

Council Assessment Panel Agenda & Reports

15 June 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.*

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

Telephone 8366 4555
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City of
Norwood
Payneham
& St Peters

10 June 2026

To all Members of the Council Assessment Panel:

- Mr Stephen Smith (Presiding Member)
- Mr Julian Rutt
- Cr Sandy Wilkinson
- Mr Paul Mickan (Deputy Member)
- Mr Mark Adcock
- Cr Kester Moorhouse (Deputy Member)

NOTICE OF MEETING

I wish to advise that pursuant to Clause 1.5 of the Meeting Procedures, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 15 June 2026 commencing at 6.30pm.

Please advise Tala Aslat on 8366 4530 or email taslat@npsp.sa.gov.au if you are unable to attend this meeting or will be late.

Yours faithfully



Geoff Parsons
ASSESSMENT MANAGER

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

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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 Julian Rutt
Cr Sandy Wilkinson
Mr Paul Mickan

Staff Kieran Fairbrother, Senior Urban Planner
Ned Feary, Senior Urban Planner
Tala Aslat, Administration Officer

APOLOGIES

ABSENT

1. COMMENCEMENT AND WELCOME
2. APOLOGIES
3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 1 JUNE 2026
4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER ID 26005482 - THREESIXFIVE STUDIO - 48 SIXTH AVENUE
 ST PETERS SA 5069

DEVELOPMENT NO.:	26005482
APPLICANT:	ThreeSixFive Studio
ADDRESS:	48 SIXTH AV ST PETERS SA 5069
NATURE OF DEVELOPMENT:	Variation of Development Application 24032150 comprising the removal of the balcony and the enclosure of this area to form part of the internal building area, and internal alterations
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 • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	12 Mar 2026
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.5 12/03/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies	ATTACHMENT 4: Representation Map
ATTACHMENT 1: Application Documents	ATTACHMENT 5: Representations
ATTACHMENT 2: Subject Land Map	ATTACHMENT 6: Response to Representations
ATTACHMENT 3: Zoning Map	ATTACHMENT 7: Existing Approved Plans & DNF

DETAILED DESCRIPTION OF PROPOSAL:

This application is a variation to an existing approval, the documents of which are contained in **Attachment 7**. The amendments have been highlighted on the drawings by the Applicant by red cloud annotations. Specifically, they include:

- The removal of the upper-level, northeast-facing balcony, which is instead to be enclosed and form part of the internals of the dwelling;
- Consequent changes to the northeast elevation of the dwelling (balcony replaced by walls and windows);
- Consequent changes to the roof of the dwelling in this section;
- The ensuite and walk-in-robe associated with Bedroom 4 (upper-level rear) being swapped (and consequent ensuite window location change); and
- Layout changes to the ground level powder room adjacent the swimming pool (and slight adjustment to door location).

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 48 SIXTH AV ST PETERS SA 5069

Title ref.: CT 5759/421 **Plan Parcel:** D796 AL597 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	regular
Frontage Width:	22.86 metres
Area:	1039m ²
Topography:	the site has significant fall in levels towards the north rear corner, with approximately 1.5m difference in ground levels
Existing structures:	a single-storey sandstone bungalow circa 1925 and ancillary structures
Existing vegetation:	heavily landscaped around the dwelling (front and rear) accounting for >50% of the site

Locality

The locality is considered to comprise the portion of Sixth Avenue that extends approximately 100m in both directions from the subject land and, also includes a small portion of dwellings on Seventh Avenue that are within 70m of the subject land.

This chosen locality is inherently residential in nature, is contained within both an Historic Area Overlay and a Character Area Overlay, and is characterised by a mix of dwelling types – predominantly traditional detached dwellings on larger sites, although there is one pair of semi-detached dwellings on Sixth Avenue and two residential flat buildings on Seventh Avenue within 50m of the subject site. Immediately adjacent to the subject land is a Council-owned public reserve.

This locality enjoys a very high level of amenity due to the low-density built environment, a wide road reserve, and consistent, established street tree plantings along both sides of the street.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
New housing
Other - Residential - Variation: Code Assessed - Performance Assessed
Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

Although a variation, the development still involves a building exceeding 1 storey in height and thus public notification is required

- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Ben	George		Supportive, with concerns	No
Cardone	David		Opposed	Yes

- **SUMMARY**

Both representors raised concerns about aspects of the dwelling that are not the subject of this variation application, including the design of the front elevation, the height of the building, and concerns about overlooking.

Pursuant to section 128(2)(b) of the *Planning, Development and Infrastructure Act 2016*, the relevant authority can only consider the extent of the variations being proposed and cannot consider or re-assess other elements or aspects of the development or the existing authorisation that are not being sought to be varied.

PLANNING ASSESSMENT

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

The proposed amendments are, in their majority, considered to be relatively uncontroversial. In particular, the following amendments do not affect the appearance of the property from Sixth Avenue or the adjacent public reserve, or result in any unreasonable impact to neighbours, and could've been considered as part of a minor variation if the change to the balcony was not included in this application.

1. The change to the roof over the section of the dwelling sought to be changed from a balcony to internal floor area
 - This change won't be visible from the public realm at all because the second level parapet will continue to conceal this section of roof behind. This change is therefore considered acceptable.
2. The swapping of the walk-in-robe and ensuite locations for Bedroom 4, including the adjustment of the window location

- This change results in the ensuite window on the southwest elevation being relocated slightly, but the window remains obscured in accordance with the condition imposed by the ERD Court order and this change won't lead to any unreasonable overlooking or an unreasonable visual outlook for the adjacent neighbour. Accordingly, this change is considered acceptable.

3. The layout changes to the ground level powder room

- As with the roof changes, this change does not substantially change the appearance of the development from the public reserve, and in any case the location of a ground level door on this elevation is largely inconsequential to a planning assessment and is hence considered acceptable.

The key amendment that required this application (i.e. could not be considered as a minor variation) is the change to the northeast elevation. The existing approval includes a balcony on the northeast elevation with an outlook to the adjacent reserve. This application now seeks to enclose that area to instead form part of the internal area of the dwelling.

The following policies are considered relevant in this regard.

Performance Outcome 2.1 of the Historic Area Overlay states:

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

Performance Outcome 2.5 of the Historic Area Overlay states:

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

This new wall is comprised of the same cladding as the balance of the upper level, consistent with the existing approval, which accords with Performance Outcome 2.5 above. Fenestration is appropriately used to break up this section of walling, while also continuing to provide passive surveillance over the public reserve. This elevation is consistent with the balance of the second level already approved and is therefore considered to satisfy Performance Outcome 2.1 above.

The wall also maintains a setback of 9.2m from the side boundary shared with the reserve and so the enclosure of this area is not considered to materially change the impact that this development will have on the amenity of the reserve. In other words, sufficient setback is provided to the reserve such that this wall will not pose an unreasonable visual impact on users of the reserve or the visual amenity of the place.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2026.5, dated 12/03/2026), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code because dwelling alterations and additions are anticipated within the Established Neighbourhood Zone and the proposed amendments are considered to sufficiently comply with the Planning & Design Code.

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 26005482, by ThreeSixFive Studio 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), noting that all previous stamped plans and documentation, including conditions previously granted Planning Consent for Development Application 24032150 are still applicable except where varied by this authorisation.

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

This approval varies the original consent / approval to which it applies, but it does not extend nor vary the operative date of the original consent / approval. The consent / approval must be acted upon within the operative date applicable, unless extended by the relevant authority via separate submission.

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.

Address: 48 SIXTH AV ST PETERS SA 5069

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Zone

Established Neighbourhood

Overlay

Airport Building Heights (Regulated) (*All structures over 110 metres*)
 Historic Area (*NPSP20*)
 Prescribed Wells Area
 Regulated and Significant Tree
 Stormwater Management
 Traffic Generating Development
 Urban Tree Canopy

Local Variation (TNV)

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*)

Selected Development(s)

Detached dwelling

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Detached dwelling - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Established Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
DO 2	Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Office (f) Recreation area (g) Shop.
Site Dimensions and Land Division	
PO 2.1 Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.	DTS/DPF 2.1 Development will not result in more than 1 dwelling on an existing allotment or Development involves the conversion of an existing dwelling into two or more dwellings and the existing dwelling retains its original external appearance to the public road or Allotments/sites for residential purposes accord with the following: <ul style="list-style-type: none"> (a) site areas (or allotment areas in the case of land division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building):
	Minimum Site Area

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Minimum site area for a detached dwelling is 600 sqm</td> </tr> <tr> <td style="padding: 2px;">and</td> </tr> <tr> <td style="padding: 2px;">(b) site frontages (or allotment frontages in the case of land division) are not less than:</td> </tr> <tr> <td style="text-align: center; padding: 2px;">Minimum Frontage</td> </tr> <tr> <td style="padding: 2px;">Minimum frontage for a detached dwelling is 18m</td> </tr> <tr> <td style="padding: 2px;">In relation to DTS/DPF 2.1, in instances where:</td> </tr> <tr> <td style="padding: 2px;">(c) more than one value is returned in the same field, refer to the <i>Minimum Frontage Technical and Numeric Variation</i> layer or <i>Minimum Site Area Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</td> </tr> <tr> <td style="padding: 2px;">(d) no value is returned in (a) or (b) (i.e. there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</td> </tr> </table>	Minimum site area for a detached dwelling is 600 sqm	and	(b) site frontages (or allotment frontages in the case of land division) are not less than:	Minimum Frontage	Minimum frontage for a detached dwelling is 18m	In relation to DTS/DPF 2.1, in instances where:	(c) more than one value is returned in the same field, refer to the <i>Minimum Frontage Technical and Numeric Variation</i> layer or <i>Minimum Site Area Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development	(d) no value is returned in (a) or (b) (i.e. there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.
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(d) no value is returned in (a) or (b) (i.e. there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.									
<p>PO 2.2</p> <p>Development creating new allotments/sites in conjunction with retention of an existing dwelling ensures the site of the existing dwelling remains fit for purpose.</p>	<p>DTS/DPF 2.2</p> <p>Where the site of a dwelling does not comprise an entire allotment:</p> <p>(a) the balance of the allotment accords with the requirements specified in Established Neighbourhood Zone DTS/DPF 2.1, with 10% reduction in minimum site area where located in a Character Area Overlay or Historic Area Overlay</p> <p>and</p> <p>(b) if there is an existing dwelling on the allotment that will remain on the allotment after completion of the development it will not contravene:</p> <p style="margin-left: 20px;">(i) private open space requirements specified in Design in Urban Areas Table 1 - Private Open Space</p> <p style="margin-left: 20px;">(ii) car parking requirements specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</p>								
Site coverage									
<p>PO 3.1</p> <p>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.</p>	<p>DTS/DPF 3.1</p> <p>Development does not result in site coverage exceeding:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 5px 0;"> <tr> <td style="text-align: center; padding: 2px;">Site Coverage</td> </tr> <tr> <td style="padding: 2px;">Maximum site coverage is 50 per cent</td> </tr> </table> <p>In instances where:</p> <p>(a) no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies</p> <p>(b) more than one value is returned in the same field, refer to the Site Coverage Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed</p>	Site Coverage	Maximum site coverage is 50 per cent						
Site Coverage									
Maximum site coverage is 50 per cent									

	development.
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Building Height

<p>PO 4.1</p> <p>Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table border="1" style="width: 100%; margin: 10px 0;"> <tr> <th style="text-align: center;">Maximum Building Height (Levels)</th> </tr> <tr> <td style="text-align: center;">Maximum building height is 1 level</td> </tr> </table> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m.</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation layer</i> or <i>Maximum Building Height (Meters) Technical and Numeric Variation layer</i> in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p> <p>(d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>	Maximum Building Height (Levels)	Maximum building height is 1 level
Maximum Building Height (Levels)			
Maximum building height is 1 level			

Primary Street Setback

<p>PO 5.1</p> <p>Buildings are set back from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 5.1</p> <p>Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" style="width: 100%; margin: 10px 0;"> <thead> <tr> <th style="text-align: center;">Development Context</th> <th style="text-align: center;">Minimum setback</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 5px;">The average setback of the existing buildings.</td> </tr> <tr> <td style="padding: 5px;">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site.</td> <td style="padding: 5px;">The setback of the existing building.</td> </tr> <tr> <td style="padding: 5px;">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.</td> <td style="padding: 5px;"> <p>(a) Where the existing building shares the same primary street frontage – the setback of the existing building</p> <p>(b) Where the existing building has a different primary street frontage - no DTS/DPF is applicable</p> </td> </tr> </tbody> </table>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings.	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site.	The setback of the existing building.	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.	<p>(a) Where the existing building shares the same primary street frontage – the setback of the existing building</p> <p>(b) Where the existing building has a different primary street frontage - no DTS/DPF is applicable</p>
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There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.	<p>(a) Where the existing building shares the same primary street frontage – the setback of the existing building</p> <p>(b) Where the existing building has a different primary street frontage - no DTS/DPF is applicable</p>								

	<p>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</p> <p>No DTS/DPF is applicable.</p>
	<p>For the purposes of DTS/DPF 5.1:</p> <ul style="list-style-type: none"> (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

Secondary Street Setback

<p>PO 6.1</p> <p>Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.</p>	<p>DTS/DPF 6.1</p> <p>Building walls are set back from the secondary street boundary (other than a rear laneway):</p> <ul style="list-style-type: none"> (a) no less than: <li style="text-align: center;">or (b) 900mm, whichever is greater <li style="text-align: center;">or (c) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street. <p>In instances where no value is returned in DTS/DPF 6.1(a) (i.e. there is a blank field), then it is taken that the value for DTS/DPF 6.1(a) is zero.</p>
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Boundary Walls

<p>PO 7.1</p> <p>Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</p>	<p>DTS/DPF 7.1</p> <p>Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below:</p> <ul style="list-style-type: none"> (a) <li style="text-align: center;">or (b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:
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	<ul style="list-style-type: none"> (i) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (ii) side boundary walls do not: <ul style="list-style-type: none"> A. exceed 3.2m in wall height from the lower of the natural or finished ground level B. exceed 8m in length C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary D. encroach within 3m of any other existing or proposed boundary walls on the subject land.
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Side Boundary Setback

<p>PO 8.1</p> <p>Buildings are set back from side boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours. 	<p>DTS/DPF 8.1</p> <p>Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:</p> <ul style="list-style-type: none"> (a) no less than: (b) in all other cases (i.e., there is a blank field), then: <ul style="list-style-type: none"> (i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm (ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level (iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.
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Rear Boundary Setback

<p>PO 9.1</p> <p>Buildings are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (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. 	<p>DTS/DPF 9.1</p> <p>Other than in relation to an access lane way, buildings are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) 4m for the first building level (b) 6m for any second building level.
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Appearance

<p>PO 10.1</p>	<p>DTS/DPF 10.1</p>
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Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.	Garages and carports facing a street (other than an access lane way) satisfy all of the following: <ul style="list-style-type: none"> (a) are set back at least 0.5m behind the building line of the associated dwelling (b) are set back at least 5.5m from the boundary of the primary street (c) have a total garage door / opening width not exceeding 30% of the allotment or site frontage, to a maximum width of 7m.
PO 10.2 The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.	DTS/DPF 10.2 None are applicable.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: <ul style="list-style-type: none"> (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. 	Except development involving any of the following: <ul style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).

