

Council Assessment Panel Minutes

19 January 2026

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 **6:40PM**

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
Ned Feary – Senior Urban Planner
Marie Molinaro – Urban 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 15 DECEMBER 2025**

Moved by Mr Adcock and Seconded by Mr Bateup
CARRIED

4. **DECLARATION OF INTERESTS**

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER ID 25002154 - PETER PILIOURAS - 33A -33B ANN STREET
STEPNEY SA 5069**

DEVELOPMENT NO.:	25002154
APPLICANT:	Peter Piliouras
ADDRESS:	33A -33B ANN ST STEPNEY SA 5069
NATURE OF DEVELOPMENT:	Two-storey alterations and additions to existing residential flat building containing two dwellings (Local Heritage Place), including internal demolition, restoration works, and associated timber picket front fence and replacement side fencing
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 • Hazards (Flooding - General) • 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 8m; semi-detached dwelling is 8m) • Minimum Site Area (Minimum site area for a detached dwelling is 200 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Site Coverage (Maximum site coverage is 60 per cent)
LODGEMENT DATE:	28 Mar 2025
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.6 27/3/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	David Brown

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

DETAILED DESCRIPTION OF PROPOSAL:

The subject building is a Local Heritage Place, described as “an unusual pair of attached dwellings, comprising a single fronted cottage and a symmetrical cottage with separate hipped, corrugated iron roofs, joined across the front by a continuous parapeted wall, and steeply pitched concave verandah.” The LHP listing includes the whole of the exterior of the building and the front fence.

This application is for two-storey alterations and additions to this building, with the second level being recessed towards the rear of the site. Garaging for both dwellings will be obtained via the rear laneway, with both garages being constructed to both side boundaries. Internal demolition works are proposed to improve the layout and liveability of the dwellings. The existing front fence is proposed to be demolished and reconstructed in a like-for-like manner, while restoration works are proposed to the façade of the building to enhance its streetscape appearance.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 33A -33B ANN ST STEPNEY SA 5069

Title ref.: CT
5294/348

Plan Parcel: F17333
AL364

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

Shape:	semi-regular
Frontage Width:	18.48 metres
Area:	approximately 585m ²
Topography:	relatively flat, with a slight increase (700mm) in gradient towards rear
Existing structures:	a single-storey building (Local Heritage Place) comprising two dwellings, and an outbuilding
Existing vegetation:	well-vegetated around the built form elements

Locality

The locality is considered to be comprised of Ann Street extending approximately 60m in both directions and includes some sites to the rear of the subject land on Wells Street. This locality is characterised primarily by single-storey historic dwellings along both Ann Street and Wells Street. The exceptions to this are the two-storey dwellings at 35A and 35B Ann St, which both have the second level concealed within the roof space, and a two-level building at 44 Ann St.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Building Alterations: Code Assessed - Performance Assessed

Dwelling addition: Code Assessed - Performance Assessed

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

Demolition: Code Assessed - Performance Assessed

Fence: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

Exceeds 1 level TNV for Zone and includes partial demolition of LHP

- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Head	Mat		Support, with concerns	Yes
E	Fran		Opposed	No
Grigg	Brendan		Support	No
McGregor	Henry		Opposed	Yes
Manuel	Kate		Support, with concerns	No

- **SUMMARY**

The concerns raised by the representors can be read in full in **Attachment 5**, and can be summarised as follows:

- Concerns regarding the potential for overlooking into neighbouring yards
- Additional traffic in the rear lane
- Two-storey development is at odds with what the zone seeks
- Loss of canopy with the removal of existing trees
- There is too much internal demolition of the LHP proposed

INTERNAL REFERRALS

- David Brown, Heritage Advisor

Council's Heritage Advisor is largely supportive of the proposal, subject to confirmation of how the LHP will be structurally supported following the proposed demolition works.

PLANNING ASSESSMENT

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

Land Use/Density

The existing building is comprised of two dwellings, and this proposal does not seek to change that. However, this proposal does seek to create delineation between those two dwellings, particularly in the rear yard area where communal open space is to be separated into private open space.

From a density perspective, nothing is changing as a result of this proposal. Notwithstanding, it is worth noting that this development will create two dwelling sites that are 304m² and 281m² in size. Designated Performance Feature 2.1 of the Established Neighbourhood Zone suggests that the minimum site area for new dwellings is 200m², which this proposal would satisfy.

Local Heritage Place works (internal demolition and restoration)

Performance Outcome 7.2 of the Local Heritage Place Overlay states:

Local Heritage Places are not demolished, destroyed or removed in total or in part unless:

- (a) The portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value*
Or
- (b) The structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair.*

The Local Heritage Place listing is described in the Planning & Design Code as:

Attached Dwelling: whole of exterior including front fence

This application proposes significant internal demolition, leaving only the central wall between the two dwellings, one wall within the northern dwelling and fireplaces and chimneys in both.

Council's Heritage Advisor has concerns with this demolition, but not with respect to its impact on the heritage values of the place. Rather, the concern lies in how the Local Heritage Place is going to be stabilised with so many internal walls being removed. The heritage listing identifies "the whole of the exterior" and therefore arguably does not extend to the internal walls. Accordingly, the internal demolition is supported by PO 7.2(a), above. How the remaining walls of the Local Heritage Place will be supported is reserved for consideration by way of a Reserved Matter.

Performance Outcome 7.1 of the Local Heritage Place Overlay states:

Conservation works to the exterior of a Local Heritage Place (and other features identified in the extent of listing) match original materials to be repaired and utilise traditional work methods.

This application seeks to undertake significant restoration works to the building and front fence, which are detailed in the Demolition Plan and the East Elevation in **Attachment 1**. The existing building is dilapidated and requires significant work to restore it to a habitable state, and so this extent of work is somewhat anticipated. The precise scope of works, methodologies, and materials and colours to be used has not been specified by the Applicant, and is recommended to be provided by way of a Reserved Matter.

Building Height

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

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

The corresponding Designated Performance Feature suggests that buildings should be no greater than 1 level in height.

