

Council Assessment Panel Minutes

20 July 2026

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOOR 6.30pm

PRESENT

Panel Members Mr Stephen Smith
Mr Mark Adcock
Mr Julian Rutt
Cr Sandy Wilkinson
Mr Paul Mickan

Staff Kieran Fairbrother, Acting Manager, Development & Regulatory Services
Ned Feary, Senior Urban Planner
Callum Hastie, Urban Planner
Daniella Hadgis, 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 15 JUNE 2026

Moved by Mr Adcock and Seconded by Mr Rutt
CARRIED

4. DECLARATION OF INTERESTS

Cr Sandy Wilkinson declared a conflict of interest for Item 5.3

VENUE Council Chambers, Norwood Town Hall

HOOR 6.30pm

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5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER ID 25015465 - MR JOE SANTOS - 144 MAGILL ROAD
NORWOOD SA 5067**

DEVELOPMENT NO.:	25015465
APPLICANT:	Joe Santos
ADDRESS:	144 MAGILL RD NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Construction of a three-storey mixed use building including shop and carparking at ground floor, with eleven (11) dwellings above, and associated fencing and retaining
ZONING INFORMATION:	Zones: • Suburban Activity Centre Overlays: • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes Technical Numeric Variations (TNVs): • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Interface Height (Development should be constructed within a building envelope provided by a 30 or 45 degree plane, depending on orientation, measured 3m above natural ground at the boundary of an allotment)
LODGEMENT DATE:	17 Nov 2025
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.20 23/10/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary Senior Urban Planner
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Consulting Hydrological Engineer- Melinda Lutton City Arborist- Matthew Cole Senior Traffic Engineer- Rebecca Van Der Pennen Consulting Architect- David Brown Works Coordinator, Waste Services- Shane Smedley

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves the demolition of the existing building (not on any heritage register, therefore not requiring approval), and the construction of a three-storey mixed-use building. This would have a ground floor retail tenancy (shop) of 447m², nine apartments at first floor level (eight 2-bedroom, and one 3-bedroom), with the third-storey being substantially smaller in footprint, and containing two 3-bedroom apartments.

There would be an at-grade car park on the southern side of the site, with the upper floors above this for some of its area. This would provide 28 parking spaces, one of which would be DDA-compliant. Of these spaces, 14 would be designated for residents, three for staff and the remaining ten non-accessible spaces would be available for visitors to site (whether commercial or residential). The car parking area includes nine storage boxes for residents, and the ground floor also contains shared facilities such as waste storage and a residential entry foyer.

There is a significant *Corymbia citriodora* (lemon-scented gum) on neighbouring land at 3 Moulden Street, immediately to the southeast of the site. The development does not intend to damage this tree, but tree protection measures are required to ensure that this is the case. Further detail is provided in the Planning Assessment below.

BACKGROUND:

The site was historically used as a motor repair station, which has necessitated further site contamination investigations as required by the EPA through an RFI. Their referral response can be found in **Appendix 8**. The site was most recently used as a bulky goods outlet/retail showroom.

It is noted that no referral to the Commissioner of Highways was necessary as the proposed access point is more than 25m from the junction with the State Maintained Road (Magill Road).

The application was submitted on the 27th of May 2025, but due to the requirement for a Preliminary Site Investigation, was not lodged until the 17th of November 2025. The EPA issued its RFI on the 20th of November. After discussing a series of initial concerns with the application (primarily relating to the significant tree), it underwent public notification from the 19 February 2026 - 12 March 2026, with eight representations received, six of whom wish to be heard.

The applicant responded to the EPA's RFI on 10 June 2026, and responded to representations on 1 July 2026. As part of the response to representations, some amendments were made to the application, namely the following:

- Provision of an amended landscaping plan;
- "New masonry brick elements [to] reduce white textured render and better reflect colour and texture of nearby historic buildings."
- "Masonry spans ground and first floors. This step unifies the façade and reinforces a two storey scale."

- “New masonry spandrel to increase the solid to void ratio. It aligns with traditional Magill Road shopfronts and supports under awning signage.”
- “The Magill Road, and the intersection of Edward Street verandah has been increased in length and depth.”

The following reports have also been prepared as part of the response to representations:

- Amended traffic and parking statement prepared by PWA Traffic
- Amended waste management plan prepared by Colby Phillips
- Visual impact assessment prepared by Oxigen
- Response to heritage impacts prepared by DASH Architects
- Acoustic assessment prepared by Sonus

The amendments to the application since public notification are considered “not substantial” and therefore, under Regulation 35 (3) of the *Planning, Development and Infrastructure (General) Regulations 2017*, a further round of public notification is not required.

The EPA provided their Referral Advice on 8 July 2026, advising that they had no objection to the development, with three conditions and one advisory note imposed.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 144 MAGILL RD NORWOOD SA 5067

Title ref.: CT **Plan Parcel:** D21902 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST
6126/900 AL2 PETERS

Location reference: 144 MAGILL RD NORWOOD SA 5067

Title ref.: CT **Plan Parcel:** F139500 **Council:** THE CITY OF NORWOOD PAYNEHAM AND
6126/901 AL20 ST PETERS

Shape:	Slightly irregular, with a series of steps back in the eastern boundary.
Frontage Width:	24.39m to Magill Road, 51.03m to Edward Street
Area:	1585.2m ²
Topography:	Mostly flat, with a slope from southeast-northwest falling approximately 1m.
Existing Structures:	Single-storey retail showroom, including verandahs over part of the footpath.
Existing Vegetation:	None- note the significant tree on neighbouring land to the southeast.

Locality

The site sits at the corner of Magill Road and Edward Street; two streets with distinctly different characters. A locality is shown in **Attachment 2**. This suggests that the locality extends:

- 130m to the west of the site to the corner of Magill Road and Ann Street, and the entrance to Richards Park ;
- 110m south along Edward Street to the Margaret Ives Kindergarten;
- 160m to the east to the intersection of Magill Road, George Street and Augusta Street.

It also includes properties on the northern side of Magill Road through this area, and properties along the western side of Moulden Street, between Magill Road and Rose Street.

Magill Road is a commercial “main street” precinct, though the street has relatively high traffic speeds and

volumes. The streetscape has a high proportion of surviving Victorian and Edwardian single-storey shopfronts, most of which are heritage-listed. There is a clear pattern of zero or very limited front setbacks, with verandahs over the footpath. The street has a relatively low tree canopy coverage, with shading instead mostly provided by verandahs.

Edward Street is predominantly residential, with a mostly historic character (though the Historic Area Overlay is only applied south of Rose Street, two dwellings from the subject site). The built form is mostly a mix of villas, cottages and bungalows, with more recent development generally carrying through key built form features such as gable ends. The dwelling immediately to the south of the subject site (6 Edward Street) does not carry through the same built form character elements, having a more outwardly two-storey form, and flat roofs. Edward Street has a high degree of tree canopy coverage, with large, mature street trees (generally London Plane Trees) forming an almost continuous canopy across the roadway (though noting that these are deciduous).

The Rose and Moulden Street parts of the locality have a similarly historic, residential character as Edward Street, albeit with a slightly more compact form due to smaller front setbacks.

While Magill Road exhibits a moderate degree of amenity (largely reduced by the traffic speed and volumes), the residential areas to the south have a high degree of amenity.

The applicant's response to representations has mentioned consideration of the recent "Otto's" development along Bennett and Wells Streets, as close as 70m from the site as the crow flies. This development comprises mostly three-storey townhouses, with significant boundary walls and limited front setbacks. However, the Otto development is not included in the locality outlined here, as the development site is not visible from the Otto's area, and is separated by Magill Road. It would likely have some influence on a broader neighbourhood, but it may be outside of a strict locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Residential flat building: Code Assessed - Performance Assessed
 - New housing
 - Shop: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code; Proposed building height exceeds the two level TNV.

PUBLIC NOTIFICATION

- **REASON**
 - Development exceeds the two-storey building height TNV
- **LIST OF REPRESENTATIONS**

Given Name	Surname	Address	Position	Wishes to be heard?
Todd	Alexander		Supportive	No
Ann	Chipperfield		Supportive, with concerns	No
Angela	Philbey		Supportive, with concerns	Yes
Bruno	Mitolo		Opposed	Yes
Angela	Mitolo		Opposed	Yes
Peter	Young		Supportive, with concerns	Yes
Paul	Hayes		Opposed	Yes
Tom	Game		Opposed	Yes

*Mr Young also owns commercial premises at 152 Magill Road, Norwood.

** Mr Game represents the owners of 6 Edward Street, Norwood.

• SUMMARY

The supportive representor cited that the development would increase overall amenity, and would provide additional housing supply in the local area, as well as providing a useful retail tenancy.

Opposed representors variously noted a variety of concerns. These included:

- Car parking and increased traffic volumes on Edward Street;
- Building height and scale;
- Construction disruption;
- Waste collection and servicing;
- Demolition of an existing boundary wall and resultant security concerns;
- Landscaping;
- Inaccuracies in drawings;
- Poor design quality; and
- Mitigation of interface impacts (e.g. overlooking and noise).

The full representations are available in **Attachment 5**.

While most of these issues will be addressed in the Planning Assessment below, some elements are not considered relevant to the assessment and/or are of a procedural nature; namely the construction disturbance, demolition of the boundary wall, and inaccuracies in the drawings.

Regarding construction disturbances, no policies in the Planning and Design Code relate to this, meaning that it is generally not a reasonable basis upon which a decision can be made. However, in some instances, it may be reasonable to require a Construction Environment Management Plan (CEMP) to manage disruptions- though this is only typically required where there are circumstances which significantly constrain construction work on the site, an example being the construction of a dwelling opposite a school, where the CEMP was required to avoid conflicts with school traffic. In this case, the nature of the site, being on an arterial road, and the nature of the development being fairly substantial, is such that a CEMP is considered to be worthwhile, particularly to foreshadow any necessary hoarding permits or the like under Section 221 of the *Local Government Act 1999*, and potential nuisance exemptions for out of hours work under the *Local Nuisance and Litter Control Act 2016*. As a result, a Reserved Matter to this effect is recommended.

It is noted that the neighbour at 152 Magill Road indicated concern regarding the demolition of a portion of the side boundary wall which is on the boundary between the subject site and the representor's land. The

representor is concerned about the potential security implications from the removal of this wall. It is noted that the proposed fencing does not actually form part of the application, as fencing below 2.1m does not require Development Approval, noting that neither building is a heritage place. Furthermore, the section of the boundary in question would be behind the “secure area” of the proposed car park, which should provide suitable security.

While it is noted that there were some discrepancies in the plans provided at public notification, these are rectified in the plans provided via the response to representations. The changes to rectify this are not considered “substantial” for the purposes of the Act, such that a second round of public notification is not considered to be required.

AGENCY REFERRALS

- Environment Protection Authority

The application was referred to the EPA as the application involves a change in use to a more sensitive land use (since it involves a residential use). The Preliminary Site Investigation outlined that there was the potential for contamination due to the historical use of the site as a motor repair station. In light of this, the EPA required further testing to be satisfied of the site’s suitability for its intended use.

The facts of the referral will be discussed further under the Planning Assessment below, but it is noted that the EPA have responded that they have no objection to the proposal, subject to three conditions, including that remediation works are undertaken, and that a Certificate of Site Suitability shall be issued by a Site Contamination Consultant.

The EPA’s advice is contained in **Attachment 8**.

INTERNAL REFERRALS

- Consulting Hydrological Engineer- Melinda Lutton

The site is within the Hazards (Flooding- General) Overlay, and was therefore referred to Council’s external engineer for advice on whether the development would be suitably protected from flood impacts. Advice was also sought as to the suitability of the proposed Stormwater Management Plan. This is discussed in the Planning Assessment below.

- City Arborist- Matthew Cole

Council’s City Arborist reviewed the proposal with respect to impacts on the adjoining significant tree. This has resulted in extensive discussions regarding the suitability of the proposed Tree Protection Plan. His comments on the final version are provided in **Attachment 7**.

- Senior Traffic Engineer- Rebecca Van Der Pennen

Council’s Senior Traffic Engineer provided advice as to the suitability of the access arrangements for the site, including manoeuvring in and out of the site and within the parking area. This is discussed in the Planning Assessment below.

- Consulting Architect- David Brown

In light of concerns raised by representors relating to the design quality of the development, and the

architectural opinion provided in that representation, it was considered that an opinion from an architect would be valuable. While Mr Brown is Council's Heritage Advisor, he is a practicing architect more generally beyond the heritage realm, and so his expertise was considered to be of value. His advice is provided in **Attachment 7**.

The applicant's response to representations states, *"feedback from David Brown on the "Urban Design" impacts of the proposal similarly has little regard to the relevant provisions of the Code, begging the question as to its purpose."* The purpose of the referral is to provide a clearer picture as to the architectural merits of the proposal. Mr Brown is not a qualified planner, and his role is not to interpret planning policies. Therefore, he was provided with the policies for context, but he was not asked to reference these in his assessment; rather, given his expertise in contextual design, he was asked to consider the proposal on this basis, to aid the panel and planning staff in the interpretation of these policies, rather than providing an interpretation of his own.