<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) ancillary accommodation (b) dwelling (c) dwelling addition (d) residential flat building. 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
<p>4. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) consulting room (b) office (c) shop. 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. does not satisfy Established Neighbourhood Zone DTS/DPF 1.2 or 2. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) carport (c) deck (d) fence (e) internal building works (f) land division (g) outbuilding (h) pergola (i) private bushfire shelter (j) recreation area 	<p>None specified.</p>

<ul style="list-style-type: none"> (k) replacement building (l) retaining wall (m) shade sail (n) solar photovoltaic panels (roof mounted) (o) swimming pool or spa pool and associated swimming pool safety features (p) temporary accommodation in an area affected by bushfire (q) tree damaging activity (r) verandah (s) water tank. 	
<p>6. Any development involving any of the following (or of any combination of any of the following) within the Tunnel Protection Overlay:</p> <ul style="list-style-type: none"> (a) storage of materials, equipment or vehicles (whether temporary or permanent) over an area exceeding 100 square metres (b) temporary stockpiling of soil, gravel, rock or other natural material over an area exceeding 100 square metres (c) excavation or ground intruding activity at a depth greater than 2.5 metres below the regulated surface level. 	<p>Except where not undertaken by the Crown, a Council or an essential infrastructure provider.</p>
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
<p>8. Railway line.</p>	<p>Except where located outside of a rail corridor or rail reserve.</p>
Placement of Notices - Exemptions for Performance Assessed Development	
<p>None specified.</p>	
Placement of Notices - Exemptions for Restricted Development	
<p>None specified.</p>	

Part 3 - Overlays

Airport Building Heights (Regulated) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome

DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Note: Additional referrals are also found in Part 9 - Referrals of the Planning and Design Code.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development: (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i> (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i> .	The airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Historic Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration,

streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is consistent with the prevailing building and wall heights in the historic area.	DTS/DPF 2.2 None are applicable.
PO 2.3 Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.	DTS/DPF 2.3 None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the historic area.	DTS/DPF 2.4 None are applicable.
PO 2.5 Materials are either consistent with or complement those within the historic area.	DTS/DPF 2.5 None are applicable.
Context and Streetscape Amenity	
PO 6.1 The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.	DTS/DPF 6.1 None are applicable.
PO 6.2 Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.	DTS/DPF 6.2 None are applicable.
Ruins	
PO 8.1	DTS/DPF 8.1

Development conserves and complements features and ruins associated with former activities of significance.	None are applicable.
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Historic Area Statements

Statement#	Statement		
Historic Areas affecting City of Norwood, Payneham and St Peters			
NPSP20	<p>The Avenues Historic Area Statement (NPSP20)</p> <p>The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.</p> <p>These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.</p> <p>The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.</p>		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Eras, themes and context</td> <td style="padding: 5px;">Between the late 1870s and 1900, between the 1900s and the 1920s, and inter-war. Detached dwellings.</td> </tr> </table>	Eras, themes and context	Between the late 1870s and 1900, between the 1900s and the 1920s, and inter-war. Detached dwellings.
	Eras, themes and context	Between the late 1870s and 1900, between the 1900s and the 1920s, and inter-war. Detached dwellings.	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Allotments, subdivision and built form patterns</td> <td style="padding: 5px;">Historic streetscape created by the regularity of the avenues and the development patterns that have formed around them. Primary dwelling frontages to streets, not lanes.</td> </tr> </table>	Allotments, subdivision and built form patterns	Historic streetscape created by the regularity of the avenues and the development patterns that have formed around them. Primary dwelling frontages to streets, not lanes.
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Architectural styles, detailing and built form features</td> <td style="padding: 5px;"> Predominantly single-storey, detached, late Victorian Italianate villas of reasonably substantial proportions. Elsewhere - the consistent styles of detached late Victorian Italianate villas of reasonably substantial proportions. Double fronted asymmetrical dwellings are the most common dwelling type, although there are a range of symmetrical dwellings, East Adelaide Company dwellings and some larger villas and mansions. The double fronted symmetrical and asymmetrical dwellings are an elegant, larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element. Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling. Some Edwardian style housing (such as Queen Anne and Art Nouveau styles), generally located within the later subdivided areas or on blocks which were re-subdivided from larger allotments. Joslin portion of this Policy Area - reflects general character, some of the dwelling stock, particularly towards the Lambert Road boundary, graduates into the 1920s style of housing, introducing with it a component of inter-war housing such as bungalows. </td> </tr> </table>	Architectural styles, detailing and built form features	Predominantly single-storey, detached, late Victorian Italianate villas of reasonably substantial proportions. Elsewhere - the consistent styles of detached late Victorian Italianate villas of reasonably substantial proportions. Double fronted asymmetrical dwellings are the most common dwelling type, although there are a range of symmetrical dwellings, East Adelaide Company dwellings and some larger villas and mansions. The double fronted symmetrical and asymmetrical dwellings are an elegant, larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element. Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling. Some Edwardian style housing (such as Queen Anne and Art Nouveau styles), generally located within the later subdivided areas or on blocks which were re-subdivided from larger allotments. Joslin portion of this Policy Area - reflects general character, some of the dwelling stock, particularly towards the Lambert Road boundary, graduates into the 1920s style of housing, introducing with it a component of inter-war housing such as bungalows.	
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Building height</td> <td style="padding: 5px;">Predominantly single-storey, up to two storeys in some locations.</td> </tr> </table>	Building height	Predominantly single-storey, up to two storeys in some locations.	
Building height	Predominantly single-storey, up to two storeys in some locations.		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Materials</td> <td style="padding: 5px;">Bluestone or sandstone dressed and coursed.</td> </tr> </table>	Materials	Bluestone or sandstone dressed and coursed.	
Materials	Bluestone or sandstone dressed and coursed.		

Statement#	Statement	
	Fencing	<p>Low, open fencing that reflects the period and style of the dwellings. Front fencing (including any secondary street frontage up to the alignment to the main face of the dwelling) generally low in height up to 1.2m (masonry), 1.5m (wrought iron, brush, timber and or wire or woven mesh) and 2m (masonry pillars), allowing views to dwelling.</p> <p>Timber picket, timber dowelling, masonry and cast iron palisade, or corrugated iron or mini orb within timber framing for cottages, villas and other dwellings built during the Victorian period.</p> <p>Timber picket, timber pailing, woven crimped wire, or corrugated iron or mini orb within timber framing for Edwardian dwellings.</p> <p>Timber pailing, wire mesh and timber or tube framing, woven crimped wire, or masonry with galvanised steel ribbon for bungalows, Tudors and inter-war dwellings.</p> <p>Side and rear fences in traditional materials such as timber, corrugated iron or well-detailed masonry.</p>
	Setting, landscaping, streetscape and public realm features	<p>Landscaping around a dwelling, particularly in the front garden, is an important design element.</p> <p>In St Peters, wide tree lined streets, with mature street trees and rear lanes used for vehicular access and garages</p>
	Representative Buildings	Identified - refer to SA planning database.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Note: Additional referrals are also found in Part 9 - Referrals of the Planning and Design Code.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Stormwater Management Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature												
<p>PO 1.1</p> <p>Residential development is designed to capture and re-use stormwater to:</p> <ul style="list-style-type: none"> (a) maximise conservation of water resources (b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded (c) manage stormwater runoff quality. 	<p>DTS/DPF 1.1</p> <p>Residential development comprising detached, semi-detached or row dwellings, or less than 5 group dwellings, co-located housing or dwellings within a residential flat building satisfies all of the following:</p> <ul style="list-style-type: none"> (a) includes rainwater tank storage: <ul style="list-style-type: none"> (i) connected to at least: <ul style="list-style-type: none"> A. in relation to a detached dwelling (not in a battle-axe arrangement), semi-detached dwelling or row dwelling, 60% of the roof area B. in all other cases, 80% of the roof area (ii) connected to either a toilet or laundry cold water outlets for sites less than 200m² (iii) connected to one toilet and the laundry cold water outlets for sites of 200m² or greater (iv) with a minimum total capacity in accordance with Table 1 (v) where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank (b) incorporates dwelling roof area comprising at least 80% of the site's impervious area <p style="text-align: center;">Table 1: Rainwater Tank</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #d4edda;"> <th style="width: 25%;">Site size (m²)</th> <th style="width: 25%;">Minimum retention volume (Litres)</th> <th style="width: 50%;">Minimum detention volume (Litres)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><200</td> <td style="text-align: center;">1000</td> <td style="text-align: center;">1000</td> </tr> <tr> <td style="text-align: center;">200-400</td> <td style="text-align: center;">2000</td> <td> Site perviousness <30%: 1000 Site perviousness ≥30%: N/A </td> </tr> <tr> <td style="text-align: center;">>401</td> <td style="text-align: center;">4000</td> <td> Site perviousness <35%: 1000 Site perviousness ≥35%: N/A </td> </tr> </tbody> </table>	Site size (m ²)	Minimum retention volume (Litres)	Minimum detention volume (Litres)	<200	1000	1000	200-400	2000	Site perviousness <30%: 1000 Site perviousness ≥30%: N/A	>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A
Site size (m ²)	Minimum retention volume (Litres)	Minimum detention volume (Litres)											
<200	1000	1000											
200-400	2000	Site perviousness <30%: 1000 Site perviousness ≥30%: N/A											
>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A											

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and

Infrastructure (General) Regulations 2017.

Note: Additional referrals are also found in Part 9 - Referrals of the Planning and Design Code.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Traffic Generating Development Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Traffic Generating Development	
<p>PO 1.1</p> <p>Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.</p>	<p>DTS/DPF 1.1</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m² or more (d) retail development with a gross floor area of 2,000m² or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more (f) industry with a gross floor area of 20,000m² or more (g) educational facilities with a capacity of 250 students or more (h) supported accommodation and/or a retirement facility containing in excess of 50 residences, on a significant retirement facility and supported accommodation site.
<p>PO 1.2</p> <p>Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.</p>	<p>DTS/DPF 1.2</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> (a) building, or buildings, containing in excess of 50 dwellings

	<ul style="list-style-type: none"> (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m² or more (d) retail development with a gross floor area of 2,000m² or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more (f) industry with a gross floor area of 20,000m² or more (g) educational facilities with a capacity of 250 students or more (h) supported accommodation and/or a retirement facility containing in excess of 50 residences, on a significant retirement facility and supported accommodation site.
<p>PO 1.3</p> <p>Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.</p>	<p>DTS/DPF 1.3</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m² or more (d) retail development with a gross floor area of 2,000m² or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more (f) industry with a gross floor area of 20,000m² or more (g) educational facilities with a capacity of 250 students or more (h) supported accommodation and/or a retirement facility containing in excess of 50 residences, on a significant retirement facility and supported accommodation site.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Note: Additional referrals are also found in Part 9 - Referrals of the Planning and Design Code.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</p> <ul style="list-style-type: none"> (a) except where a proposed development has 	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the	Development of a class to which Schedule 9 clause 3 item 7 of the

<p>previously been referred under clause (b) - a building, or buildings, containing in excess of 50 dwellings</p> <p>(b) except where a proposed development has previously been referred under clause (a) - land division creating 50 or more additional allotments</p> <p>(c) commercial development with a gross floor area of 10,000m² or more</p> <p>(d) retail development with a gross floor area of 2,000m² or more</p> <p>(e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</p> <p>(f) industry with a gross floor area of 20,000m² or more</p> <p>(g) educational facilities with a capacity of 250 students or more</p> <p>(h) supported accommodation and/or a retirement facility containing in excess of 50 residences, on a significant retirement facility and supported accommodation site.</p>	<p>Commissioner of Highways as described in the Planning and Design Code.</p>	<p>Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
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Urban Tree Canopy Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature								
<p>PO 1.1</p> <p>Trees are planted or retained to contribute to an urban tree canopy.</p>	<p>DTS/DPF 1.1</p> <p>Tree planting is provided in accordance with the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9ead3;"> <th style="width: 50%;">Site size per dwelling (m²)</th> <th style="width: 50%;">Tree size* and number required per dwelling</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><450</td> <td style="text-align: center;">1 small tree</td> </tr> <tr> <td style="text-align: center;">450-800</td> <td style="text-align: center;">1 medium tree or 2 small trees</td> </tr> <tr> <td style="text-align: center;">>800</td> <td style="text-align: center;">1 large tree or 2 medium trees or 4 small trees</td> </tr> </tbody> </table> <p>*refer Table 1 Tree Size</p>	Site size per dwelling (m ²)	Tree size* and number required per dwelling	<450	1 small tree	450-800	1 medium tree or 2 small trees	>800	1 large tree or 2 medium trees or 4 small trees
Site size per dwelling (m ²)	Tree size* and number required per dwelling								
<450	1 small tree								
450-800	1 medium tree or 2 small trees								
>800	1 large tree or 2 medium trees or 4 small trees								

Table 1 Tree Size

Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)
Small	4 m	2m	10m ² and min. dimension of 1.5m
Medium	6 m	4 m	30m ² and min. dimension of 2m
Large	12 m	8m	60m ² and min. dimension of 4m

The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017.

Table 2 Tree Discounts

Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)
4-6m	2-4m	10m ² and min. dimension of 1.5m	2 small trees (or 1 medium tree)
6-12m	4-8m	30m ² and min. dimension of 3m	2 medium trees (or 4 small trees)
>12m	>8m	60m ² and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)

Note: In order to satisfy DTS/DPF 1.1, payment may be made in accordance with a relevant off-set scheme established by the Minister under section 197 of the Planning, Development and Infrastructure Act 2016, provided the provisions and requirements of that scheme are satisfied. For the purposes of section 102(4) of the Planning, Development and Infrastructure

	Act 2016, an applicant may elect for any of the matters in DTS/DPF 1.1 to be reserved.
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Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Note: Additional referrals are also found in Part 9 - Referrals of the Planning and Design Code.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not result in any of the following: <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Car parking appearance	
PO 7.1 Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as: <ul style="list-style-type: none"> (a) limiting protrusion above finished ground level (b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure. 	DTS/DPF 7.1 None are applicable.
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: <ul style="list-style-type: none"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.

