

Council Assessment Panel Minutes

16 March 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 6.30PM

PRESENT

Panel Members Mr Stephen Smith
Mr Mark Adcock
Mr Ross Bateup
Mr Julian Rutt
Cr Sandy Wilkinson

Staff Geoff Parsons – Assessment Manager
Kieran Fairbrother - Senior Urban Planner
Ned Feary - Senior Urban Planner
Mark Thomson – Consultant Planner
Daniella Hadgis – Administration Assistant

APOLOGIES

ABSENT

1. **COMMENCEMENT AND WELCOME**

2. **APOLOGIES**

3. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 16 FEBRUARY 2026**

*Moved by Mr Rutt, Seconded by Mr Adcock
CARRIED*

4. **DECLARATION OF INTERESTS**

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER ID 22007430 – ERAS PROPERTY HOLDINGS GROUP
– 52 THE PARADE NORWOOD SA 5067**

DEVELOPMENT NO.:	22007430
APPLICANT:	ERAS Property Holdings Pty Ltd ACN 159 104 686
ADDRESS:	52 THE PARADE NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Four-storey, mixed-use building comprising offices, shop and 20 dwellings in the form of a residential flat building
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Business <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	12 Oct 2022
RELEVANT AUTHORITY:	Assessment panel at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	12 October 2022
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Mark Thomson, Consultant Planner
REFERRALS STATUTORY:	Commissioner of Highways, Environment Protection Authority
REFERRALS NON-STATUTORY:	Gayle Buckby & Matthew Cole

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APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 5:	Zoning Map
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ATTACHMENT 4:	Subject Land Map		

DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves the construction of a four-storey mixed-use building, with a basement carpark.

The ground floor is for commercial use, including two retail tenancies and an office tenancy, together with at-grade car parking at the rear. Levels 1, 2 and 3 are residential. Levels 1 and 2 each contain eight apartments, comprising a mix of two-bedroom apartments and three-bedroom apartments. Level 3 contains four three-bedroom apartments. In total, the proposal includes twenty (20) apartments, comprising eight (8) two-bedroom apartments and twelve (12) three-bedroom apartments.

The at-grade car parking at the rear of the site includes sixteen spaces; all of which are proposed to be for the commercial uses at ground floor. The basement is predominantly for residential parking, although three staff spaces are also proposed. There are 43 spaces proposed in addition to the staff spaces.

The building has a three-level face brick 'podium' with the fourth level to be finished in powdercoated metal cladding. The ground level is proposed to be set back 600 from The Parade frontage, while levels 1, 2 and 3 are proposed to be set back 2.4m. Balconies at levels 1 and 2 extend out to The Parade boundary, while balconies at level 3 are set back approximately 250mm.

BACKGROUND:

The application was lodged on 12 October 2022, for a five-storey, mixed-use building comprising consulting room, offices, shop and 20 dwellings in the form of a residential flat building.

Public notification occurred between 27 Oct 2022 and 16 Nov 2022. Eight (8) representations were received, all of which were opposed to the application. At the same time, the Assessment Manager's delegate also expressed concerns with the applicant, particularly in relation to the height of the proposal.

In July 2025, amended plans were received from the Applicant, with the building having been reduced in height from five-storey to four-storey, amongst other incidental changes.

Regulation 38(5) of the Planning, Development and Infrastructure (General) Regulations states that if at least 1 year has passed since the date on which public notice was given, the relevant authority must not give a planning consent unless a new round of public notification is undertaken. Accordingly, public notification of the amended application occurred between 29 Aug 2025 and 18 Sept 2025.

Five (5) representations were received, including 2 opposed and 3 expressing support (2 of which had some concerns). On 4 February 2026, the applicant provided a response to the representations and advised that they wish for the application be determined at the next available meeting of the Council Assessment Panel (CAP).

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 52 THE PARADE NORWOOD SA 5067
Title ref.: CT 5129/158 **Plan Parcel:** D143 AL22 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	Irregular, with the rear being narrower than the front
Frontage width:	45.42m to The Parade
Area:	1978m ²
Topography:	Crossfall of approximately 900mm from east to west.

Existing structures:	The land is currently vacant, having previously been occupied by a motor repair station. Buildings remaining on site comprise a workshop building at the rear and service bays and sales office with entry canopy towards the front of the site.
Existing vegetation:	The site is entirely hard paved with no vegetation.

Locality

The locality is considered to extend along The Parade approximately 150m east and west of the subject land, including all properties with a frontage to The Parade, as well as some properties on Edsall Street and Sydenham Road.