It is noted that a representor approached Mr Brown seeking for him to provide an architectural opinion on behalf of the representor. Mr Brown declined this due to the potential for conflicts of interest given his role with the Council.

- Works Coordinator, Waste Services- Shane Smedley

Advice was sought from Council's Works Coordinator, Waste Services as to the suitability of the waste collection arrangement and the potential for a non-standard waste agreement. He was satisfied in general that the arrangement would be broadly feasible, though this would be subject to a separate process which would manage the detailed arrangements of a non-standard waste collection agreement.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises the construction of a three-storey mixed use building including shop and carparking at ground floor, with eleven (11) dwellings above, and associated fencing and retaining. It is located in the Suburban Activity Centre Zone. Development of this nature is generally appropriate within the site, locality or in the subject Zone for the following reasons:

1. The Zone, in Performance Outcomes 1.1-1.4, anticipates commercial development at ground floor level, with medium to high density residential development above or behind this commercial space;
2. The site is relatively large, allowing the third storey to be sited in a way which is relatively unobtrusive.

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

Land Use & Intensity

The proposal includes a commercial tenancy of 447m² at ground floor. The Suburban Activity Centre Zone envisages a fairly high intensity of commercial development, with PO 1.1 envisaging the provision of up to district level services. The proposed land use, and the intensity of the commercial use, are considered consistent with the intent of the Zone.

The Zone does also envisage residential uses in conjunction with non-residential uses. Performance Outcome 1.2 states:

“Residential development does not prejudice the operation of existing non-residential development and the long-term provision of services and facilities for wider community benefit.”

Performance Outcome 1.3 states:

“Dwellings and/or co-living are developed only in conjunction with non-residential uses to support business, entertainment and recreational activities.”

Performance Outcome 1.4 states:

“Where residential development is appropriate having regard to other performance outcomes of the zone, residential development achieves medium to high densities.”

The residential component of the development complies with the general intent of these policies, since it is being developed concurrently with non-residential development on the site, and with the non-residential component being in the key space facing the main street.

Building Height

Performance Outcome 3.1 of the Suburban Activity Centre Zone states:

“Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and Maximum Building Height (Metres) Technical and Numeric Variation layers or is generally low rise to complement the established streetscape and local character.”

The site does have a TNV envisaging that new development would be two building levels, with the proposed building being three levels. However, the PO above envisages that satisfying this TNV is not the only way to achieve a suitable building height- it may otherwise be “generally low rise to complement the established streetscape and local character”. The term “low rise” is defined in Part 8 of the Code as being up to two-storey, but the inclusion of the word “generally” in the Performance Outcome again suggests that being “low rise” is not compulsory, if the height can still “complement the established streetscape and local character”.

The second floor has a significantly reduced footprint compared to the first floor of the building (466m² including balconies, compared to 1292m² with balconies on the first floor, meaning it is 36% of the size). It is also set back from most of the side boundaries:

- 8m from Magill Road;
- 6.46m from Edward Street; and
- 12.3m from the southern boundary.

While the setback is limited on the eastern side, this is considered to be less critical as the neighbouring built form will shield this from view somewhat.

As a result, the third storey itself will be relatively unobtrusive visually, such that it is considered to be sufficiently complimentary to the established streetscape and character.

Performance Outcome 3.2 states:

“Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.”

The Established Neighbourhood Zone to the south of the site has a single storey TNV, though the origins of this are slightly complex. The former Residential Character (Norwood) Zone in Council’s Development Plan

included the following statement with regard to building height:

“Building heights will generally be limited to maintain a single-storey streetscape appearance, however, in some locations where a single-storey built form character is particularly intact, may be further limited to single storey.”

The Development Plan did not identify such locations for a single-storey only built form, and in the transition to the Code, it was not possible to reflect the nuances of this policy. Thus, the “character pockets” that were identified in the Development Plan (which become the areas of the Character Area Overlay) were transitioned over to have a single storey TNV, while other areas had a two storey TNV.

While the portion of the locality to the south of the site is predominantly single storey, there are notable two-storey examples, including 6 Edward Street, dwelling at the rear of 1 Edward Street (under construction), 9 Edward Street and 14 Edward Street (among others).

Given this, the development’s mostly two-storey appearance is an appropriate transition, and given that the upper floor will not be visually prominent, this is considered to reasonably satisfy this PO.

Performance Outcome 3.3 states:

“Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.”

It is not entirely clear the extent to which this policy is applicable, since it is not clear whether “fronting” is intended to refer only to a primary frontage, or also to a secondary frontage, as is the case here. Regardless, the commentary as above remains relevant in determining whether the development reasonably complies with the principles outlined here.

Streetscape Appearance

The appearance of the building was the subject of significant concern from representors, including through an opinion provided by Dr Francesco Bonato of Tectvs. In light of this view, a referral was undertaken to David Brown in his capacity as an architect, with his advice available in **Attachment 7**.

He describes the building as:

“a singular horizontal building form that wraps around the corner with a feature entry facing on to Edward Street. The design features strong horizontal balconies and eaves, heavy set masonry columns, and dark infill cladding to the upper level walls. There are cantilevered canopies over part of the footpath set at the top of the ground floor windows.”

He goes on to outline a series of concerns relating to the lack of contextual design in the development, generally according with the view outlined by Dr Bonato. Mr Brown made the following comment regarding the overall form of the building:

“The strong emphasis in the design on the horizontal elements of the building puts this design at odds with general context of this area where traditional buildings have a combination of horizontal and vertical elements which exist in tension by complementing each other, rather than one dominating over the other.”

It is noted that Dr Bonato expresses a view that if there is to be a third storey, it should be pushed closer to Magill Road. This is not considered suitable as this would then increase the extent of impact on the Magill Road streetscape, which is also an undesirable outcome.

It is further noted that a representor, Mr Game, has suggested that some regard should be had to the historic character of the area, given the proximity to heritage places and the Historic Area Overlay. While these do

have some influence on the character of the locality, there are no relevant policies in the Code which speak to the need for compatibility with an historic character on this site, other than those which relate to the character of the neighbourhood more generally.

There are a series of policies which are relevant to this facet of the development, however in each case, it is unclear to what extent the development should really achieve these outcomes. A concept like a development “complementing the streetscape” is a matter of degree, and it is likely that a building could always possibly do this more effectively- but a line has to be drawn somewhere as to what extent this must be achieved.

Suburban Activity Centre Zone PO 2.1 states:

“Development complements adjacent development within the zone, and mitigates interface impacts on adjoining residential uses in neighbourhood-type zones through appropriate building siting, scale and design.”

In a similar vein, Design in Urban Areas PO 12.1 states:

“Buildings positively contribute to the character of the local area by responding to local context.”

As noted above under the land use and intensity section, the Zone expects for development to be of a generally larger scale than the existing pattern of mostly single storey development in the locality. However, in these PO's, the Code also expects development to still respond to local context, a key part of which is determined by the scale and nature of development. The Zone therefore seemingly intends a transition in character to some degree, though it intends for this transition to be orderly and respectful.

PO 2.1 is explicitly considering the siting, scale and design of the development, with each of these factors also being the key points which will contribute to a consideration of PO 12.1.

To consider the siting first, the development has zero-setback to Magill Road and Edward Street, while providing a setback to the rear. This is consistent with the pattern of development in the area.

In terms of scale, the development is clearly of a larger scale than other development surrounding it; which is also the case for the current built form on the site, and is somewhat to be expected given that the site is larger than others around it. The bulk of the building is to some degree broken up by the residential foyer which breaks the horizontal element of the balconies by introducing a vertical element, and by the additional setback of the upper floor. Nonetheless, it has clearly a larger scale than any other building in the locality.

The “design” of the development is a fairly broad term, but is considered to relate to the form, architectural elements and materiality of the development. In form, the building has little in common with other development in the locality, which is not surprising given the development is of a nature quite different from anything else in the locality (though nonetheless envisaged by the Zone). In built form elements, the key characteristic of the Magill Road streetscape is the verandahs over the footpath, which the proposed development does include (this is discussed further under Design in Urban Areas PO 1.2 below).

Regarding materiality, the applicant has amended the proposal such that there is now a greater use of a “sandy” coloured brick (PGH pannacotta) for the main walls, reducing the extent of white render and concrete. Nonetheless, the key horizontal elements in the design are the balcony and bulkhead structures, which are proposed to be of a light grey concrete. Mr Brown notes that this is not consistent with the more mixed material palette in the area of stone, brick and render. Dr Bonato's opinion describes the proposal as reflecting, ‘a more “brutalist” style of architecture’, which is a style defined by its use of raw concrete as a material. Of some note, Adelaide's brutalist buildings typically have a distinctly different feel compared to those elsewhere due to a particular colour used that was more “sandy” which allowed brutalist buildings

(mainly in the Adelaide CBD) to fit more contextually with the historic sandstone buildings of the area. Nonetheless, the colour proposed here is a light grey.

Ultimately, the development is not entirely consistent with the context of the area. However, the extent to which the Code truly intends for this consistency is somewhat unclear.

Suburban Activity Centre Zone PO 2.2 states:

"Buildings are sited and designed to create pedestrian, vehicular, open space and visual linkages between the various built-form elements within the zone and adjoining main roads and thoroughfares."

Linkages in terms of vehicle movements are provided from Edward Street, consistent with the character of Magill Road where there are limited vehicle access points. The continuous shopfront along Magill Road is part of that visual link with the main street character of the street, as is the provision of the verandahs over the footpath.

Design in Urban Areas PO 1.1 states:

"Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope)."

The development does provide a corner cut-off which indeed reinforces this corner. This also assists with pedestrian sightlines at this corner.

Design in Urban Areas PO 1.2 states:

"Where zero or minor setbacks are desirable, development provides shelter over footpaths (in the form of verandahs, awnings, canopies and the like, with adequate lighting) to positively contribute to the walkability, comfort and safety of the public realm."

Such verandahs are an important part of the streetscape character of Magill Road. The development does provide such canopies, albeit to a depth of only 1.1m compared to footpath widths of 3.8m on Edward Street and 2.6m on Magill Road. This would leave space for street tree planting, which is shown on the landscaping plan provided, however being street trees, the planting of these street trees does not form part of this development application.

Design in Urban Areas PO 1.3 states:

"Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape."

Further, PO 12.7 of Design in Urban Areas states:

"Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character."

Given the need for a raised floor level (discussed under the flooding section), the entry doors need to have ramps to allow for access to the commercial tenancy from Magill Road. As a result, the entry points are positioned to the sides of the tenancy to minimise their impact on the future overall layout of the space. The entry points are nonetheless clearly identifiable.

The entry point for the residential foyer is very clearly identifiable given the double height space provided, which is a suitably attractive and functional space.

Design in Urban Areas PO 1.4 states:

“Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:

- a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces*
- b) screening rooftop plant and equipment from view*
- c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.”*

Similarly, PO 12.8 of Design in Urban Areas states:

“Building services, plant and mechanical equipment are screened from the public realm.”

The proposal includes a plant enclosure on the roof with an aluminium screen. There is the potential for this to cause issues of reflectivity, so a condition is recommended such that this material be amended to something less reflective. The enclosure is located centrally to the building, which is generally an appropriate outcome visually and functionally, and this is still some 21.7m from the neighbour to the south, which should reduce noise appropriately.

Design in Urban Areas PO 1.5 states:

“The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.”

The proposed residential waste enclosure on Edward Street has a screen around its full perimeter. While the annotation on the elevation for the material notes “05”, this is unlikely as that code is for light grey concrete, and the image is a timber look batten screen which would be “02”. Site plan clarifies that it is FE:02 which is an 1800 high enclosure with steel posts coloured light timber, however the elevations show a height of 2.1m. Either way, this is considered to be suitable to screen it from view to an appropriate height. This screen will allow airflow into the enclosure while still providing visual obscurity. While the structure could be better hidden, it is generally reasonable overall.

Design in Urban Areas PO 12.2 states:

“Architectural detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.”

Further to this, PO 12.6 of Design in Urban Areas states:

“Street-facing building elevations are designed to provide attractive, high quality and pedestrian-friendly street frontages.”

The street interface is mostly glazing, with brick columns and surrounds. This, combined with the canopies, generally does achieve a human scale and pedestrian friendly outcome at this interface, with the glazing allowing passive surveillance.

Design in Urban Areas PO 12.3 states:

“Buildings are designed to reduce visual mass by breaking up building elevations into distinct elements.”

The mass along the Edward Street frontage is broken up to some degree by the pedestrian foyer which separates the two halves of the residential component of the building. The columns at ground floor level also break this up to some extent.

Design in Urban Areas PO 12.4 states:

“Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.”

The proposal includes a two-storey boundary wall along the eastern boundary. While most buildings along Magill Road include a continuous façade, there is a small alley (mostly used for bin storage) on the opposite side of that wall. This will mean that this wall will be visible from the public realm, and its two-storey height will give it a somewhat imposing appearance since this is not seen elsewhere in the locality. Nonetheless, walls on side boundaries in this zone are expected, and buildings of two-storeys are also expected, so a wall of this nature is not generally unreasonable. However, in respect of this PO, no “visually interesting treatment” is proposed.