<p>PO 8.2</p> <p>Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.</p>	<p>DTS/DPF 8.2</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</p> <ul style="list-style-type: none"> (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
<p>PO 8.3</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):</p> <ul style="list-style-type: none"> (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land. 	<p>DTS/DPF 8.3</p> <p>None are applicable.</p>
<p>PO 8.4</p> <p>Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.</p>	<p>DTS/DPF 8.4</p> <p>None are applicable.</p>
<p>PO 8.5</p> <p>Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.</p>	<p>DTS/DPF 8.5</p> <p>None are applicable.</p>
Overlooking / Visual Privacy (low rise buildings)	
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone satisfy at least one of the following:</p> <ul style="list-style-type: none"> (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.
<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve (or combination of) that is at least 15m wide in all places faced by the balcony or terrace or (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ul style="list-style-type: none"> (i) 1.5m above finished floor level where the

	<p>balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land</p> <p>or</p> <p>(ii) 1.7m above finished floor level in all other cases</p>
All residential development	
Front elevations and passive surveillance	
<p>PO 17.1</p> <p>Dwellings and co-living incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.</p>	<p>DTS/DPF 17.1</p> <p>Each dwelling or co-living residence with a frontage to a public street:</p> <p>(a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m</p> <p>and</p> <p>(b) has an aggregate window area of at least 2m² facing the primary street.</p>
<p>PO 17.2</p> <p>Dwellings and co-living incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.</p>	<p>DTS/DPF 17.2</p> <p>Dwellings or co-living with a frontage to a public street have an entry door visible from the primary street boundary.</p>
Outlook and Amenity	
<p>PO 18.1</p> <p>Living rooms have an external outlook to provide a high standard of amenity for occupants.</p>	<p>DTS/DPF 18.1</p> <p>A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.</p>
Residential Development - Low Rise	
External appearance	
<p>PO 20.2</p> <p>Dwelling and co-living elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>DTS/DPF 20.2</p> <p>Each dwelling or co-living residence includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <p>(a) a minimum of 30% of the building wall is set back an additional 300mm from the building line</p> <p>(b) a porch or portico projects at least 1m from the building wall</p> <p>(c) a balcony projects from the building wall</p> <p>(d) a verandah projects at least 1m from the building wall</p> <p>(e) eaves of a minimum 400mm width extend along the width of the front elevation</p> <p>(f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm</p> <p>(g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.</p>

<p>PO 20.3</p> <p>The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.</p>	<p>DTS/DPF 20.3</p> <p>None are applicable</p>

Private Open Space

<p>PO 21.1</p> <p>Dwellings and co-living are provided with suitable sized areas of usable private open space or communal open space to meet the needs of occupants.</p>	<p>DTS/DPF 21.1</p> <p>Private open space or communal open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space or Design in Urban Areas Table 2 - Communal Open Space.</p>
<p>PO 21.2</p> <p>Private open space is positioned to provide convenient access from internal living areas.</p>	<p>DTS/DPF 21.2</p> <p>Private open space is directly accessible from a habitable room.</p>

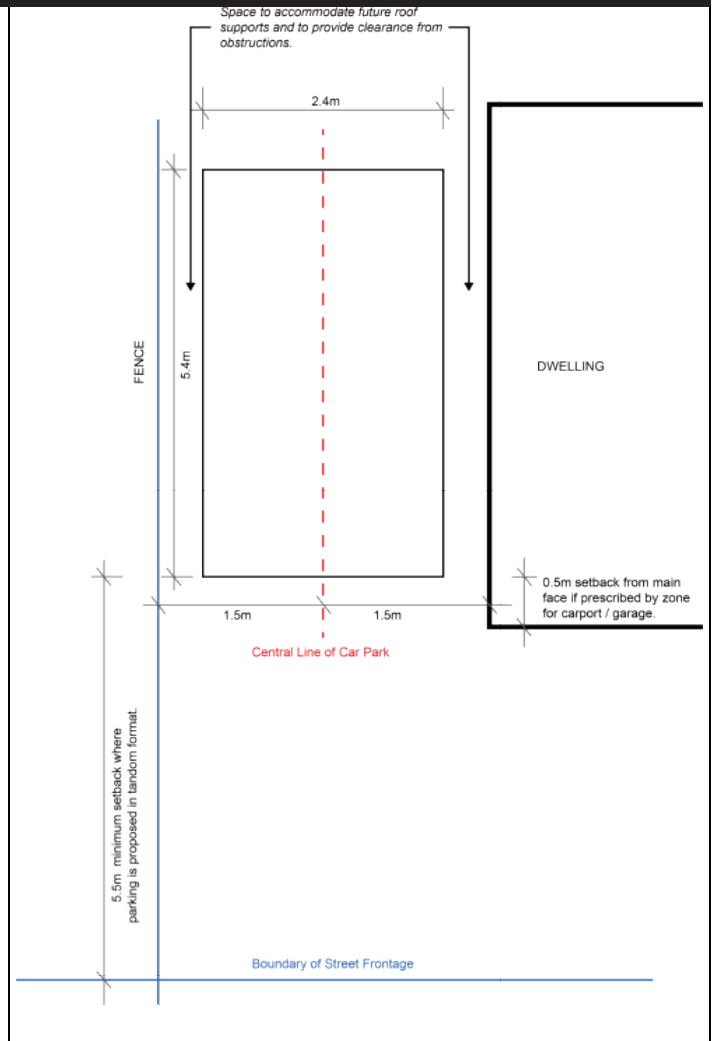
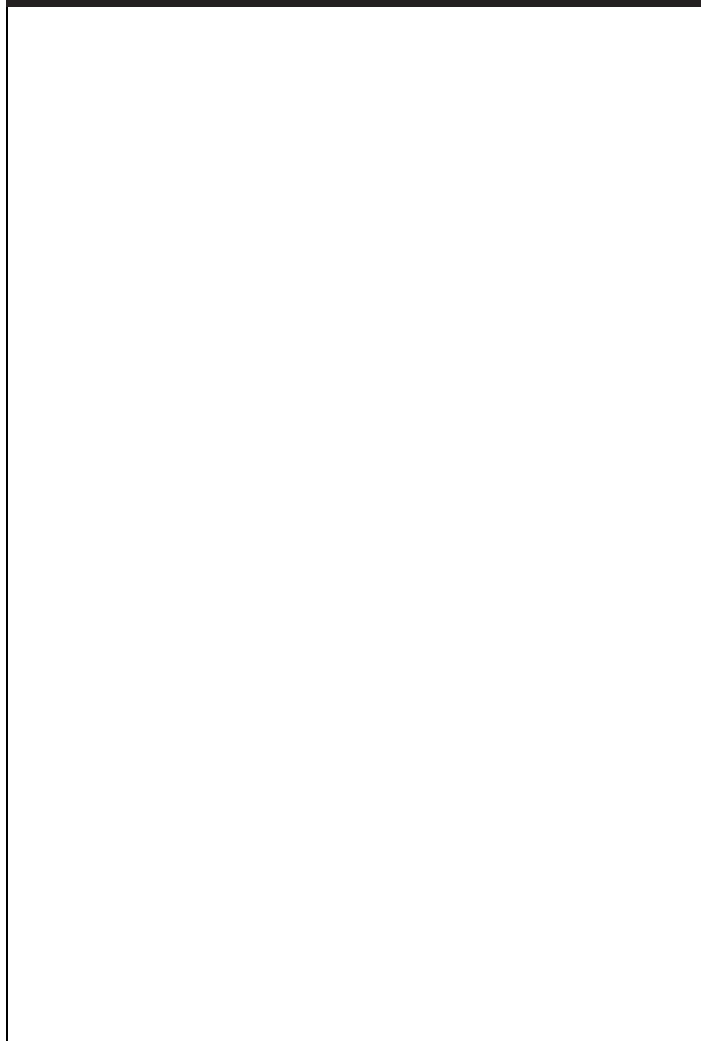
Landscaping

<p>PO 22.1</p> <p>Soft landscaping is incorporated into development to:</p> <ul style="list-style-type: none"> (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes. 	<p>DTS/DPF 22.1</p> <p>Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):</p> <ul style="list-style-type: none"> (a) a total area for the entire development site, including any common property, as determined by the following table: <table border="1" style="margin-left: 20px; border-collapse: collapse; width: 80%;"> <thead> <tr style="background-color: #003366; color: white;"> <th style="padding: 5px;">Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m²)</th> <th style="padding: 5px;">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"><150</td> <td style="padding: 5px;">10%</td> </tr> <tr> <td style="padding: 5px;">150-200</td> <td style="padding: 5px;">15%</td> </tr> <tr> <td style="padding: 5px;">>200-450</td> <td style="padding: 5px;">20%</td> </tr> <tr> <td style="padding: 5px;">>450</td> <td style="padding: 5px;">25%</td> </tr> </tbody> </table> (b) at least 30% of any land between the primary street boundary and the primary building line. 	Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	>200-450	20%	>450	25%
Site area (or in the case of residential flat building, co-located housing or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
>200-450	20%										
>450	25%										

Car parking, access and manoeuvrability

<p>PO 23.1</p> <p>Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.</p>	<p>DTS/DPF 23.1</p> <p>Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area):</p> <ul style="list-style-type: none"> (a) single width car parking spaces:
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	<ul style="list-style-type: none"> (i) a minimum length of 5.4m per space (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m <p>(b) double width car parking spaces (side by side):</p> <ul style="list-style-type: none"> (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m per space.
<p>PO 23.2</p> <p>Uncovered car parking space have the necessary dimensions to be functional, accessible and convenient and, where appropriate, make allowances for the space to be covered in the future in a manner that will not dominate the appearance of an associated dwelling when viewed from the street.</p>	<p>DTS/DPF 23.2</p> <p>Uncovered car parking spaces satisfy all of the following:</p> <ul style="list-style-type: none"> (a) are a minimum of 5.4m in length (b) are a minimum of 2.4m in width (c) a minimum of 1.5m in width is provided between the centre line of the space and any fence, wall or other obstruction (d) in circumstances where the applicable car parking rate requires one car park and no covered space is provided: <ul style="list-style-type: none"> (i) no part of the uncovered car parking space is located in front of the main face of the dwelling and (ii) if the applicable zone assessment provisions prescribed a minimum setback of 0.5m behind the main face of the dwelling for a carport or garage, the uncovered car parking space is also located at least 0.5m behind the main face of the dwelling (e) in circumstances where the applicable car parking rate requires two car parks and no covered space is provided <ul style="list-style-type: none"> (i) at least one of the uncovered car parking spaces satisfies DTS/DPF 23.2(d) and (ii) if the car parks are proposed in a tandem arrangement, the parking space required in DTS/DPF 23.2(e)(i) is setback at least 5.5m from the boundary of the street frontage. <p>Example diagram:</p>



PO 23.3
 Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, pedestrian movement, domestic waste collection, landscaped street frontages and on-street parking.

DTS/DPF 23.3
 Driveways and access points satisfy (a) or (b):

- (a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site
- (b) sites with a frontage to a public road greater than 10m:
 - (i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site and
 - (ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.

PO 23.4
 Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.

DTS/DPF 23.4
 Vehicle access to designated car parking spaces satisfy (a) or (b):

- (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land
- (b) where newly proposed, is set back in accordance with all of the following:
 - (i) 0.5m or more from any street furniture, street

	<p>pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner</p> <ul style="list-style-type: none"> (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
<p>PO 23.5</p> <p>Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.</p>	<p>DTS/DPF 23.5</p> <p>Driveways are designed and sited to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the gradient of the driveway does not exceed a grade of 1 in 4 and includes transitions to ensure a maximum grade change of 12.5% (1 in 8) for summit changes, and 15% (1 in 6.7) for sag changes, in accordance with AS 2890.1:2004 to prevent vehicles bottoming or scraping (b) the centreline of the driveway has an angle of no less than 70 degrees and no more than 110 degrees from the street boundary to which it takes its access as shown in the following diagram: <div style="text-align: center; margin: 10px 0;"> <p>CENTRE LINE OF DRIVEWAY TO BE BETWEEN 70° TO 110° OFF THE STREET BOUNDARY</p> </div> (c) if located to provide access from an alley, lane or right of way - the alley, land or right of way is at least 6.2m wide along the boundary of the allotment / site.
<p>PO 23.6</p> <p>Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.</p>	<p>DTS/DPF 23.6</p> <p>Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number) (b) minimum car park length of 5.4m where a vehicle can

	<p>enter or exit a space directly</p> <p>(c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.</p>
Waste storage	
<p>PO 24.1</p> <p>Provision is made for the convenient storage of waste bins in a location screened from public view.</p>	<p>DTS/DPF 24.1</p> <p>Where dwellings or co-living about both side boundaries a waste bin storage area is provided behind the building line of each dwelling that:</p> <p>(a) has a minimum area of 2m² with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and</p> <p>(b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street.</p>
Design of Transportable Buildings	
<p>PO 25.1</p> <p>The sub-floor space beneath transportable buildings is enclosed to give the appearance of a permanent structure.</p>	<p>DTS/DPF 25.1</p> <p>Buildings satisfy (a) or (b):</p> <p>(a) are not transportable</p> <p>(b) the sub-floor space between the building and ground level is clad in a material and finish consistent with the building.</p>
Co-located Housing, Group Dwellings, Residential Flat Buildings, Co-living and Battle axe Development	
Amenity	
<p>PO 31.2</p> <p>The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.</p>	<p>DTS/DPF 31.2</p> <p>None are applicable.</p>
<p>PO 31.3</p> <p>Development maximises the number of dwellings and co-living residences that face public open space and public streets and limits dwellings or co-living residences oriented towards adjoining properties.</p>	<p>DTS/DPF 31.3</p> <p>None are applicable.</p>
<p>PO 31.4</p> <p>Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.</p>	<p>DTS/DPF 31.4</p> <p>Dwelling or co-living sites/allotments are not in the form of a battle-axe arrangement.</p>
Car parking, access and manoeuvrability	
<p>PO 33.1</p> <p>Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.</p>	<p>DTS/DPF 33.1</p> <p>Where on-street parking is available directly adjacent the site, on-street parking is retained adjacent the subject site in accordance with the following requirements:</p> <p>(a) minimum 0.33 on-street car parks per proposed dwelling or co-living residence (rounded up to the nearest whole number)</p> <p>(b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly</p>

	(c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
PO 33.4 Residential driveways that service more than one dwelling or co-living, or a dwelling or co-living on a battle-axe site are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.	DTS/DPF 33.4 Driveways providing access to more than one dwelling or co-living, or a dwelling or co-living on a battle-axe site, allow a B85 passenger vehicle to enter and exit the garages or parking spaces in no more than a three-point turn manoeuvre.
PO 33.5 Dwellings and co-living are adequately separated from common driveways and manoeuvring areas.	DTS/DPF 33.5 Dwelling and co-living walls with entry doors or ground level habitable room windows are set back at least 1.5m from any driveway or area designated for the movement and manoeuvring of vehicles.
Soft landscaping	
PO 34.2 Battle-axe or common driveways incorporate landscaping and permeability to improve appearance and assist in stormwater management.	DTS/DPF 34.2 Battle-axe or common driveways satisfy (a) and (b): (a) are constructed of a minimum of 50% permeable or porous material (b) where the driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point).
Laneway Development	
Infrastructure and Access	
PO 44.1 Development with a primary street comprising a laneway, alley, lane, right of way or similar minor thoroughfare only occurs where: (a) existing utility infrastructure and services are capable of accommodating the development (b) the primary street can support access by emergency and regular service vehicles (such as waste collection) (c) it does not require the provision or upgrading of infrastructure on public land (such as footpaths and stormwater management systems) (d) safety of pedestrians or vehicle movement is maintained (e) any necessary grade transition is accommodated within the site of the development to support an appropriate development intensity and orderly development of land fronting minor thoroughfares.	DTS/DPF 44.1 Development with a primary street frontage that is not an alley, lane, right of way or similar public thoroughfare.