Performance Outcome 1.1 of the Historic Area Overlay states:

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

In respect of building heights, the Historic Area Statement says, “single storey”.

Performance Outcome 2.2 of the Historic Area Overlay states:

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

This proposal involves a two-storey addition to the existing building, which is at odds with DPF 4.1 of the Zone and not consistent *prima facie* with the existing built form in this historic area (PO 1.1). There is evidence of some two-level development within the locality, including a small two-level building at the rear of 44 Ann Street, and two, two-storey dwellings at 35A and 35B Ann Street where the second levels are confined to the roof space of the dwellings. Approximately 100 metres south – and outside of the chosen locality (and the historic area) – is the more recent “Ottos development” which involves a high density development consisting of approximately sixty, three storey dwellings.

This proposal seeks to construct dwelling additions that are two levels in nature, but appear primarily single level in appearance, by constructing the second level predominantly within the roof space of the addition. The exception to this built form outcome is at the rear of the additions where, to the side neighbours, the additions present more two-storey in form by way of a large window in a gable end that extends to 7 metres above ground level (at the ridge).

From the primary street, the additions do not present as outwardly two-storey, and the sight line diagrams provided by the Applicant (see **Attachment 1**) demonstrate this. The use of skylights rather than dormer windows reduces the visibility of the second building level even from neighbouring allotments. Again, it is only the gable end above the garages that make these additions appear two-storey, and those views are limited only to the two neighbouring dwelling sites at 31A and 35A Ann Street.

Accordingly, despite the proposal involving two-level additions and hence being at odds with DPF 4.1 of the Zone, the visibility of the second level is reduced to such an extent that the development is considered to complement the height of nearby buildings in a manner more consistent with what Performance Outcome 4.1 of the Zone seeks.

With respect to wall heights, Performance Outcome 2.2 of the Historic Area Overlay is again relevant. The existing building has external wall heights of only 2.9m, which is on the lower end of wall heights of historic dwellings in this historic area; which might typically range from 3.0m - 3.4m (depending on the style of building). Accordingly, any addition built to contemporary standards would ordinarily be expected to have taller external walls than the existing building.

To that end, the additions involve external wall heights of 3.6 metres – both for the addition behind the existing building and the boundary garage walls. This is consistent with the wall heights of the adjacent dwelling at 35A Ann Street, as shown in the West Elevation in **Attachment 1**, and is compatible with the wall heights of older buildings in this historic area.

From the primary street, the wall heights of the additions do not adversely affect streetscape character such that any departure from Performance Outcome 2.2 of the Historic Area Overlay justifies refusal (on its own grounds). Any impacts on the adjoining neighbours are discussed in subsequent sections of this report below.

Finally, Performance Outcome 4.2 of the Established Neighbourhood Zone states:

Alterations and additions do not adversely impact on the streetscape character.

The corresponding Designated Performance Feature suggests that one way this might be achieved is by ensuring any “second or subsequent building level addition does not project beyond a 45-degree angle measured from ground level at the building line of the existing building”. The proposed additions do not breach the building envelope provided in DPF 4.2 of the Zone.

With all the above considered, the height of the proposed additions is considered to be sufficiently complementary to the streetscape and compatible with surrounding built form to warrant support.

While the two-storey nature of this development might be supported by the Zone and Historic Area Overlay policies, consideration of the impacts of the two-level addition on the Local Heritage Place is still required.

Design, Appearance and Impact on Local Heritage Place

Performance Outcome 1.2 of the Local Heritage Place Overlay states:

Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.

Performance Outcome 2.1 of the Local Heritage Place Overlay states:

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.

Performance Outcome 1.3 of the Local Heritage Place Overlay states:

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) maintains the heritage values of the Local Heritage Place.

The Local Heritage Place will remain at the forefront of this development’s presentation to Ann Street. The additions behind will be somewhat visible both to the side of the existing building and above it (at a greater setback though), but not such that they are considered obtrusive or dominant over the LHP, for the reasons expressed below.

The additions immediately behind the LHP employ a hipped roof of the same pitch as the existing building, which helps to reduce the prominence of these taller elements. This is a well-considered design response that effectively supports a second building level by presenting to the street as nothing other than roofing akin to that of the existing building.

The more lateral addition for Dwelling 2, that will have a visible wall facing the primary street, has been designed with parapet wall akin to that across the front of the existing building. This wall is lower in height than the existing parapet on the LHP and will not dominate the LHP at all. Again, this is a well-considered design response by the Applicant. Council’s Heritage Advisor maintains a similar opinion, that the visibility of these additions are “probably an acceptable outcome”.

Due to the site sloping up towards the rear, and the low overall height of the existing building, there are obvious challenges with designing a two-level addition that is not over visibly and dominating in the streetscape. The current proposal sufficiently rises to that challenge though.

By disguising the second level within the roof space of the additions, the development for the most part is not unreasonably taller than the existing LHP or adjacent dwellings.

Where the development does become its tallest is at the rear of the site when the second storeys are contained within tall side gables above the garages. These walls have a shoulder height of 4.2m and an overall height of 7.1m to the gable top/ridge – 3 metres above the roof of the existing building.

Notwithstanding, these tall side gables are set back 19.5 metres from the building line of the existing building and will not be readily visible from Ann Street – mostly contained behind the roofing of the front sections of the proposed additions. Accordingly, the development is considered to satisfy Performance Outcomes 1.2 and 2.1 of the Local Heritage Place Overlay.

Performance Outcome 1.5 of the Historic Area Overlay states:

Materials and colours are either consistent with or complement the heritage values of the Local Heritage Place.

The additions are to be constructed with off white rendered walls and galvanised roofing to match the existing dwelling, consistent with this Performance Outcome.

Setbacks & Visual Impact

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

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

The corresponding DPF suggests that some boundary walling should be reasonably anticipated in this locality.

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

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

With respect to the additions for Dwelling 1, one boundary wall is proposed at the rear of the site for the garage. This wall measures 6.59m in length and is 3.5-3.6m in height. Approximately half of this wall will be concealed from view on the neighbouring allotment by their own rear garage. The other half of the wall will be directly visible from the private open space of the neighbouring dwelling. Despite the height, this wall is not expected to pose an unreasonable impact on the adjoining dwelling's amenity and is therefore considered to be an acceptable outcome.