PO 12.5 of Design in Urban Areas states:

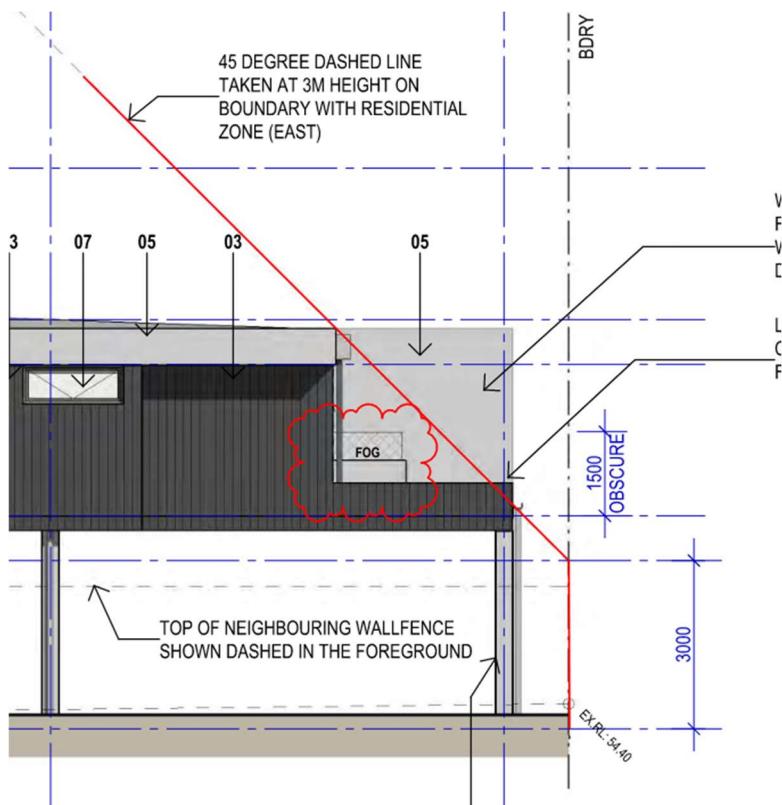
“External materials and finishes are durable and age well to minimise ongoing maintenance requirements.”

Most of the façade uses brick or concrete, though the top floor uses grooved hebel panels with a dark textured finish, and there are several aluminium “timber look” battens. These materials are still considered suitably durable, noting that the aluminium product offers better durability than a real timber would do, particularly on this western elevation.

Visual Impact on Neighbouring Properties

The key policy in this respect was already mentioned under the Building Height section, being PO 3.2 of the Zone. This has an associated Designated Performance Feature (DPF) that the building envelope should be contained within a particular plane. For a southern boundary, that is a plane of 30-degrees beginning at 3m above natural ground level at that boundary. The plans that were subject to public notification showed that the only projection above that 30-degree plane was a 730mm protrusion for the bulkhead of the first floor, which was 6m from that rear boundary. As part of the response to representations, the applicant has now chamfered that protrusion, such that the development is entirely within this 30 degree plane.

That same TNV also states that for boundaries which are not south-facing, a 45-degree plane is relevant. The diagram below shows this annotated onto the southern elevation as to how this would impact 1 Moulden Street. The roof over the carpark would protrude above this by 400mm, and the boundary wall along Apartment 1 would also protrude above this.



These variances from the DPF are generally relatively limited in their impact, and are not considered to be so substantial that the application would not warrant consent.

Given that the development essentially fits within the building envelope envisaged by the Code, it follows that the extent of overshadowing is within the extent of what is expected by the Code. This is also borne out by the shadow diagrams provided by the applicant.

Privacy and Noise

The proposal provides 1.7m high privacy screening to all balconies on the southern elevation, and 1.8m high obscured glazing or sill height where the window does not open out to a balcony. This more than accords with the guidance provided by the Code, which envisages that screening for a window of 1.5m is sufficient. It should be noted that this 1.5m figure, and the 1.7m for balconies (or 1.5m for balconies if more than 15m from a window to a habitable room) comes from DPF 10.1 and 10.2 which only apply to low-rise buildings, and the proposal is medium rise (being three-storeys). The applicable PO is therefore PO 16.1, which does not have an associated DPF. Nonetheless, as the proposal satisfies the low-rise guidance, this is considered suitable to achieve this PO as well.

Regarding noise, the applicant, in their response to representations, has provided acoustic advice from Sonus. This has provided an assessment against the *Environment Protection (Commercial and Industrial Noise) Policy 2023* where possible, though this does not provide any guidance for residential development. Sonus has instead considered the residential component based on “a common scenario in a residential area”. The Sonus report indicates that the development is consistent with both of these scenarios, and therefore that it satisfies PO 4.1 and 4.2 of the Interface between Land Uses module.

Waste Management

The applicant has provided a report by Colby Phillips as to the suitability of the proposed waste arrangements, which includes notes on the relevant Code policies. This is included within **Attachment 1**.

The proposal provides separate storage areas for commercial and residential waste, with the residential storage area on the Edward Street frontage, and the commercial storage area at the rear of the commercial tenancy.

Residential waste collection is intended to be through Council's contractor, EastWaste, though as the dwelling contains more than five dwellings, it is not eligible for Council's standard waste collection service under its Waste Management Policy. As a result, a non-standard waste agreement would be required for collection. Preliminary discussions between Council, EastWaste and the applicant suggests that such an arrangement could be feasible, and this is a negotiation that would occur post-development approval. In the event that such an agreement does not come to fruition, the site could be serviced by a private waste collection in the same manner.

Commercial waste would be collected by a private contractor for landfill and cardboard/paper, with mixed recycling and food waste collected by Council. This is consistent with Council's Waste Management Policy.

Waste would be collected from a timed parking area on Edward Street which would be a "No Parking- Waste Vehicles Exempt" for a period for collection, and remain the existing "2P" restriction at other times. The exact timing can be confirmed through the non-standard waste agreement, but this is supported in-principle by Council staff, provided that the time restriction on the parking area is appropriately limited to ensure that the space remains reasonably available for on-street parking.

The waste storage areas are proposed to include screening to limit its visual impact. This is proposed to be reinforced via condition.

Traffic Impact, Access and Parking

Parking provision

The application provides one space for each two-bedroom apartment (eight spaces), and two spaces per three-bedroom apartment (six spaces) for a total of 14 residential spaces, consistent with Table 1 of the Transport, Access and Parking module. The commercial space has a gross leasable floor area of 447m², meaning that, using the applicable designated area rate of three spaces per 100m² regardless of land use, there is a demand for 13.4 spaces for the commercial space. Fourteen spaces (including one DDA compliant space) are provided. There is therefore a shortfall only in the residential visitor parking provided, which would expect one space per three dwellings (i.e. 3.67 spaces). The applicant has suggested that the intended use period for these spaces is the opposite of when the commercial spaces are likely to be in use, so residential visitors would be able to park in those spaces. This is consistent with PO 5.1 (c) which envisages that, "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".

Vehicle manoeuvring

The proposed car parking layout complies with the relevant Australian Standard (AS2890.1:2004 and AS2890.6:2022) in the dimensions of the parking spaces (2.6x5.4m) and aisle width (6.1m). This allows suitable manoeuvring for passenger vehicles in the car park. The applicant's traffic report has also provided swept-path turning diagrams demonstrating that, if the car park is full, a B99 vehicle can still turn around such that it can enter and exit the site in a forward direction.

The applicant's swept path turning diagrams also demonstrate that the proposed crossover can accommodate simultaneous two-way vehicle movements for a B99 vehicle.

Service vehicles

The site is not proposed to include a dedicated on-site loading area for deliveries and waste collection on-site. Council's traffic team expressed some concern with this, noting two relevant Code policies. PO 1.3 of the Transport, Access and Parking module seeks that:

"Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict."

Further, PO 6.6 seeks that:

"Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site."

While these policies would generally suggest that an on-site loading area should be provided, the development is considered not to be of a scale where this would be warranted. The number of deliveries requiring a vehicle larger than a B99 is likely to be relatively limited given the size of the commercial tenancy. Further, EastWaste's preference for waste collection is to not enter the site, and to instead collect from the street, as proposed here. Therefore, while the application does not comply with these policies in terms of loading, and larger vehicles would need to load from the street, this is considered reasonable, and a more efficient use of space.

Bicycle Storage

There is a proposed bicycle parking area on the ground floor (near the Edward Street frontage) of 2m in width. Access would be via the driveway for the car park, then through the bollarded area for the DDA-compliant space. The paved area here is approximately 2.3m wide, so if a bike (which may be around 1.7m in length) was parked here, it would limit the space available such that a wheelchair could no longer pass through to the residential lobby.

PO 9.1 of the Transport, Access and Parking module states:

"The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode."

PO 9.2 of the Transport, Access and Parking module states:

"Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft."

In practice, while it may be tolerable for visitors to use bike parking spaces which are less secure, staff and residents expect more secure bike storage areas to be provided, if cycling were to be genuinely used as an alternative transport mode. It is noted that the proposed storage area is not secure from the general public, so while this may be suitable for visitors to the site, it is unlikely to be suitable for either residents or staff.

It is noted that the Suburban Activity Centre Zone is a Designated Area for the purposes of Table 3 of the Transport, Access and Parking module, meaning that bicycle parking is required. This expects:

- Residential component
 - For residents: one space for every four dwellings, meaning 2.75 spaces
 - For visitors: one space for every ten dwellings, meaning 1.1 spaces
- Commercial component (shop)
 - For staff: one space for every 300m² of gross leasable floor area, meaning 1.49 spaces
 - For visitors: one space for every 600m² of gross leasable floor area, meaning 0.745 spaces

While this equates to a total of six spaces, which would be available, only two of these spaces would be expected for visitors, and as they are not within a secure area, they are not considered suitable for staff and residents.

As a result, the proposed bicycle parking area is not considered to suitably achieve the necessary outcomes. Therefore, a Reserved Matter is proposed that would require further consideration of a bicycle parking area such that at least four spaces are provided in an area of the development that would enable storage of bicycles in a secure area for staff and residents.

Significant Tree

Adjoining the site, at 3 Moulden Street, is a large, significant *Corymbia citriodora* (lemon-scented gum). The tree has a Structural Root Zone (SRZ) of radius 3.48m, and a Notional Root Zone (NRZ) of radius 11.52m. Of this NRZ, 13.31% of it is under the existing car parking area of 144 Magill Road. Council's City Arborist has noted that there are visible tree roots under the existing bitumen of this car park, suggesting that the tree is taking nutrients from this area, likely through cracks in the bitumen.

It should also be noted that the adjoining site at 1 Moulden Street is currently being developed (a dwelling addition), where amendments to the application had to be made to ensure that the tree was not damaged. The City Arborist has noted the potential for the cumulative impacts of these two developments to cause undue stress to the tree's root growing environment.

After much discussion between the project arborist and City Arborist, a tree protection methodology (included in **Attachment 1**) has been arrived at which the City Arborist is satisfied will protect the tree during construction. However, he remains concerned about long-term impacts on the tree, and whether it would have sufficient soil area available to sustain it. His full advice can be found in **Attachment 7**.

The proposal does include permeable paving for the car parking spaces which are within the NRZ. This will allow the tree to continue taking nutrients from the 144 Magill Road site, though the overall area is reduced somewhat as the building would cover much of the car park area. Nonetheless, it is difficult to say how much nutrient the tree is taking from this car park at present, and difficult to then compare this to the amount it could absorb from the permeable paving area.

Considering the protection methods proposed during construction, and the proposed permeable paving, it is considered on balance that the development is unlikely to damage the tree, particularly given the tree's present good health and vigour. Despite this, there is a potential complication due to the proposed remediation works due to site contamination. This will be addressed below under the Site Contamination section.

It is further noted that the City Arborist has expressed some reservations regarding the practicality of the no-dig permeable paving system. Ultimately, it is considered that specification as to the practicality of such a system is beyond the scope of what is necessary at Planning Consent, when the relevant consideration is whether it would damage the tree. A no-dig system would be sufficient to achieve this outcome, and its practicality as a system for the parking area is a matter for the applicant to consider.

Environmental Factors

Environmental Sensitivity

PO's 4.1, 4.2, 4.3 and 14.2 of the Design in Urban Areas module generally intend for buildings to consider

environmental impact and incorporate design features to dampen this impact (e.g. through the use of eaves and/or verandahs to provide shade to windows). The western and northern elevations each provide an eave overhang/canopy of at least 900mm to provide some shading of this nature. While this could perhaps be stronger, it is difficult to interpret how far the policies expect development to go towards these aims, so the proposal's response to this is not considered to warrant refusal.

Landscaping

PO 3.1 of the Design in Urban Areas module states:

"Soft landscaping and tree planting are incorporated to:

- a) minimise heat absorption and reflection*
- b) maximise shade and shelter*
- c) maximise stormwater infiltration*
- d) enhance the appearance of land and streetscapes."*

There is a further expectation outlined under DPF 13.2 of the same module, that a development of this size provides 7% of the site area as a "deep soil zone" suitable for the growth of large trees, with a minimum dimension of 6m along the interface with any low-rise residential zones.