Table 1 - Private Open Space

Dwelling /Accommodation Type	Dwelling / Accommodation Type / Site Configuration	Minimum Rate
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Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		Total private open space area: (a) Site area <301m ² : 24m ² located behind the building line. (b) Site area ≥ 301m ² : 60m ² located behind the building line. Minimum directly accessible from a living room: 16m ² / with a minimum dimension 3m.
Cabin or caravan (permanently fixed to the ground) in a residential park or caravan and tourist park		Total area: 16m ² , which may be uses as second car parking space, provided on each site intended for residential occupation.
Dwelling in a residential flat building or mixed use building which incorporate above ground level dwellings	Dwellings at ground level:	15m ² / minimum dimension 3m
	Dwellings above ground level:	
	Studio (no separate bedroom)	4m ² / minimum dimension 1.8m
	One bedroom dwelling	8m ² / minimum dimension 2.1m
	Two bedroom dwelling	11m ² / minimum dimension 2.4m
	Three + bedroom dwelling	15 m ² / minimum dimension 2.6m
Co-living		2.5m ² per bedroom

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
PO 11.2 Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.	DTS/DPF 11.2 A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is:

	<ul style="list-style-type: none"> (a) exclusively for domestic use and (b) connected to the roof drainage system of the dwelling.
Wastewater Services	
<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm. 	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Overshadowing	
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ul style="list-style-type: none"> a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight. 	<p>DTS/DPF 3.1</p> <p>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p>

<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <p>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <p>a. for ground level private open space, the smaller of the following:</p> <p>i. half the existing ground level open space</p> <p>or</p> <p>ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</p> <p>b. for ground level communal open space, at least half of the existing ground level open space.</p>
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <p>(a) the form of development contemplated in the zone</p> <p>(b) the orientation of the solar energy facilities</p> <p>(c) the extent to which the solar energy facilities are already overshadowed.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>

Site Contamination

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <p>(a) does not involve a change in the use of land</p> <p>(b) involves a change in the use of land that does not constitute a change to a more sensitive use</p> <p>(c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form)</p> <p>(d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following:</p> <p style="margin-left: 20px;">(i) a site contamination audit report has been prepared under Part 10A of the <i>Environment</i></p>

	<p><i>Protection Act 1993</i> in relation to the land within the previous 5 years which states that-</p> <ul style="list-style-type: none"> A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) <p>and</p> <ul style="list-style-type: none"> (ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).
--	--

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place (e) proximity to high frequency public transport 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces

<p>Note: In circumstances where a land use is not defined in Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas or Table 1 - General Off-Street Car Parking Requirements (as applicable), an appropriate car parking rate may be defined by reference to similar development in comparable locations.</p>	<p style="text-align: center;">offset by contribution to the fund.</p>
Corner Cut-Offs	
<p>PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p> <div style="text-align: center; margin-top: 10px;"> </div>

Table 1 - General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	
Residential Development	
Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p>

Table 2 - Off-Street Car Parking Requirements in Designated Areas

Class of Development	Car Parking Rate		Designated Areas
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	Minimum number of spaces	Maximum number of spaces	
Development generally			
All classes of development	No minimum.	<p>No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is:</p> <p>1 space for each dwelling with a total floor area less than 75 square metres</p> <p>2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres</p> <p>3 spaces for each dwelling with a</p>	<p>Capital City Zone</p> <p>City Main Street Zone</p> <p>City Riverbank Zone</p> <p>Adelaide Park Lands Zone</p> <p>Business Neighbourhood Zone (within the City of Adelaide)</p> <p>The St Andrews Hospital Precinct Subzone and Women's</p>

		<p>total floor area greater than 150 square metres.</p> <p>Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.</p>	<p>and Children's Hospital Precinct Subzone of the Community Facilities Zone</p>
--	--	---	--



THREE SIX FIVE STUDIO



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ISSUE: M



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ADDRESS: 48 SIXTH AVENUE, ST PETERS

ISSUE: M

LANDSCAPE LEGEND		
TREES	BOTANICAL NAME	COMMON NAME
	ROBINA	MOP TOP (MATURE HEIGHT - 6 m) (MATURE SPREAD - 4 m)
FILLER PLANTS		
	MURRAYA PANICULATA	MURRAYA
	RAPHIOLEPIS	ORIENTAL PEARL

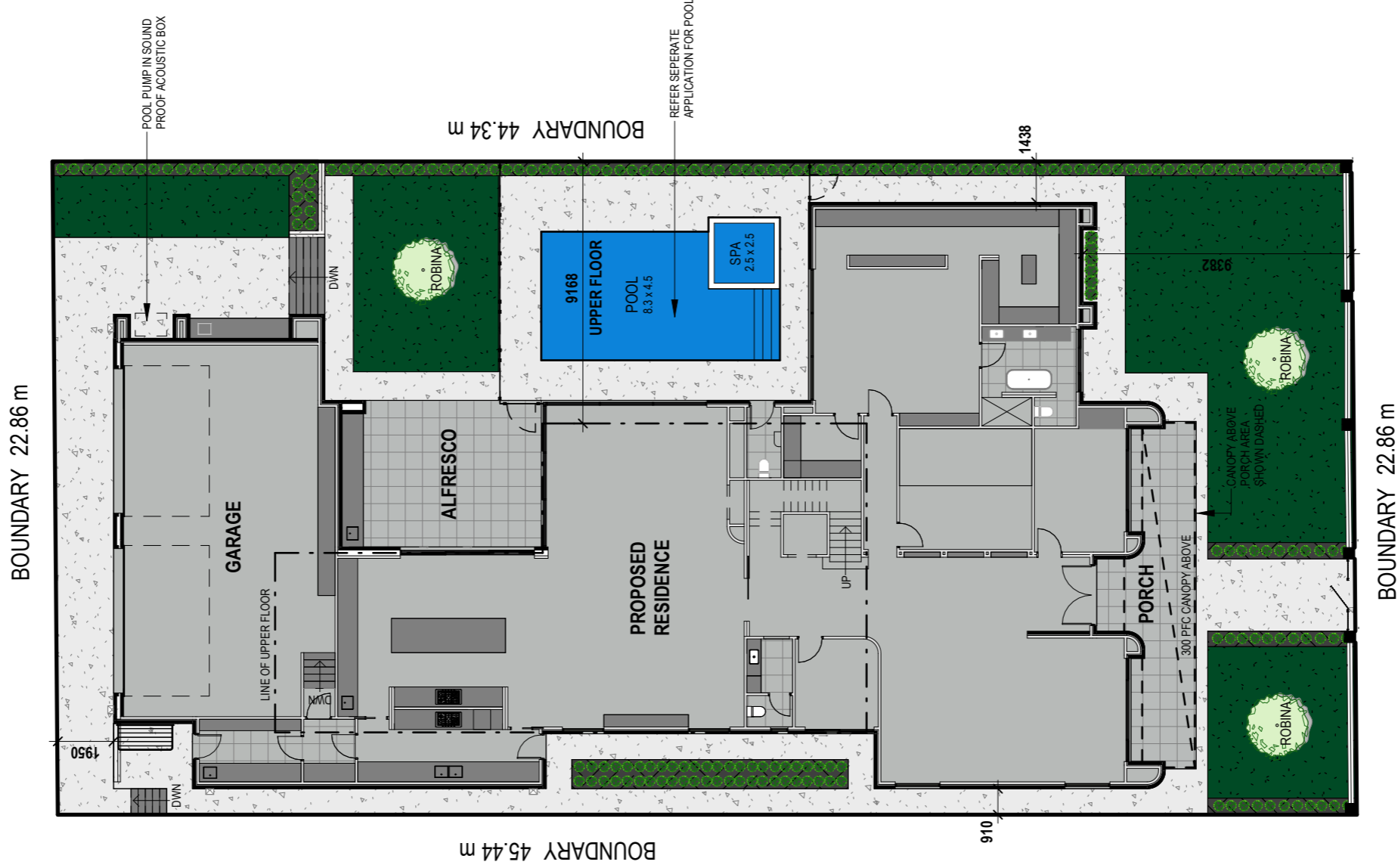
BOUNDARY/SURVEY/SETOUT:
REFER TO WD-00 FOR ALL GENERAL/ BUILDING NOTES
ARCHITECTURALS BY 365 STUDIO IS INDICATIVE FOR BUILDING SETOUT PURPOSE ONLY. PRIOR TO ANY CONSTRUCTION REFER TO SURVEYOR DRAWINGS AND ENGINEERING CIVIL PLAN FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS. BUILDER TO ORGANISE A CERTIFIED SURVEY PRIOR TO ANY CONSTRUCTION IS COMMENCED. BUILDER TO CHECK AND CONFIRM ALL SITE AND SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. PLANS TO BE READ IN CONJUNCTION WITH THE ENGINEERS AND SURVEYORS DRAWINGS/ DETAILS. BUILDER TO CONFIRM ENGINEER DRAWINGS ARE UPDATED

BRUSH FENCE NOTE:

THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3M OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES THAT ARE WITHIN 3M OF THE PROPOSED WORKS/DWELLING ARE TO BE REMOVED BY THE OWNER & REPLACED WITH A NON-COMBUSTIBLE MATERIAL THAT MUST COMPLY WITH BCA REQUIREMENTS

STORM-WATER / RAINWATER TANK NOTE:

REFER TO ENGINEERS CIVIL PLAN FOR ALL LEVELS, RETAINING WALLS, STORMWATER DRAINAGE PLAN AND RAINWATER TANK SPECIFICATIONS



SITE AREAS

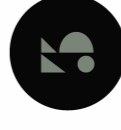
Name	Area
SITE AREA	1039 m ²
SITE COVERAGE	577.49 m ² (55.58%)
PRIVATE OPEN SPACE	317.05 m ² (30.51%)
SOFT LANDSCAPING	267.84 m ² (25.78%)

AREAS

Name	Area
LOWER LIVING	399.00 m ²
GARAGE	105.76 m ²
ALFRESCO	35.76 m ²
PORCH	29.41 m ²
UPPER LIVING	181.26 m ²
	751.19 m ²

Attachment 1

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MOHAMMED ALHAIRY

PROJECT:

PROPOSED RESIDENCE

ADDRESS:

48 SIXTH AVENUE, ST PETERS

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DM

DRAWING NO.:

04

ISSUE:

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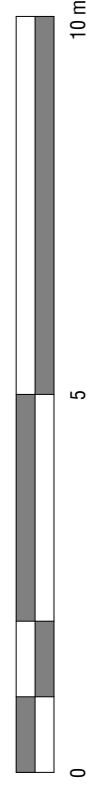
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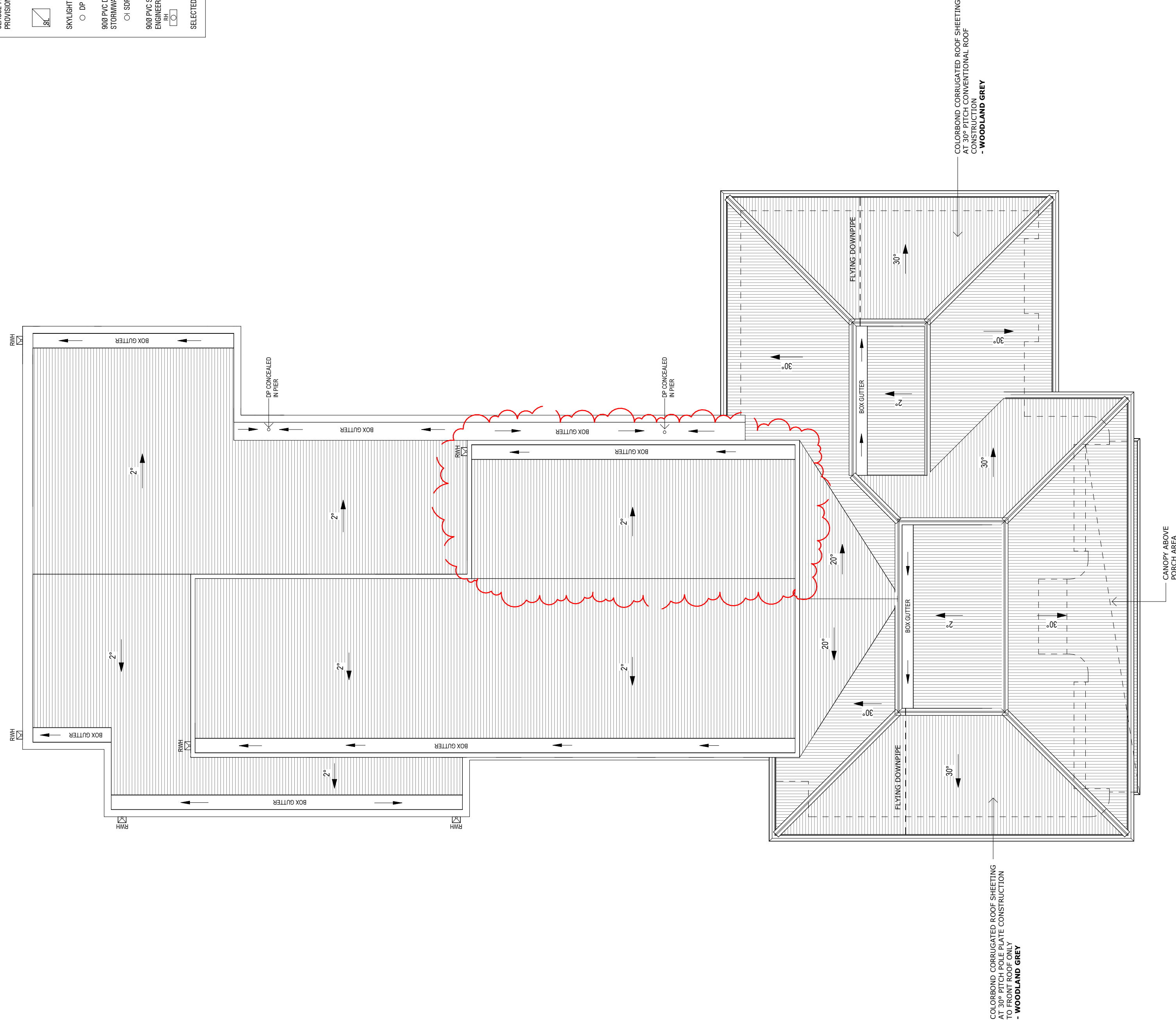
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PLANNING DRAWINGS



ROOF PLAN NOTES:
 REFER TO WD-00 FOR ALL GENERAL/
 BUILDING NOTES
 REFER TO ENGINEERING FOR FRAMING,
 BRACING & STORMWATER LAYOUTS.
 THE ROOF STORM WATER BOX GUTTER
 MUST BE AT LEAST 300MM WIDE AND
 FITTED WITH A RAINWATER HEAD (SUMP)
 AND OVERFLOW SPOUT AT THE LOWEST
 POINTS.
 ALL EAVES AND GUTTERS TO BE
 PROVIDED WITH CONTINUOUS OVERFLOW
 PROVISIONS IN ACCORDANCE WITH
 CLAUSE 7.4.5 OF THE ABCB HOUSING
 PROVISION STANDARD 2022

SKYLIGHT OVER
 ○ DP
 900 PVC DOWNPIPES AS PER ENGINEERS
 STORMWATER PLAN.
 ○ SDP
 900 PVC SPLITTER DOWNPIPE AS PER
 ENGINEERS STORMWATER PLAN.
 []
 []
 SELECTED RAIN-HEAD