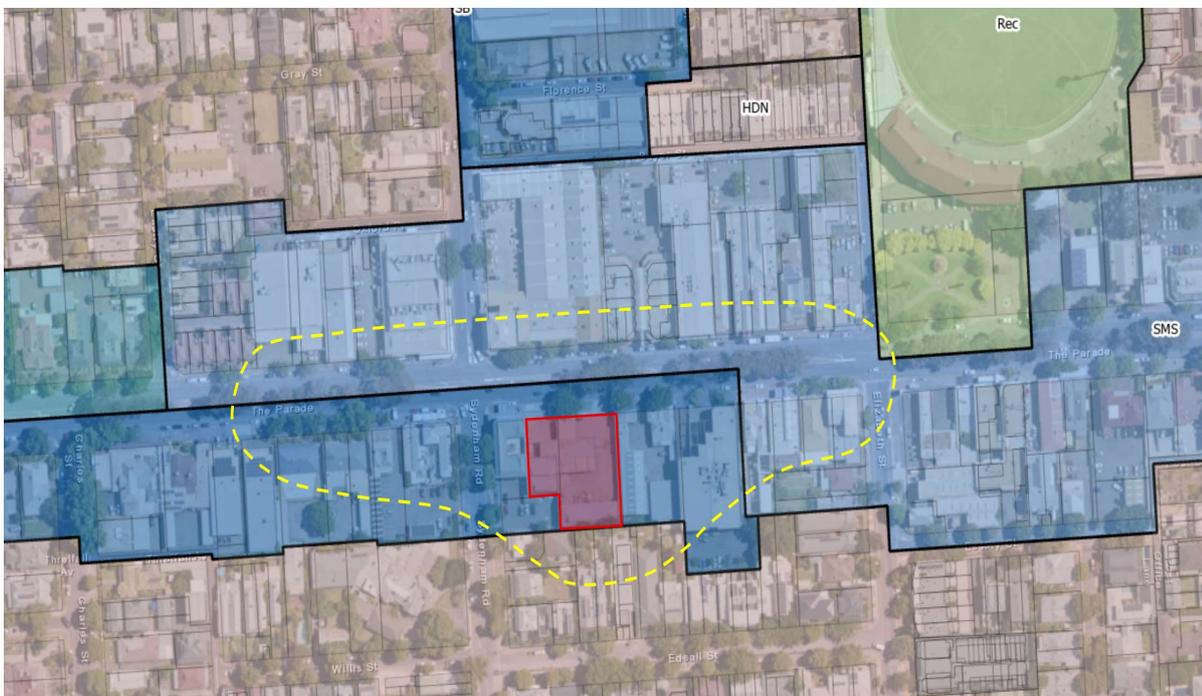
The locality is characterised by one (1) and two (2) level buildings. The northern side of The Parade is located within the Suburban Main Street Zone and contains a range of retail, office and consulting room uses, with most buildings abutting The Parade frontage. The southern side of The Parade is very similar with respect to land use and building type and siting, although the majority of properties in the locality are located within the Suburban Business Zone.

Adjoining the subject land to the west on the corner of Sydenham Road, is a two storey bulky building containing a goods outlet at ground level and dwelling at first floor level. Further west on the opposite side of Sydenham Road is the Colonist Hotel, a Local Heritage Place.

Adjoining the subject land to the east is a group of single storey shops, mostly comprising bulky goods outlets.

The rear boundary of the subject land is the boundary of the Established Neighbourhood Zone. There are four residential properties which adjoin the rear of the subject land, including three (3) with a Boskenna Avenue address and one (1) with a Sydenham Road address.

Figure 1. Locality of the Subject Land



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 New housing
 Demolition
 Office
 Consulting room: Code Assessed - Performance Assessed
 Shop: Code Assessed - Performance Assessed
 Residential flat building: Code Assessed - Performance Assessed
 Demolition: Code Assessed - Performance Assessed
 Office: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed

- **REASON**
 P&D Code – the proposal exceeds the three (3) level maximum building height TNV

PUBLIC NOTIFICATION

- **REASON**
 the proposal exceeds the three (3) level maximum building height TNV

- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Alexander	Good		Support	No
Luke and Hilary	Cree		Oppose	Yes
Paul	Theofanous		Support with concerns	No
Amanda	Price-McGregor		Oppose	Yes
Lorraine	Gerace		Support with concerns	No
Carmine	Di Cesare		Oppose	Yes

- **SUMMARY**

Mr Theofanous is seeking reassurances in relation to construction impacts, such as encroachment and contamination. He is also concerned about the possibility of overlooking from the fourth floor balcony into the courtyard of the upper-level dwelling adjoining the subject land to the west.

Ms Price-McGregor represents Luke and Hillary Cree who reside directly behind the subject land. Their concerns relate to:

- building height, bulk, massing and intensity;
- site contamination;
- land use;
- overshadowing;

- overlooking; and
- noise impacts

Ms Gerace is concerned with the proposed building height.