The applicant has supplied an updated landscaping plan prepared by Oxygen which is available in **Attachment 1**. This includes extensive tree planting on the subject site, and also includes the planting of five new street trees with underplanting and (for the trees on Magill Road), tree inlets. There would be some 31 trees planted on the subject site; a mixture of *Lagetroemia 'Natchez'* (crepe myrtle), *Lauris nobilis* (bay laurel), *Magnolia grandiflora 'Little Gem'*, and *Syzygium smithii 'Sublime'* (lilly pilly). These would be planted mature, with heights at planting specified on the plan. There would be further understory planting below this, and irrigation would be provided to each garden bed. At ground level, there is a total of 145m² of landscaping proposed, 9% of the total site area. The landscaping along the southern boundary is mostly either 1.5m in width or 2.25m in width, though a small section is only 900mm. This falls short of the 6m buffer expected in Design in Urban Areas DPF 13.4, but would still support the growth of these trees.

There are further planter boxes provided on each balcony, with a minimum width of 450mm. This is considered suitable to support plant growth, and construction detail diagrams are provided to show drainage and irrigation to these planter boxes.

This planting would not comply with the strict terms of the DPF outlined above, however it is considered on balance that this landscaping, provided that it is suitably maintained, would sufficiently comply with the relevant Performance Outcomes. Conditions are recommended to regulate this maintenance.

The planting proposed in the public realm was at the suggestion of the applicant and not due to a stipulation of Council. As a result, these plantings have not been approved by the Council's City Arborist or City Assets team. These are considered to be indicative only, and do not form part of the development itself. Should the applicant wish to undertake this planting, they can seek to do so via a permit under Section 221 of the *Local Government Act 1999*, separately from this development application; however they would not be required to implement this planting as part of this application.

Site Contamination

As noted, the application has been referred to the EPA for direction regarding potential for site contamination. An Environmental Site Assessment has been prepared by Gama Consulting in respect of the site, which included undertaking a targeted soil and vapour investigation. This identified elevated levels of "Benzo(a)pyrene, exceeding relevant NEPM HILs levels".

In order to address this, there is a need for some soil removal and replacement with clean fill to remove the contaminated soil. This would involve scraping back 0.2-0.5m of soil, however this has not been fully defined, as further work would be required to define this area.

However, given the location of the pit, there is the potential for this soil removal area to conflict with the proposed NRZ of the significant tree. It is noted that the significant tree was not identified in the Remediation Works Management section of the Gama Consulting report.

Unfortunately, it is unknown at this stage whether these works would actually damage the tree, because the extent of investigation needed to determine the exact area (and therefore the potential for damage to the tree) is beyond the scope of what is reasonable at this stage of an application.

It is noted that the proposal as it stands is not classed as a Tree Damaging Activity, and therefore no activities which would damage the tree would be approved under this application. Should the excavation works constitute a Tree Damaging Activity, these excavation works would become development in their own right, which are not approved formally as part of this application, and would therefore require a separate approval.

In order to provide clarity regarding this and ensure adequate communication, the Reserved Matter regarding the Construction Environment Management Plan is recommended to include clarification regarding the exact extent of excavation required, and consideration of whether this may constitute a Tree Damaging Activity.

Flooding and Stormwater

As noted above, the application was referred to Council's consulting engineer for advice regarding the proposed Stormwater Management Plan, and flooding impacts. She advised that the FFL should be raised to 54.1 to protect the development from flooding from Magill Road. The applicant expressed concern with this as it would compromise the interface with Magill Road. However, no alternative solution was found to protect the development, so the proposal has been amended to incorporate internal ramps to allow the floor level to be at the level specified by Council's consulting engineer. This is considered to provide suitable flood protection.

The applicant provided a Stormwater Management Plan (SMP) which included calculations demonstrating that the development would discharge the post-development 1% AEP event at the rate of the pre-development 20% event. This is consistent with Council's standard requirements. The SMP was reviewed by Council's consulting engineer, who confirmed that the calculations were correct, and that the development would satisfy these requirements.

Occupant Amenity

PO 28.1 of the Design in Urban Areas module states:

"Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces."

While balconies do abut each other, none are oriented to face each other, and they (and the windows of each dwelling) do all point away from the site.

PO 28.6 states:

“Attached or abutting dwellings are designed to minimise the transmission of sound between dwellings and, in particular, to protect bedrooms from possible noise intrusions.”

The applicant has advised that internal walls would be of masonry construction which should achieve this outcome suitably.

PO 28.7 states:

“Dwellings are designed so that internal structural columns correspond with the position of internal walls to ensure that the space within the dwelling/apartment is useable.”

The applicant has advised that the building has been designed with this in mind.

PO 31.3 states:

“Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.”

Dwellings on the eastern and southern side are necessarily oriented towards adjoining properties. This is less of an issue on the southern elevation as the building is set back from the boundary, and it abuts a low-rise zone. However, there is the potential for development of the site to the east (148 Magill Road) to “build in” the balconies of apartments eight and nine, should future development on that site be built to two-storeys on the boundary (as sometimes occurs in the Suburban Activity Centre Zone). The balconies provided do include planter boxes along the boundaries, which is intended to allow for the creation of a “courtyard” character to the space if such an eventuality were to come to pass. While the overall situation is not ideal, the proposal does seek to minimise this impact.

Private Open Space

Table 1 of the Design in Urban Areas module outlines the following expectations for Private Open Space relevant to this application:

- Two-bedroom apartment- 11m² with a minimum dimension of 2.4m;
- Three-bedroom apartment- 15m² with a minimum dimension of 2.6m.

Most of the proposed balconies do not meet the prescribed minimum dimension, but exceed the overall area expected. The areas available are considered suitable for the intended purposes, and should still provide a reasonable level of occupant amenity.

Apartment Size/Amenity

Design in Urban Areas DPF 31.1 expects the minimum size of a two-bedroom apartment to be 65m², while a three-bedroom apartment should be at least 80m². The smallest two-bedroom apartment proposed is 80m², with the smallest three-bedroom apartment being 138m². This amply complies and is considered reasonable.

PO 29.1 of the Design in Urban Areas module states:

“Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.”

With 11 dwellings proposed, this policy is relevant. Given that the development proposes both two and three-bedroom apartments, this is considered satisfactory given the limited number of overall apartments.

Storage

The application proposes for each residential parking space to have a storage cage in the car park, hanging from the ceiling above the parking space. These would be 1.3x2.6x1.5m, meaning a total capacity of 5m³ while still provided suitable clearance for a vehicle bonnet underneath (1.55m clearance). DPF 28.4 of the Design in Urban Areas module expects a two-bedroom apartment to be provided with 10m³ of storage space, and a two-bedroom apartment to have 12m³ of space. This would mean that each two-bedroom apartment would need to have 5m³ of internal storage, and the three-bedroom apartments at least 2m³ of internal storage to comply with this DPF. Each apartment has well beyond this amount, which is considered suitable.

Signage

No signage which requires approval is proposed in this application. The commencement of any advertisements associated with the commercial tenancy in this application would need to be considered separately, should they require approval based on Schedule 4(1) of the *Planning, Development and Infrastructure (General) Regulations 2017*. It is noted that the plans show signs on the Magill Road elevation of the building underneath the canopies- these would generally not require approval unless they were illuminated, scrolled or flashed.

This, however, is not the case on the Edward Street frontage as the exemption under the Regulations relates only to buildings, “other than the side or rear walls of the building”- and this secondary frontage would be a side wall. Nonetheless, the extent of the advertising is relatively limited and would not unduly clutter or disfigure the locality. PO 4.1 of the Suburban Activity Centre Zone states:

“Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.”

The proposed signs do achieve this as they are consistent across both frontages, and, being attached to the building, are consistent with signage for other nearby businesses. The signs are further consistent with the Performance Outcomes of the Advertisements module, which can be seen in **Appendix 1**.

It is noted that the street number associated with the residential foyer on Edward Street is larger than the 0.2m² allowed without approval by the regulations. This is only shown on perspective images and not on any elevations or sections. It is considered reasonable that a larger number such as this is used, commensurate with the larger development.

CONCLUSION

The proposal represents some notable compliances and non-compliances with the Code, though overall, the non-compliances are mostly managed in their impact.

The proposed land use, with commercial space at ground floor facing the main street, and a relatively high-density residential outcome above, is consistent with the expectations of the Suburban Activity Centre Zone. While the proposed development does exceed the two-storey building height TNV by including a third level, this top floor is set back significantly from the site boundaries such that its overall impact is relatively limited.

While the building is of a scale which is notably larger than other development in the locality, this scale is generally consistent with the built form outcomes expected in the Zone, and is part of a transition in character which the Zone generally seems to anticipate. The development's contextual design could be improved, but the extent to which the Code expects such a design to be contextual is unclear.

The applicant has taken steps to improve the proposed landscaping, including a high density of tree planting which should help to mitigate the visual impact of the development (in particular on the neighbours to the south). These changes have also improved the functionality of the proposed planter boxes to ensure that these are genuinely capable of supporting the growth of plants.

While there are potential impacts to the significant tree on neighbouring land, these impacts have mostly been mitigated. However, further clarification will be necessary depending on what excavation may be needed for site remediation works, which would be subject to a separate application should they constitute a tree damaging activity.

Overall, the development's impacts are considered reasonable.

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 25015465, by Joe Santos is granted Planning Consent subject to the conditions, reserved matters and advisory notes listed. Resolution of the reserved matter(s) and the imposition of any additional condition thereafter is delegated to the Assessment Manager or its delegate

RESERVED MATTERS

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

Reserved Matter 1

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

- Exact details of the location of excavation work associated with site remediation, to ensure the adjoining significant tree is not damaged;
- Details of measures to avoid dust nuisance from the site;
- Measures to avoid noise nuisance from the site;
- Car parking and access arrangements for tradespersons;
- Work in the public realm;
- Hoarding;
- Traffic requirements including construction access/egress and heavy vehicle routes; and,
- Reinstatement of infrastructure.

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

Reserved Matter 2

A revised floor plan, showing at least four bicycle parking spaces provided in an area and with suitable details such that it is suitably secure and functional for the storage of bicycles by residents and staff, shall be provided to the reasonable satisfaction of the Assessment Manager

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

Reserved Matter 3

Details of the root mapping associated with the significant *Corymbia citriodora* on neighbouring land shall be provided to the reasonable satisfaction of the Assessment Manager prior to Development Approval. This shall include confirmation of the location of any pillars/footings within the tree's Notional Root Zone, and confirmation that the location of these pillars has been designed to avoid damage to the tree based on the root locations.

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

CONDITIONS

Condition 1

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

Condition 2

Pedestrian sightlines at access points will be provided in accordance with Australian Standard AS/NZS 2890.1:2004 (Part 1).

Condition 3

Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

Condition 4

All refuse and stored materials shall be screened from public view at all times, except when presented for collection, to the reasonable satisfaction of the Council.

Condition 5

The screening structure for the rooftop plant enclosure herein approved shall be clad with factory colour coated sheet metal or shall be painted a subtle colour to the reasonable satisfaction of the Assessment Manager.

Condition 6

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

Condition 7

The windows to the southern elevation of Apartment 1 (as shown on the plan named Level 01 Floor Plan, Sheet 2204, Revision F), shall either have sill heights of a minimum of 1800mm above floor level or be treated to a minimum height of 1800mm above floor level.

The windows to the eastern elevation of Apartments 10 and 11 (as shown on the plan named Level 02 Floor Plan, Sheet 2205, Revision F), shall either have sill heights of a minimum of 1700mm above floor level or be treated to a minimum height of 1700mm above floor level.

These measures must be implemented within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager, and such treatment shall be maintained at all times to the reasonable satisfaction of the Council.

Condition 8

The balustrade of the balconies located along the southern and eastern elevations of the development shall be treated to a height of 1700mm above floor level, within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person occupying the balcony, to the reasonable satisfaction of the Assessment Manager, and such treatment shall be maintained at all times to the reasonable satisfaction of the Council.

Condition 9

The permeable / pervious paving shown on the site plans herein approved shall be installed and maintained at all times, in such a manner as to maintain its permeability / perviousness to water, to the reasonable satisfaction of the Council.

For reference, please refer to the Permeable Paving Maintenance and Inspection Guidelines by Water Sensitive SA, which are available at: <https://www.watersensitivesa.com/wp-content/uploads/Inspection-andMaintenance-Guidelines-Permeable-paving-FINAL.pdf>

Condition 10

All areas within the development site nominated as landscaping or garden areas on the landscape plans prepared by Oxigen, labelled *Ground Floor* and *Level 01- Balconies*, shall be planted with the plantings shown on those plans (including those which are shown as being planted with mature plants at particular heights) within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

Condition 11

The Authority notes the proposed landscaping within planter boxes in the locations shown on the proposed *Level 01 Floor Plan*, and the *Level 01- Balconies Landscaping Plan* from Oxigen (with typical planter box details shown on the plan labelled *Landscape- Details* prepared by Oxigen). The planter boxes shall be constructed in accordance with the typical detail shown on that plan, and all plantings shall be established within the planter boxes by the applicant or the person(s) having the benefit of this consent, within one week of the occupation of the development.