The taller side gable – accommodating an upper-level bedroom – is sited above the boundary garage wall, but is set back 1.4m from the side boundary. The wall height extends to 4.1m height before reaching the gutters for the roof of the building, with the gable then extending to 7.1m above ground level at the ridge. At the proposed setback, and given the overall height of this addition, this building will have some impact on the visual amenity of the neighbouring dwelling's private open space. Again, the totality of the upper-level wall will not be directly visible from the neighbouring allotment due to its siting relative to their rear garage, and so such impacts are somewhat reduced. This aspect of the development is finely balanced in respect of whether the impacts to the neighbour are acceptable. Noting that the affected neighbour did not submit a representation during public notification, the impacts of the rear side gable are considered marginally acceptable.

With respect to the additions for Dwelling 2, these are constructed to the same height and setbacks as those described above for Dwelling 1. Where the garage boundary wall and upper-level side gable are sited is adjacent to a wall of the dwelling at 35A Ann Street that has only two small bathroom windows that would have views onto the development. Some oblique views of the development would be obtained from the private open

space of 35A Ann Street, but not to such an extent as to be considered to detrimentally affect their amenity.

Accordingly, the development is considered to satisfy both abovementioned Performance Outcomes.

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

Buildings are set back from side boundaries to provide:

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

The balance of the proposed ground level additions are set back 3.3 metres from both side boundaries; satisfying this Performance Outcome. The balance of the upper-level setbacks are also considered sufficient to meet this Performance Outcome due to the upper levels being contained within the roof space of the additions for their majority and such roofs being of a suitable pitch and overall height as to not cause any unreasonable visual impact to neighbours.

Overshadowing & Overlooking

Performance Outcome 3.1 of the Interface Between Land Uses module states:

Overshadowing of habitable room windows of adjacent residential land uses in:

- (a) A neighbourhood-type zone is minimised to maintain access to direct winter sunlight...*

The Applicant has provided shadow diagrams for the winter solstice at 9am, 12pm and 3pm, to demonstrate the level of overshadowing that will arise from this development. These diagrams fail to show the extent of overshadowing in the vertical plane, so it is difficult to discern the additional shadowing to be cast by this development on the habitable room windows of 35A Ann Street. Notwithstanding that, the adjoining dwelling has only one habitable room window facing the subject side boundary – approximately halfway along the dwelling. This window is already shadowed by the boundary wall of an outbuilding on the development site, which is to be removed. The proposed development does not involve a boundary wall in the same location; in fact, the additions will be set back 3.3m from this boundary. The development is therefore expected to improve the amount of light provided to this bedroom window, which is a positive outcome for the neighbour and satisfies Performance Outcome 3.1 above.

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

Overshadowing of the primary area of private open space...of adjacent residential land uses in:

- (a) A neighbourhood-type zone is minimised to maintain access to direct winter sunlight...*

With respect to shadowing of the private open space of 35A Ann Street, the shadow diagrams show that this area is already significantly overshadowed in the afternoon due to vegetation currently on the site. This has been confirmed to be the case by administration by reviewing aerial imagery taken during winter.

The proposed development will increase the amount of shadow cast on this area in the afternoon; but only beyond midday. DPF 3.2 of the Interface Between Land Uses module suggests that overshadowing of half of existing ground level private open space for no more than 4 hours between 9am and 3pm during the winter solstice is an acceptable level of overshadowing. In other words, at least half of the POS should receive at least 2 hours of direct sunlight during the winter solstice. This is the case here, where most of the POS is

expected to receive at least 3-4 hours of direct sunlight during such time. Accordingly, Performance Outcome 3.2 above is considered to be satisfied.

Performance Outcome 3.1 of the Interface Between Land Uses module states:

Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:

- (a) The form of development contemplated in the zone*
- (b) The orientation of the solar energy facilities*
- (c) The extent to which the solar energy facilities are already overshadowed.*

The dwelling at 35A Ann Street has solar panels on the north-facing aspect of its roof. The shadow diagrams provided show that during the winter solstice, these panels will be partially shadowed throughout the day, with the most shadow being at 3pm where over half of the solar panel array will be under shadow. This shadowing is cast by the front section of the additions (i.e. not the tall gable ends at the rear), which are set back 3.3m from the shared boundary and have a roof that pitches away from this boundary at 37 degrees. The height and setback of these additions have been determined to be reasonable in the context of the zoning, and therefore any consequent overshadowing of the solar panels at 35A Ann Street are considered to be a reasonably-anticipated outcome in accordance with criterion (a) of Performance Outcome 3.1 above.

Performance Outcome 10.1 of the Design in Urban Areas module states:

Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

The corresponding DPF suggests that two ways by which this might be achieved is by either having sill heights at least 1.5m above the internal floor level, or otherwise permanently obscuring windows to the same height. These are the most common means of satisfying this Performance Outcome.

In this respect, all of the proposed skylights for the upper-level additions have sill heights more than 1.5m above the internal floor level, and the windows in the side gables are both obscured to a height of 1.5m – both of which satisfy Performance Outcome 10.1 above and mitigate against direct overlooking into neighbouring POS and windows. A condition has been recommended to ensure such treatments remain in place ongoing.

Traffic Impact, Access and Parking

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

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

Vehicle access for both dwellings will be obtained primarily from the rear laneway, with Dwelling 2 also seeking to utilise an existing crossover on Ann Street for the use of an additional, uncovered parking space.

The rear laneway has an established width of only 3 metres. To accommodate safe and convenient vehicle movements, the double-width garages for both dwellings have been setback at least 3.55m from the rear boundary; thus providing at least 6.55m distance between the garage doors and the opposite boundary of the rear laneway. This allows a B85 vehicle to enter and exit each garage space in no more than a three-point turn manoeuvre. This satisfies Performance Outcome 23.5 above.

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

Sufficient on-site vehicle parking...[is] provided to meet the needs of the development or land use having regard to factors that may support a reduce on-site rate...

