applicant has responded to the representations. In summary, the applicant has advised:

- The proposal includes the restoration of the original cottage;
- The rear addition is designed to sit recessively behind the cottage, as a subordinate and complementary 'backdrop' element;
- Although distinctly modern, the rear addition sits comfortably with the streetscape in terms of scale, proportion and rhythm. The height aligns closely with neighbouring buildings.
- The proposal seeks to complement the historic buildings in the locality through contrast, rather than replication; and
- The upper level has been designed to minimise overlooking through the use of screening and orientation.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

The application was referred to the Council's Heritage Advisor, David Brown. Mr Brown's comments are summarised below:

- The proposal to restore the original cottage is a great outcome for the streetscape, as is the replacement front fence;
- The proposed addition is in keeping with the scale of later buildings in the area, with the streetscape scale of modest cottages retained through the retention of the existing cottage at the front of the site;
- The separation between the new building and the cottage assists with it reading as a new structure at the rear of the site, rather than attempting to add on to the old building;

- The scale of the new building is somewhat overbearing, but given the context with the flats to the south-west and other tall buildings in this part of Flinders Street, it is somewhat tolerable;
- The design has some merit in the materials and form;
- Not really comfortable with the height, but to a certain extent the area is already quite compromised.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises the construction of three storey additions to an existing dwelling, involving the creation of one additional dwelling, and a front fence. It is located in the Established Neighbourhood Zone and Historic Area Overlay. Development of this nature on the subject land is broadly appropriate for the following reasons.

- Various housing types are anticipated in the Established Neighbourhood Zone;
- The resultant density is consistent with the relevant Minimum Site Area TNV of 200m² per dwelling;
- The proposed building height contributes to the prevailing character of the neighbourhood and complements the height of nearby buildings;

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*.

Land Use and Intensity

The Established Neighbourhood Zone is intended to accommodate predominantly residential development, together with complementary non-residential activities. Dwellings are listed in DPF 1.1 as a suitable land use within the zone and Desired Outcome 1 explains that “a range of housing types” are desired. Therefore, the proposal apartment style accommodation is generally appropriate from a land use perspective.

Performance Outcome 2.1 of the Established Neighbourhood Zone states:

Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.

As stated above, the anticipated dwelling form in the Established Neighbourhood Zone is varied. The locality contains a wide mix of dwelling forms, including detached and semi-detached dwellings, as well as several examples of dwellings within residential flat buildings. The number of examples of the latter are considered to be sufficiently great that they form part of the prevailing development pattern of the locality, rather than being an anomaly.

DPF 2.1 provides the following two potential ways of increasing density while achieving PO 2.1:

1. Development involving the conversion of an existing dwelling into two or more dwellings and the existing dwelling retains its original external appearance to the public road; or
2. Providing a minimum site area per dwelling of 200m².

The average site area per dwelling resulting from the proposal is 278m², thereby satisfying the second method. While the wording of the first method suggests that it was intended to relate to the conversion of a detached dwelling into a pair of semi-detached dwelling, the proposal has the same outcome, with the existing dwelling retaining its original external appearance from the road and the development increasing density from one to two dwellings. Therefore, the proposal is also consistent with the first method.

Site Coverage

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 default maximum site coverage, as stated in DPF 3.1, is 50%.

The proposed extent of site coverage is 68%. This has been calculated according to the definition in the Code, whereas it appears that the figure listed in the application plans (42%) relates to the ground floor plan only and does not factor in the floor levels above.

The extent of site coverage within the locality varies greatly. The historic row dwellings at 40 and 42 Flinders Street have high site coverage, in the order of 70%. Several other properties in the locality also have high site coverage, particularly those that have been sub-divided and include dwellings fronting both Flinders Street and Little Wakefield Street. Examples of properties that have site coverage at least as high as that which is proposed, are highlighted in yellow in Figure 3 below, with the subject land highlighted in red.

Figure 3. Site Coverage in the Immediate Locality



Accordingly, the proposed extent of site coverage is considered to be consistent with the character and pattern of the neighbourhood. Whether or not the extent of site coverage results in acceptable impacts to adjoining properties (the other consideration in PO 3.1) is considered under the heading of setbacks.

Building Height

The issue of building height is dealt with at both the zone level, by Performance Outcome 4.1 of the Established Neighbourhood Zone, and at the overlay level by Performance Outcome 2.2 of the Historic Area Overlay; noting that overlay policies take precedence over zone policies to the extent of any inconsistency.

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 Kent Town 1 Historic Area Statement (NPSP7) notes the building height within the area as up to two storeys.

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 Designated Performance Feature associated with PO 4.1 is a maximum building height of 2 levels.

In summary, the Historic Area Overlay seeks buildings that are *consistent with the prevailing building heights in the area*, while the Established Neighbourhood Zone seeks buildings that *complement the height of nearby buildings*. Since overlay policy prevails to the extent of any inconsistency, the former is of greatest relevance to the assessment of the application.

The area is reflective of the Historic Area Statement, with very few examples of buildings exceeding two storeys being present. The proposal is therefore inconsistent with the prevailing building and wall heights in the historic area and in turn, PO 2.2 of the Historic Area Overlay.

That said, for the following reasons, the departure of the proposal from PO 2.2 of the Historic Area Overlay is not considered detrimental to the Desired Outcome of the Overlay:

- The upper-level addition is sufficiently set back from the street so as not to detract from the historic character of the streetscape; and
- While predominantly containing one and two storey buildings, the locality is not consistent with respect to building height, with some examples of three storey buildings present.

With respect to the first dot-point, the proposed 3 storey addition is set back 10.75m from the existing building line, 12.75m from the front verandah and 18.2m from the street boundary. At this distance, although readily visible from the street, the proposed 3 level building would be a relatively unobtrusive backdrop, rather than a dominant feature of the streetscape.

With respect to the second dot-point, below are images of two storey buildings within the locality:

Figure 4. 3 storey building at 27 Flinders Street



Figure 5. 3 storey building at 49 & 49A Little Wakefield Street



From within Flinders Street, the proposed 3 storey building would be largely, if not entirely obscured from view when approaching the site from the south-west, by the two-storey residential flat building located close to the street, on the adjoining property at 36 Flinders Street. Views of the building would be more open when approaching from the north-east, however would remain somewhat obscured by large street tree canopies.

On balance, the height of the proposed building is considered acceptable.