Condition 12

The Authority notes the significant *Corymbia citriodora* on neighbouring land. The tree has a Structural Root Zone (SRZ) of radius 3.48m, and a Notional Root Zone (NRZ) of radius 11.52m. In order to avoid damage to this tree, the tree protection measures, as outlined in the Tree Protection Plan (prepared by LSM Tree Advice and dated 29 June 2026) shall be strictly adhered to and implemented to the reasonable satisfaction of the Council.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 13

Remediation works must be undertaken in accordance with the *Environmental Site Assessment, Mixed Use Development, 144 Magill Road, Norwood, 5067*, dated 4 June 2026 prepared by Gama Environmental Pty Ltd and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 14

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

Condition 15

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a **site contamination consultant**.

ADVISORY NOTES

Advisory Note 1

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

Advisory Note 2

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

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

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time via the PlanSA portal. Whether or not an extension of time will be granted will be at the discretion of the Relevant Authority.

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

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

Advisory Note 11

The Applicant/Owner/Community Corporation shall note that per the Council's *Waste Management Policy*, this development falls outside the scope of the Council's standard waste collection service entitlement. Consequently, the Council provides no guarantee that it or its contractors can service residential waste collection from this site.

The Applicant/Owner/Community Corporation may apply to the Council for a Non-Standard Waste Agreement, in accordance with the Council's *Waste Management Policy*, for the collection of residential waste from the site. The Council, in consultation with its contractor, retains absolute discretion in determining the merits of any application and does not provide any guarantee of any such agreement being endorsed. Alternatively, the Applicant/Owner/Community Corporation may arrange for the collection of waste with a third-party contractor.

Mr Young addressed the Council Assessment Panel from 6.33pm until 6.36pm

Mr Game addressed the Council Assessment Panel from 6.37pm until 6.40pm

Mr Bonato addressed the Council Assessment Panel from 6.40pm until 6.43pm

Mr Cattonar addressed the Council Assessment Panel from 6.43pm until 6.47pm

Ms Philbey addressed the Council Assessment Panel from 6.49pm until 6.53pm

Mr Levinson addressed the Council Assessment Panel from 6.54pm until 7.02pm

Mr Schulz and Mr Vaccarella addressed the Council Assessment Panel from 7.03pm until 7.19pm

Moved by Mr Adcock

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 25015465, by Joe Santos is granted Planning Consent subject to the conditions, reserved matters and advisory notes listed. Resolution of the reserved matter(s) and the imposition of any additional condition thereafter is delegated to the Assessment Manager or its delegate

RESERVED MATTERS

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

Reserved Matter 1

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

- Exact details of the location of excavation work associated with site remediation, to ensure the adjoining significant tree is not damaged;
- Details of measures to avoid dust nuisance from the site;
- Measures to avoid noise nuisance from the site;
- Car parking and access arrangements for tradespersons;
- Work in the public realm;
- Hoarding;
- Traffic requirements including construction access/egress and heavy vehicle routes; and,
- Reinstatement of infrastructure.

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

Reserved Matter 2

A revised floor plan, showing at least four bicycle parking spaces provided in an area and with suitable details such that it is suitably secure and functional for the storage of bicycles by residents and staff, shall be provided to the reasonable satisfaction of the Assessment Manager

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

Reserved Matter 3

Details of the root mapping associated with the significant *Corymbia citriodora* on neighbouring land shall be provided to the reasonable satisfaction of the Assessment Manager prior to Development Approval. This shall include confirmation of the location of any pillars/footings within the tree's Notional Root Zone, and confirmation that the location of these pillars has been designed to avoid damage to the tree based on the root locations.

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

CONDITIONS

Condition 1

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

Condition 2

Pedestrian sightlines at access points will be provided in accordance with Australian Standard AS/NZS 2890.1:2004 (Part 1).

Condition 3

Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

Condition 4

All refuse and stored materials shall be screened from public view at all times, except when presented for collection, to the reasonable satisfaction of the Council.

Condition 5

The screening structure for the rooftop plant enclosure herein approved shall be clad with factory colour coated sheet metal or shall be painted a subtle colour to the reasonable satisfaction of the Assessment Manager.

Condition 6

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

Condition 7

The windows to the southern elevation of Apartment 1 (as shown on the plan named Level 01 Floor Plan, Sheet 2204, Revision F), shall either have sill heights of a minimum of 1800mm above floor level or be treated to a minimum height of 1800mm above floor level.

The windows to the eastern elevation of Apartments 10 and 11 (as shown on the plan named Level 02 Floor Plan, Sheet 2205, Revision F), shall either have sill heights of a minimum of 1700mm above floor level or be treated to a minimum height of 1700mm above floor level.

These measures must be implemented within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager, and such treatment shall be maintained at all times to the reasonable satisfaction of the Council.

Condition 8

The balustrade of the balconies located along the southern and eastern elevations of the development shall be treated to a height of 1700mm above floor level, within one (1) week of occupation of the building, in a manner that restricts views being obtained by a person occupying the balcony, to the reasonable satisfaction of the Assessment Manager, and such treatment shall be maintained at all times to the reasonable satisfaction of the Council.

Condition 9

The permeable / pervious paving shown on the site plans herein approved shall be installed and maintained at all times, in such a manner as to maintain its permeability / perviousness to water, to the reasonable satisfaction of the Council.

For reference, please refer to the Permeable Paving Maintenance and Inspection Guidelines by Water Sensitive SA, which are available at: <https://www.watersensitivesa.com/wp-content/uploads/Inspection-andMaintenance-Guidelines-Permeable-paving-FINAL.pdf>

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All areas within the development site nominated as landscaping or garden areas on the landscape plans prepared by Oxygen, labelled Ground Floor and Level 01- Balconies, shall be planted with the plantings shown on those plans (including those which are shown as being planted with mature plants at particular

heights) within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

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The Authority notes the proposed landscaping within planter boxes in the locations shown on the proposed Level 01 Floor Plan, and the Level 01- Balconies Landscaping Plan from Oxigen (with typical planter box details shown on the plan labelled Landscape- Details prepared by Oxigen). The planter boxes shall be constructed in accordance with the typical detail shown on that plan, and all plantings shall be established within the planter boxes by the applicant or the person(s) having the benefit of this consent, within one week of the occupation of the development.

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Conditions imposed by Environment Protection Authority under Section 122 of the Act

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Remediation works must be undertaken in accordance with the Environmental Site Assessment, Mixed Use Development, 144 Magill Road, Norwood, 5067, dated 4 June 2026 prepared by Gama Environmental Pty Ltd and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 14

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Condition 15

For the purposes of the above condition and regulation 3(6) of the Planning, Development and Infrastructure (General) Regulations 2017, the statement of site suitability must be issued by a **site contamination consultant**.

ADVISORY NOTES

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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.

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

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Advisory Note 9

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

Advisory Note 10

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

Advisory Note 11

The Applicant/Owner/Community Corporation shall note that per the Council's Waste Management Policy, this development falls outside the scope of the Council's standard waste collection service entitlement. Consequently, the Council provides no guarantee that it or its contractors can service residential waste collection from this site.

The Applicant/Owner/Community Corporation may apply to the Council for a Non-Standard Waste Agreement, in accordance with the Council's Waste Management Policy, for the collection of residential waste from the site. The Council, in consultation with its contractor, retains absolute discretion in determining the merits of any application and does not provide any guarantee of any such agreement being endorsed. Alternatively, the Applicant/Owner/Community Corporation may arrange for the collection of waste with a third-party contractor.

Seconded By Mr Rutt
CARRIED

**5.2 DEVELOPMENT NUMBER ID 26007307 – MR MICHAEL FOGARTY
- 64 PHILLIS STREET MAYLANDS SA 5069**

DEVELOPMENT NO.:	26007307
APPLICANT:	Michael Fogarty
ADDRESS:	64 PHILLIS ST MAYLANDS SA 5069
NATURE OF DEVELOPMENT:	Dwelling addition
ZONING INFORMATION:	Zones: • Established Neighbourhood Overlays: • Airport Building Heights (Regulated) • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): • Minimum Frontage (Minimum frontage is 12m) • Minimum Site Area (Minimum site area is 600 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	11 Mar 2026
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.4 26/02/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Callum Hastie, Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Senior Traffic Engineer – Rebecca Van Der Pennen Consultant Hydrological Engineer – Melinda Lutton

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL & BACKGROUND:

SUBJECT LAND & LOCALITY:

Location reference: 64 PHILLIS ST MAYLANDS SA 5069

Shape:	regular
Frontage Width:	13.0 metres
Area:	836m ²
Topography:	The site is on a slope with the western boundary approximately 1.1m lower than the eastern.
Existing structures:	A single-storey sandstone villa circa 1905 and ancillary structures
Existing vegetation:	Some unregulated trees

A locality for the site is illustrated in **Attachment 2**. It consists of the section of Phillis Street extending approximately 100m south and 85m north (to the intersection with Clifton St). It includes dwellings fronting

Augusta St to the west. The locality is predominantly residential, but includes the Maylands Hotel at the intersection of Phillis St and Clifton Street.

Residential development in the locality is diverse. Original dwellings are a mix of early 20th century villas, bungalows and cottages. Newer development is mostly group dwellings built in the late 20th century, these maintained the single storey character of the area but have smaller site areas than original dwellings. 68-70 Phillis Street is a notable exception with several units in a two-storey residential flat building. Frontages are generally narrow regardless of the dwelling typology, with the development site being wider than most sites in the locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Dwelling alteration or addition
Dwelling addition: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Per Table 5 of the Established Neighbourhood Zone – The proposal involves a boundary wall greater than 3.2m in height, measured from the natural ground level.

- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Bunning	Phillip		Opposed	Yes
Bullen	Isabelle		Supports with concerns	No
Bullen	Mark		Supports with concerns	No

- **SUMMARY**

The two representors who support the development with concerns raised potential issues with noise from the new garage's roller door and requested clarification of proposed privacy measures on the boundary with their property.

The representor opposed to the development acts on behalf of the owners of 62 Phillis St. He raised concerns regarding:

- The height of the proposed building due to filling of the land
- The height and extent of walls on the southern boundary
- Consequent amenity impacts such as shadowing, visual bulk, and outlook.

The comments regarding noise from the roller door are noted, however the Planning and Design Code does not provide policy to control noise generated by most residential development. If noise is an issue this can be dealt with under the *Local Nuisance and Litter Control Act 2016*.

INTERNAL REFERRALS

- Senior Traffic Engineer - Rebecca Van Der Pennen

The application was referred to Council's Senior Traffic Engineer who confirmed that the turn path drawings provided by the applicant are acceptable.

- Consultant Hydrological Engineer – Melinda Lutton

The application was referred to Council's Consultant Hydrological Engineer as the site is within the Hazards (Flooding – General) Overlay. The proposed addition is below the maximum flood depth in a 1% AEP event, however the Consultant Engineer advised that this is acceptable as the finished floor level of the addition will match that of the existing dwelling.

PLANNING ASSESSMENT

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

Land Use & Question of Seriously at Variance

The Established Neighbourhood Zone primarily envisages residential uses. The proposal is a natural extension of the existing residential use and maintains the predominantly single storey character of the area.

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*.

Streetscape Impacts

The proposed addition will have limited visibility from the street. The addition will be single storey, with a roof height lower than the existing dwelling. This limits its visibility from the public realm to an ensuite on the southern boundary and the proposed garage. The garage will only be visible from specific angles by looking down the right of way and does not impact the streetscape character on its own.

DTS/DPF 8.1 of the Established Neighbourhood Zone seeks a minimum side boundary setback of 1m, which this development does not comply with. The associated Performance Outcome states:

Buildings are set back from side boundaries to provide:

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

We will first consider if the proposed boundary development impacts the character of the locality.

The minimum side boundary setback technical numeric variation is translated from the superseded Council Development Plan. Under the Development Plan, small scale additions “such as an ensuite or walk-in robe”

were permitted on boundaries within the Evandale/Maylands/Stepney Policy Area. This nuance is not present in the Planning and Design Code. There are several examples of the small-scale boundary additions envisioned by the Development Plan within the locality. Given the significant setback of the proposed ensuite from the building line and that its roof is significantly lower than the existing dwelling, it will not unreasonably impact the streetscape, and the relevant policies of the Zone and Character Area Overlay are satisfied.

Impact on Neighbouring Properties

Boundary Wall, Setbacks, and Overshadowing

The larger impact of the proposed boundary wall will be on the property at 62 Phillis St. Two sections of wall are proposed, a 3.42m long section for the ensuite and a 13.98m long section further west. The wall will have a maximum height of 3.8m from the natural ground level. The ensuite is limited in length and height and abuts a driveway; it will therefore have minimal impact on neighbouring land on its own. The other section of boundary wall is significantly taller and longer than the ensuite wall and is of greater concern.