Mr Di Cesare's concerns relate to:

- building height;
- impact on future development;
- impact on nearby residential zones, including overshadowing, overlooking, noise, lighting and visual impacts;
- impact on streetscape due to scale and site coverage;
- precedence;
- retention of better block wall;
- increased on-street parking demand;
- increased traffic on The Parade contributing to congestion;

AGENCY REFERRALS

- Commissioner of Highways
- Environment Protection Authority

Further details of the Agency responses are provided in the Assessment section below.

INTERNAL REFERRALS

- Manager, Traffic and Integrated Transport
- City Arborist

Further details of the Referral responses are provided in the Assessment section below.

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 four-storey mixed use building including shops, an office and twenty (20) dwellings. It is located in the Suburban Business Zone. Development of this nature is not seriously at variance with the Planning and Design Code for the following reasons.

- Shops, offices and dwellings are all listed as anticipated land uses in the Zone in DPF 1.1; and
- Although buildings in the Zone are generally to be low-rise, PO 3.1 does contemplate 'taller buildings' in certain circumstances.

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 Density

The Suburban Business Zone is, as the name suggests, predominantly oriented towards various business uses, with complimentary and subordinate medium-density residential development. In addition to shop, office and consulting room businesses, the Zone is also intended to accommodate uses such as light industry, motor repair stations, retail fuel outlets and warehouses.

DO 1 states:

“A business and innovation precinct that includes a range of emerging businesses which have low level off-site impacts. Residential development within the area is subordinate to employment uses and generally includes medium-density housing designed to complement and not prejudice the operation of existing businesses.”

PO 1.1 states:

“Shops, office, consulting room, low-impact industry and other non-residential uses are supported by a variety of compact, medium density housing and accommodation types.”

With respect to non-residential uses in the Zone, PO 1.2 provides guidance on scale, stating:

“Retail, business and commercial development is of a scale that provides a local convenience service without undermining the vibrancy and function of zones primarily intended to accommodate such development.”

DPF 1.2 provides a quantitative standard of 500m² gross leasable floor area for shops, offices and consulting rooms in the Zone. As with all Designated Performance Features, this is intended only to represent a standard outcome for the Zone and is not necessarily the only way of achieving PO 1.2.

The proposed shop tenancies have a combined gross leasable floor area of 340m² and the office tenancy has a gross leasable floor area of 274m². These non-residential use components of the proposal are considered to be consistent with PO 1.2 insofar as they are of a scale that provides a local convenience service without undermining the function of other zones in the area such as the Suburban Main Street Zone and Urban Corridor (Main Street) Zone.

With regard to the residential component of the development, PO 1.3 provides further guidance:

“Compact, medium density residential development does not prejudice the operation of non-residential activity within the zone.”

This stated desire to not prejudice the operation of non-residential activity within the Zone most likely relates to uses such as light industry, motor repair stations, retail fuel outlets and warehouses.

There are no such land uses in proximity to the subject land, nor does there appear to be an emerging demand for such uses within the locality. As such, the proposal is considered to be consistent with the second part of PO 1.3 (i.e. it will not prejudice the operation of non-residential activity within the zone).

However, the first part of PO 1.3 refers to compact, medium density residential development. Similarly, PO 1.1 and DO 1 both refer to medium density housing.

The terms ‘medium density residential development’ and ‘medium density housing’ are not defined by the Code, however the terms ‘medium net residential density’ and ‘high net residential density’ are.

The document *Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples*, explains the difference between net density and gross density. It states that net density refers to the number of dwellings per hectare on land devoted solely to residential development. While it includes private driveways and private open space, it does not include public roads and areas of public open space. It states that gross density means the density of a given area, including infrastructure such as public roads, public open space and in some instances non-residential development such as schools and shops. Figure 3 below is an excerpt from the document.

Figure 2. Excerpt from Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples

	Approx Gross Density	Approx Net Density
VERY LOW DENSITY	Less than 11 dw/ha	Less than 17 dw/ha
LOW DENSITY	11-22 dw/ha	17-33 dw/ha
MEDIUM DENSITY	23-45 dw/ha	34-67 dw/ha
HIGH DENSITY	Greater than 45 dw/ha	Greater than 67 dw/ha

Medium net residential density is defined by the Code as 35 to 70 dwelling units per hectare, while high net residential density is defined as greater than 70 dwelling units per hectare. These figures closely align with the figures for net density in the document.

The most sensible way to interpret the terms ‘medium density residential development’ and medium density housing’ used in the Suburban Business Zone policies, is considered to be as net density, rather than gross density. This is because it would be illogical for the policy to only perform a role in relation to development involving the creation of public roads and open space.

The net density of the proposed development is 101 dwelling units per hectare. The proposed residential density is therefore considered to be inconsistent with the housing density sought within the Suburban Business Zone.

Building Height, Design & Appearance

PO 3.1 of the Suburban Business Zone states:

Buildings are generally of low-rise construction, with taller buildings positioned towards the centre of the zone and away from any adjoining neighbourhood-type zone to positively contribute to the built form character of a locality.