The corresponding Designated Performance Feature suggests that each dwelling should be provided with 2 car parking spaces. Each dwelling is provided with 2 covered parking spaces, of suitable dimension, in their respective rear garages and accordingly this Performance Outcome is considered to be satisfied.

Site Coverage, Soft Landscaping and Private Open Space

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

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

The corresponding Designated Performance Feature suggests that site coverage should not exceed 60%.

Dwelling 1's site coverage has been calculated at 64.1%, and Dwelling 2's site coverage has been calculated at 65.1%. Despite exceeding the DPF recommendation, these site coverages are not inconsistent with the pattern of development in the locality, where site coverages on some sites are as high as 80%. Accordingly, Performance Outcome 3.1 is considered satisfied.

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

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

The corresponding Designated Performance Feature suggests that, based on the respective site areas, Dwelling 1 should provide 60m² of private open space whereas Dwelling 2 should provide 24m² private open space.

Dwelling 1 is provided with approximately 55m² of private open space along the northern side of the dwelling. Despite being 5m² short of the DPF, this area is a suitably sized area that can function as usable private open space and is therefore considered sufficient to satisfy the Performance Outcome.

Dwelling 2 is provided with approximately 27m² of private open space, which complies with the DPF and is therefore considered acceptable.

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

Soft landscaping is incorporated into development to:

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

The corresponding Designated Performance Feature suggests that each dwelling site should be 20% comprised of soft landscaping.

To that end, the site of Dwelling 1 is comprised of a total of 48.6m² soft landscaping (15.9%), made up of:

- 40m² soft landscaping along the northern side of the dwelling; and
- 8.6m² soft landscaping on either side of the driveway crossover at the rear.

The site of Dwelling 2 is comprised of a total of 25.9m² soft landscaping (9%), made up of:

- 14m² on the southern side of the dwelling;
- 1.2m² in the front yard adjacent a proposed car space; and
- 10.7m² soft landscaping on either side of the driveway crossover at the rear.

If the car space at the front of the site was converted into a garden area comprised of soft landscaping, the total soft landscaping for Dwelling 2 would increase to 45.7m² and total 16.3% of the site. Although this change would be welcomed, it is not considered necessary to require this applicant to make this change for this application to warrant planning consent – especially since the crossover proposed to be used to access this driveway already exists. However, it is considered reasonable to require the driveway to be constructed of permeable paving, to assist with stormwater infiltration in accordance with PO 22.1 (above), and this has been recommended by way of Condition No. 3.

Overall, this proposal falls short of the expected soft landscaping provision for dwelling sites and is not considered to satisfy Performance Outcome 22.1 of the Design in Urban Areas, but this is not considered fatal to the application on balance.

Finished Floor Levels, Flood Risk and Stormwater Disposal

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

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

A previous development application lodged for this site for a similar development (but involving 3 dwellings) was referred to Council's external hydrological engineer for advice in respect of this Performance Outcome. Council's flood mapping has not changed since 2021 and neither has the relevant P&D Code policy, and so a new referral was not considered necessary. That advice is contained within **Attachment 7**.

The advice states that the finished floor level (FFL) of the existing building is slightly above the 1% AEP flood level in Ann Street (50.11 mAHD versus a 1% AEP floor level of up to 50.07 mAHD). Given the relatively shallow depths of flooding in Ann Street, it was determined that a freeboard of 150mm would provide sufficient protection to accord with Performance Outcome 2.1 above. The proposed additions have an FFL of 50.27 mAHD – 200mm above the 1% AEP levels in the street and therefore adequate.

As for the garage, however, flows in the rear laneway could inundate the property if the garage FFLs were not maintained at a minimum FFL of 51.1 mAHD. Thus, the proposed garage levels of 51.14mAHD are suitable and the development as a whole satisfies Performance Outcome 2.1 above.

The civil plan provided by the applicant shows all stormwater from roofs and hard-surfaced areas being directed to the Ann Street water table, which is the expected outcome because the rear laneway does not have any stormwater infrastructure capable of accommodating these flows. The only exception to this is the driveways for both garages, which fall towards the laneway and have no method of capturing stormwater that can be discharged to Ann Street. This area comprises almost 50m² and has the potential to introduce flows into an unsealed laneway that could be subject to ingress in a 1% AEP flood event.

Accordingly, it is deemed reasonable that surface water from the driveways is collected and discharged through to Ann Street; for example, using a strip drain. To that end, a reserved matter has been recommended to ensure that this takes place.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2025.6, dated 27/03/2025), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- Dwelling additions, demolition and fencing are all forms of development that are envisaged within the Established Neighbourhood Zone; and
- While the height of the proposed development exceeds the 1 level TNV for this Zone, it is not seriously uncomplimentary or incompatible with the heights of surrounding buildings.

CONCLUSION

At first glance, this proposal has the appearance of an ambitious over-development of a site containing a relatively small Local Heritage Place. Following a more detailed interrogation of the particulars of the proposal, however, the merits of the development begin to come to light.

The proposal for a two-level addition behind a lowly-sited Local Heritage Place requires an intelligent, contextual design response. This proposal does this by constructing an addition with a roof of the same style and pitch as the existing cottages (albeit taller) and disguising the second storey within this roof. From Ann Street, the development will appear like a single storey addition and will sufficiently complement the existing historic streetscape and locality. The materials and colours to be used are consistent with the existing Local Heritage Place too.

At the rear of the site, both dwellings have double garages constructed boundary-to-boundary, above which a second level is accommodated within a tall gable-ended structure set back only 1.4m from each side boundary. Again, at first glance this development appears to be pushing the boundaries of what might be an acceptable built form outcome – in respect of visual impact and overshadowing – but further review shows that the siting of this development sufficiently responds to the siting of development and private open space on neighbouring allotments such that any consequent impacts are considered acceptable.

Both dwellings fall short on the generally expected amount of soft landscaping to be provided for each site, but this is not considered fatal to the application when considered as a whole. The finished floor levels provide sufficient freeboard in a 1% AEP flood event without unreasonably impacting on neighbouring allotments through additional fill.