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

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

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

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

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

While this is not expressly stated in the Zone policy, it is reasonable to be more concerned about potential overshadowing and visual impacts on habitable rooms and private open space compared to areas such as driveways that provide limited amenity already. The part of 62 Phillis Street closest to the northern boundary is currently used as a driveway and service area for clothes drying, waste bin storage and pool equipment. Private open space is located at least 3m from the boundary wall. The applicant has provided shadow diagrams that demonstrate at least 35m² of private open space at 62 Phillis St will not be overshadowed and the proposal satisfies Interface Between Land Uses DTS/DPF 3.2. 62 Phillis St also has several north-facing windows. The provided shadow diagrams demonstrate that these would only be overshadowed at 9am and 3pm on June 21st with no overshadowing between these times.

While the proposal has adequately managed overshadowing, the visual impact of the wall is harder to quantify. The north-facing windows of 62 Phillis St have high sills and provide a limited outlook. Furthermore, a privacy screen extends from the rear of the dwelling which will obstruct views of the proposed building from the dwelling at 62 Phillis St. Visual impacts will therefore be limited to the private open space and ancillary accommodation of 62 Phillis St. The built form visible from 62 Phillis St will consist of the boundary wall and the rear of the addition. The rear of the addition is taller than the boundary wall but is setback approximately 900mm from the shared boundary.

The representor opposed to the development (62 Phillis St) argues that the locality is not characterised by extensive boundary development. While this is true for the locality as a whole, it is not the case for these specific properties. There are 3 buildings at 62 Phillis St (a dwelling, ancillary accommodation, and a shed) that abut its southern boundary. In their response to representations (**Attachment 5**), the applicant has provided a photo taken from the private open space of 60 Phillis St showing the boundary wall at 62 Phillis St. They contend that the proposed development will have a comparable visual impact to this existing boundary development and is therefore acceptable. The addition will be constructed from face brick with a light colour selected to minimise the visual mass of the building.

The addition will be setback over 3m from the northern boundary with 66 Phillis St and sightlines will be restricted by the garage on that property.

Overall, the proposal reasonably manages overshadowing and visual impacts on adjacent land and satisfies the relevant policies of the Zone.

Overlooking/Visual Privacy

While the Planning and Design Code contains policies regarding overlooking and visual privacy, they only apply to developments with an upper level or decks. There is no policy that directly addresses overlooking created by a change in ground or floor level. However, per the definition in Part 8 of the Code, private open space must be fully enclosed by a fence at least 1.8m high. The dwelling will have a base level of 54.908 AHD, the property to the north (66 Phillis St) has its private open space at approximately 54.30 AHD. Therefore, for a person looking north from the proposed courtyard the 'effective' fence height would be approximately 1m. To address this the applicant has proposed using a batten screen and trellis that will help obscure sightlines. The trellis will incorporate planting with an automatic irrigation system that will provide additional screening. The trellis and batten screen will both have a minimum height of 1.992m above the finished floor level of the courtyard to satisfy the intent of the private open space definition. Given the limited policy provided by the Code, these measures are sufficient to preserve privacy for adjacent residents. Note that overlooking is only considered to be an issue on the northern boundary. A wall blocks sightlines to the south; the raised area is setback 11.3m from the western boundary and the abutting property (33 Augusta St) has a shed near the boundary that will block views into its private open space.

Traffic, Access and Parking

Access will be provided via an existing right-of-way between 64 and 66 Phillis St. The proposal would create a new garage that allows vehicles to enter and exit the site in a forward direction by orienting the garage to face north. The existing garage (to be demolished) faces east and requires vehicles to reverse the length of the right-of-way to exit the site. The applicant has provided turn path drawings that confirm the garage allows for the intended vehicle movements; these have been reviewed by the Senior Traffic Engineer. The garage and shared driveway enable safe and convenient vehicle movements to satisfy Design in Urban Areas Performance Outcome Performance Outcome 23.5.

Two parking spaces will be available on site to satisfy Transport, Access and Parking DTS/DPF 5.1. Both spaces meet the minimum dimensions in the Code.

No changes are proposed to the access point at the end of the right-of-way.

Landscaping & Private Open Space

The site will be covered by approximately 225m²/27% soft landscaping, exceeding the 25% sought by Design in Urban Areas DTS/DPF 22.1. Front landscaping will not be modified to preserve the streetscape character. The proposal also retains a row of mature, unregulated, trees at the rear of the site that provide screening and amenity. Overall, the landscaping is of high quality and satisfies Design in Urban Areas Performance Outcome 22.1.

The proposal also provides 280m² of private open space, far more than the minimum in the Code. The private open space provides a high level of amenity, including a covered outdoor kitchen/dining area at the rear.

Flooding & Stormwater

The site is in the Hazards (Flooding – General) Overlay, therefore, the proposal was referred to Council's Consultant Hydrological Engineer to consider potential flooding risk. The consultant engineer has advised that the flow for flood waters travels east-to-west, with a maximum flood depth in a 1% AEP event of 0.1m. The required finished floor level to satisfy DTS/DPF 2.1 of the Overlay is 55.36 AHD. The proposed finished floor level is 55.108 AHD, matching the flood level of the existing dwelling. The flood depth is greatest at the Phillis St boundary so the addition will be at the same or lower risk than the existing dwelling.

The garage creates a second potential entrance for flood waters. Due to the topography of the site however, the flood depth is lower at the garage entrance, and the proposal can satisfy DTS/DPF 2.1 of the Overlay in this location.

Overall, the consultant engineer supports the proposed finished floor levels, and she does not believe that the dwelling additions will be at an unreasonable risk of flooding.

Waste

Space is available at either side of the dwelling to store waste bins. Pedestrian paths are provided around the dwelling to allow bins to be transported to the street.

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 26007307, by Michael Fogarty is granted Planning Consent subject to the following conditions:

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

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

Condition 3

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

Condition 4

Suitable plants will be planted on or abutting the wire mesh trellis shown on the approved plans. The plants shall be nurtured and maintained in good health to provide adequate screening between the development site and land to the north to the reasonable satisfaction of the Council.

ADVISORY NOTES

PLANNING Consent

Advisory Note 1

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

Advisory Note 2

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

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

Advisory Note 3

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 4

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

Advisory Note 5

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

Advisory Note 6

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

Advisory Note 7

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

Advisory Note 8

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

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

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

Advisory Note 9

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

Advisory Note 10

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

Mr Brunning addressed the Council Assessment Panel from 8.00pm until 8.06pm

Mr Heynen addressed the Council Assessment Panel from 8.15pm until 8.20pm

Moved by Mr Mickan

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 26007307, by Michael Fogarty is granted Planning Consent subject to the following conditions:*

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

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

Condition 3

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

Condition 4

Suitable plants will be planted on or abutting the wire mesh trellis shown on the approved plans. The plants shall be nurtured and maintained in good health to provide adequate screening between the development site and land to the north to the reasonable satisfaction of the Council.

ADVISORY NOTES

PLANNING Consent

Advisory Note 1

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

Advisory Note 2

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

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

Advisory Note 3

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 4

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

Advisory Note 5

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to

recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 6

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

Advisory Note 7

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

Advisory Note 8

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

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

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

Advisory Note 9

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

Advisory Note 10

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

Seconded by Mr Rutt
CARRIED

**5.3 DEVELOPMENT NUMBER ID 26009102 – MR TOM DOULL AND MR PAUL TOKAREFF
- 1 EDWARD STREET NORWOOD SA 5067**

DEVELOPMENT NO.:	26009102
APPLICANT:	Tom Doull Paul Tokareff
ADDRESS:	1 EDWARD ST NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Variation to DA 24040323 comprising of amendments to the rear roof form, wall and roof heights, materials (including windows), balcony details, fencing details, and landscaping, with the further construction of two verandahs <i>Original nature of development:</i> <i>Partial demolition of existing detached dwelling, alterations and additions to existing detached dwelling, with construction of a two-storey dwelling at the rear and associated Torrens-Title land division</i>
ZONING INFORMATION:	Zones: • Established Neighbourhood Overlays: • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Character Area • Heritage Adjacency • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy Technical Numeric Variations (TNVs): • Minimum Frontage (Minimum frontage is 12m) • Minimum Site Area (Minimum site area is 600 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	26 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:	Callum Hastie, Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

CONTENTS:

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

BACKGROUND & DETAILED DESCRIPTION OF PROPOSAL:

The application is a variation to development application 24040323, the documents of which are contained in **Attachment 6**. The original application did not receive any valid representations and therefore, was determined under delegation by the Assessment Manager. This proposed variation seeks the following changes from the existing approval:

- Amendments to the rear roof form of unit 2, covering the west-facing balcony.
- Changes to balcony detailing and west-facing windows.
- Changes to landscaping, however the amount of landscaping with a minimum dimension greater than 700mm remains the same.
- Changes to materials, face brick replaced with Hebel on some sections facing side and rear boundaries.
- Front masonry fencing reduced to 450mm (currently 1m), battens added above masonry.
- Verandah in front of the existing dwelling to be replaced.
- Increase in wall and roof heights, boundary wall height increased from 3.2m to 3.5m.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 1 EDWARD ST NORWOOD SA 5067

Title ref.: CT 5544/373 **Plan Parcel:** F139492 AL12 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	regular
Frontage Width:	15.24 metres
Area:	790m ²
Topography:	The site is on a slight slope with the western boundary approximately 300mm lower than the eastern.
Existing structures:	A single-storey sandstone bungalow circa 1920 and ancillary structures
Existing vegetation:	Some unregulated trees

Locality

The locality comprises a portion of Edward St that extends approximately 35m to the north towards Magill Rd and 100m to the south. The locality includes Richards Park to the west which abuts the rear boundary of the site.

The locality is predominantly residential, except for commercial buildings along Magill Rd and a childcare centre at the southern limit of the defined locality. Original buildings in the locality are predominantly single storey; there are examples of two storey dwellings at 6 and 17B Edward St.

The site abuts the Suburban Activity Centre Zone which envisions higher-intensity development along Magill Rd.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Dwelling addition: Code Assessed - Performance Assessed
Detached dwelling: Code Assessed - Performance Assessed
Dwelling alteration or addition
New housing
Verandah: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code; Boundary wall length and height

PUBLIC NOTIFICATION

- **REASON**
Wall height for boundary wall has been altered increased above 3.2m, which triggers public notification
- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Whitehead	Tamara		Opposed	Yes
Swalling	Peter		Supports	No

- **SUMMARY**

The representor opposed to the development owns the property at 3 Edward St; they are generally opposed to the boundary wall and specifically opposed to increasing its height. They believe the boundary wall will have an impact on amenity and will cause overshadowing of POS.

The representor supporting the development believes that the proposed variation will have minimal impact on their property and the changes “retain the original thoughtful relationship with [their] existing building and both [their] courtyards”.

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 considered below:

1. Amendments to the rear roof form of unit 2

The proposed variation would extend the roof of unit 2 to the west to fully cover the balcony. The rear setback is unchanged as the balcony has already been supported on the rear boundary. The extended roofline does not alter the relationship with Richards Park. The site abuts the northeastern corner of the park and is screened by vegetation within the public realm. Other sites abutting the park have buildings located on the boundary, including 2 storey additions. The change to the roofline will therefore not unreasonably impact the character of Richards Park.

There may be some visual impact on the abutting dwelling to the south (6/7 Edward St). Notably, the owner of this property supports the proposed variation and believes that the variation does not alter the relationship between the development site and their property.

Given the above, the altered roofline continues to satisfy Performance Outcome 9.1 of the Established Neighbourhood Zone.

2. Changes to balcony detailing and west-facing windows.

The proposal seeks to modify the balcony railing and removes some west-facing windows. The rear of the site abuts a public reserve so there are no privacy concerns resulting from the changes. The appearance of the western elevation will have a comparable impact on the public realm as the existing approval.

3. Changes to landscaping

Minor changes are proposed to landscaping along the edges of the common driveway and to garden beds along the property boundary. The overall amount of landscaping is consistent with the original approval and the larger areas of landscaping that provide meaningful amenity are maintained. The pedestrian path to the street has been adjusted which will provide additional soil area for the retained amber tree. The proposed landscaping continues to satisfy Design in Urban Areas PO 22.1.

4. Changes to materials

The proposed variation would replace some sections of face brick with Hebel cladding. The material changes are exclusively on the side and rear elevations, with no changes to the front elevation (aside from the new verandah discussed below). The Character Area Overlay, in so far as material choices are concerned, is predominantly concerned with the street-facing elements of buildings. Given that the changes to materiality will not be easily visible from the street, they are acceptable.

5. Front fencing

The original proposal included 1m high masonry fencing along the primary street frontage, reducing the height of an existing wall (approx 1.8m high). This variation seeks to further reduce the height of the existing wall to 450mm but provides battens that increase the overall height of the front fence to 1.34m, a reserved matter is recommended for a final plan showing the fence at this proposed height. The Character Area Statement seeks "low, open-style fencing that allows connectivity to the street". The proposed batten fencing achieves this and provides a comparable outcome visual outcome to the approved 1m masonry wall.