PO 2.1 states:

Building scale and design complement surrounding built form, streetscapes and local character.

These policies are to be interpreted in the context of DO 2 which states:

A zone characterised by low-rise buildings with additional height in well serviced and accessible locations.

PO 3.1 cites the reason for limiting taller buildings to the centre of the zone away from adjoining neighbourhood-type zones as “to positively contribute to the built form character of a locality”. Therefore, this policy is concerned only with streetscape character, and not amenity impacts. There are separate policies (PO 3.2 and 3.3) which deal with amenity impacts. Therefore, what PO 3.1 is trying to ensure, is that buildings located alongside or opposite a neighbourhood type zone, are low-rise, so as to provide a transition in scale in the streetscape.

That being the case, and also having regard to DO 2, the subject land is not a site that needs to be low-rise, because in a streetscape character sense, it doesn’t interface with a neighbourhood-type zone and is in a well serviced and accessible location.

Having established that the proposed building does not need to be low rise, the question then becomes, how high can it be. According to PO 3.1, it needs to positively contribute to the built form character of the locality, while PO 2.1 states that it needs to complement surrounding built form, streetscapes and character.

According to DPF 3.1, the ‘standard outcome’ to achieve this on a site that doesn’t need to be low rise, is to be no greater than 3 levels.

PO’s 12.1 and 12.3 of the Design in Urban Areas module, which apply specifically to buildings higher than 2 levels, provide further guidance, stating that the way to positively contribute to the character of the local area is to respond to local context; and the way to reduce visual mass is by breaking up building elevations into distinct elements.

Drawing No. A3.20 of the application documents is most useful in considering the extent to which the proposal satisfies the above performance outcomes of the Code. The buildings shown in the drawing east and west of the subject land are demonstrative of the general scale of buildings along both sides of The Parade within the locality.

Having regard to the scale and form of existing buildings within the locality, it is considered that:

- the scale of the proposed building does not complement surrounding built form, streetscapes and local character, contrary to PO 2.1 of the Suburban Business Zone;
- the proposed building does not positively contribute to the built form character of the locality, contrary to PO 3.1 of the Suburban Business Zone;
- the proposed building does not positively contribute to the character of the local area by responding to local context, contrary to PO 12.1 of the Design in Urban Areas module; and
- the building is not designed to reduce visual mass by breaking up building elevations into distinct elements, contrary to PO 12.3 of the Design in Urban Areas module.

Figure 3. Streetscape as depicted in Drawing No. A3.20



Some attempt has been made to reduce the scale of the building, by using a different material for the fourth level, and setting the fourth level back from the side boundaries. That said, the fourth level has the same setback from The Parade as the two levels below it. As a result, the building appears to have a three level 'podium' treatment, with the fourth level remaining prominent, albeit in a different material to provide some relief to the overall scale.

Whilst the lower three levels of the proposal are broken up into four elements by dividing brick columns, this is not considered sufficient to achieve a reduction in visual mass as sought by PO 12.3.

In a locality characterised by one and two storey buildings, it is considered that a building on the subject land should present with a two level 'podium' treatment, be broken down horizontally into distinct elements in a more meaningful way and have any levels above the first two levels more meaningfully recessed so as not to dominate the streetscape.

Putting aside the sheer scale of the proposal, there are design elements which are considered to complement surrounding built form, streetscapes and local character. Specifically, the face brick external walls (which are understood to be traditional laid brick as opposed to a veneer applied to tilt-up concrete), which include projecting blade elements to the façade, are considered to respond positively to materiality in the locality. In addition, consistent with a number of Performance Outcomes from the medium and high-rise section of the Design in Urban Areas module:

- The glazing at ground level provides connectivity with the pedestrian environment
- Plant and equipment areas are sited away from public view.

The proposal is also consistent with the front and side setback policies of the Suburban Business Zone. In particular, PO 3.4 and 3.6 respectively state:

"Buildings are set back from primary street boundaries to contribute to a consistent streetscape."

"Buildings are set back from side boundaries to maintain adequate separation and ventilation"

Of relevance to the circumstances of the subject land, DPF 3.4 specifies a minimum street setback of at least the average setback of existing buildings on abutting sites. As both existing buildings on

interpretation state that Zone level policies will prevail over General Development Policies to the extent of inconsistency.

The proposal is outside of the 30 degree building envelope and therefore, any resulting overshadowing is at a level contemplated by the Code.

With respect to visual impact, although in the case of the subject land, the 45 degree visual impact envelope is made redundant by the 30 degree overshadowing envelope, it remains relevant for the purposes of assessing visual impact. At the same time, the policy context in which buildings should generally be low rise and a where a maximum height TNV of 3 levels applies, is also relevant when considering PO 3.2. That said, the proposed building is located well outside of the 45 degree visual impact envelope. A three (3) level building located at the edge of the 45 degree building envelope (in a scenario where the boundary was not a south boundary so that overshadowing was not a consideration) would likely have a greater visual impact than the proposed four (4) level building.