Attachment 1

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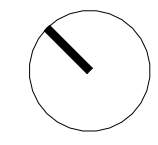
CLIENT:
 MOHAMMED ALHAIRY
 PROJECT:
 PROPOSED RESIDENCE
 ADDRESS:
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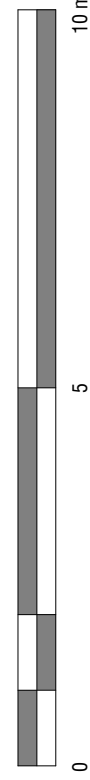
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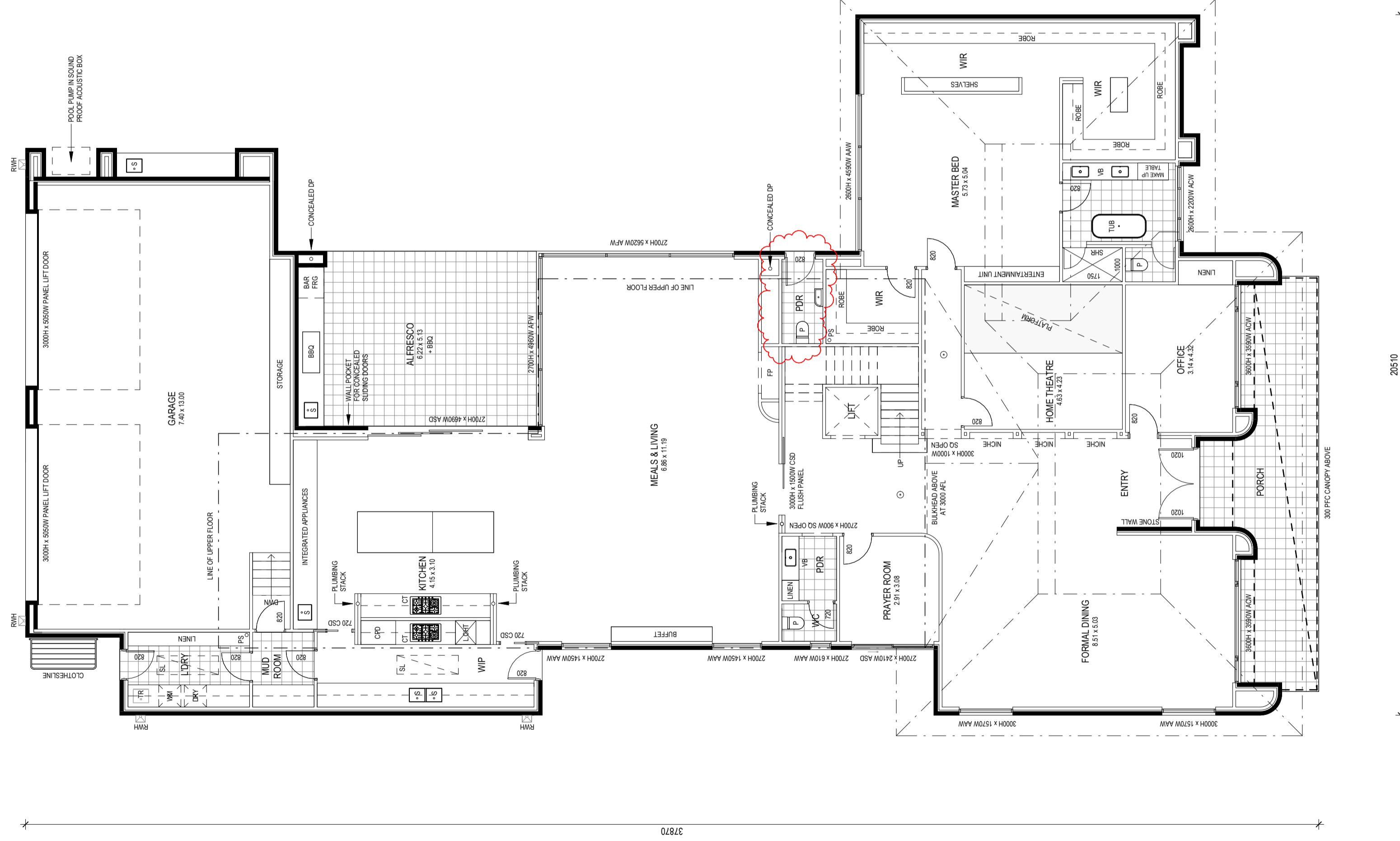


PROPOSED ROOF PLAN SCALE: 1 : 100



AREAS	
Name	Area
LOWER LIVING	399.00 m ²
GARAGE	105.76 m ²
ALFRESCO	35.76 m ²
PORCH	29.41 m ²
UPPER LIVING	181.26 m ²
	751.19 m ²

FLOOR PLAN NOTES:
REFER TO WD-10 FOR ALL GENERAL/
BUILDING NOTES
HARDWIRED SMOKE DETECTOR WITH
BATTERY BACK-UP INSTALLED AND
INTERCONNECTED IN ACCORDANCE WITH
AS 3786-2014
SELECTED AND INSTALLED EXHAUST FAN
BE IN ACCORDANCE WITH AS 1668.2
FOR ALL ROOMS WITH ROOFS OR
VERTICAL ROOF SPACES INSTALLED
IN ACCORDANCE WITH AS 1668.2
WC DOOR HAVING
DEMOUNTABLE HINGES AND BEINGS
REMOVABLE FROM OUTSIDE THE WC

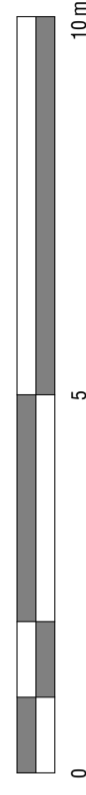


PLANNING DRAWINGS

20510

PROPOSED LOWER FLOOR

SCALE: 1 : 100



Attachment 1

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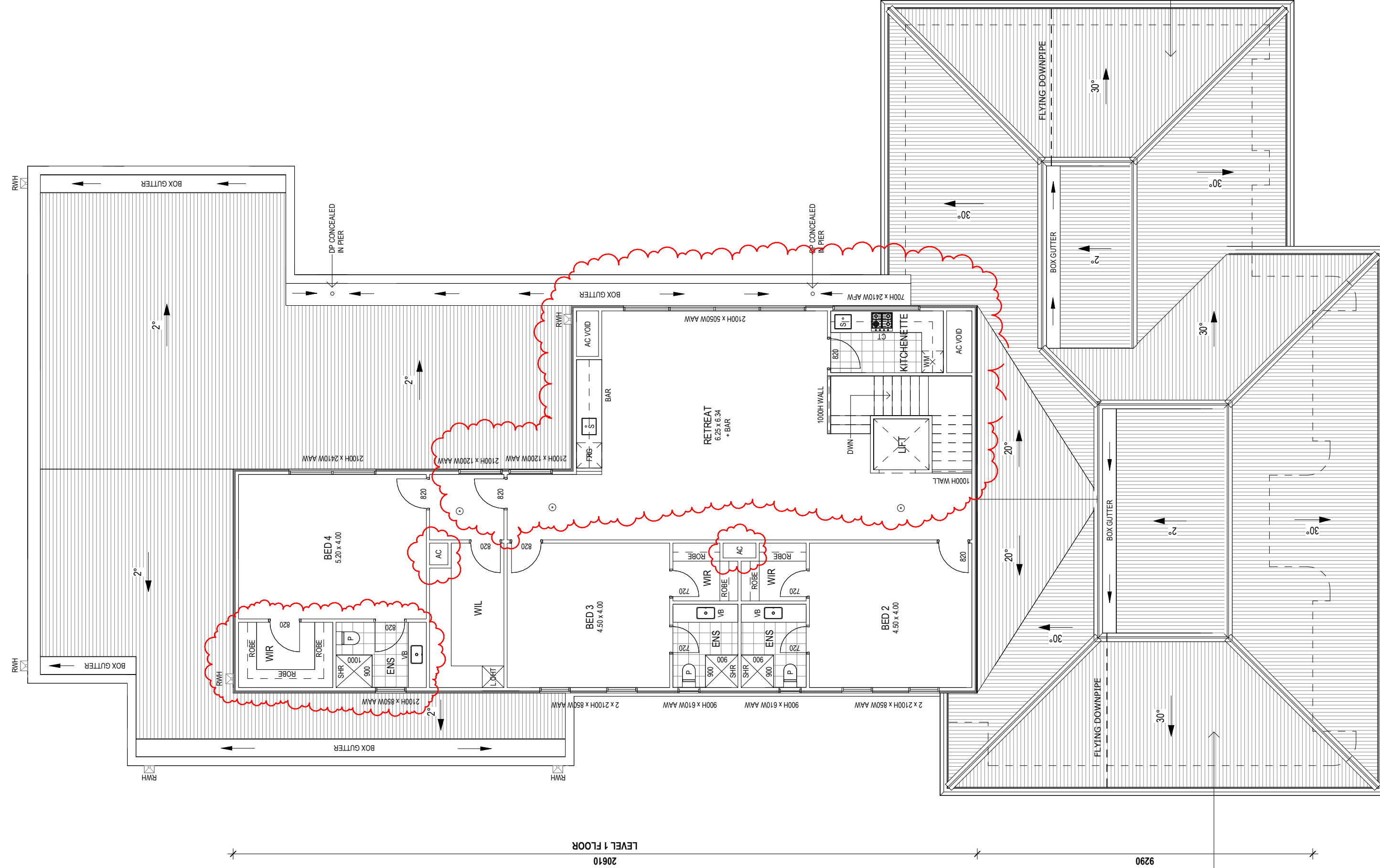
FLOOR PLAN NOTES:

- REFER TO WD-00 FOR ALL GENERAL/
BUILDING NOTES
- HARDWIRED SMOKE DETECTOR WITH
BATTERY BACK-UP INSTALLED AND
INTERCONNECTED IN ACCORDANCE WITH
AS 3786-2014
- SELECTED AND INSTALLED EXHAUST FAN
TO BE IN ACCORDANCE WITH BCA -
P3.8.7.3 DUCTED TO ATMOSPHERE OR
VENTILATED ROOF SPACE INSTALLED
IN ACCORDANCE WITH AS 1688.2
- WC DOOR HAVING
DEMOUNTABLE HINGES AND BEINGS
REMOVABLE FROM OUTSIDE THE WC

⊙
⊗

AREAS	
Name	Area
LOWER LIVING	389.00 m ²
GARAGE	105.76 m ²
ALFRESCO	35.76 m ²
PORCH	29.41 m ²
UPPER LIVING	181.26 m ²
	751.19 m ²

RMH



Attachment 1

COLORBOND CORRUGATED ROOF SHEETING
AT 30° PITCH CONVENTIONAL ROOF
- WOODLAND GREY

COLORBOND CORRUGATED ROOF SHEETING
AT 30° PITCH POLE
PLATE CONSTRUCTION
TO FRONT ROOF ONLY
- WOODLAND GREY



2010 18500

PROPOSED UPPER FLOOR SCALE: 1 : 100

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CLIENT:
MOHAMMED ALHAERY

PROJECT:
PROPOSED RESIDENCE

ADDRESS:
48 SIXTH AVENUE, ST PETERS

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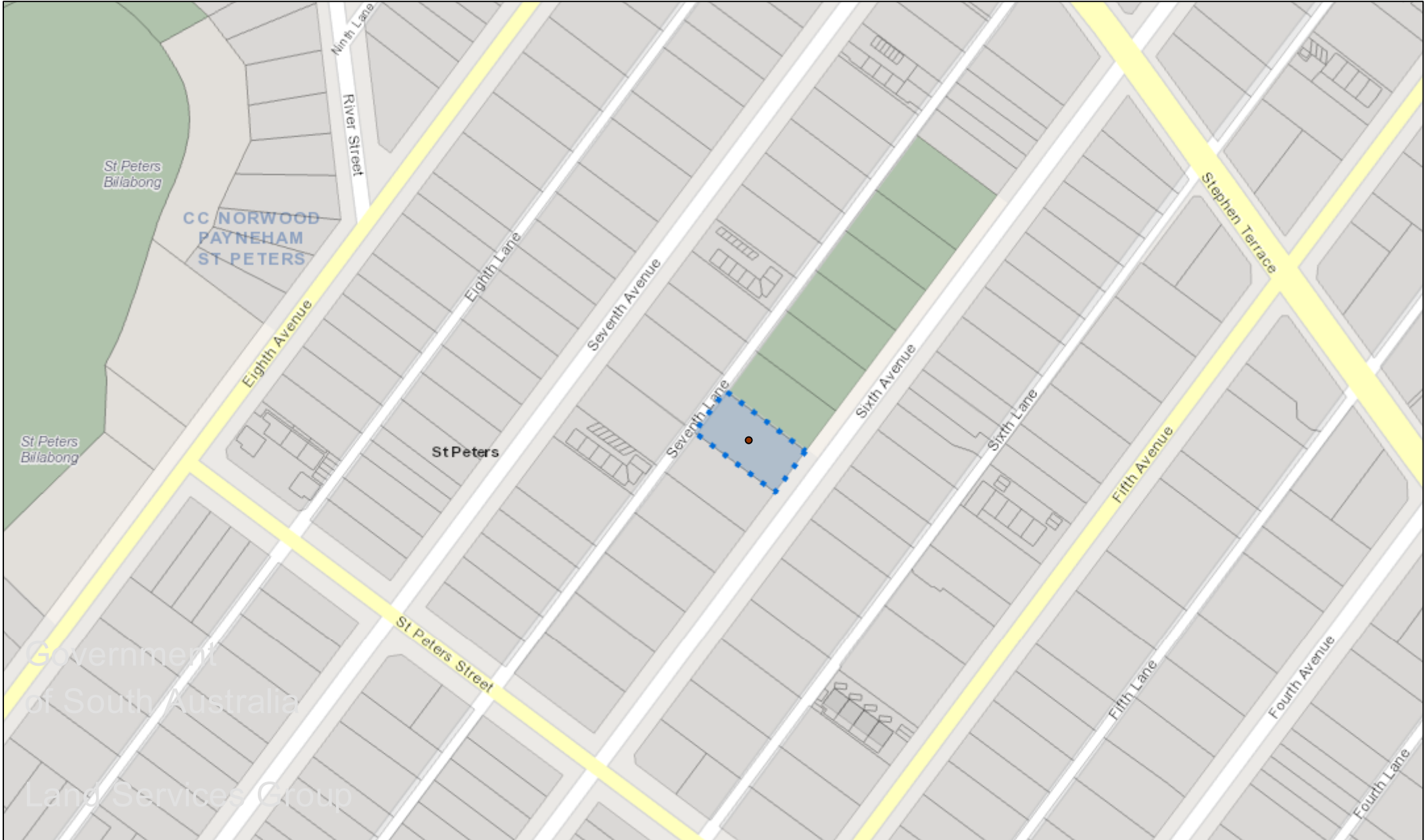
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ISSUE:	M	JOB NO.:		DATE:	24-07-21

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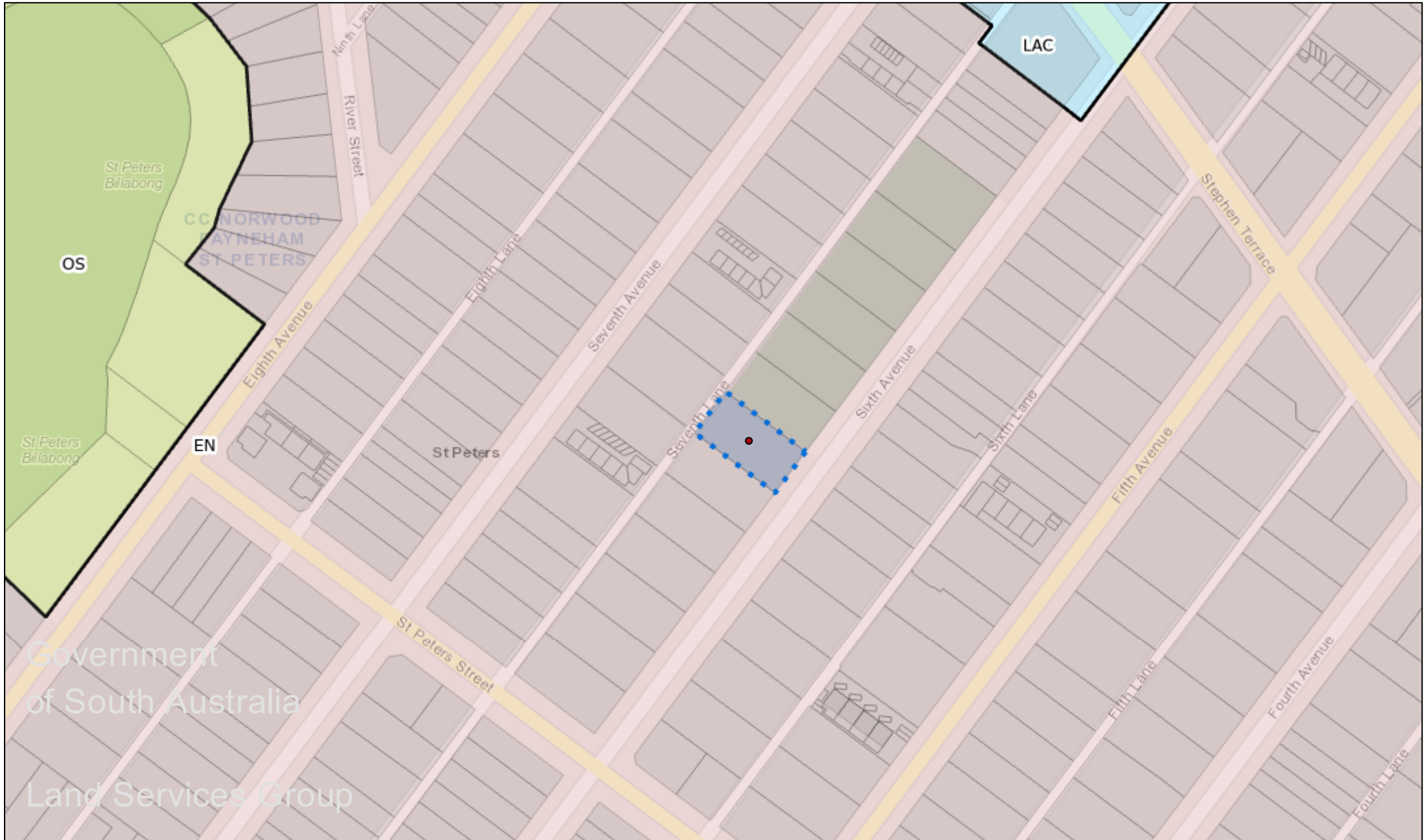
Subject Land Map



LEGEND:

- EN - Established Neighbourhood Zone
- LAC - Local Activity Centre Zone
- OS - Open Space Zone

Zoning Map



Government of South Australia
Land Services Group



Details of Representations

Attachment 5

Application Summary

Application ID	26005482
Proposal	Variation of Development Application 24032150 comprising the removal of the balcony and the enclosure of this area to form part of the internal building area, and internal alterations
Location	48 SIXTH AV ST PETERS SA 5069

Representations

Representor 1 - George Ben

Name	George Ben
Address	
Submission Date	30/03/2026 01:38 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

The one concern I have is the street frontage of the development at 48 does not fit the heritage character of Sixth avenue and indeed the heritage character of this part of St Peters.