6. Verandah in front of the existing dwelling to be replaced.

The original proposal sought to retain the verandah in front of the existing dwelling. The existing verandah has a peaked roof, masonry columns, and a low wall in front of the dwelling. The replacement verandah would have a flat roof, and narrower columns. The verandah would become a less prominent element of the

design compared to the existing structure. The existing verandah is typical of the Edward St streetscape, with a peaked roof and gable end visible from the street. The flat roof of the proposed verandah is somewhat inconsistent with the streetscape; however, it will improve visibility of the retained dwelling which is currently hidden by the verandah and front wall. Furthermore, the verandah will be separated from the rest of the roofline, which references the pre-1940s verandah form desired by the Character Area Statement, while still clearly delineating original built form from new work. Overall, the new verandah is consistent with the prevailing characteristics of the area to satisfy Performance Outcome 2.3 of the Character Area Overlay.

7. Increase in wall and roof heights, boundary wall height increased from 3.2m to 3.5m.

The existing approval includes a 24m long and 3.2m high wall along the southern boundary (not including the gable end of unit 2). The tallest part of the wall is the gable end of unit 2, this will align with the gable end of 6/7 Edward St, which is the same length and height as unit 2's wall. Therefore, the boundary wall will only impact 3 Edward St. The boundary wall was originally supported for the following reasons:

- The wall abuts existing structures on the boundary for most of its length,
- Impacts are limited to a 7.4m long section of driveway at 3 Edward St, and a 2.4m long section at 6/7 Edward St,
- DTS/DPF 7.1 of the Established Neighbourhood Zone envisages boundary walls up to 8m in length,
- The section of private open space at 6/7 Edward St is a small courtyard and the primary POS is not impacted by boundary development,
- The private open space of 3 Edward Street is setback from the boundary shared with the development site and is not unreasonably impacted by the wall.

The variation does not alter the length of the wall but would increase the height from 3.2m to 3.5m. The representor opposed to the development does not support the boundary wall in general and is opposed to any further increase in height.

Given the position of existing boundary structures, the increase in wall height only has the potential to impact the 7.4m long section of driveway at 3 Edward St; which is also what the representor opposed to the development is concerned with. This area is a driveway connecting a carport and shed and is not considered to be private open space as per the definition in Part 8 of the Planning and Design Code. The private open space is located south of the driveway, approximately 3.6m from the boundary of the development site.

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

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

While it is not expressly stated in the Performance Outcome, it is reasonable to be more concerned about the visual amenity and overshadowing of private open space compared to a concrete driveway. The applicant has provided shadow diagrams that demonstrate that the boundary wall will have minimal impact on the private open space of 3 Edward St (**Attachment 5**). Overshadowing from the wall is limited to the driveway and a 1-2m section of private open space for most of the day on 21 June. The private open space will be overshadowed in the afternoon; however, this is due to an existing shed on the property and the already approved upper level of unit 2 which is not within the scope of this variation application.

The 300mm height increase will not change the impact of the boundary wall on adjacent land. The proposal continues to satisfy Performance Outcome 7.1 of the Established Neighbourhood Zone.

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 low-rise residential development is 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 26009102, by Tom Doull and Paul Tokareff is granted Planning Consent subject to the following reserved matter/condition:

RESERVED MATTERS

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

A final elevation plan of the front fencing showing detail of the masonry wall and battens above; with a maximum height of 1.34m shall be provided to the reasonable satisfaction of the Assessment Manager.

CONDITIONS

PLANNING CONSENT

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 Development Approval for Development Application ID No 24040323 are still applicable except where varied by this authorisation.

ADVISORY NOTES

PLANNING CONSENT

Advisory Note 1

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

Advisory Note 2

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

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

Advisory Note 3

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 4

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

Advisory Note 5

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

Advisory Note 6

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

Advisory Note 7

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

Advisory Note 8

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 9

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

Advisory Note 10

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

Cr Sandy Wilkinson declared a conflict of interest and left the meeting at 8.45pm

Mrs Whitehead addressed the Council Assessment Panel via Teams from 8.46pm until 8.52pm
Mr Doull & Mr Tokareff addressed the Council Assessment Panel from 8.56pm until 9.01pm

Moved by Mr Adcock

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 26009102, by Tom Doull and Paul Tokareff is granted Planning Consent subject to the following reserved matter/condition:

RESERVED MATTERS

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

1. A final elevation plan of the front fencing showing detail of the masonry wall and battens above; with a maximum height of 1.34m shall be provided to the reasonable satisfaction of the Assessment Manager.
2. A schedule of colours and materials of all external cladding shall be provided to the reasonable satisfaction of the Assessment Manager

CONDITIONS

PLANNING CONSENT

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 Development Approval for Development Application ID No 24040323 are still applicable except where varied by this authorisation.

ADVISORY NOTES

PLANNING CONSENT

Advisory Note 1

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

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

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

Advisory Note 3

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

Advisory Note 4

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Advisory Note 5

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

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Advisory Note 8

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 9

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

Advisory Note 10

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

Seconded by Mr Rutt

CARRIED

Cr Sandy Wilkinson returned to the meeting at 9.10pm

5.4 DEVELOPMENT NUMBER ID 26016797 - DANDREA ARCHITECTS - 75 SEVENTH AVENUE ST MORRIS SA 5068

DEVELOPMENT NO.:	26016797
APPLICANT:	DANDREA ARCHITECTS
ADDRESS:	75 SEVENTH AV ST MORRIS SA 5068
NATURE OF DEVELOPMENT:	Two-storey detached dwelling, masonry front fence, garage and associated boundary fencing and retaining walls
ZONING INFORMATION:	Zones: • Established Neighbourhood Overlays: • Airport Building Heights (Regulated) • Character Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy Technical Numeric Variations (TNVs): • Minimum Frontage (Minimum frontage is 14m) • Minimum Site Area (Minimum site area is 450 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	4 Jun 2026
RELEVANT AUTHORITY:	Assessment Manager at City of Norwood Payneham & St. Peters (CAP via delegation)
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.11 18/06/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Kieran Fairbrother, Team Leader, Development
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	Subject Land Map
ATTACHMENT 3:	Zoning and Character Area Overlay Map

BACKGROUND:

This development application is being presented to the Council Assessment Panel for assessment because it is for development on behalf of a member of staff of the Council. Pursuant to the relevant Instrument of Delegation, although the relevant authority for this development remains the Assessment Manager, the decision is delegated to the Council Assessment Panel to avoid any perception of bias or the like.

This application was not publicly notified and there are therefore no parties to be heard by the Panel.

DETAILED DESCRIPTION OF PROPOSAL:

This development is for the construction of a new two-storey detached dwelling, a masonry and metal infill front fence, a garage at the rear of the site, and associated retaining walls and fencing.

There are several non-regulated trees to be removed on the site, which have all been confirmed to either be a declared exempt or pest species, or have a trunk circumference below the minimum requirement to be a regulated tree.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 75 SEVENTH AV ST MORRIS SA 5068

Title ref.: CT 5748/465	Plan Parcel: D2421 AL232	Council: THE CITY OF NORWOOD PAYNEHAM AND ST PETERS
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Shape:	Regular
Frontage Width:	16.76 metres
Area:	770m ²
Topography:	Relatively flat, with a slight slope from southeast to northwest (approx 600mm)
Existing structures:	A single-storey bungalow (c. 1929) and ancillary structures
Existing vegetation:	A lawned back yard, small shrubs/bushes in the front yard and several unregulated trees

Locality

The locality is considered to extend approximately 90m east and west of the subject site, and extends south to include the first few dwellings on both sides of Gardiner Avenue and Williams Avenue. The locality is wholly residential in nature, characterised primarily by single storey dwellings, with some two storey buildings on Gardiner Avenue being the exception to this within the Character Area. Other two storey dwellings are observed northwest of the site on Gwynne St and within the General Neighbourhood Zone.

The northern side of Seventh Avenue in particular is heavily characterised by traditional pre-1940s bungalows. The locality enjoys a high level of amenity, assisted by consistent, mature street tree plantings. Slightly outside of the locality to the west is a public reserve, recently redeveloped by the Council, and to the east is Glynburn Road and an Activity Centre; making this site within a very serviceable location.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Fence: Code Assessed - Performance Assessed
 - Retaining wall: Code Assessed - Performance Assessed
 - Detached dwelling: Code Assessed - Performance Assessed
 - Outbuilding (Carport or garage): Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PLANNING ASSESSMENT

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

Site Coverage, Private Open Space and Soft Landscaping

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

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

The corresponding DPF provides a quantitative way by which this PO may be satisfied, suggesting site coverage should not exceed 50%.

The site coverage proposed is 401m², which equates to approximately 52% of the site. This is considered to be consistent and compatible with the surrounding built form character and satisfies PO 3.1.

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

Dwellings and co-living are provided with suitable sized areas of usable private open space or communal open space to meet the needs of the occupants.

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

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

The site provides 196m² of private open space between the side courtyard area and the large rear lawn area. An additional 47m² is provided under the rear alfresco area, which is directly accessible from the

internal living areas of the dwelling. Accordingly, POs 21.1 and 21.2 (above) are considered to be satisfied by this development.

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

Soft landscaping is incorporated into development to:

- (a) minimise heat absorption and reflection*
- (b) contribute shade and shelter*
- (c) provide for stormwater infiltration and biodiversity*
- (d) enhance the appearance of land and streetscapes.*

The corresponding DPF suggests that a site over 450m² in area should be at least 25% comprised of soft landscaping. This application includes approximately 233m² of soft landscaping, which equates to 30.3% of the site, thereby satisfying the DPF. The landscaping is spread throughout the site, and includes a well-sized lawn area in the front yard as well as landscaping strips either side of the driveway to enhance the streetscape appearance of the development. Accordingly, the development is considered to satisfy PO 22.1 of the Design in Urban Areas module.

The Urban Tree Canopy Overlay requires this development to plant either 1 medium tree or 2 small trees (as defined by the Overlay). The landscaping areas are of sufficient size to accommodate either of these options, and the planting will be required by way of the mandatory condition required by Practice Direction 12.

Building Height, Design & Appearance

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

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

The corresponding DPF sets a maximum building height TNV of 2 levels.

Performance Outcome 1.1 of the Character Area Overlay states:

All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.

With respect to building height, the Character Area Statement says: “single storey”.

Performance Outcome 2.2. of the Character Area Overlay states:

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

Per the Rules of Interpretation of the Planning & Design Code, the Overlay takes precedence over the Zone to the extent of any inconsistency. There is an evident conflict between the two in that the Zone suggests development of two levels is appropriate, whereas the Character Area Statement seeks only single storey development. The predominant building height within the character area (which is comprised by the suburbs of St Morris and Trinity Gardens) is single storey, and so it is reasonable to suggest that PO 2.2 of the Overlay is also seeking single storey development.

However, there are considered to be justifiable reasons to depart from what the Overlay ostensibly seeks. Notably, within the character area and the locality, there are several outwardly two storey dwellings at 47A,

47B and 48 Gardiner Avenue, as well as other two storey developments at 49 Gardiner Avenue (rear addition) and 63 Seventh Avenue (second storey in the roof but with obvious dormer windows). Moreover, immediately to the rear of this site is the General Neighbourhood Zone which envisages outwardly two storey development. Accordingly, it is considered reasonable for dwellings on the northern side of Seventh Avenue to expect an outlook of some two-storey development; and there is no material difference whether that view is to the rear or to the sides in respect of what might be considered reasonable.

Accordingly, it is considered reasonable that this site should be able to be developed with a two-storey dwelling, providing the streetscape character is not compromised (which is discussed further in sections below).

The proposed dwelling is two storeys in height with the second level somewhat central to the footprint of the ground level, and setback approximately 6.4m from the front wall of the ground level. This is a clear design effort to make the second level less visible from the Seventh Avenue streetscape.

The ground level has been designed with a bastard hipped roof that has a 30° pitch on both sides and a 35° pitch across the front aspect. The ground level has 3m ceiling heights and a 450mm bulkhead, whereas the upper level has lower, 2.7m high ceilings. All of these design features help to reduce the visibility of the second level such that the dwelling will maintain a predominantly single storey appearance to the primary street. This is considered to satisfy PO 4.1 of the Zone, and the extent to which the development fails to satisfy PO 2.2 of the Overlay is not considered detrimental to the application for the abovementioned reasons.

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

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

Performance Outcome 2.1 of the Character Area Overlay states:

The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.

Performance Outcome 2.3 of the Character Area Overlay states:

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

Performance Outcome 2.5 of the Character Area Overlay states:

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

With respect to design features, architectural styles and materials, the Character Area Statement states: “traditional pre-1940s roof forms, eaves, front verandah treatments, window proportions” and “varied, traditional materials”.

The proposed dwelling has been designed with 3 metre external wall heights and a simple bastard hipped roof with eaves either side, which are features consistent with traditional pre-1940s dwellings. The façade involves two large stone pillars (a traditional material) either side of the timber entry door. There is one habitable room facing the street, which includes a large picture window that is much bigger than traditional

window proportions. Finally, a large, white, rendered bulkhead spans the entire façade to give shadow and depth and an effect similar to a front verandah element.