Setbacks

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 standard quantitative outcome for the Established Neighbourhood Zone, as stated in DPF 8.1, is for walls that exceed 3m in height to be set back from side boundaries by at least 900mm plus a distance equal to 1/3rd of the extent to which the wall height exceeds 3m from ground level.

With a wall height of 9.7m, this equation results in a setback criteria of 3.1m. The upper-level walls are proposed to be set back 1.0m from both side boundaries. Neither is a south boundary, according to the definition contained in Part 8 of the Code.

Having regard to part (a) of PO 8.1, buildings in the locality are generally very closely spaced, with minimal side boundary setbacks. The two-storey residential flat building on the adjoining site at 36 Flinders Street is set back approximately 1m from the boundary of the subject land to the upper level. In this context, and considering the distance of the proposed building from the street, the proposed 1m side setbacks are considered to provide sufficient separation between buildings to complement the established character of the locality.

Having regard to part (b) of PO 8.1, the following observations were made when visiting the site:

- most of the area of the adjoining property to the south-west which is located adjacent to the proposed building is car parking area, either covered or uncovered;
- a private open space courtyard associated with the nearest unit is mostly covered by a thatched 'Bali hut' structure, such that the shadowing which would be cast by the proposal in the mornings would have limited additional impact;
- the private open space associated with the adjoining property to the north-east includes a covered alfresco and a heavily vegetated open area. The alfresco has a low roof, approximately 1m higher than the top of the boundary fence. The primary outlook from both the covered and uncovered areas is to the rear.

Figure 6 below shows the relationship between the proposed building (approximately shown in red) and adjoining properties. Figures 7-9 are photographs taken of the adjoining properties from within the subject land.

Figure 6. Siting relationship between the proposal and adjoining properties



Figure 7. View of covered private open space of adjoining property to the north-east



Figure 8. View of uncovered private open space of adjoining property to the north-east



Figure 9. View of courtyard with 'Bali hut' of adjoining property to the south-west



On balance, the impacts of the proposal on the adjoining properties with respect to access to light and ventilation are considered acceptable. It is also noted that neither of the adjoining property owners or occupants submitted a representation in response to the public notification.

Heritage

As outlined under the heading of Internal Referrals, the Council's Heritage Advisor has reviewed the application and is supportive of the immediate streetscape impacts of the proposal, insofar as the existing cottage is to be restored and an appropriate front fence is to be installed.

Mr Brown is also supportive of the general architectural approach, with the proposed addition forming a simple contemporary backdrop to the cottage, with appropriate visual separation between the two elements.

Mr Brown is somewhat concerned with the height of the building, but notes that the locality is largely 'compromised' already, insofar as it contains several large, bulky non-historic buildings.

Having regard to the advice of Mr Brown, the proposal is considered acceptable from a heritage perspective. Whilst from certain viewpoints the 3-storey building would be visible in the streetscape, in light of the mix of existing building types and scales in the locality, the proposal is unlikely to detract from the historic character, while in the other hand, the restoration of the existing cottage would make a positive contribution to the historic character.

Traffic Impact, Access and Parking

According to *Table 1 – General Off-Street Car Parking Requirements*, the proposal generates a demand for 4 car parking spaces, of which at least 2 are to be covered. The proposal is consistent with this, with 6 spaces proposed. Whilst the aisle width is 200mm narrower than specified in AS/NZS 2890.1:2004, the car parking bays compensate for this, being 100mm longer and 280mm wider than the minimum standard.

Overlooking

One of the representors raised a concern regarding overlooking and made reference to a roof deck. Whilst the plans show a roof hatch, the applicant has confirmed that is for maintenance access to the roof only.

All upper-level windows and balconies are proposed to be screened via a 'hit and miss' brickwork skin. According to DPF 10.1 and 10.2, this screening should have a maximum of 25% openings. As the specific details of the brickwork screening have not been provided, it is recommended that this be a reserved matter.

Private Open Space

According to *Table 1 – Private Open Space* of the Design in Urban Areas module, Apartment 1 should have at least 15m² of private open space, with a minimum dimension of 3m, while Apartment 2 should have at least 15m² with a minimum dimension of 2.6m.

The proposal readily accords with these standards, with:

- Apartment 1 having approximately 53m² within the ground level courtyard, as well as approximately 35m² on the front balcony and 30m² on the rear balcony at First Floor level; and
- Apartment 2 having approximately 35m² on the front balcony and 30m² on the rear balcony at First Floor level.

Landscaping

As the proposed development is not 'low rise' (due to being higher than 2 storeys) the quantitative standards for landscaping contained in DPF 22.1 of the Design in Urban Areas module do not apply. Instead, DPF 13.2 applies, seeking a deep soil zone equating to 7% of the site area, with a minimum dimension of 3m and incorporating an area of 30m² for the planting of 1 medium tree.

The proposal is consistent with DPF 13.2, with the area between the front of the cottage and the front boundary having an area of 63m², equating to 11% of the site area. Two *Ginkgo Baloba* trees are proposed in this location.

CONCLUSION

The proposed development involves the construction of a 3 level (plus basement) building, to the rear of an existing cottage, which is to be restored. The entire ground level (including that of the existing cottage) and First Floor level are proposed to comprise one dwelling, while the Second Floor level is proposed to comprise a second dwelling.

The resulting density of development is consistent with that envisaged in the Established Neighbourhood Zone, as is the proposal to retain the existing historic building while increasing the dwelling yield of the site.

The 3-level height of the proposal is inconsistent with the quantitative 'standard outcomes' that apply to buildings in the Established Neighbourhood Zone and Historic Area Overlay. That said, as a result of the siting of the building at the rear of the site and the range of building heights in the locality, the relevant performance outcomes are considered to be reasonably achieved.

Upper-level side setbacks are also less than the quantitative standard outcome relevant to development in the Established Neighbourhood Zone. However, as a result of the compact siting characteristics of development in the locality and the specific layout of private open space on adjoining land, the impacts of the proposed setbacks are considered acceptable.

On balance, the proposal is considered to sufficiently accord with the Planning and Design Code to merit consent.

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 23030946, by Damian Campagnaro is granted Planning Consent subject to the following conditions and reserved matter:

RESERVED MATTER

Pursuant to Section 102(3) of the Planning, Development & Infrastructure Act 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval.

Reserved Matter 1

Detailed design of the brickwork screen shall be provided to the reasonable satisfaction of the Assessment Manager, including adjacent to windows and balconies, so as to provide sufficient privacy to adjacent properties.