Attached Documents

Representor 2 - David Cardone

Name	David Cardone
Address	
Submission Date	10/04/2026 08:44 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

1. Loss of privacy: Important elements of the development variation have not been highlighted in the drawings, including the addition of 2 extra windows on the second storey south west elevation. This variation effectively increases the number of windows from five to seven, each one directly overlooking our property (master bedroom, ensuite, lounge, rear yard and swimming pool enclosure) with significant loss of privacy. 2. At the CAP meeting (17/3/25), I strongly opposed the development due to significant overlooking and loss of privacy. In response, the applicant offered a concession that 100% full height privacy glass (floor to ceiling) apply to all second storey windows on the south west elevation. This concession was never recorded in the published CAP minutes. However, if this condition was imposed by CAP for the current variation application (overriding the conditions set out in the ERD court), I would reconsider my objection to the development variation. 3. Visual and amenity impacts on our property: the 7.25 m tall two-storey dwelling - set along the length of our common boundary - imposes significant visual and amenity impacts on our property. These include a loss of privacy, unreasonable overshadowing, and loss of natural light. Additionally, the proposed setbacks fail to respect the established character of the area nor provide a fair separation between our property and the neighbouring public reserve. Collectively, these impacts represent a significant burden on our standard of living and are understandably distressing.

Attached Documents



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Kieran Fairbrother
Senior Urban Planner
City of Norwood Payneham & St Peters

By Email: kfairbrother@npsp.sa.gov.au

RE: Response to Representation

Development Application Number: DA 24032150
Proposed Development: Variation of Development Application 24032150 comprising the removal of the balcony and the enclosure of this area to form part of the internal building area, and internal alterations
Subject Land: 48 Sixth Avenue, St Peters 5069

1.0 Introduction

Adelaide Planning and Development Solutions (APDS) has been engaged by the applicant to provide a response to the representations received following public notification of a Performance Assessed development application at 48 Sixth Avenue St Peters which is within the Established Neighbourhood Zone.

In preparing this response, I confirm that I have visited the subject land and locality, had regard to the representations and the relevant Assessment Provisions of the SA Planning and Design Code.

This response should be considered in addition to the Proposal Plans and relevant information provided to Council which all form part of the application documentation.

For the reasons I will detail below, I am of the view that the proposed 'Variation of Development Application 24032150 comprising the removal of the balcony and the enclosure of this area to form part of the internal building area, and internal alterations' results in a development which warrants Planning Consent.

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2.0 Representation

During the public notification period, two (2) representations were received, with one (1) of those in support of the proposal (with some concerns) and the other opposed to the proposal. Of the two (2) representations received, one (1) indicated that they would like to talk to their representation at the decision-making hearing. The table provides details of the name of the representor, their address, whether they wish to be heard and whether they support or oppose the proposal.

Name of representor	Address of representor	Wishes to be heard by CAP	In support or opposing
George Ben		No	Support the development with some concerns
David Cardone		Yes	Oppose

3.0 Consideration of representations

Having reviewed the representations, the concerns raised in the representations specifically relate to:

- Concerns with the street frontage of the development not fitting in with the heritage character of Sixth Avenue
- Overlooking and Loss of Privacy
- Visual and amenity impacts

4.0 Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note ‘Designated Performance Features’ (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). **A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion**

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to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies (emphasis added).

It is with the above assessment approach in mind that has guided this response to the representations.

4.1 Procedural Matters

Variation – Section 128

The Planning Consent for the Current Authorisation is, and will remain, operative until 18 September 2027, thereby satisfying the requirements of Section 128(2)(a) of the *PDI Act*.

Further to the above, we note that Section 128(2)(b) of the *PDI Act* states that a variation is to be assessed only to the extent of the proposed variation. The *PDI Act* does not provide for the consideration of other elements or aspects of the development that are not being varied.

Nature of Development

As outlined above, variation applications must be treated as new applications only to the extent of the variation. As such, the nature of development for the variation will be as follows:

Variation of Development Application 24032150 comprising the removal of the balcony and the enclosure of this area to form part of the internal building area, and internal alterations

Context in which proposed variation is to be assessed

The Supreme Court in the case of *Holds & Ors v The City of Port Adelaide Enfield and Ors* considered in detail the variation power under section 39 of the Development Act 1993 (which, relevantly, is in identical terms to the variation power under section 128 of the Planning, Development and Infrastructure Act 2016). The Supreme Court made the following relevant remarks:

"If the application is treated as an application to vary the approved development, the next step must be to identify the elements of the proposed development which are not comprehended by the original approval. Those elements will comprise the extent of the proposed variation, and the development for which authorisation is sought, for the purposes of s 39(7)(b) of the Development Act. The extent of the proposed variation must then be assessed against the applicable Development Plan. Plainly enough, the extent of the proposed variation cannot be assessed in the abstract. It must be assessed in the context of the development which has been approved and perhaps, even substantially completed. An application to vary a development approval, which proposes to increase the height or mass of a building, cannot be sensibly addressed in the abstract."



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(our emphasis)

In light of *Holds & Ors v The City of Port Adelaide Enfield and Ors*, the proposed amendments to the dwelling must be assessed in the context of the approved dwelling and relevant Code provisions

4.2 Extent of variations

To provide clarity, the application proposes the following variations:

1. Removal of the balcony, changing instead to a wall enclosing the upper level with additional window openings along this façade to maintain visual interest and provide passive surveillance.
2. Reduction in the ground floor powder room size, increasing the living area adjacent.
3. Swapping the WIR and Ensuite location for Bed 4.
4. Adding a partition wall in the walkway between Bed 3 and the WIL/Bed 4 area.

5.0 Response to representations

In reviewing the representations lodged during the notification period, we note that none of the representations relate to the variations proposed as part of this application but rather, to previously approved aspects of the development which are not proposed to be varied. Irrespectively, we have provided a brief response to each concern.

5.1 Concerns with the street frontage of the development not fitting in with the heritage character of Sixth Avenue

The variation does not propose to alter the main façade as previously approved, but rather involves changes to the north eastern elevation of the building that overlooks Burchell Reserve through the enclosure of the balcony area, and the relocation of windows on the south western facade associated with the swapping of the ensuite and walk in robe for bedroom 4. As a result, this concern does not relate to the variations proposed but rather to the overall dwelling form, which was previously approved.

5.2 Overlooking and Loss of Privacy

The representor to the south west of the development site raised concerns about the addition of 2 extra windows incorporated into the south western elevation of the building, which has the potential to cause additional overlooking and a loss of privacy for their yard. We can confirm that no additional windows are proposed as a result of the variation, as is evident within Figure 1 and Figure 2 below which provides a comparison of the south western elevation elevations as originally approved (and stamped

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by the ERD Court) and those of this variation. We can also confirm that the notation detailing full height obscure glazing to windows on this elevation remains noted on the proposed varied plans, as was nominated on those granted planning consent, understanding that condition 3 of the ERD notification form relates to the screening of windows along this elevation and is not sought be varied. This condition states:

All upper floor windows on the South-West Elevation 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, prior to occupation of the building, in a manner that restricts views being obtained within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

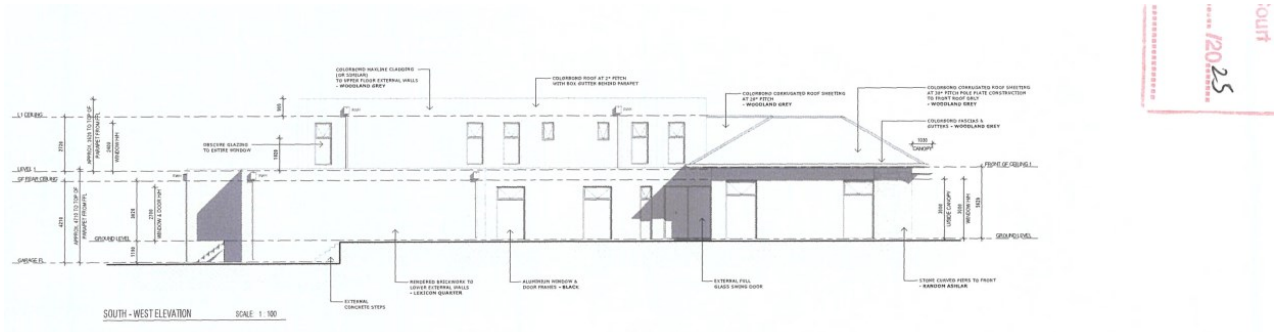


Figure 1: ERD Stamped Plan of the south western elevation.

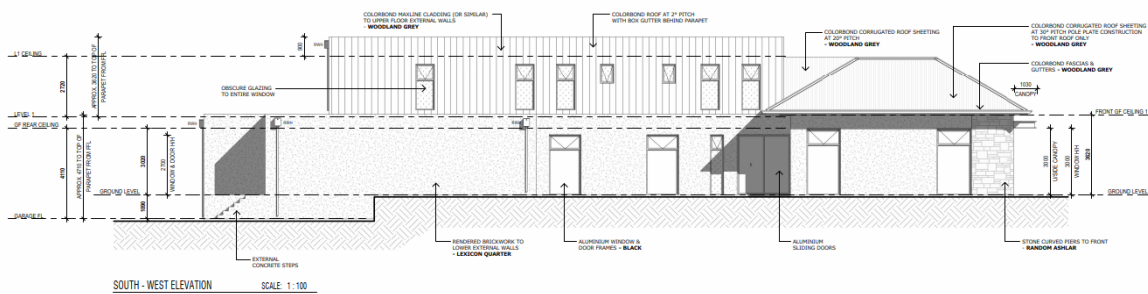


Figure 2: Proposed variation elevation

5.3 Visual and amenity impacts

The concerns raised with regard to the height of the dwelling and the impact of setbacks from the south west boundary on the adjacent property to the south west relate to the approved built form, and not to elements proposed to be varied. As such these concerns do not relate to the current application and are outside the scope of assessment.



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6.0 Conclusion

For the reasons expressed in the response to representation, the proposed variation in our opinion does not unreasonably impact on either the approved dwellings use or appearance as sought by the Established Neighbourhood Zone; and is in accordance with the relevant general and overlay provisions of the Planning and Design Code, considering the unique circumstances of the subject land and locality and the relatively minor changes proposed as part of this variation.

The representations received as part of the application process all relate to original elements of the approved built form which are not sought to be varied by this variation application, which given the PDI Act does not provide for the consideration of other elements or aspects of the development that are not being varied, fall outside the scope of this assessment.

Overall, the proposed variation is consistent with the Planning and Design Code in so far that the approved dwelling, as sought to be varied:

- Remains in accordance with the state interests reflected in the relevant overlays;
- Remains in accordance with the Desired Outcomes and Performance Outcomes of the *Established Neighbourhood Zone*;
- Remains in accordance with the Performance Outcomes of the relevant General Development provisions; and
- Will not have any adverse impacts on the amenity of the locality, the future development of the locality or detrimentally impact upon any surrounding development.

After careful consideration of the variation and having regard to the relevant Assessment Provisions of the Planning and Design Code, it is my opinion, that the variation is not seriously at variance and represents an appropriate form of development in the context of the unique circumstances of the subject land and locality.

For all these reasons, Planning Consent is warranted.

Please confirm when this proposal will be considered by the Council Assessment Panel and the date and time of the meeting.

A representative shall attend this meeting in support of the proposal.



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Should you have any queries or require any further information or clarification with any components of this response, please do not hesitate to contact me by email at mark@adelaideplanning.com.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kwiatkowski', written over a light blue horizontal line.

Mark Kwiatkowski MPIA CPP

Director + Principal Urban Planner

Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private Certifiers

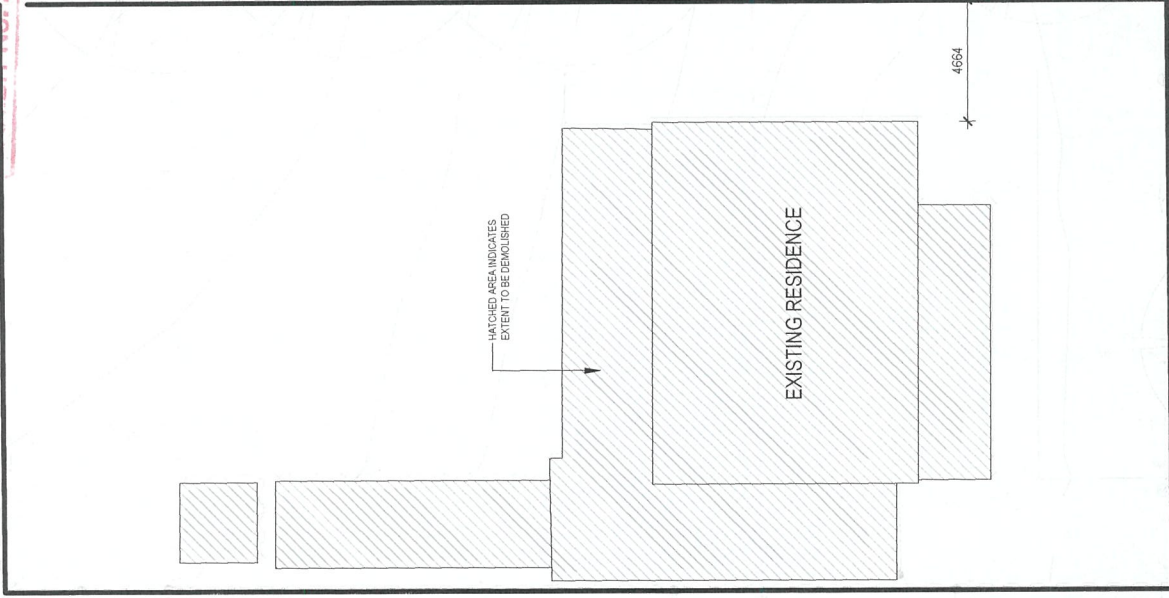
- Proposed Roof Plan, prepared by Three Six Five Studio, Job No: 24-07-21, Drawing No: 5, Issue K;
 - Proposed Lower Floor Plan, prepared by Three Six Five Studio, Job No: 24-07-21, Drawing No: 6, Issue K
 - Proposed Upper Floor Plan, prepared by Three Six Five Studio, Job No: 24-07-21, Drawing No: 7, Issue K;
 - Elevations Plan, prepared by Three Six Five Studio, Job No: 24-07-21, Drawing No: 8, Issue K;
 - Front Fence Elevation, prepared by Three Six Five Studio, Job No: 24-07-21, Drawing No: 9, Issue K;
 - Drainage Plan, prepared by ANZAS & Associates, Ref: ZS/7155, Rev: 09/05/25.
2. All stormwater from buildings and hard-surfaced areas shall be collected and disposed of in accordance with the Drainage Plan (prepared by ANZAS & Associates Pty Ltd, Ref: ZS/7155, Dated 09/05/25) herein approved. In no instance is stormwater permitted to be discharged into Seventh Lane or the adjacent Council reserve.
 3. All upper floor windows on the South-West Elevation 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, prior to 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.
 4. Four small trees (being trees with a minimum mature height of 4m and minimum mature spread of 2m) must be planted within 12 months of occupation of the dwelling(s), and such trees shall be maintained in good health at all times.
 5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Assessment Manager or its delegate.
 6. The retaining walls indicated on the approved plans are to be constructed prior to the commencement of the construction of the dwelling to ensure that the land is suitably stabilised to prevent slip and pollution through soil erosion.
 7. Any change in gradient required to accommodate vehicle access to the garage shall be accommodated entirely within the property boundaries. No changes to levels in Seventh Lane are permitted.