The window proportions and rendered bulkhead are not consistent with those of traditional dwellings, but they are considered to be sufficiently compatible with the streetscape of Seventh Avenue and the locality more generally. This dwelling design is a better representation of the outcomes sought by the Character Area than other new dwellings in the locality, which lends support to this design approach. The overall form, roof pitch and wall heights remain consistent with traditional pre-1940s dwellings, and the use of stone on the façade is a positive too. Accordingly, the dwelling is considered to sufficiently accord with the abovementioned Performance Outcomes.

It is also worth noting that the dwelling has a visible entry door facing the primary street and provides opportunities for passive surveillance, consistent with Performance Outcomes 17.2 and 17.1 of the Design in Urban Areas module respectively.

Performance Outcome 10.1 of the Established Neighbourhood Zone states:

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

The corresponding DPF seeks for garages to be set back at least 500mm behind the building line, at least 5.5m from the street and have an opening that doesn't exceed 30% of the site frontage. The garage opening only marginally exceeds 30% of the site's frontage width – 31.6% - and this is considered a minor departure from the DPF criteria such that the corresponding PO could be considered satisfied.

Performance Outcome 4.1 of the Character Area Overlay states:

Ancillary development, including carports, outbuildings and garages, complements the character of the area and associated building(s).

This seeks a more qualitative outcome for ensuring garages do not dominate the appearance of the dwelling and remain compatible in the streetscape. Noting the good qualities of the design as described previously in this report, the 900mm setback to the garage and the use of timber cladding for the door ensure it remains sufficiently subordinate to the balance of the façade so as to complement the character of the area and the associated dwelling in accordance with this PO.

With respect to the front fence, there are only two relevant Performance Outcomes.

Performance Outcome 4.4 of the Character Area Overlay states:

Fencing and gates closer to a street boundary (other than a laneway) than the elevation of the associated building are consistent with the traditional period, style and form of the of the associated building.

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

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

The front fence is a combination of masonry pillars and metal infill, that ranges in height from 1.5m (east) up to 1.8m (west) to follow the slope of the street. The eastern end of the fence is a solid stone wall measuring

3.1m in width. This accounts for less than 20% of the site's frontage and, at 1.5m tall, is not considered to unreasonably impact the visual amenity of the public realm. The balance of the fence is a contemporary interpretation of a traditional masonry pillared fence and is an appropriate style of fence to introduce in this character area. Hence, the abovementioned POs are considered to be met.

Setbacks & Neighbour Impacts (including visual impact and overlooking)

Performance Outcome 2.4 of the Character Area Overlay states:

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

For the purposes of assessing front and side setback patterns, it makes more sense to consider the immediate locality rather than the entire (two suburb) locality. The northern side of Seventh Avenue has a fairly consistent front setback pattern with well-landscaped front gardens being an important streetscape feature. Side setbacks are varied throughout the locality; where boundary development does occur it is usually for ancillary structures such as garages, carports, verandahs and outbuildings.

Performance Outcome 5.1 of the Established Neighbourhood Zone states:

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

The dwelling has been designed with a stepped setback whereby the garage is setback 900mm behind the front wall of Bed 1, which is set back 7.3m from the front boundary. Bed 1 is aligned with the front verandah of the existing bungalow on the site, and the garage is positioned approximately in line with the front wall of the existing bungalow. Although the existing front verandah of the existing bungalow does form the building line for the purposes of determining the front setback of the existing building, the verandah is comprised of a brick dwarf wall and a low gabled roof such that from a streetscape perspective it does affect the observed setback pattern to some extent.

The dwellings east and west of the subject site have setbacks of approximately 8.4m and 8.8m respectively. The dwelling east has a similar front verandah to that of the existing bungalow on the subject site, setback only 7.1m from the street, and dwellings further west have slightly lesser setbacks. Accordingly, the proposed front setback is considered to be consistent with the existing streetscape pattern and hence sufficiently accords with PO 5.1 of the Zone.

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

Buildings are set back from side boundaries to provide:

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

The corresponding DPF suggests that buildings should maintain a minimum 1m setback at ground level and 3m for any second building level.

The dwelling maintains at least 1m separation from both side boundaries at ground level, and at least 3.5m from the side boundaries with respect to the upper level, thereby complying with DPF 8.1 of the Zone. The ground level walls measure 3.45m at their tallest, and the second level walls measure another 2.7m above that. The proposed wall heights are reasonable for a two-storey contemporary dwelling and at ground level are generally similar to the external wall heights of traditional buildings. In this context, the setbacks provided are considered to satisfy PO 8.1 of the Zone.

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

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

Performance Outcome 11.1 of the Established Neighbourhood Zone states:

Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.

The only boundary wall proposed for this development is for the garage at the rear of the site, which measures 3m in height and 6.2m in length. The dimensions of the garage are less than what DPF 11.1 of the Zone envisages for outbuildings, garages and the like. Nevertheless, the garage is going to be sited on a boundary where the affected neighbour has no real outlook from their private open space due to their own buildings in the adjacent corner of their site (see **Attachment 2**). Accordingly, the building is not considered to result in any unreasonable visual or overshadowing impacts consistent with POs 7.1 and 11.1 of the Zone.

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

Buildings are set back from rear boundaries to provide:

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

The dwelling maintains a setback of 17m from the rear boundary which is more than sufficient to satisfy this PO. The rear alfresco and garage extend further than the dwelling along the eastern side of the site, leaving a 2m setback from the garage to the laneway. The siting of outbuilding close to rear boundaries is a common feature of the locality and in this case no unreasonable impact to neighbouring sites results. The rear laneway provides additional separation to the dwelling to the north (facing Gwynne St) and so this PO is considered to be satisfied.

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

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

The corresponding DPF suggests that this PO can generally be satisfied by obscuring any upper-level windows to a height of 1.5m above the internal floor level. The dwelling has been designed to accord with this DPF whereby all upper-level windows either have sill heights of 1.5m or are obscured up to this height. Accordingly, this PO is considered to be met. A condition has been recommended that ensures these treatments are maintained into the future, to continue mitigating against direct overlooking.

Traffic Impact, Access and Parking

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

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 [various] factors that may support a reduced on-site rate...

The corresponding DPF suggests that this dwelling needs to provide two (2) off-street parking spaces to satisfy the PO. The proposal provides more than 2 spaces by way of the double garage at the front of the site and another double garage at the rear of the site, thereby satisfying this PO.

The existing vehicular crossover on Seventh Avenue is not proposed to be altered by the proposal, and it is wide enough to facilitate safe and convenient movements into the site.

With respect to the garage proposed at the rear of the site, this will be accessed via the rear laneway. The laneway is comprised of several contiguous private allotments over which reciprocal rights of way exist to allow legal access to the subject site – effectively operating akin to a public lane. The laneway has a width of approximately 3m and the garage is setback only 2m from the rear boundary, providing an effective aisle width of only 5m. Given that this garage provides surplus parking spaces beyond what the Code expects, and the lane carries a very low volume of daily traffic, the reduced aisle width is considered to be an acceptable outcome. An advisory note has been included with the recommendation to alert the owner that entry and exit may not require more than a three-point turn manoeuvre.

Finished Floor Levels, Retaining Walls & Stormwater

As previously mentioned, the site has a gentle slope travelling down from the southeast (front) corner of the site to the northwest (rear) corner, of approximately 600mm difference. The site is not located in a recognised flood plain.

Performance Outcome 8.1 of the Design in Urban Areas module states:

Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

The existing dwelling on the site has an FFL of 100.28 (RL). The dwelling now proposed has a slightly lower FFL of 100.20. This positions the dwelling approximately 110mm higher than the highest top of kerb measurement in the front of the site (east corner) and approximately 440mm higher than the same point on the western side of the site. While it might be ideal to maintain slightly more freeboard above the top of kerb level, the site is not in a recognised flood plain and the FFL is similar to the existing dwelling. This means the need for earthworks has been limited in accordance with this Performance Outcome, which is a good outcome.

Similarly, the garage has been designed with an FFL lower than the dwelling – 99.81 (RL) – to better integrate with the lower levels observed in the rear laneway. The garage will maintain between 30mm and 310mm freeboard above the laneway, which facilitates a safe gradient for vehicles using the garage. Council's flood mapping does not show the laneway being inundated in a 1% AEP event and so these levels are considered to be acceptable. As with the dwelling FFL, the garage FFL minimises the need for earthworks also.

The proposed FFLs result in some low retaining walls required along the western side boundary, to a maximum of 535mm. The dwelling FFL should not be lowered any more – to maintain sufficient freeboard above the Seventh Avenue footpath levels – and so the retaining walls are considered acceptable in the circumstances. Notwithstanding, the impact of a 1.8m fence on top of 535mm retaining is not considered to produce an unreasonable impact for the neighbour in any case.

Performance Outcome 1.1 of the Stormwater Management Overlay states:

Residential development is designed to capture and re-use stormwater to:
(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.*

The civil plan provided by the applicant demonstrates a 5000L rainwater tank being installed and plumbed in accordance with the corresponding DPF for this PO, which is the typical outcome for new residential development and is acceptable. The recommendation for this report includes the mandatory condition in this respect.

All stormwater from new buildings is being carried through to the Seventh Avenue water table, which is the expected outcome given the rear laneway does not contain any stormwater infrastructure. This requirement will be reinforced by a condition which also prohibit disposal into the laneway.

CONCLUSION

This application is for a two-storey dwelling in a Character Area Overlay that inherently seeks only single storey development. However, the existing context of the locality has to be taken into account in this assessment and there are features of such that justify a two-storey development on this site. In particular, there are several outwardly two-storey dwellings within the locality that influence the streetscape character, as well as other larger buildings. Further, the site abuts the General Neighbourhood Zone at the rear, where outwardly two storey development is envisaged and is beginning to emerge.

Importantly, the proposed dwelling maintains a mostly single-storey appearance to the primary street, with the second storey having a larger setback from the front and side boundaries to make it visually recessive from Seventh Avenue while also providing adequate visual separation from adjoining allotments.

The dwelling has been designed in a manner compatible with the intent of the Character Area Overlay provisions. A simple hipped roof sits above a contemporary façade comprised of stone and rendered pillars, a large window for the front room, and a rendered bulkhead that spans over the whole façade, including the double-width, timber-clad garage. The garage is set back 900mm behind the building line of the dwelling so as to not dominate the appearance of the development from the street. Overall, the proposed dwelling is considered to complement the character of the Seventh Avenue streetscape, and will be compatible with both traditional and newer dwellings alike.

The proposed site coverage, private open space and soft landscaping provisions all represent an appropriate development of the site. Neighbours will not be unreasonably impacted by the development; in terms of visual outlook, shadowing or overlooking. Similarly, the finished floor levels require only minor retaining walls and represent a sensible development of the site.

Finally, sufficient parking is provided to support the development and access from the primary street (which is being maintained) accommodates safe and convenient vehicle movements. Consequently, the development is considered to warrant planning consent.

Question of Seriously at Variance

The proposed development comprises a new two-storey dwelling and ancillary structures. It is located in the Established Neighbourhood Zone. Development of this nature is appropriate within this Zone, being a Zone

primarily intended to accommodate low scale residential development.

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

RECOMMENDATION

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 26016797, by DANDREA ARCHITECTS is granted Planning Consent subject to the following conditions:

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

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

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

Condition 3

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

Condition 4

The approved development must include rainwater tank storage which is:

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

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

Condition 5

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

Condition 6

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

ADVISORY NOTES

PLANNING CONSENT

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

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

Advisory Note 11

The Applicant/landowner shall note that the aisle width provided to the rear garage may not be adequate for larger vehicles to enter and exit the site in no more than a three-point turn manoeuvre.

Advisory Note 12

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

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

<450 // 1 small tree

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

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

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

Small // 4m // 2m // 10m² and min. dimension of 1.5m

Medium // 6m // 4m // 30m² and min. dimension of 2m

Large // 12m // 8m // 60m² and min. dimension of 4m

Moved by Mr Adcock

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 26016797, by DANDREA ARCHITECTS is granted Planning Consent subject to the following conditions:*

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

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

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

Condition 3

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

Condition 4

The approved development must include rainwater tank storage which is:

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

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

Condition 5

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

Condition 6

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

**ADVISORY NOTES
PLANNING CONSENT**

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

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

Advisory Note 11

The Applicant/landowner shall note that the aisle width provided to the rear garage may not be adequate for larger vehicles to enter and exit the site in no more than a three-point turn manoeuvre.

Advisory Note 12

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

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Large // 12m // 8m // 60m² and min. dimension of 4m

***Seconded by Mr Mickan
CARRIED***

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

8. ERD COURT APPEALS

- *The administration provided an update to Panel members on the appeal for Development Application 24040449.*

9. OTHER BUSINESS

- *The Presiding Member requested that the administration look into options for the Panel adopting the minutes of each meeting at the conclusion of the same meeting, following discussions during a professional development seminar.*
- *The Presiding Member requested that the administration consider providing Panel Members with site contamination reports electronically in the future, to reduce printing.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 9.29pm

Stephen Smith
PRESIDING MEMBER

Kieran Fairbrother
ACTING MANAGER, DEVELOPMENT & REGULATORY SERVICES