Therefore, the proposal is considered acceptable and consistent with PO 3.2 from the perspective of the visual impact of the proposal on residential properties to the south of the subject land.

Overlooking

Performance Outcome 16.1 of the Design in Urban Areas module states:

“Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:

- a) Appropriate site layout and building orientation*
- b) Off-setting the location of balconies and windows of habitable rooms or area with those of other buildings so that views are oblique rather than direct line of sight*
- c) Building setbacks from boundaries that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- d) Screening devices that are integrated into the building design and have minimal negative effect on residents’ or neighbours’ amenity.”*

The first thing to note is that this Performance Outcome seeks the mitigation of “direct overlooking”, which is a term defined in the Planning & Design Code as being:

“In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.”

All adjacent residential properties to the south are located at least 15 metres away, this would not constitute direct overlooking.

The dwelling at first floor level of the building adjoining the subject land to the west has a courtyard facing the direction of the subject land. Proposed measures to mitigate overlooking impacts to this courtyard include:

- 1.5m high privacy screens for Level 1 apartments 102 and 103;
- 1.5m high obscure glass windows for Level 2 apartments 202 and 203
- Integrated outdoor kitchens to raise line of sight for Level 3 apartments 301 and 302

These proposed mitigation measures are considered acceptable and consistent with PO 16.1.

Private Open Space

Performance Outcome 27.1 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.”

Table 1 of the Design in Urban Areas module outlines the expected areas and minimum dimensions for private open space areas. The table below describes each dwelling's performance against these criteria.

Apartment #	# of bedrooms	Code Area Guideline	Total Private Open Space Proposed	Code Min. Dimension Guideline	Minimum Dimension Proposed
101, 108	2	11m ²	42-43m ²	2.4m	4.4m
104, 105	2	11m ²	21m ²	2.4m	2.4m
103, 106, 107	3	15m ²	24m ²	2.6m	2.4m
102	3	15m ²	92m ²	2.6m	8.1m
201, 204, 205, 208	2	11m ²	15m ²	2.4m	2.4m
202, 203, 206, 207	3	15m ²	16-17m ²	2.6m	2.4m
301, 304	3	15m ²	67m ²	2.6m	3.6m
302, 303	3	15m ²	76m ²	2.6m	5.4m

All balcony areas exceed the minimum areas of the Code, sometimes substantially, although some minimum dimensions are slightly below the guidelines of Table 1. Nonetheless, with the additional area, there is sufficient space to accommodate outdoor seating on the respective balconies.

As such, each dwelling is provided with suitable sized areas of usable private open space to meet the needs of occupants per Performance Outcomes 27.1 and 28.3.

Traffic Impact, Access and Parking

Performance Outcome 1.1 of the Urban Transport Routes Overlay states:

“Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.”

Performance Outcome 3.1 of the Transport, Access and Parking module states:

“Safe and convenient access minimises impact or interruption on the operation of public roads.”

Performance Outcome 2.1 of the Urban Transport Routes Overlay states:

“Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.”

Performance Outcome 3.3 of the Transport, Access and Parking module states:

“Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.”

Performance Outcome 3.8 of the Transport, Access and Parking module states:

“Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.”

The Council's Manager, Traffic and Integrated Transport reviewed the original application which involved two separate driveway access points and provided the following comments:

- *All access is suitably off of The Parade which minimises the potential adverse impact of additional traffic to the local streets;*
- *The existing driveway crossovers are being utilised and the separate entry and exit is convenient for manoeuvring;*

however, the existing crossovers were designed to cater for petrol tankers accessing a service station and so are excessively wide for this development. Each crossover could be reduced to approximately 3.0 metres wide which would improve pedestrian amenity along The Parade. Within the site, this space could be used for additional landscaping and dedicated pedestrian walkway into/out of the building.

- *Bike parking is provided for short-term visitors at the front and for long-term employees/residents in the basement. Consideration could be given to ensuring that the basement bike parking is within an enclosure for security.*
- *The dimensions within the car park are not given but by scaling, I have the following concerns:*
 - *The radii of the curved ramp appears too small. Refer AS2890.1 for minimum radii. (i.e inside radius minimum is 4.0m);*
 - *The ramp lane widths appear too narrow at the curve – refer AS2890.1 (i.e. inside width 3.9m wide);*
 - *Some of the car parks that are located next to vertical structures do not appear to have the additional 300mm clearance.*
- *For a development of this size, a report from a Traffic Engineer should be provided to confirm that the design of the car park complies with the relevant Australian Standards and Guidelines.*

With the amended application having only one driveway access/egress point, the concern raised with respect to minimising disruption to the footpath for improved pedestrian amenity.

The amended application also responds to the concern regarding bicycle parking, with a secure bike

store now proposed at ground floor level.