.....
DEPUTY REGISTRAR

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and Development Court
E.R.D.C. No: 40 /2025
EXHIBIT No: A



Attachment 7

THREE SIX FIVE STUDIO

19/53 THE PRINCE HORNWOOD SA
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WWW.365STUDIO.COM.AU



CLIENT:

MOHAMMED ALHAIRY

PROJECT:

PROPOSED RESIDENCE

ADDRESS:

48 SIXTH AVENUE, ST PETERS

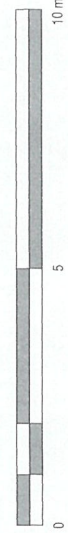
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JOB NO: 24-07-21

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SCALE: 1 : 200

PROPOSED DEMO PLAN

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LANDSCAPE LEGEND		
TREES	BOTANICAL NAME	COMMON NAME
	ROBINIA	MOP TOP (MATURE HEIGHT - 6 m) (MATURE SPREAD - 4 m)
FILLER PLANTS		
	MURRAYA PANICULATA	MURRAYA
	RAPHIOLEPIS	ORIENTAL PEARL

BOUNDARY/SURVEY/SETOUT:

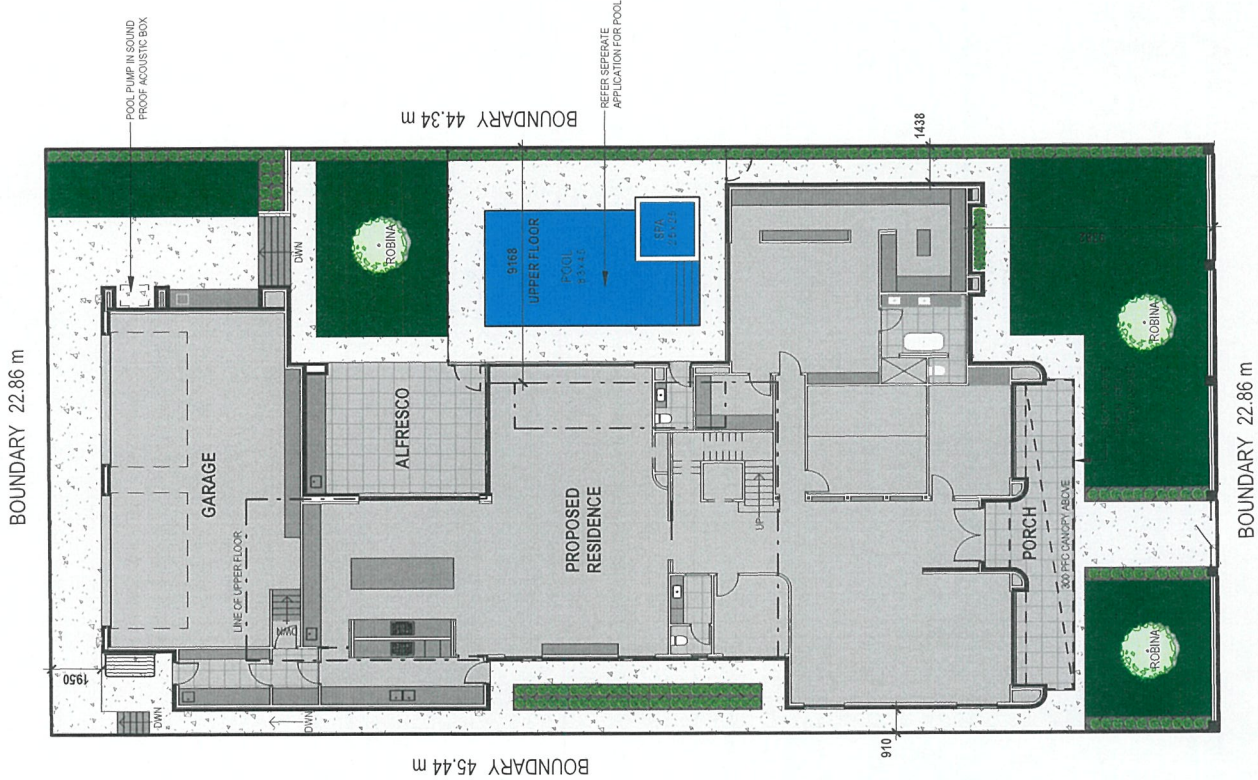
REFER TO WD-00 FOR ALL GENERAL/ BUILDING NOTES
ARCHITECTURALS BY 265 STUDIO IS INDICATIVE FOR BUILDING SETOUT PURPOSE ONLY. PRIOR TO ANY CONSTRUCTION REFER TO SURVEYOR DRAWINGS AND ENGINEERING CIVIL PLAN FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS. BUILDER TO ORGANISE A CERTIFIED SURVEY PRIOR TO ANY CONSTRUCTION IS COMMENCED. BUILDER TO CHECK AND CONFIRM ALL SITE AND SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. PLANS TO BE READ IN CONJUNCTION WITH THE ENGINEERS AND SURVEYORS DRAWINGS/ DETAILS. BUILDER TO CONFIRM ENGINEER DRAWINGS ARE UPDATED

BRUSH FENCE NOTE:

THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3M OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES THAT ARE WITHIN 3M OF THE PROPOSED WORKS/DWELLING ARE TO BE REMOVED BY THE OWNER & REPLACED WITH A NON-COMBUSTIBLE MATERIAL THAT MUST COMPLY WITH BCA REQUIREMENTS

STORM-WATER / RAINWATER TANK NOTE:

REFER TO ENGINEERS CIVIL PLAN FOR ALL LEVELS, RETAINING WALLS, STORMWATER DRAINAGE PLAN AND RAINWATER TANK SPECIFICATIONS



SITE AREAS	
Name	Area
SITE AREA	1039 m ²
SITE COVERAGE	577.49 m ² (55.58%)
PRIVATE OPEN SPACE	317.05 m ² (30.51%)
SOFT LANDSCAPING	267.84 m ² (25.78%)

AREAS	
Name	Area
LOWER LIVING	399.00 m ²
GARAGE	105.76 m ²
ALFRESCO	35.76 m ²
PORCH	29.41 m ²
UPPER LIVING	166.84 m ²
BALCONY	14.42 m ²
	751.19 m ²

Attachment 7

THREE SIX FIVE STUDIO



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MOHAMMED ALHAIERY

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46 SIXTH AVENUE, ST PETERS

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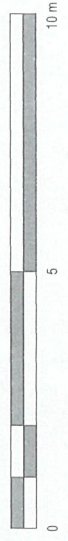
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PROPOSED SITE PLAN

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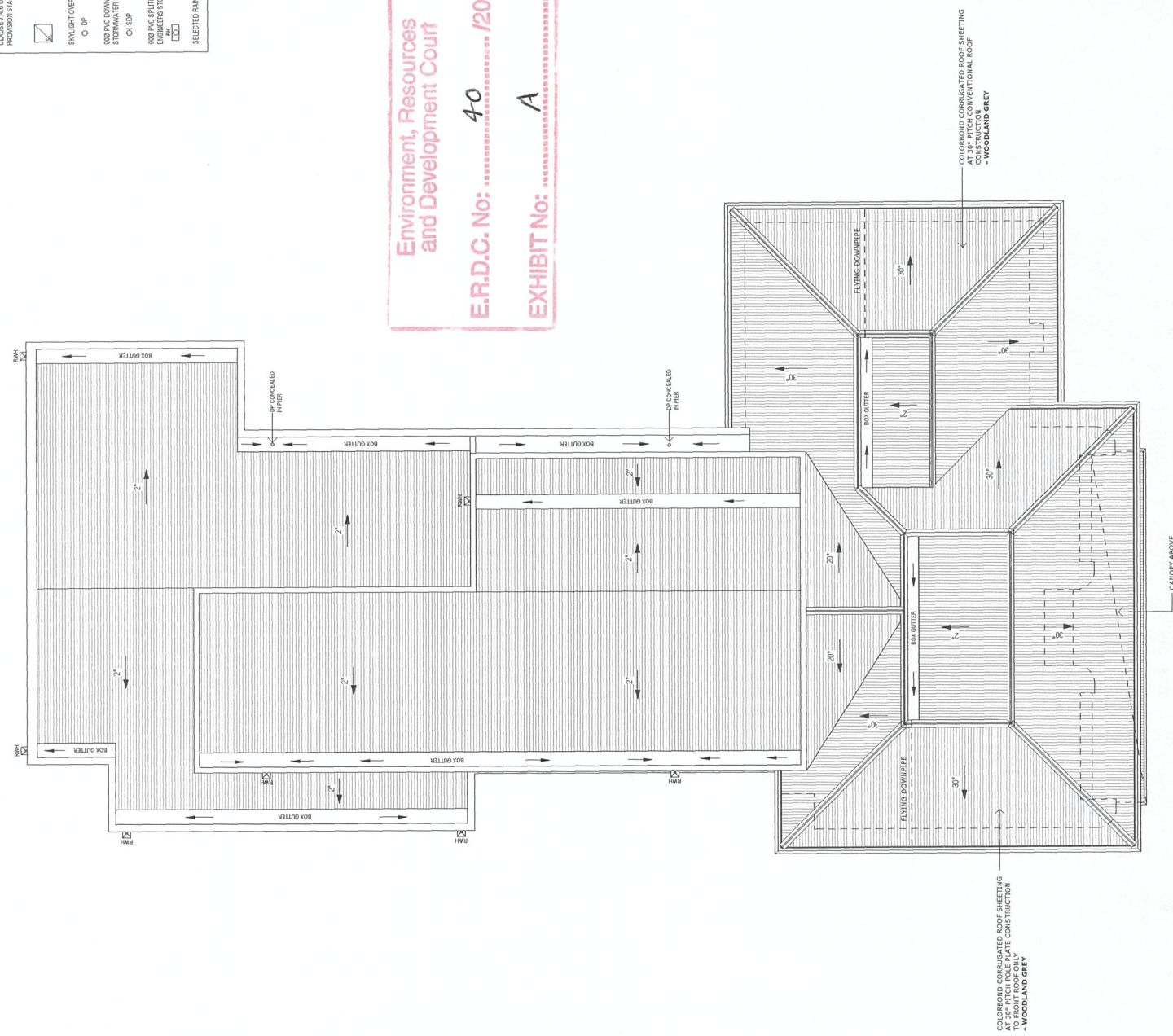
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ROOF PLAN NOTES:
 REFER TO MD-26 FOR ALL GENERAL/
 BUILDING NOTES
 REFER TO ENGINEERING FOR FRAMING,
 BRACING & STORMWATER LAYOUTS.
 THE ROOF STORM WATER BOX GUTTER
 MUST BE AT LEAST 100MM WIDE AND
 100MM DEEP. THE GUTTER MUST BE
 AND OVERFLOW SPOUT AT THE LOWEST
 POINTS.
 ALL LEAVES AND GUTTERS TO BE
 PROVIDED WITH CONTINUOUS OVERFLOW
 CAPS TO PREVENT WIND UPLIFT AND
 CAUSE 7.4.6 OF THE ABCB BUILDING
 PROVISION STANDARD 2022
 SKYLIGHT OVER
 DP
 900 PVC DOWNPIPES AS PER
 STORMWATER PLAN
 CH SDP
 900 PVC SPUTTER DOWNPIPE AS PER
 STORMWATER PLAN
 SELECTED RAIN-HEAD

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E.R.D.C. No: **40 /2025**

EXHIBIT No: **A**



COLORBOND CORRUGATED ROOF SHEETING
 AT 30° PITCH DOLE PLATE CONSTRUCTION
 TO FRONT ROOF ONLY
 - WOODLAND GREY

COLORBOND CORRUGATED ROOF SHEETING
 CONSTRUCTION
 - WOODLAND GREY

Attachment 7

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CLIENT:
 MUHAMMAD ALMURRY
PROJECT:
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ADDRESS:
 48 SIXTH AVENUE, STETERS

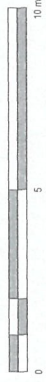
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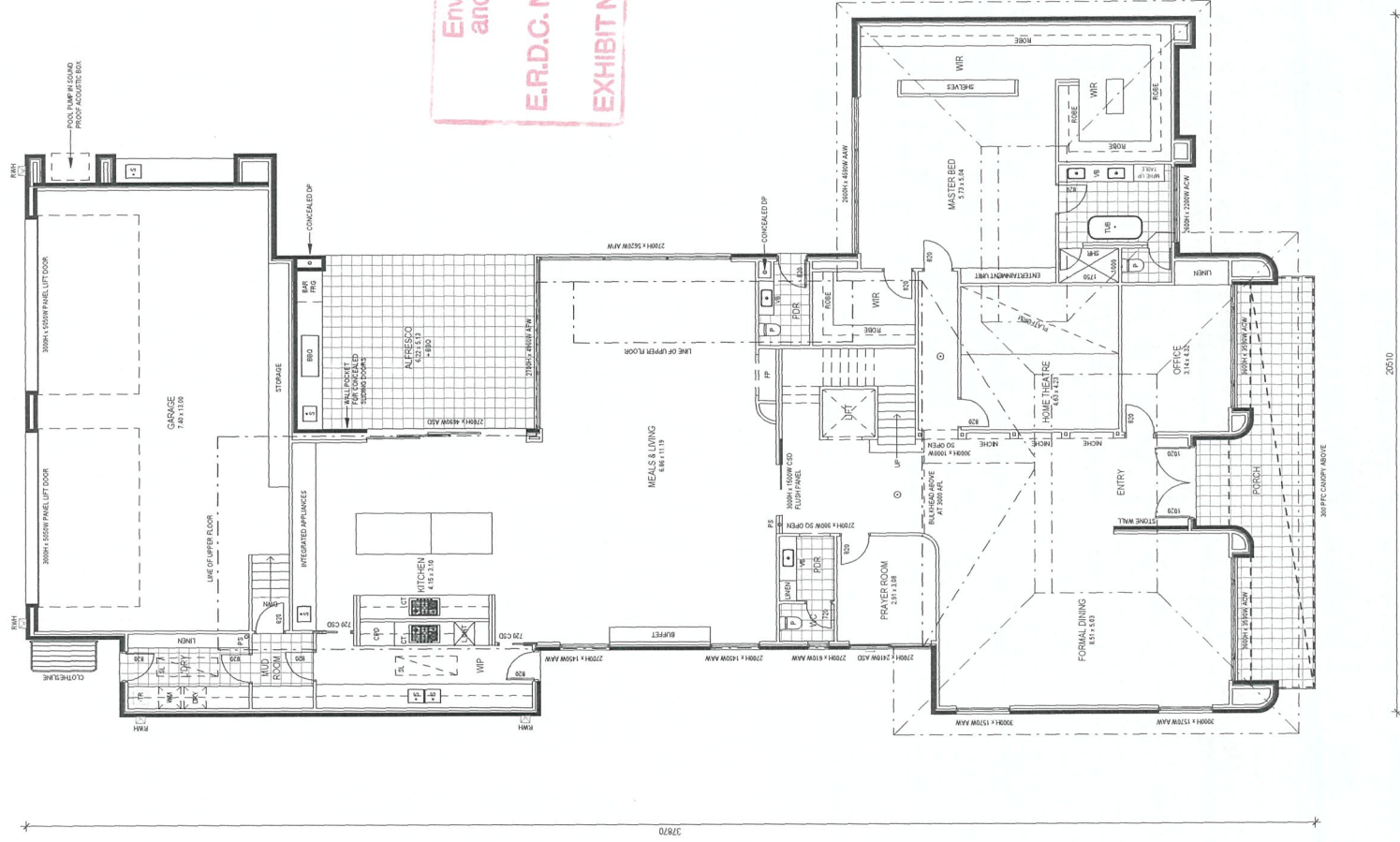
PROPOSED ROOF PLAN SCALE: 1:100