Finally, the proposed internal demolition works are supported providing the applicant can demonstrate that the Local Heritage Place can be suitably stabilised, and the restoration works to the Local Heritage Place are reasonably anticipated and appropriate; the specific details of which can be resolved through satisfaction of a Reserved Matter.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

RECOMMENDATION 1

Not Seriously at Variance

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*.

RECOMMENDATION 2

Granting of Planning Consent

Development Application Number 25002154, by Peter Piliouras is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTER

Planning Consent

Reserved Matter 1

An updated civil plan shall be provided, to the reasonable satisfaction of the Assessment Manager, that allows for the collection of surface flows from the rear driveways of both dwellings, with discharge of such flows directed to the Ann Street water table.

Reserved Matter 2

Specific engineering detail shall be provided, to the reasonable satisfaction of the Assessment Manager, demonstrating how the Local Heritage Place will be stabilised following the proposed internal demolition works.

Reserved Matter 3

Specific details of the restoration works proposed to the Local Heritage Place shall be provided to the reasonable satisfaction of the Assessment Manager, for:

- Works to external masonry walls – scope of works and methodology, materials and colours to be used;
- Works to the roofing and stormwater infrastructure – materials, colours, gutter profile and downpipes to be used;
- Works to the doors and windows – scope of works and methodology, materials and colours to be used;
- Works to the front verandah, floor, posts and roof – scope of works and methodology, materials and colours to be used, detailed elevations.

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

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

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with the herein approved Site and Drainage Layout Plan (prepared by Zafiris & Associates Pty Ltd, Job Number: 2250704, Drawing Number: CF5, dated 25 July 25).

Condition 3

The uncovered car parking space associated with Dwelling 2 shall be constructed of permeable paving/. Details of such treatment shall be provided with the documentation approved for Building Consent, to the reasonable satisfaction of the Assessment Manager.

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

Condition 6

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

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 4

The Applicant is advised that the property is a Local Heritage Place and that approval must be obtained for any works involving the construction, demolition, removal, conversion, alteration or addition to most building and/or structure (including fencing).

Advisory Note 5

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

Advisory Note 6

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

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

Advisory Note 7

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 8

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

Advisory Note 10

The 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 11

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.

Mr Piliouras, Mr King and Mr Rolfe addressed the Council Assessment Panel from 6.43pm until 6.57pm

Moved By Mr Rutt

Not Seriously at Variance

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 Rutt

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Advisory Note 11

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**Seconded By Mr Bateup
CARRIED**

**5.2 DEVELOPMENT NUMBER ID 25024758 - URBAN HABITATS - 10 THIRD AVENUE
ST PETERS SA 5069**

DEVELOPMENT NO.:	25024758
APPLICANT:	Urban Habitats
ADDRESS:	10 THIRD AVE ST PETERS SA 5069
NATURE OF DEVELOPMENT:	Construction of a two-storey dwelling addition including partial demolition of the existing building, extension of existing carport, and construction of an outbuilding (garage)
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 • 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 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:	20 Aug 2025
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.15 14/08/2025
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

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposal intends to remove much of a later addition at the rear of the Representative Building, with some further demolition of a later addition to the side of the building, and removal of a carport and deck.

A new addition to the rear is proposed to be constructed. This is two storeys in form, with gable ends to one side and a hipped roof perpendicular to this gabled section. A new deck would be constructed opening out to the backyard. A new garage would also be built in the northern corner of the site.

BACKGROUND:

The application was submitted on the 13th of August 2025, being formally lodged on the 20th of August. Following concerns raised by the administration on the 9th of September 2025, the application was placed “on hold” while negotiations occurred. Following the submission and review of amended plans, public notification took place from the 5th of November until the 25th of November 2025.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 10 THIRD AV ST PETERS SA 5069

Title ref.: CT
5705/489

Plan Parcel: D1142
AL103

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

Shape:	Regular
Frontage Width:	18.29m
Area:	875m ²
Topography:	Relatively flat, with a slight fall towards the rear
Existing Structures:	Single-storey detached dwelling (Representative Building) with later addition, deck, carport, and masonry and metal infill front fence
Existing Vegetation:	Well-vegetated with a variety of trees and shrubs, including two significant trees

Locality

The locality for the development is shown in **Attachment 2** and is considered to extend:

- 70m northeast along Third Avenue to the intersection with St Peters Street (encompassing buildings on both sides of the street);
- 160m southwest along Third Avenue to the intersection with Harrow Road (encompassing buildings on both sides of the street); and
- 50m to the northwest to include sites which have a primary frontage to Fourth Avenue, but “back on” on sites which are on the northwestern side of Third Avenue (such as the subject site).

The locality is oriented with avenues running northeast-southwest, to roughly match the course of the River Torrens / Karrawirra Parri.

The locality is part of “The Avenues” Historic Area (NPSP 20), which is characterised by dwellings built primarily prior to around 1910, with some further development in the interwar period. These are mainly villas and double fronted cottages, constructed from stone, with some bungalows dating from that interwar period.

The locality is almost entirely residential- the sole exception being the Lithuanian Caritas site, immediately to the southwest of the subject site. This site, used as a community centre, contains a prominent, two-storey Local Heritage Place. The car park for the site is on the northeastern side, adjacent the subject site.

While the locality is predominantly single storey in character, there are a number of two-storey buildings, including the aforementioned Local Heritage Place, another dwelling addition at the rear of 14 Third Avenue, and an interwar dwelling at 29 Harrow Road which includes dormer windows for the upper floor, but a later addition of a two-storey garage with living space above, on the street boundary with Third Avenue.

The area has a very high level of tree canopy, particularly street trees. It exhibits an overall very high degree of residential amenity.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Demolition
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
 - Carport: Code Assessed - Performance Assessed
 - Carport or garage
 - Dwelling alteration or addition
 - Outbuilding (Carport or garage): Code Assessed - Performance Assessed
 - Dwelling addition: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code; Historic Area Overlay- no other pathway

PUBLIC NOTIFICATION

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

Surname	First Name	Address	Position	Wishes to be heard?
Horton Pty Ltd			Opposed	Yes
Henry	Wayne		Supportive, with concerns	No

Horton Pty Ltd are the registered owner of 7-9 Fourth Ave, St Peters (which is a single property comprising two allotments). Their representation was submitted by Mr Garth Heynan, a registered Town Planner.