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

The approved development must include rainwater tank storage which is:

1. connected to at least 80% 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 2000 litres;
4. if the site perviousness is less than 30%, 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 3

Trees 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 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 Council.

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.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 2

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 3

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 4

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) 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 5

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 6

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 7

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 8

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. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 9

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.

Mr King and Mr Campagnaro addressed the Council Assessment Panel from 6.36pm until 6.51pm

Moved by Mr Moorhouse

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.

Seconded By Mr Adcock
CARRIED

Moved By Mr Bateup

Development Application Number 23030946, by Damian Campagnaro is granted Planning Consent subject to the following conditions and reserved matter:

RESERVED MATTER

Pursuant to Section 102(3) of the Planning, Development & Infrastructure Act 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval.

Reserved Matter 1

Detailed design of the brickwork screen shall be provided to the reasonable satisfaction of the Assessment

Manager, including adjacent to windows and balconies, so as to provide sufficient privacy to adjacent properties.

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

The approved development must include rainwater tank storage which is:

- 1. connected to at least 80% 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 2000 litres;*
- 4. if the site perviousness is less than 30%, 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 3

Trees 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 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 Council.

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.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 2

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 3

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 4

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) 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 5

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 6

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 7

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 8

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. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 9

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.

Seconded by Mr Rutt
CARRIED

**5.2 DEVELOPMENT NUMBER – ID 25024174 – MICHAEL SERGI –
24 NORTHUMBERLAND STREET HEATHPOOL SA 5068**

DEVELOPMENT NO.:	25024174
APPLICANT:	Michael Sergi
ADDRESS:	24 NORTHUMBERLAND ST HEATHPOOL SA 5068
NATURE OF DEVELOPMENT:	Two (2) privacy screens (retrospective)
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; group dwelling is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 400 sqm; semi-detached dwelling is 400 sqm; group dwelling is 400 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	17 September 2025
RELEVANT AUTHORITY:	Assessment Panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.17 11/09/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Marie Molinaro, Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL & BACKGROUND INFORMATION:

The proposal is a retrospective application for two (2) privacy screen structures. The application documents refer to the screen structures as rear garden screen and front garden screen.

Both structures are located within a garden bed alongside the northern side boundary of the land. They are set-in approximately 140mm from an existing Colorbond grey side boundary fence. They are made of pre-colour treated steel in a grey colour that matches the side boundary fence. Both structures are open at the bottom, with a slatted screen at the top.

The rear garden screen is 10m long and a maximum of 2.65m high. It is comprised of four (4) 2.5m long panels.

The front garden screen is 5m long and maximum of 2.45m high. It is comprised of two (2), 2.5m long panels. Council first became aware of the construction of the structures without Development Approval in July 2025. That same month, the owner was invited by the Council Compliance Officer to either remove the structure or lodge a development application to attempt to seek Development Approval for the structure.

The structures have been considered as a privacy screen, as they are not a fence or an outbuilding. Fence is not defined in the Planning & Design Code but is defined in the dictionary as an *“enclosure or barrier along the boundary of a park, field etc or any place to protect it from intruders or to define limits.”*

The structure is located within the subject land; and there is existing fencing forming the barrier along the boundary.

DEVELOPMENT APPROVAL HISTORY:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
8 May 1983	150/715/83	Erection of two-storey (garage and rumpus room) detached addition on residential allotment

SUBJECT LAND & LOCALITY:

Location reference: 24 NORTHUMBERLAND ST HEATHPOOL SA 5068

Title ref.: **Plan Parcel:** **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

CT 5682/558 F138406 AL26

The subject land has an area of 1446 square metres, and it is rectangular in shape. It is 23m wide and 61m long.

The land contains a detached single-storey dwelling that is centrally located on the site. A gravel driveway is on the northern side of the land, and between the gravel driveway and the side boundary is a garden bed. The privacy screen structures are located within the garden bed.

The length of the boundary shared with the adjoining site to the north is 42.67m long. The subject land is mostly flat, with Council records showing the adjoining site to the north (20 Northumberland Street) was excavated to create a bench level for the dwelling.

The locality contains dwellings that are mostly located on large, well-landscaped allotments. Residential amenity is considered to be high.

The subject land is identified in **Attachment 2 – Subject Land Map**. The zoning is shown in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Other - Residential - Privacy screen: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The proposal is not listed as Accepted, Deemed-to-Satisfy or Restricted development in the Planning & Design Code, so it defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

- **REASON**
In accordance with Table 5 procedural matters of the Established Neighbourhood Zone, a privacy screen structure is not specifically listed as being excluded from public notification. The structure is not considered to be minor in nature.
- **LIST OF REPRESENTATIONS**
Four (4) representations were received during the public notification period.

Two (2) of the representations were opposed to the proposal and two (2) of the representations were supportive of the proposal. Both opposed representors wish to be heard in support of their written representation.

The representor details are below:

Representor Name	Representor's Address	Position	Wishes to be Heard	Nominated Speaker (if relevant)
Natalia Esposito		Opposed	Yes	Natalia Esposito
John Esposito		Opposed	Yes	John Esposito
Christopher Tippet		Supportive	No	
Helen Tippet		Supportive	No	

- **SUMMARY**

The issues contained in the opposed representations can be briefly summarised as follows:

- Concern regarding the visual impact of the structures.
- Concern regarding overshadowing impact from the structures.
- Concern regarding loss of ventilation as a result of the structures.
- Concern that the structures are not structurally adequate.

- Comment that the application details are not accurate.
- Comment that the existing boundary fence is adequate for privacy.
- Comment that the structures are not 'compliant' with the Planning & Design Code.

The opposed representor's location is shown in **Attachment 4 – Representation Map** and their written representations are included in **Attachment 5 – Representations**.

The applicant's response to the representations included clarifying the height of the rear garden screen. It is 2.65m high at the highest point and not a total of 2.4m high as included in the public notification documentation.

The applicant's response is provided in **Attachment 6 – Response to Representations**.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

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

The Code does not speak directly to privacy screen structures, however this form of development is considered to be most similar in nature to a fence.

Performance Outcome 9.1 of the Design in Urban Areas module speaks directly to fence development:

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.

Performance Outcome 11.1 of the Established Neighbourhood Zone speaks to residential ancillary structures in a more general sense, and seeks that they are:

Sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.

Performance Outcome 9.1 is considered as a two-part test, being that fencing is adequate for its intended purpose as a privacy tool *and* does so without unreasonably impacting adjoining land, both visually and from overshadowing. The first test is not considered to be met, as the existing side boundary fencing is considered to be of sufficient height to maintain both privacy and security. It is of solid construction, and approximately 1.8m high.