A report from a Traffic Engineer, Cirqa, has been provided, confirming that the amended car park design and access ramp to the basement complies with the requirements of Australian/New Zealand Standard for Parking Facilities Part 1: Off -street car parking (AS/NZS 2890.1:2004) and Parking Facilities Part 6: Off-street parking for people with disabilities (AS/NZS 2890.6:2022).

Cirqa have also confirmed that on-site private waste collection is proposed, with a 10m rigid vehicle able to enter and exit the site in a forward direction, subject to a part-time parking restriction for two parking spaces within the rear parking area.

With respect to car parking supply, the Code specifies the following rates for the proposed development:

- Two-bedroom dwelling with a residential flat building – 1 space per dwelling
- Three-bedroom dwelling with a residential flat building – 2 spaces per dwelling;
- Residential visitor parking – 0.33 spaces per dwelling
- Non-residential land use – 3 spaces per 100m² gross leasable floor area

Applying these rates, the proposal generates a demand for 58 car parking spaces. With 64 spaces proposed, the proposal includes sufficient car parking in accordance with the specified rates.

The Commissioner of Highways has raised no objection to the proposal, and has directed that the following conditions be imposed in the event that Planning Consent is granted:

1. *Access to the development shall be gained as shown on Enzo Caroscio Architecture, Project No. 24012, Ground Floor Plan, Revision A1 dated 27 June 2025 with traffic*

movements consistent with the CIRQA Traffic and Parking Report, Project No. 25257, Version 1 dated 7 July 2025. The access shall be suitably flared to allow convenient left in/left out movements.

2. *All vehicles shall enter and exit the site in a forward direction, and the car park shall include line marking and signage to reinforce traffic movements to/from The Parade.*
3. *Bus stop 6 on The Parade shall be relocated as per the DIT Master Specifications or to the satisfaction of DIT/PTSA. All costs associated with the relocation shall be borne by the applicant.*
4. *Prior to construction within the site, a Traffic Management Plan (TMP), shall be prepared to the satisfaction of the Commissioner of Highways. The TMP shall address matters including, but not limited to the following:*
 - a. *A Traffic Management Plan (TMP) for each phase of construction of the development (including service installation/relocation), including any road and access changes and any proposed upgrades and/or closures. The TMP shall also show all traffic devices to be utilised (including variable message signs) and any proposed traffic restrictions.*
 - b. *Modifications to existing public transport, pedestrian and cycling facilities.*
 - c. *Managing impacts to infrastructure within the road reserve.*

All access and traffic movements shall be in accordance with this plan.

5. *All redundant crossovers shall be closed and reinstated with Council standard kerb and gutter with all costs borne by the applicant prior to occupation of the building.*
6. *Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.*
7. *All off-street vehicle parking and manoeuvring areas shall be designed in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.6:2022 and AS 2890.2:2018. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.*
8. *Stormwater run-off shall be collected on-site and discharged without impacting the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.*

Street Trees

The Council's City Arborist reviewed the application in relation to the potential impact to street trees. The City Arborist advised that he is confident the development could proceed without resulting in an adverse effect to the health of the two Council street trees directly in front of this allotment, if the following conditions can be stringently adhered to.

1. *A physical tree protection barrier is to be established inline with the recommendations made in AS 4970-2009 Protection of trees on development sites, for this type of tree protection.*
2. *The protection barrier would incorporate the maximum area possible whilst allowing construction (this may require footpath closed signage), this would require liaising with the Council's City Arborist to determine the size of the area to be fenced off.*
3. *Any changes or access/egress to the protection zone would be in conjunction with the City Arborist.*

4. *Any pruning required to allow for the development of the site would be done in conjunction with the City Arborist.*

Soft Landscaping

Performance Outcome 3.1 of the Design in Urban Areas module states:

“Soft landscaping and tree planting are incorporated to:

- a) Minimise heat absorption and reflection*
- b) Maximise shade and shelter*
- c) Maximise stormwater infiltration*
- d) Enhance the appearance of land and streetscapes.”*

The development includes soft landscaping at the perimeter of the rear car parking area, including a 1m wide landscaping strip along the rear boundary, containing eight Pik Blueberry Ash trees (mature height 6m). This is consistent with Performance Outcome 13.4 of the Design in Urban Areas module which states:

“Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more building levels in height.”

Performance Outcomes 13.1-13.3 of the Design in Urban Areas module states:

“Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.”

“Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.”

“Deep soil zones with access to natural light are provided to assist in maintaining vegetation health.”

There are two associated Designated Performance Features:

“Buildings provide a 4m by 4m deep soil space in front of the building that accommodates a medium to large tree, except where no building setback from front property boundaries is desired.”

“Multi-storey development provides deep soil zones and incorporates trees at not less than the following rates, except in a location or zone where full site coverage is desired.