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Areas	Area
LOWER LIVING	390.00 m ²
GARAGE	102.78 m ²
ALFRESCO	35.75 m ²
PORCH	28.41 m ²
UPPER LIVING	106.84 m ²
BALCONY	14.62 m ²
	751.35 m ²

FLOOR PLAN NOTES:
REFER TO NCD-00 FOR ALL GENERAL BUILDING NOTES
HARDWIRED SMOKE DETECTOR WITH BATTERY BACKUP INSTALLED AND TESTED IN ACCORDANCE WITH AS 3786:2014
SELECTED AND INSTALLED EXHAUST FAN TO BE IN ACCORDANCE WITH BCA - PART 3 DUCTED TO ATMOSPHERE OR INSTALLED IN ACCORDANCE WITH AS 1588.2
USE PAPER HANGING HEADMOUNTABLE FRAMES AND BEINGS REMOVABLE FROM OUTSIDE THE MVC



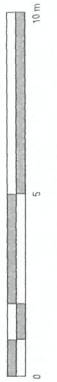
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CLIENT: MOHAMMED AL HAFRY
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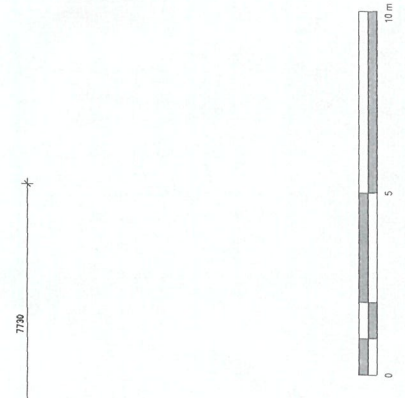
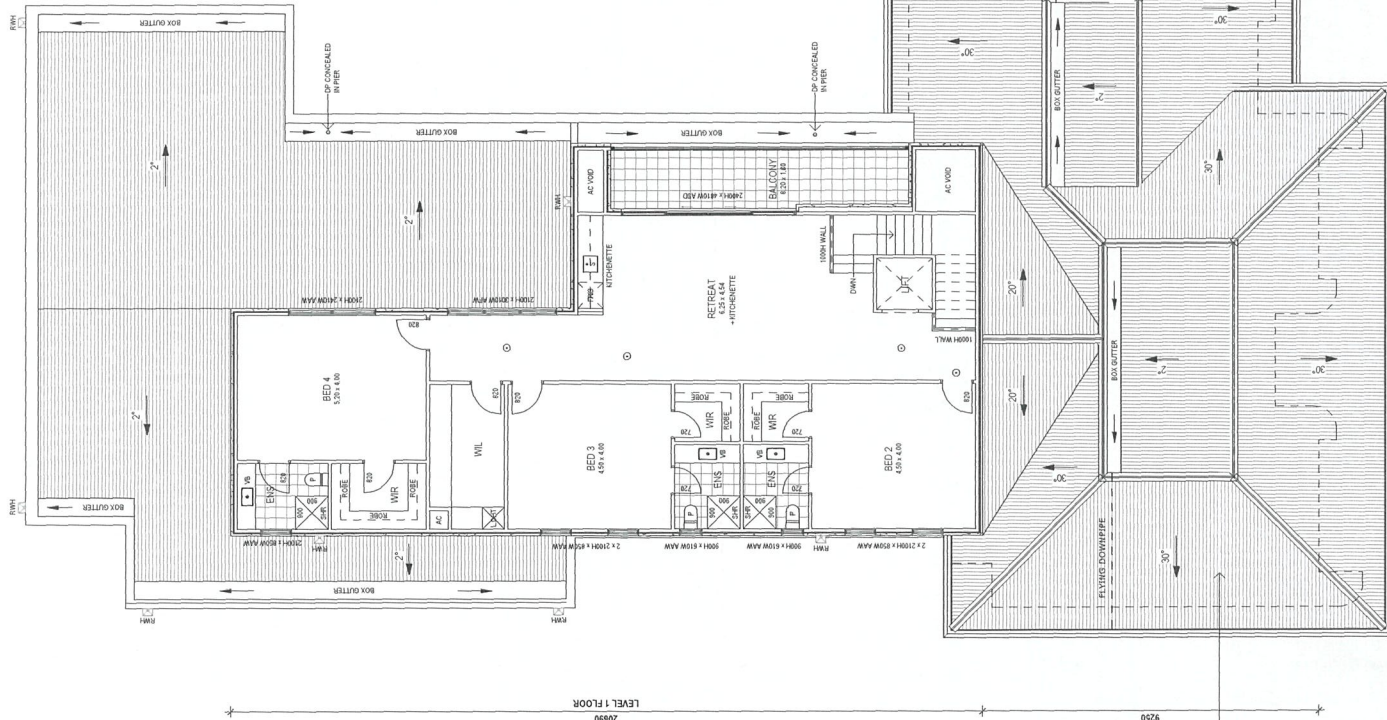
PROPOSED LOWER FLOOR SCALE: 1:100

FLOOR PLAN NOTES:

- REFER TO VMS FOR ALL GENERAL BUILDING NOTES
- WALLS AND CEILING SHALL BE INTERCONNECTED IN ACCORDANCE WITH AS 3786-2014
- SELECTED AND INSTALLED EXHAUST FAN TO BE IN ACCORDANCE WITH BCA
- VENTILATED ROOF SPACE INSTALLED IN ACCORDANCE WITH AS 1698.2
- WC DOOR HAVING DEMOUNTABLE HINGES AND BEINGS REMOVABLE FROM OUTSIDE THE WC.

AREAS	Name	Area
	LOWER LIVING	1399.00 m ²
	GARAGE	1102.76 m ²
	POORCO	18.76 m ²
	UPPER LIVING	167.84 m ²
	BALCONY	14.42 m ²
		751.19 m ²

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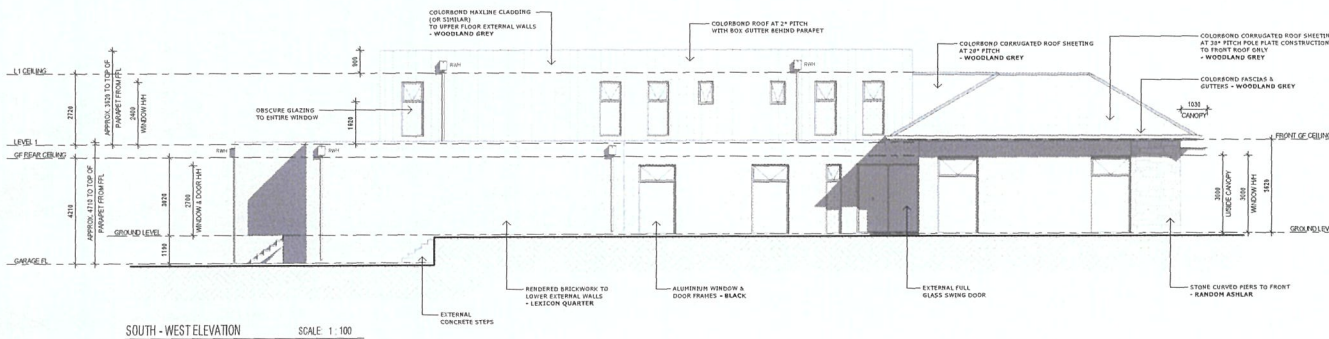
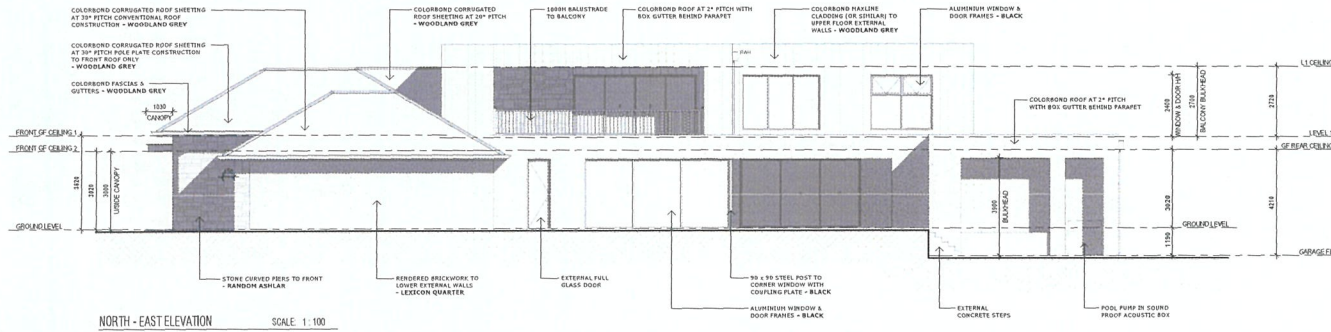
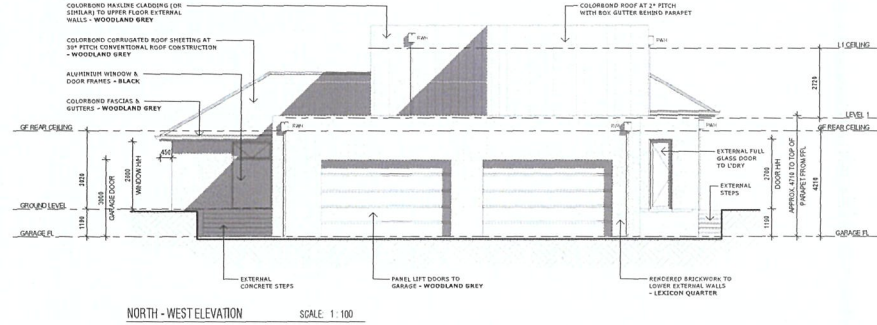
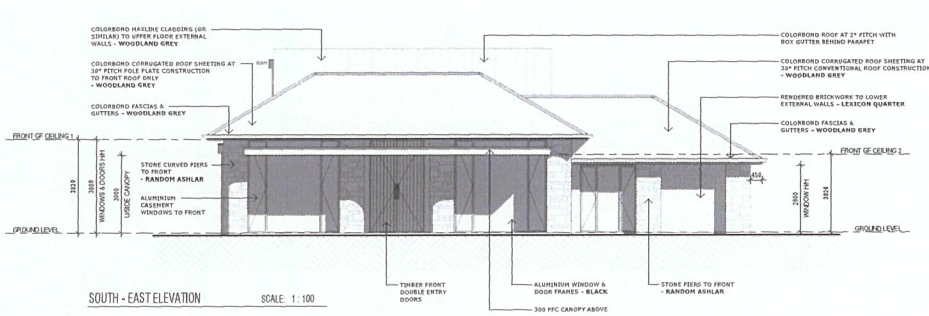
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ADDRESS: 48 SOUTH AVENUE, ST PETERS

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ISSUE: K
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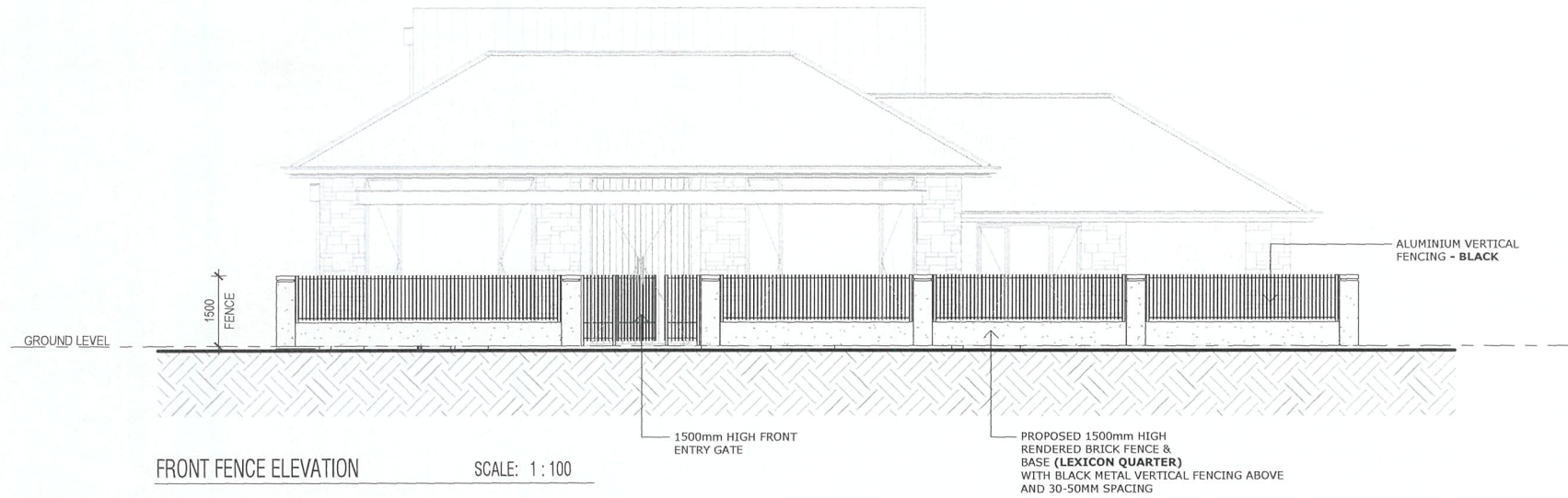


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CLIENT: **MUHAMMAD ALMARIY**
 PROJECT: **PROPOSED RESIDENCE**
 ADDRESS: **40 BUCHANAN AVENUE, ST PETERS**
 PACE SIZE: **01** DRAWING: **01** DRAWING NO: **24-07-21**
 ISSUE: **K** JOB NO: **24-07-21**

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THREE SIX FIVE STUDIO



CLIENT:
MOHAMMED ALHAIRY

PROJECT:
PROPOSED RESIDENCE

ADDRESS:
48 SIXTH AVENUE, ST PETERS

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7. **REVIEW OF ASSESSMENT MANAGER DECISIONS**
8. **ERD COURT APPEALS**
9. **OTHER BUSINESS**
(Of an urgent nature only)
10. **CONFIDENTIAL REPORTS**
11. **CLOSURE**