However, the Code is concerned with maintaining privacy as a result of overlooking from built form and the altering of ground levels. The applicant's response to the representations is that the screens were installed to maintain privacy resulting from the installation of surveillance equipment on the adjoining site to the north (22 Northumberland Street).

With respect to impact on adjoining land's access to sunlight (and ventilation) the privacy screen structures

are located on the southern side of the adjoining site and are partly open (slatted in design) to allow for breeze to flow through.

Regarding Performance Outcome 11.1 of the Zone, firstly considering whether the structures detract from the streetscape or the appearance of the dwelling on the land. The rear garden screen is located on the side of the dwelling, however the front garden screen is forward of the dwelling. Nonetheless, it is setback approximately 17.5m from the front boundary and is slender in design and finished to match the existing structure. Further, there is a tall hedge along the front boundary, such that views of the front garden screen from the street are limited to that from the driveway cross-over.

Secondly, considering whether the structures detract from the neighbouring property, the associated Designated Performance Feature (DPF) anticipates that residential ancillary structures can be sited on a boundary up to a length of 8m (individually), provided that such structures do not exceed a combined length of 45 per cent of the boundary or are within 3m of another wall, unless it abuts a wall or structure on adjoining land.

Therefore, that part of the DPF that relates to boundary development is satisfied, except that the length of the rear garden screen is 10m long.

Regarding height, the DPF anticipates residential ancillary structures can be up to 3m high. The maximum height of the rear garden screen is approximately 3m above the ground level of the adjoining site to the north. Council records show the adjoining site to the north was cut into the land by approximately 330mm.

In a more qualitative assessment, the rear garden screen is adjacent the rear yard of the adjoining site to the north. However, the representation submissions show this part of the site is used as a paved clothes drying area, adjacent to an outbuilding. This area adjoins what the representors describe as a dining room of the dwelling. Council records show this room labelled as play/study room, with a separate family room adjacent this. In any event, both of these rooms have narrow window openings, that face towards the rear of land, with no openings facing directly south towards the subject land. Instead, the main family room opening (a set of french doors) faces north, away from the subject land. A narrow verandah at the rear of the family room is approximately 4.5m from the shared side boundary. A separate living/dining room also faces north, away from subject land. Thus, the 10m length and height of the rear garden screen is accepted, especially considering the design of the screen, in that it is partly open and constructed of pre-colour treated steel in a dark grey colour to match the existing boundary fence.

For the front garden screen, it is partly opposite a bedroom and laundry of the dwelling on adjoining land. A laundry is not considered a habitable room in the Code; and further this screen has the same appearance as the rear garden screen such that it is also accepted as not detracting from the neighbouring property.

The proposal is considered to be consistent with Performance Outcome 11.1.

Other

The representor's comments around the structural adequacy of the structures are acknowledged. However, this matter not a Planning Consent assessment consideration. If Planning Consent is granted, Building Consent will also be required.

CONSIDERATION OF 'SERIOUSLY AT VARIANCE'

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2025.17 11/09/2025) the proposal is not considered to be seriously at variance with the provisions of the

Planning & Design Code for the following reason:

- The Code does not speak directly to privacy screen structures, however it is considered to be similar in nature to a fence, which is a form of development anticipated in the Code.

SUMMARY & CONCLUSION

The proposal seeks retrospective consent for two (2) privacy screen structures. The Planning & Design Code does not speak directly to this form of development; however it is considered similar in nature to a fence.

There are two (2) Performance Outcomes that have been considered as being most applicable to the proposal, that which speaks directly to fence development and that which speaks in a more generalised sense to residential ancillary development.

The proposal is considered to be partly at variance with the Performance Outcome directly speaking to fencing in that the existing boundary fence is sufficient to maintain privacy and security. However, this is in a Planning & Design Code sense, which seeks for fencing to manage impacts on privacy from built form and the altering of ground levels. The Code does not manage privacy impacts from other sources/activities which the applicant submits is the reason for the structures.

However; and perhaps more importantly, both proposed structures are considered to be consistent with the Performance Outcome relating more generally to residential ancillary structures. Both screens are not considered to detract from the neighbouring property both in terms of their appearance/design or access to natural light and ventilation.

RECOMMENDATION

GRANT PLANNING CONSENT

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not 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 25024174, by Michael Sergi for two (2) privacy screens (retrospective) 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).

ADVISORY NOTES

Planning Consent

Advisory Note 1

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@npssp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 2

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 3

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 Esposito addressed the Council Assessment Panel from 7.13pm until 7.20pm
Mrs Esposito addresses the Council Assessment Panel from 7.21pm until 7.27pm
Mrs Sergi addressed the Council Assessment Panel from 7.28pm until 7.29pm

Moved by Mr Moorhouse

GRANT PLANNING CONSENT

1. *The proposed development is not 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 25024174, by Michael Sergi for two (2) privacy screens (retrospective) 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).

ADVISORY NOTES

Planning Consent

Advisory Note 1

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@npssp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 2

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 3

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 Adcock
CARRIED

**5.3 DEVELOPMENT NUMBER – ID 25028766 – JORDAN ORMSBY C/O
WILLIAMS BURTON LEOPARDI – 54 - 56 FOURTH AVENUE ST PETERS SA 5069**

DEVELOPMENT NO.:	25028766
APPLICANT:	Jordan Ormsby co Williams Burton Leopardi
ADDRESS:	54-56 FOURTH AV ST PETERS SA 5069 54 -56 FOURTH AV ST PETERS SA 5069
NATURE OF DEVELOPMENT:	Dwelling addition including partial demolition of existing building and ancillary structures, excavation of a basement (including garage), reinstatement of tennis court with new lighting and fencing, construction of a swimming pool with associated safety features, fencing, and removal of a regulated tree
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Heritage Adjacency • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	22 Sept 2025
RELEVANT AUTHORITY:	Assessment panel at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.17 11/09/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary Senior Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	City Arborist, Matthew Cole Heritage Advisor, David Brown Traffic Engineer, Jayesh Kanani

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development retains the existing two-storey Local Heritage Place (LHP) on the site, but demolishes a later addition, freestanding garage, two freestanding verandahs, a swimming pool and tennis court. The demolition works also includes some internal demolition within the Local Heritage Place though mainly relating to openings. An existing verandah along the southwestern side of the LHP is also proposed to be removed. Some vegetation removal is also proposed, including removal of one regulated tree, but several trees are proposed to be retained.