- Site area > 1500m², 7% site area, minimum dimension 6m, 1 large or medium tree in a deep soil zone of at least 60m²”*

With the basement carpark, deep soil zones are more limited, particularly in terms of their minimum dimensions. The only deep planting zone nominated is the 1m wide strip at the rear of the site, amounting to 30m², or 1.5% of the site area.

Given that the established character of the locality is of buildings abutting The Parade, and considering that there is currently no soft landscaping on the subject land, the extent of ground level landscaping proposed is considered acceptable.

Additional landscaping is proposed via built-in planter boxes for the residential balconies.

On balance, the proposed development is somewhat short of the Code's expectations on soft landscaping due to the lack of deep soil zones. However, the DPFs in this case would be almost impossible to achieve on this site, particularly noting the basement carpark. This being the case, the landscaping that is proposed is considered to reasonably achieve the intent behind the Code's policies while still providing an appropriate development outcome.

Contamination

The application was referred to the EPA for advice on site contamination. In summary, the EPA has advised:

- sufficient information has been provided which reasonably demonstrates the site can be made suitable for the proposed use, subject to a statement of site suitability;
- the interim audit advice has been found to be generally complying with relevant legislative and guideline framework for the site contamination audit system in South Australia;
- by undertaking and completing a site contamination audit, and preparing a site contamination audit report, a site contamination auditor will be able to confirm the suitability of the site for the proposed land use in a Statement of Site Suitability.

Accordingly, the EPA has raised no objection to the proposal, and has directed that the following conditions be imposed in the event that Planning Consent is granted:

1. *Remediation works must be undertaken in accordance with the Site Remediation Plan 52 The Parade Norwood South Australia prepared by TMK Consulting Engineers and dated 28 March 2024 and must be overseen by a suitably qualified and experienced site contamination consultant.*
2. *A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by Practice Direction 14: Site Contamination Assessment 2021) is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.*
3. *For the purposes of the above condition and regulation 3(6) of the Planning, Development and Infrastructure (General) Regulations 2017, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the Environment Protection Act 1993.*

CONCLUSION

The Suburban Business Zone is first and foremost a business precinct, with residential development intended to be subordinate to employment uses. As opposed to the Urban Corridor Zone east of Osmond Terrace, which is intended to accommodate high density apartments, residential development within the Suburban Business Zone (like the adjacent Suburban Main Street Zone) should generally comprise medium-density housing, ranging up to 70 dwelling units per hectare.

The proposed development appropriately includes commercial uses at ground level and dwellings above, however the high-density form of the residential component of the development is not envisaged in the Suburban Business Zone.

The proposed building appropriately abuts The Parade at ground level, providing street level activation and improved pedestrian amenity by providing one vehicular access/egress point in lieu of the two existing driveways.

The Suburban Business Zone is intended to primarily comprise low rise (one and two storey) buildings, with some opportunity for taller buildings in appropriate locations. The height (levels) TNV for the subject land is 3 levels. PO 2.1 of the Zone seeks for new buildings to complement the scale of surrounding built form, streetscapes and local character.

Despite some attempts to integrate with the character of the locality, particularly through the choice of materials, the proposed building is in stark contrast with the scale of buildings in the locality, to the extent that it is not complementary to the existing streetscape and local character.

A reduction in the number of dwellings would enable the scale of the building to be reduced, which would not only improve the compatibility of the building with the streetscape and local character, it would also reduce the residential density, consistent with the desire for medium density housing in the zone.

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 22007430, by ERAS Property Holdings Pty Ltd ACN 159 104 686 is refused Planning Consent for the following reasons:

REASONS

1. The scale of the proposed building does not complement surrounding built form, streetscapes and local character, contrary to PO 2.1 of the Suburban Business Zone;
2. The proposed building does not positively contribute to the built form character of the locality, contrary to PO 3.1 of the Suburban Business Zone;
3. The proposed building does not positively contribute to the character of the local area by responding to local context, contrary to PO 12.1 of the Design in Urban Areas module; and
4. The building is not sufficiently designed to reduce visual mass by breaking up building elevations into distinct elements, contrary to PO 12.3 of the Design in Urban Areas module.
5. The residential component of the proposal is too intensive, resulting in high-density housing, whereas the Suburban Business Zone seeks medium-density housing.