Mr Henry's residence is some 340m from the subject site and thus this representation is not shown on the Representation Map (**Attachment 4**)

- **SUMMARY**

The representations can be found in **Attachment 5**. The key issues raised by representors were:

 - Impact on neighbourhood character, primarily relating to the impact of the upper floor addition;
 - Overlooking and privacy; and
 - Light spill or reflection.

These issues are addressed by the applicant's Response to Representations in **Attachment 6** and will be further addressed in the Planning Assessment below.

AGENCY REFERRALS

None

INTERNAL REFERRALS

- Matthew Cole, City Arborist

Council's City Arborist provided advice in respect of the development's impact on the nearby significant trees. Based on the report provided from Arborman Tree Solutions, the City Arborist concurred that the potential for tree damaging activity is suitably mitigated.

His advice is as follows:

"I agree with the key findings of the Arborman report, which identifies that the proposed works are confined within the existing encroachment, no pruning of either tree is required to facilitate construction, and that the tree species is relatively tolerant of minor root disturbance.

The report suggests the use of irrigation, this recommendation is vague. Without detail, I do not believe it is necessary to condition irrigation at this stage. I am comfortable to disregard this point, noting that irrigation is likely to be installed as part of the landscape upgrade.

The report also specifies that if machinery access is required within the NRZ outside existing hard surfaces or other areas of encroachment, appropriate ground protection is to be installed in consultation with the Project Arborist to prevent root damage.

In addition, a Tree Protection Plan has been prepared, including a small fenced area to safeguard the base of the trees should heavy machinery be used within the NRZ during demolition or construction. I support these requirements and recommend they be conditioned.

Taking the above into consideration, and subject to implementation of these conditions, it is my opinion that the trees will withstand the relatively minor pressures associated with this development."

- David Brown, Heritage Advisor

Council's Heritage Advisor provided advice in respect of the impact of the development on the historic character of the area, with particular regard to the Representative Building on the site. He raised a series of concerns with the initial proposal, and the proposed design was amended in response to this.

An updated version of his advice, reflecting the changes made since lodgement, can be found in **Attachment 7**.

PLANNING ASSESSMENT

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

Land Use

The proposed development is residential in nature, consistent with the existing land use and with Established Neighbourhood Zone (ENZ) PO 1.1 which envisages "predominantly residential development".

Building Height and Impact on Streetscape

The proposed dwelling addition is two-storeys, exceeding the single storey TNV expressed in ENZ DPF 4.1. The addition has a wall height of 6.3m, or 8.36m to the top of the ridge. This means that the wall height is 300mm above the ridge height of the original portion of the dwelling. Performance Outcome 4.1 states:

“Buildings contribute to the prevailing character of the neighbourhood and complements [sic] the height of nearby buildings.”

To elaborate on this, Historic Area Overlay PO 2.2 states:

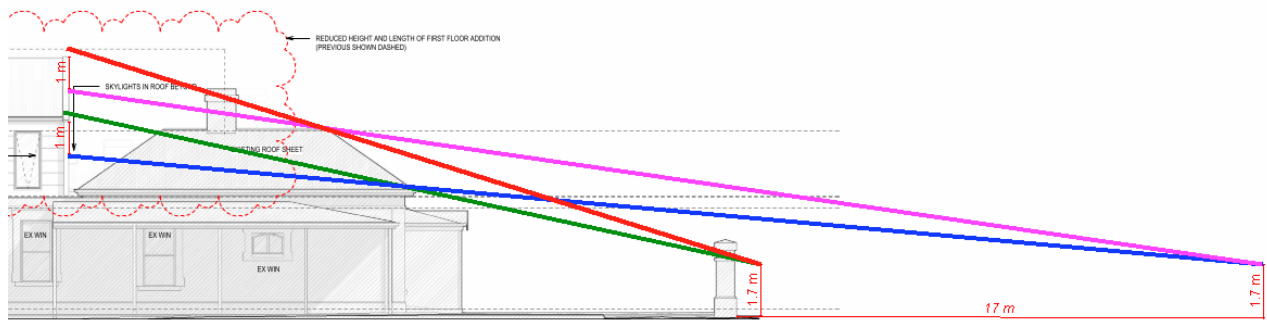
“Development is consistent with the prevailing building and wall heights in the historic area.”

The Historic Area Statement, in the “Building Heights” section, states that the Historic Area is, “Predominantly single-storey, up to two storeys in some locations.”

These policies clearly express a need to consider the context of the area when considering the appropriateness of a particular building height. The locality of this site includes three (3) two-storey buildings, one of which is very much outwardly two-storey in its appearance, which is on the immediately adjoining site, and another is only separated by one allotment. While it is clear that the locality is predominantly single-storey, there are few parts of this Historic Area where two-storey development is so prominent.

The upper floor is set back some 21.5m from the street boundary, behind the original part of the building. Nonetheless, as mentioned by one of the representors, the addition’s walling would not be entirely obscured by the roof of the original building. This is in part due to the walls of the addition extending beyond the lines of the ridges, and because on the southwestern side of the addition is a gable end. The ridge of the gable is 600mm “inboard” of the pitching point of the original roof, mitigating its prominence somewhat.

The image below shows the approximate “view angles” from a pedestrian (with an eye height of 1.7m) from either side of Third Avenue, with an oblique view over the eave/guttering of the original dwelling, and over the ridge. This illustrates that from the near side of the street, there would be little visibility of the upper floor, only of the gable ended portion from an oblique view (such as along the driveway). From the opposite side however, approximately 1m of wall would be visible from an oblique view, and 1m of gable from directly in front.



The overall outcome is one where the upper floor would be visible from the street, mainly along the driveway, but it would not be visually prominent. This is prominence is reduced further by the context, with the outwardly two-storey Local Heritage Place to the southwest.