A new dwelling addition would then be constructed. This includes excavation of a large basement which would include an 11-car garage, gym and wine cellar. An existing cellar would become a new sauna. On top of the new basement, a new tennis court would be constructed, with new lighting poles and tennis court fencing. The dwelling addition itself includes a double-height void space above the living room, with the portion at the rear of the site being single storey, include a covered outdoor area. There would then be a new swimming pool and pergola constructed.

A new masonry fence is proposed along most of the rear boundary, with a colorbond fence behind the tennis court. The existing masonry and metal infill front fence would be altered with a new driveway opening proposed to facilitate a horseshoe driveway.

BACKGROUND:

The existing building on the site is a Local Heritage Place known as "Athol Lodge". The 2002 Heritage Survey of St Peters describes it as:

"A grand, two storey, asymmetrical villa on a large allotment with a projecting gable ended bay and ornate balcony/verandah. Walls are constructed of bluestone, random coursed with ornate rendered quoins, opening surrounds, and banding. The corrugated iron roof is hipped and gabled. The balcony/verandah is timber framed with cast iron frieze and balustrading. Eaves are bracketed.

The building was constructed in 1882 for William Tyndall Sheppard, Auditor General, and was the home of Sir Kerr Grant Professor of Physics at the University of Adelaide from 1912 to 1969.

[it is] An unusual and important example of an imposing Italianate villa, uncommon in St Peters"

The Development Application was submitted on the 15 of September 2025, and Planning Consent was lodged on the 22nd of September. The application was assessed by Council's Senior Urban Planner, who sought clarification on several points, but determined that these would not be "substantial" variations to the proposal, and thus public notification could proceed prior to these clarifications being made.

The public notification period ran from 24 October to 13 November 2025. Two representations were submitted in that time (though one was submitted three times).

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 54 -56 FOURTH AV ST PETERS SA 5069

Title ref.: CT **Plan** **Parcel:** D68595 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST
5952/41 AL207 PETERS

Location reference: 54 -56 FOURTH AV ST PETERS SA 5069

Title ref.: CT **Plan** **Parcel:** D68595 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST
5952/40 AL206 PETERS

Shape:	Relatively square, comprising two, rectangular allotments (with the eastern allotment being substantially wider)
Frontage Width:	52.58m
Area:	2407m ²
Topography:	Mostly flat, slightly slope towards Fourth Avenue
Existing Structures:	Two-storey bluestone mansion (Local Heritage Place) with later, single-storey additions, two freestanding verandahs, freestanding garage, swimming pool and tennis court (with associated fencing)
Existing Vegetation:	Variety of shrubs, trees and groundcovers, including several regulated trees

Locality

The locality is considered to extend approximately 40m southwest to Stephen Terrace, 100m northeast along Fourth Avenue, including both sides of the street, and dwellings fronting Fifth Avenue. This is illustrated in **Attachment 2**.

The locality is of a generally low density, with sites mostly around 1000m². The locality is entirely residential in terms of land use.

Buildings are predominantly single-storey, with only the subject site having an “outwardly” two-storey building. Being within the Historic Area Overlay, most building are constructed between 1880-1920.

Wide, tree-lined avenues are typical of the wider area, and Fourth Avenue is also typical of this.

Overall, the locality exhibits a very high degree of residential amenity.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

- Fences and walls

- Fence: Code Assessed - Performance Assessed

- Other - Residential - Tennis Court Lighting: Code Assessed - Performance Assessed

- Demolition

- Dwelling alteration or addition

- Dwelling addition: Code Assessed - Performance Assessed

- Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed

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

- Tree-damaging activity: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

- Code Assessed - Performance Assessed

- **REASON**

- P&D Code; Local Heritage Place Overlay

PUBLIC NOTIFICATION

- **REASON**

Development involves the partial demolition of Local Heritage Place

- **LIST OF REPRESENTATIONS**

Given Name	Surname	Address	Position	Wishes to be heard?
Nick	Wilson		Opposed	Yes
Alison and Jonathan	Allan		Supportive, with concerns	No

Mr Wilson, a Planning Consultant, represents a neighbour to the development site who wishes to remain anonymous.

- **SUMMARY**

The two representations are available **Attachment X** and reflect rather different concerns with the proposal.

Alison and Jonathan Allan are primarily concerned by:

- Light spill from tennis court lights (with landscaping suggested to mitigate this);
- Changes to fencing on their shared boundary; and,
- Land stability due to the excavation of the basement.

Mr Wilson's concerns relate to:

- Building height and scale;
- Heritage;
- Vehicle access;
- Lighting impacts;
- Tree damaging activity;
- Stormwater management.

These concerns shall each be addressed in the Planning Assessment below.

AGENCY REFERRALS

None

INTERNAL REFERRALS

- City Arborist, Matthew Cole

Council's City Arborist was unable to access the site for a detail inspection to confirm the size of each tree on the property, but understood that there was one regulated tree to be removed. He provided a plan showing the tree's which he understood to be regulated, and those which he understood to be exempt, which is provided in **Attachment 7**. The tree's marked as "unsure" are marked on the plans provided by the applicant as being unregulated, which has been confirmed to be the case.

- Heritage Advisor, David Brown

Council's Heritage Advisor has provided a report which is included in **Attachment 7**. He is broadly supportive of the proposed development, though there are some elements which could be improved. This will be outlined in detail in the Heritage section of the Planning Assessment below.

- Traffic Engineer, Jayesh Kanani

Council's Traffic Engineer reviewed the plans and noted that there was a lack of detail to confirm the suitability or otherwise of the basement carpark.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises a dwelling addition including partial demolition of existing building and ancillary structures, excavation of a basement (including garage), reinstatement of tennis court with new lighting and fencing, construction of a swimming pool with associated safety features, fencing, and removal of a regulated tree. 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.

- Detached dwellings are envisaged within the Zone;
- All other development proposed is ancillary to the dwelling.

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*.

Land Use

The proposed use of the site remains unchanged in that it would be a detached dwelling (i.e. residential), with a series of ancillary structures. The tennis court would remain on a separate allotment from the dwelling, but given the nature of the vehicle parking underneath, there is little risk of this being separated from the dwelling and used in a manner that is not associated with the dwelling.

Building Height

The proposed addition is single storey in nature, consistent with the TNV for this area, but the portion above the living area is a double height void with a wall height matching the original two-storey portion of the LHP (approximately 7.5m).