***Mr Di Cesare addressed the Council Assessment Panel from 6.36pm until 6.41pm
Mr Game, Mr Cattonar & Mr Caroscio addressed the Council Assessment Panel from 6.43pm until 6.52pm***

RECOMMENDATION

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.*
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3. *The proposed building does not positively contribute to the character of the local area by responding to local context, contrary to PO 12.1 of the Design in Urban Areas module; and*
4. *The building is not sufficiently designed to reduce visual mass by breaking up building elevations into distinct elements, contrary to PO 12.3 of the Design in Urban Areas module.*

5. *The residential component of the proposal is too intensive, resulting in high-density housing, whereas the Suburban Business Zone seeks medium-density housing.*

Moved by Mr Rutt

1. *The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 22007430, by ERAS Property Holdings Pty Ltd CAN 159 104 686 is granted Planning Consent subject to the following conditions/reserved matters:*

RESERVED MATTERS
Planning Consent

Reserved Matter 1

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

- *Car parking and access arrangements for tradespersons*
- *Siting of materials storage*
- *Site offices*
- *Work in the Public Realm*
- *Hoarding*
- *Site amenities*
- *Traffic requirements including construction access/egress and heavy vehicle routes*
- *Reinstatement of infrastructure*
- *Site contamination management, if required (prepared by a suitably qualified and experienced site contamination consultant in accordance with EPA guidelines)*

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

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

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

CONDITIONS
Planning Consent

Condition 1

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

Condition 2

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, line-marked and fitted with wheel stopping devices in accordance with the herein approved plans. Line marking and wheel stops shall be maintained in good condition at all times. Goods shall not be stored in parking areas, and they shall be maintained in a manner allowing for their continued use.

Condition 3

All refuse and stored materials shall be screened from public view at all times, except when presented for collection, 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 shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.

Condition 5

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

Condition 6

All stormwater from buildings and hard-surfaced areas shall be disposed of in accordance with the Stormwater Management Plan herein approved developed TMK Engineer dated 19 March 2025, and 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 7

Remediation works must be undertaken in accordance with the Site Remediation Plan 52 The Parade Norwood South Australia prepared by TMK Consulting Engineers and dated 28 March 2024 and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 8

All privacy and overlooking prevention treatments as noted on the approved plans (including BBQs and planter boxes to Apartments 301, 302, 303, 304 / 1.5 m high opaque glazing to Apartments 202, 203, 206, 207 / 1.5m high privacy screens to Apartments 102, 103, 106, 107) shall be installed and maintained in good condition at all times to the reasonable satisfaction of the Council.

Condition 9

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by Practice Direction 14: Site Contamination Assessment 2021) is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 10

For the purposes of the above condition and regulation 3(6) of the Planning, Development and Infrastructure (General) Regulations 2017, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the Environment Protection Act 1993.

Condition 11

Access to the development shall be gained as shown on Enzo Caroscio Architecture, Project No. 24012, Ground Floor Plan, Revision A1 dated 27 June 2025 with traffic movements consistent with the CIRQA Traffic and Parking Report, Project No. 25257,

Version 1 dated 7 July 2025. The access shall be suitably flared to allow convenient left in/left out movements.

Condition 12

All vehicles shall enter and exit the site in a forward direction, and the car park shall include line marking and signage to reinforce traffic movements to/from The Parade.

Condition 13

Bus stop 6 on The Parade shall be relocated as per the DIT Master Specifications or to the satisfaction of DIT/PTSA. All costs associated with the relocation shall be borne by the applicant.

Condition 14

Prior to construction within the site, a Traffic Management Plan (TMP), shall be prepared to the satisfaction of the Commissioner of Highways. The TMP shall address matters including, but not limited to the following:

- 1. A Traffic Management Plan (TMP) for each phase of construction of the development (including service installation/relocation), including any road and access changes and any proposed upgrades and/or closures. The TMP shall also show all traffic devices to be utilised (including variable message signs) and any proposed traffic restrictions.*
- 2. Modifications to existing public transport, pedestrian and cycling facilities.*
- 3. Managing impacts to infrastructure within the road reserve.*

All access and traffic movements shall be in accordance with this plan.

Condition 15

All redundant crossovers shall be closed and reinstated with Council standard kerb and gutter with all costs borne by the applicant prior to occupation of the building.

Condition 16

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 17

All off-street vehicle parking and manoeuvring areas shall be designed in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.6:2022 and AS 2890.2:2018. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 18

Stormwater run-off shall be collected on-site and discharged without impacting the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 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

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

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 5

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 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 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 8

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 9

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 10

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

Seconded by Mr Bateup
CARRIED

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

8. ERD COURT APPEALS

8.1 CONFIDENTIAL MATTER – ENVIRONMENTAL RESOURCES AND DEVELOPMENT COURT APPEAL - DEVELOPMENT NUMBER ID 24040449

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

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

Seconded by Mr Rutt
CARRIED

9. OTHER BUSINESS

- *The CAP noted the differing characters of localities covered by the Suburban Business Zone and the lack of clear policy guidance to guide future development. The CAP requested this be noted in the Annual Report to Council and the Assessment Manager communicate the CAP's concerns to the Manager, Urban Planning & Sustainability.*
- *The Presiding Member thanked and acknowledged Ross Bateup for the dedication and expertise he has brought to the Panel and his contribution to high quality development outcomes across the City.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 8.15pm

Stephen Smith
PRESIDING MEMBER

Geoff Parsons
ASSESSMENT MANAGER