A representor suggests that the addition: *“will appear as a new and incongruous element relative to the existing dwelling and also within the streetscape. In effect the upper level will be distinctly different and one that confuses the presentation of and diminishes the value of the contribution made by the existing dwelling.”*

While the gable end does increase the prominence of the upper floor somewhat, gable ends in and of themselves are relatively common in the Historic Area and the locality, being a part of the design of villas and bungalows (although this locality has a higher frequency of bay-window villas, rather than gabled villas). In the context of other nearby two-storey development, this is also not a new intrusion into the locality, and the addition is appropriately separated behind the main original dwelling.

Setbacks, Design & Appearance

Site Coverage

The overall building footprint on the site is 412m² or 47% of the total site area. This is within the 50% envisaged by ENZ DPF 3.1.

Setbacks and Impact on Neighbouring Properties

ENZ PO 8.1 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 external side walls at the ground floor level are all existing walls which are to be retained through the development. The upper floor side setbacks are not specifically dimensioned on any site plan, but based on measurements from the plan, are 3.35m from the northeastern boundary, and 4m from the southwestern boundary. ENZ DPF 8.1 would expect side setbacks of 2m for a wall of this height, so the proposal amply complies with this.

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.”*

The setback from the rear boundary is 18.8m, well beyond the 6m expected by ENZ DPF 9.1. By way of comparison to the Lithuanian Caritas building on the adjoining site, this is 6m further from the rear boundary than upper floor of that building.

The upper floor is oriented such that it will primarily be visible from the Caritas site. As this is a non-residential use, the adjoining area of the site is a car park, it is already a two-storey building, and there is screening vegetation (in the form of the significant tree to be retained), it is considered that the overall impact of this is generally limited.

The visual impact of the neighbour to the northeast is more substantive. However, the view from the primary private open space would be obscured both by the dwelling on that site and by vegetation (in the form of the significant tree to be retained). Views from the windows along the southwestern face of that building would be relatively limited, obscured by the boundary wall which is to be retained.

To the rear neighbour, while this is their primary outlook from the pool area, the setback is quite substantial, mitigating the prominence of the upper floor.

Overall, the impact of the addition on neighbouring properties is not considered unreasonable.

Impact of Proposed Outbuilding

The proposed outbuilding is 56.8m² in floor area- within the 60m² guideline outlined in ENZ DPF 11.1. It is situated in the corner of the site, meaning it would have two boundary walls. The shorter of these would abut the pool area of the residential neighbour to the rear, while the longer side would abut the car parking area of the Lithuanian Caritas site. There is an outbuilding on the Caritas site which occupies approximately 8m of the boundary length, but the proposed structure would protrude some 3.5m further than this. Nonetheless, given the nature of this area, the actual impact of the length of this wall would be fairly limited.

With a wall height of 3m and a roof height of 4m, it does comply with the height guidelines in DPF 11.1. Nonetheless, there is a gable end to the structure, which would be positioned on the boundary with the residential neighbour to the rear.

That neighbour has an established hedge which would screen views of the proposed outbuilding. Regardless, in terms of its potential impact on the property to the rear, the outbuilding complies with the relevant guidelines of ENZ DPF 11.1, meaning its impact is considered to be within the scope of what the Code anticipates.

Materials

The addition's walling is proposed to use a stria cladding painted in dulux white duck half. This is described by dulux as a "light and neutral white with a subtle green undertone". This has a solar absorptance value of 0.37, compared to colorbond surfmist's 0.32 (by way of comparison for context).

The roof for the addition is proposed to match the colour of the existing dwelling's roof.

These material choices are generally suitably complimentary to the materials of the Historic Area such that they are acceptable, given how far back on the site they will be, and the limited visibility.

The neighbour to the rear, in their representation, expressed concern about the potential for glazed surfaces on the rear elevation to impose reflected light upon them. There is no relevant policy in the Planning and Design Code which provides specific clarity on the level of reflectivity that could reasonably be expected from windows. While there are some DPFs relating to reflectivity of sheet metal, but this seeks merely for it to be painted or pre-colour treated- generally aimed at avoiding zincalume or similar highly reflective metal cladding products. The painted finish of the addition's walling, for example, would comply with this DPF. There is, alternatively, PO 7.1 of the Interface between Land Uses module, which states "Development is designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare." Given the specifically outlined issues which this policy seeks to address, it is not considered relevant to the concerns outlined by the representor.

Privacy

The proposed upper floor windows are frosted up to a height of 1.5m above the finished floor level of the upper floor, consistent with Design in Urban Areas DPF 10.1. Similarly, the proposed balcony has a frosted glass balustrade of 1.5m high. Design in Urban Areas DPF 10.2 seeks for balconies to have privacy screening of up to 1.7m when they are within 15m of a window on an adjoining residential property, or 1.5m high otherwise. The balcony is more than 15m from the rear boundary, so it cannot be within 15m of the windows of the property to the rear. However, it is approximately 10m from the northeastern boundary, with the neighbouring building understood to be approximately 3.5m from that boundary, and it is further understood that there are windows in that part of the building. This is to say that the balcony is within 15m of windows of the neighbour to the northeast.

In order to ensure compliance with relevant Code guidelines therefore, a condition is recommended that this screening be maintained, but that the screen on the northeastern side (at least) be raised to 1.7m in height.

Heritage

The proposal has been amended in line with advice from Council's Heritage Advisor, reducing the size of the upper floor to limit both its streetscape impact and to avoid the need to demolish any original portions of the roof of the building.

The addition is now set behind the whole of the roof of the Representative Building, meaning that there is no alteration to the eave and gutter.

There is only one piece of work proposed to the original portion of the building, which is to demolish part of the northeastern side wall to create a window to the existing courtyard. Historic Area Overlay PO 7.2 states:

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

As the part of the wall to be demolished is not visible from the streetscape (being behind a later addition to the side of the dwelling), the proposed demolition complies with this PO. Other demolition work proposed is to later additions which “do not conform with the values described in the Historic Area Statement”, as stated in Historic Area Overlay PO 7.3, which outlines that such demolition is acceptable.