This wall height is not generally consistent with a single storey form, and one representor raised concerns about this. This representor references PO 2.1 of the Local Heritage Place Overlay:

“Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.”

Given that the addition is sited entirely behind the two-storey heritage place, it is not considered to dominate it, nor does conceal or obstruct heritage elements. Given its separation from the original building, it is relatively unobtrusive and does not substantially detract from the heritage place's appearance.

Thus, while the addition's height is greater than might ordinarily be envisaged in this area, given it is an addition behind an existing two-storey building, it will not look significantly out of place in the area.

Heritage and Extent of Demolition

The proposed development is a “light touch” on the fabric of the LHP, with alterations to some of the openings, repainting, and repointing stonework.

One representor was concerned by the removal of the western verandah, saying that this was a key component of the Italianate villa. Council's Heritage Advisor disagrees, noting:

*"It is my understanding that the side verandah is a later addition, as can be seen with the low height, modern generic replica detailing with no chamfers on posts, no half post on the wall, and non-authentic fascia, modern roof framing, and contemporary brick paving on the floor.
I do not know of any similar houses that had inferior side verandahs in this sort of location that were this long and attached to a rear lean-to. If the verandah was a part of the original house design, it would have been more impressive like the front balcony.
In my opinion the verandah's removal is a good outcome for the very reason this representation has raised, there is confusion between what is original and authentic and what is a poor-quality replica addition. The proposed replacement loggia is at least identifiably modern, so in the future this confusion will not exist."*

The proposed development provides appropriate separation between the original and new building fabric, including a link separating the roof over the double height void space from the original roof. Council's Heritage Advisor describes it as, "a simple conservative design that respects the existing dwelling".

The Heritage Advisor's key concern was the visual impact of the proposed ramp. He describes this as "not a great outcome for the street as it is not really set back behind the dwelling." While this concern is noted, the width of the opening is relatively limited, it is set 1.8m away from the side of the proposed "loggia". It is considered that it does not "dominate" the appearance of the LHP, and it would detract from it to an extent that would warrant refusal of the application.

Also noted by the Heritage Advisor were a series of restoration works which could be done to improve the building's heritage value by restoring non-original elements. While this would be ideal, a Relevant Authority cannot force an Applicant to add to the scope of their Development Application, and the Applicant has chosen not to include these works in this case. Nonetheless, some of the restoration works note generic colours such as "dark grey" rather than specifically stating "woodland grey" for instance. Some kinds of dark grey, such as monument, may be inappropriate, so a Reserved Matter is recommended which would clarify a final schedule of colours.

Streetscape Appearance

The proposed additions are mostly obscured from the street by the existing building and existing vegetation. The most prominent impact on the streetscape will be the ramp down to the basement car park. The start of the ramp is 10.7m back from the street boundary, but it is slightly forward of the building. Performance Outcome 7.1 of the Design in Urban Areas module states:

"Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as:

- a) limiting protrusion above finished ground level*
- b) screening through appropriate planting, fencing and mounding*
- c) limiting the width of openings and integrating them into the building structure."*

These features are indeed present in this case, with the protrusion above ground level of only approximately 1m, but this would be obscured by landscaping and covered by the tennis court.

The ramp opening is set well back from the street and while it is forward of and close to the dwelling, it is relatively narrow at only 3.8m. It is considered that this does not detract from the Local Heritage Place.

The horseshoe driveway is also notable, as it is not typical of this Historic Area, where the Historic Area Statement notes, *“Landscaping around a dwelling, particularly in the front garden, is an important design element.”*

Nonetheless, this particular dwelling is a more grand example than most in the Historic Area, and such horseshoe driveways were a feature of such mansions. Thus, the driveway reflects this status as a more substantial dwelling. Council's Heritage Advisor is of the view that this would not detract from the heritage value of the LHP. There is still substantial landscaping forward of the building, so this does not detract from its overall appearance, due to the particular context of this building.

Visual Impact on Neighbouring Land

The section of the addition near the neighbouring property to the east is single storey, though it is relatively tall for a single storey wall at 4.5m. Nonetheless, being set back 1.57m from the boundary its visual impact would not be unreasonable.

The rear setback (which is essentially nil given the wall for the “shed/pool plant” room is on the rear boundary) is substantially less than what is sought by ENZ DPF 9.1. Nonetheless, it is consistent with the pattern of development in the area, where large structures near the laneway boundary are commonplace due to the rear access. ENZ PO 9.1 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.”*

As outlined above, it is commonplace for buildings to be located near the rear boundary in this locality, so this does not compromise the established character of the locality. The only neighbour who would be affected by the lack of setback here is on the north-eastern side of the development, so there would not be any significant overshadowing implications, and there is ample private open space and soft landscaping.

For consideration of the fencing, see the fencing section below.

The proposed tennis court lights are very tall, being 7.4m above the level of the tennis court, and therefore over 8m above the neighbouring property. Nonetheless, these are relatively small structures with limited visual impact. Moreover, the adjoining site is oriented towards Stephen Tce and the boundary is approximately 18m from the building, with several ancillary structures between them. While the lighting is a new addition (the current tennis court does not have lighting poles), it is not unreasonable in its visual impact.

Light Spill

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 (or lawfully approved sensitive receivers).”

The applicant has provided a light spill diagram which models the lighting intensity in both horizontal and vertical planes. This shows that at the property boundary there will be no more than 3lx.

One representor stated that “no photometric report is provided”, but this light spill diagram was provided during public notification. The applicant is preparing a more formal Obtrusive Lighting Analysis to confirm that the

extent of light spill in consistent with the Australian Standard.

Australian Standard 4282:2023 outlines the expected light levels in various areas. The site is considered to be in an A3 Zone or medium district brightness. This would mean an expected vertical illuminance level of 10lx during non-curfew hours, and 2lx in curfew hours. The standard curfew hours are 11pm-6am.

Section 3.3.1.3 of the Standard outlines where measurements of illuminance are to be taken. This outlines that generally, the measurement is to be taken at the centre of a window to a habitable room with a view of the lighting system. Rather than modelling the exact location of buildings on neighbouring property, the model provided measures the levels at the property boundary. As a result, the effective illuminance is likely well within the levels anticipated by the Standard even within curfew hours, but lacking confirmation of this, a condition is recommended that will limit use of the lighting within curfew hours.

Fencing and Privacy

The proposed addition is actually only single storey so the two storey windows of the void space may lead to some perceived overlooking, but given there is no floor behind it there is no reason to apply any privacy treatment. There is no change to the existing upper floor windows, and the new void area does not provide any overlooking opportunities from within the existing dwelling. Thus, there is no privacy impact from the proposed addition itself.

The finished levels on the site are somewhat complicated given the introduction of the basement carpark. The finished level of the tennis court would be some 1.2m above the neighbouring property to the southwest (varying with a natural fall towards the street making this difference higher on the street side). However, the finished levels include a portion between the fence and the tennis court which would retain the existing height, with the existing boundary fencing retained. This would result in an effective fence height of only 800mm from the tennis court, with then a tennis court fence behind up to a height of 3.6m above the tennis court. On its own, this would allow someone standing on the tennis court to easily look over the fence and into the neighbouring property.

The applicant has provided amended plans showing a “privacy screen net” to be attached to the tennis court fencing which would be up to 1.7m above the court level. This is consistent with the height of privacy screening expected for balconies and terraces in Design in Urban Areas DPF 10.2 (b), which is considered a suitable height. A Reserved Matter is recommended which clarifies that the net shall be of a reasonable density to ensure that it does in fact prevent unreasonable overlooking.

The visual impact to the neighbours by what is proposed is not considered unreasonable, as the taller fencing is set back, and is visually permeable for most of its height.

Landscaping and Tree Removal

The plans provided show 34% of the site being soft landscaping compared to the 25% sought by Design in Urban Areas DPF 22.1. However, the extent of soft landscaping shown would mean that there is no paving around the proposed pool, which is somewhat unlikely in practice. Even if that were the case, there is ample remaining area to still satisfy this DPF.

The proposal intends to remove several trees, but only one of these is a regulated tree, though there are several other regulated trees on the site being retained. One of the representors states that “in the absence of an arborist report assessing species, trunk measurements, health, structure and risk, and considering alternatives to removal, it is not possible to conclude that removal satisfies the Regulated and Significant Tree Overlay policy outcomes that prioritise retention where trees contribute to character, amenity or biodiversity (PO 1.1, 1.3, and 1.4).” This negates the fact that the Relevant Authority is prevented from seeking an arborist’s

report from the applicant where the tree is only regulated (rather than significant), unless special circumstances apply. It is considered that no such special circumstances do apply here, and thus no arborist's report has been requested here.

Council's City Arborist identified in his inspection (which was from the public realm only) that there are likely four other trees on the site which could be regulated, with several more which may be regulated (though these are less clear and the applicant has suggested that they are not).

Since then, the applicant has provided further information to Council administration that confirms that these other trees are not regulated because they are within 3m of the swimming pool on the site. Thus, the administration is satisfied that only one regulated tree is sought for removal with this application.

The regulated tree shown on the plans to be removed is understood to be a jacaranda tree (*Jacaranda mimosifolia*) with a trunk circumference of under 2m. PO 1.1 of the Regulated and Significant Trees Overlay outlines a series of retention criteria for regulated trees:

"Regulated trees are retained where they:

- a) make an important visual contribution to local character and amenity*
- b) are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
and/or
- c) provide an important habitat for native fauna"*

Trees that do not meet this retention test can be removed, regardless of whether it is necessary for reasonable development, risk mitigation or the like.

The tree is not especially large, and given its position, it would only be visible from the subject site, the laneway, and two neighbouring properties. This is not considered sufficient for its contribution to local character and amenity to be "important".

Jacaranda trees are not indigenous to the local area, so it cannot satisfy part b.

Regarding habitat value, it is noted that the tree is not a native species and has not been observed to provide any roosting opportunities beyond what is normal for a tree (e.g. birds sitting on branches). It is therefore considered not to provide an "important" habitat as per PO 1.1 above.

The applicant has indicated that they will plant replacement trees on site, and there is ample space for this to occur. The relevant condition as per Practice Direction 12 is therefore recommended.

While development would occur close to the three regulated palm trees on the eastern side of the site (for the construction of the proposed pergola), it is considered that this is unlikely to damage the trees. Palm trees have more vertical root systems which means that groundwork quite close to these trees is unlikely to impact the tree's roots.

The other known regulated tree on-site is well separated from the proposed works, and is also unlikely to be impacted by the work.

Vehicle Access and Parking

The proposed basement provides 11 parking spaces; well in excess of the two sought by the Code. In terms of functionality, the basement provides an aisle width of 6.5m, which exceeds the general provisions of the relevant Australian Standard, and the dimensions of the spaces are also larger than is sought by the

Australian Standard and Design in Urban Areas DPF 23.1. The ramp down to the basement includes appropriate transition points and the gradients are suitable to accord with Design in Urban Areas DPF 8.2.

The proposal also creates a new crossover from Fourth Avenue, in addition to the retention of the existing crossover.

Design in Urban Areas DPF 23.3 envisages that sites with a frontage of more than 10m may have multiple access points. Given the site's wide frontage, ample on-street parking and verge space for tree planting is retained, and it is therefore considered reasonable to have multiple access points.

While the original version showed very little separation between the proposed crossover and the street tree, the amended version now shows a 3.6m separation from the tree, which is more than sufficient to avoid the tree's Structural Root Zone.

Stormwater

No specific policy relating to stormwater is relevant to the proposed development. As the permeable area of the site substantially exceeds the expectations of Design in Urban Areas DPF 22.1, it is considered that stormwater volumes are unlikely to be unreasonable.

One representor suggested applying the policies of the Stormwater Management Overlay, but this is only applicable to the construction of new dwellings, not additions to existing dwellings.

As for the disposal of stormwater, levels allow for a flow by gravity to Fourth Avenue, which is necessary as Fifth Lane lacks stormwater infrastructure. The representor suggested that a Siteworks and Drainage Plan should be provided, but given that the levels clearly show that such an arrangement is feasible, it is recommended that this can be suitably addressed by condition.

Land Stability

A representor expressed concern that the extent of the proposed excavation could lead to issues with the stability of neighbouring land. The only potentially relevant policy is PO 8.5 of the Design in Urban Areas Overlay states:

“Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.”

The wording of this seems to only refer to land which is already at risk of landslip, rather than land which may be at risk of landslip during construction.

Section 139 of the *Planning, Development and Infrastructure Act 2016* outlines civil requirements relating to activities which may affect the stability of neighbouring land. An advisory note is recommended to draw the applicant's attention to this, but it is otherwise considered that this can be appropriately managed through Building Consent, as there are no relevant policies in the Planning and Design Code.