Regarding the upper floor nature of the addition, the Heritage Advisor is not supportive, stating:
“the upper level will still be visible from the street. In this area with a single level TNV, visible upper level additions do not complement the single level historic streetscape character, and for this reason, I do not believe this two level addition is suitable in this context.”

The discussion of building height above reflects that the upper level is visible, but not visually prominent. As outlined above, Historic Area Overlay PO 2.2 seeks for heights to be “consistent with the prevailing building and wall heights in the Historic Area.” It is evident that the prevailing wall height across the whole Historic Area is generally single-storey, and the single-storey TNV reflects this. Nonetheless, the Historic Area Statement does state that building heights are “up to two storeys in some locations”.

Given the prominent two-storey building immediately next door, the impact of the upper floor on the historic streetscape here will be less

substantial. Thus, it is considered that the upper floor addition does not detract from the prevailing wall heights of the Historic Area, notwithstanding the view of the Heritage Advisor.

Traffic Impact, Access and Parking

The proposal includes removal of the existing outbuilding towards the rear of the site, with construction of a new outbuilding/garage. Whether these are used for parking or not, the existing covered parking spaces under the existing carport to the southwestern side of the dwelling are retained, meaning that the site continues to provide at least two parking spaces, one of which is covered, in accordance with Transport, Access and Parking Table 1. No other changes to the access arrangement are proposed.

Regulated and Significant Trees

There are two significant trees on the site, both *Eucalyptus camaldulensis* River Red Gum trees. One is located in the driveway of the site, with the other being on the northeastern side of the backyard.

As outlined in the Internal Referral Advice section, Council's City Arborist and Arborman Tree Solution agree that the proposed works will not damage the trees, provided that appropriate tree protection measures are implemented. These measures are detailed in the Arborman report, but include installation of tree protection fencing, and the installation of ground protection if any heavy machinery is used within the tree's Notional Root Zone. Further measures regarding irrigation, mulching and soil amelioration are recommended in the Arborman report, but as noted by the City Arborist, they are difficult to condition.

Landscaping and Private Open Space

The proposal would result in 215m² of soft landscaping, equating to 25% of the site area. This complies with DPF 22.1 of the Design in Urban Areas module.

The proposal includes well in excess of the 60m² guideline for private open space outlined in Design in Urban Areas Table 1.

Question of Seriously at Variance

The proposed development comprises construction of a two-storey dwelling addition including partial demolition of the existing building, extension of existing carport, and construction of an outbuilding (garage). It is located in the Established Neighbourhood Zone. Development of this nature is appropriate within the site, locality or in the subject Zone for the following reasons.

- The land use is consistent with the predominantly residential nature envisaged by the Zone;
- The Zone envisages additions to existing dwellings and construction of ancillary structures; and,
- The proposal retains an existing Representative Building consistent with the Historic Area Overlay.

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

CONCLUSION

While the two-storey nature of the proposal is at variance with the TNV for the area, the context of the site and the proposal is such that the impact of the proposed two-storey addition is not unreasonable. This is in large part due to the presence of the two-storey Local Heritage Place on the adjoining site but is aided by the reasonable setbacks proposed.

While there are two significant trees in close proximity to the development, both arborists who have reviewed the proposal are satisfied that the development will not result in damage to the trees, provided that appropriate tree protection measures are taken.

On balance, the proposed development is considered acceptable.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

RECOMMENDATION 1

Not Seriously at Variance

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*.

RECOMMENDATION 2

Granting of Planning Consent

Development Application Number 25024758, by Urban Habitats is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

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

Condition 3

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.

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

The balustrade of the balcony located at the rear of the proposed dwelling shall be treated to a height of at least 1700mm above floor level on the northeastern side, and at least 1500mm on the northwestern and southwestern sides, prior to occupation of the building, in a manner that restricts views being obtained by a person occupying the balcony, to the reasonable satisfaction of the Assessment Manager, and such treatment shall be maintained at all times to the reasonable satisfaction of the Council.

Condition 6

The Authority notes the two significant trees on the site outlined in the report prepared by Arborman Tree Solutions dated 15 August 2025. Tree protection measures, as outlined in this report, shall be undertaken. This includes:

- Installation of Tree Protection Zones (TPZs) in accordance with the plan labelled "Tree Protection Plan" dated 13 August 2025 in the aforementioned report. These TPZs shall follow the guidelines outlined in Appendix E of the report, including prohibited activities, fencing, signage and ground protection; and,
- No machinery access is to be permitted within the Notional Root Zone (NRZ) of the trees outside of any existing hardstand or encroachment, without the installation of ground protection in line with guidance from the project arborist.

ADVISORY NOTES

Planning Consent

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

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

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

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. 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 advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including all fencing forward of the building line).

Advisory Note 5

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the

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

Advisory Note 6

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

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

Advisory Note 7

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 8

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

Advisory Note 9

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work.

Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 10

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

Advisory Note 11

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.

Moved by Mr Rutt

Not Seriously at Variance

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

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Seconded By Mr Rutt
CARRIED

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

8 ERD COURT APPEALS

Ms Lucy Dillon addressed the Council Assessment Panel from 7.32pm until 7.49pm in regards of Item 8.1.

Moved By Mr Rutt

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 Adcock
CARRIED

**8.1 CONFIDENTIAL MATTER – ENVIRONMENT RESOURCES AND DEVELOPMENT COURT
APPEAL - DEVELOPMENT APPLICATION ID 25007549**

Moved Mr Moorhouse

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 Mr Rutt
CARRIED

9. OTHER BUSINESS

- 1. The Assessment Manager advised that a report regarding the membership of the CAP would be presented to the March 2026 Council Meeting.*
- 2. The Assessment Manager requested the Panel consider potential improvements to the CAP meeting arrangements and format moving forwards (subject to the Council's decision regarding membership).*
- 3. The Assessment Manager acknowledged the recent efforts of staff.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 8.17pm

Stephen Smith
PRESIDING MEMBER

Geoff Parsons
MANAGER, DEVELOPMENT & REGULATORY SERVICES