CONCLUSION

The proposed development renews the site while still being relatively sensitive to the existing Local Heritage Place. The height of the proposed addition is noted, but it is consistent with the existing building on the site and therefore will not appear out of character.

The development does not substantially alter the heritage fabric of the building and removes mostly non-

original elements including a side verandah. The new development is suitably distinct from the original to avoid confusion.

The proposal includes a replacement tennis court, but the proposed fencing is not expected to be unreasonable in its visual impact while still maintaining privacy, and the proposed lighting is not expected to cause unreasonable light spill.

While one regulated tree would be removed, this tree does not provide an important contribution to local character and amenity, or biodiversity.

Overall, it is considered that the application sufficiently accords with the provisions of the Planning and Design Code to warrant consent.

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 25028766, by Jordan Ormsby co Williams Burton Leopardi is granted Planning Consent subject to the following conditions/reserved matters:

RESERVED MATTERS

Pursuant to Section 102(3) of the *Planning, Development & Infrastructure Act 2016*, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval. Resolution of the reserved matter(s) and the imposition of any additional conditions is delegated to the Assessment Manager:

Reserved Matter 1

A final schedule of colours and materials shall be provided to the reasonable satisfaction of the Assessment Manager prior to the issuing of Development Approval. These shall be consistent with the historic character of the area and of the Local Heritage Place.

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.

Reserved Matter 2

Details regarding the proposed "privacy screen net" shown on the plans herein approved (titled "Tennis Court Light Diagrams" Revision 3, prepared by Williams Burton Leopardi, dated December 2025) shall be provided to the reasonable satisfaction of the Assessment Manager prior to the issuing of Development Approval. The net shall be of a sufficient density to ensure that it appropriately obscures views to the reasonable satisfaction of the Assessment Manager.

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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

The tennis court lights herein approved are permitted to be used only between the hours of 6:00am and 11:00pm.

Condition 3

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 Council.

Condition 4

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 5

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

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

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

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. 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 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 5

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 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) to keep people safe and help protect underground infrastructure.

Advisory Note 11

The Authority draws the applicant's attention to Section 139 of the Planning, Development and Infrastructure Act 2016, which outlines a process relating to the gaining of access to a neighbouring property where the stability of that land may be affected.

Mr Giannakodakis and Mr Burton addressed the Council Assessment Panel From 7.45pm until 7.47pm

Moved by Mr Rutt

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**Seconded by Mr Bateup
CARRIED**

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT
7. REVIEW OF ASSESSMENT MANAGER DECISIONS

8. ERD COURT APPEALS

Moved By Mr Adcock

That pursuant to Regulation 13(2)(a)(ix) and Regulation 13(2)(b) of the Planning Development & Infrastructure (General) Regulations 2017, together with Clause 8.9 of the Council Assessment Panel Meeting Procedures, the Council Assessment Panel orders that the public, with the exception of Council staff, be excluded from the meeting.

Seconded By Mr Bateup
CARRIED

**8.1 CONFIDENTIAL MATTER – ENVIRONMENT RESOURCE AND DEVELOPMENT COURT
APPEAL - DEVELOPMENT APPLICATION ID 25003913**

Moved By Mr Adcock

That the public be allowed to return to the meeting and that pursuant to Regulation 14(4) of the Planning, Development & Infrastructure (General) Regulations 2017 and Clause 8.9 of the Council Assessment Panel Meeting Procedures, the discussion shall remain confidential, but the Assessment Manager and delegates are authorised to communicate the decision of the Panel and any associated advice to relevant parties in the course of managing the Appeal in the Environment Resources and Development Court.

Seconded By Mr Bateup
CARRIED

9. OTHER BUSINESS

9.1 SCHEDULE OF COUNCIL ASSESSMENT PANEL MEETINGS FOR 2026 PURPOSE OF REPORT

The purpose of the report is to obtain the Panel's endorsement of the draft Schedule of Meetings of the Council Assessment Panel for the period January 2026 to December 2026.

BACKGROUND

Pursuant to Clause 1.2 of the Council Assessment Panel Meeting Procedures, ordinary meetings of the City of Norwood Payneham & St Peters Council Assessment Panel (CAP) will be held at such times and places as determined by the CAP.

The CAP previously determined the times and places of meetings up until December 2025, corresponding with the end of the calendar year. As a new calendar year is shortly to commence, it is necessary for the CAP to consider its meeting dates and times for 2026 to ensure we maximise the opportunity to secure a quorum for each meeting.

DISCUSSION

In the past, ordinary meetings of the Council Assessment Panel have been held commencing at 6.30pm on the third Monday of each month, unless otherwise determined by the Panel. In the event of a public holiday and / or the re-scheduling of a Council meeting which clashes with a scheduled Panel meeting, the Council has previously resolved that Panel meetings be held on the third Wednesday of the month.

A draft Schedule of Meetings for this period has been prepared for consideration by the Panel based on this practice of conducting Panel meetings on the third Monday of the month. A copy of the draft Schedule is attached (**Attachment A**).

This Schedule has worked well in the past and in order to ensure consistency with the Elected Member on the Panel, staff and the community, it is recommended that this schedule be followed, unless the time and date is such that one or more Members of the Panel is unable to attend the scheduled meetings on a regular basis.

The venue of the Council Chambers / Mayor's Parlour is also recommended, as it is considered conducive to the format and operation of a typical Panel meetings, and has the necessary IT equipment.

Please note, no part of this report or the attached schedule would prevent a special meeting of the Panel being called, in accordance with clauses 1.12, 1.13 and 1.14 of the Meeting Procedures.

CONCLUSION

Determination of the times and places for ordinary meetings of the Panel, will ensure compliance with the requirements of the Terms of Reference and enables administration to communicate these dates and times to the community.

RECOMMENDATION

1. That the Council Assessment Panel meetings for the 2026 calendar year be held in accordance with the Schedule of Council Assessment Panel Meetings attached to this report.

Moved By Mr Adcock

1. *That the Council Assessment Panel meetings for the 2026 calendar year be held in accordance with the Schedule of Council Assessment Panel Meetings attached to this report.*

Seconded By Mr Bateup
CARRIED

9.2 OTHER BUSINESS

Panel requested administration to prepare two part recommendations (separating out the decision regarding “seriously at variance”) in the future.

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declares the meeting closed at 8.30pm

Stephen Smith
PRESIDING MEMBER

Geoff Parsons
MANAGER, DEVELOPMENT & REGULATORY SERVICES