

Council Assessment Panel Minutes

29 September 2026

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 6:30pm

PRESENT

Panel Members Mr Stephen Smith
Mr Julian Rutt
Cr Sandy Wilkinson
Mr Paul Mickan
Mr James Hayter

Staff Kieran Fairbrother, Acting Manager, Development & Regulatory Services
Callum Hastie, Urban Planner
Ned Feary, Senior Urban Planner
Tala Aslat, Administration Officer

APOLOGIES Mr Mark Adcock

ABSENT

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 17 AUGUST 2026

Moved by Mr Rutt and Seconded by Mr Mickan
CARRIED

4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER ID 26012743 - LISA VLASSIS
- UNIT 1 81 OSMOND TERRACE NORWOOD SA 5067

DEVELOPMENT NO.:	26012473
APPLICANT:	Lisa Vlassis
ADDRESS:	UNIT 1 81 OSMOND TCE NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Proposed double storey renovation to rear with retention and repair of Library, associated garage, swimming pool and fencing
ZONING INFORMATION:	Zones: • Established Neighbourhood Overlays: • Airport Building Heights (Regulated) • Heritage Adjacency • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 6m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 250 sqm; group dwelling is 250 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	22 April 2026
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.7 16/04/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Callum Hastie - Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Heritage Advisor - David Brown

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ATTACHMENT 3:	Representation Map Within Locality	ATTACHMENT 7:	Land Management Agreement

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves a two-storey addition to an existing dwelling with associated swimming pool, fencing and detached garage. The works would create a new living room and bedroom within the existing building and add five (5) bedrooms, a kitchen and dining room at the rear. The garage would sit on the rear boundary of the site and provide two (2) covered parking spaces. Access would be via a driveway on the southern boundary.

BACKGROUND:

The site was developed as a mansion for Thomas Gepp MP (who was Mayor of Norwood immediately prior to his building of the mansion). This complex included detached buildings for stables and a library, both of which also remain alongside the mansion.

At some point, the site was converted to offices (this was likely before a Development Application would have been required for such a change of use, as no such application is recorded).

The owner later sought to divide the site into four separate allotments to facilitate a future residential development. This included two different applications:

- 155/596/2008
 - Nature of Development: The construction of three (3), two-storey detached dwellings and associated fencing and retaining walls and the removal of three (3) significant trees.
 - This appears to have received Planning Consent, but not Development Approval.
- 008/009/2011
 - This was a Torrens Titled Land Division (1-into-4).
 - This saw the mansion, stables, library and car park all on separate allotments, and was implemented.

As part of this latter application, Council staff raised concerns regarding losing the heritage value of the library and stables buildings, which were not separately heritage listed, as well as that the office might be separated from its car park. In order to manage these issues, a Land Management Agreement was entered into.

The intent of the LMA is considered to primarily involve:

- The retention and adaptive reuse of the buildings which contribute to the heritage value of the site;
- To ensure a sufficient level of car parking is provided to accommodate the existing commercial uses of the land; and

- To ensure that individual allotments are not converted to residential purposes unless and until that occurs for the entire land comprising all four allotments.

On 16 September 2024, the Council Assessment Panel approved Development Application 24019620, a change of use application to create 3 detached dwellings with associated partial demolition and alterations to the Local Heritage Place.

The landowner subsequently decided to amalgamate and realign the 4 allotments into 2 via Development Application 24036301.

Following the amalgamation, an updated LMA was entered into which recognised the new allotments created by the boundary realignment and removed the requirement that the properties cannot be sold unless they are converted to a residential use (**Attachment 7**). However, the LMA still requires that the allotments are only used for residential purposes once the previous use ceases.

The two allotments were subsequently sold with the new LMA registered against them. There have since been several applications for the northern allotment containing the Local Heritage Place. A two-storey dwelling addition and alterations to the Local Heritage Place has been approved on that site and is currently under construction.

The site was also the subject of Development Application 23019832, which sought, "Partial removal of existing brush fencing, and construction of a new picket fence, with driveway and associated landscaping". This was also the subject of an LMA waiver from Council (due to a driveway not necessarily being consistent with "*similar to landscaping typical of the era of the construction of the Mansion*" as per clause 6.5 of the LMA.

The subject Development Application was lodged on the 22nd of April 2026. Public notification was undertaken between May 14th and June 3rd with 16 representations received (plus one duplicate). 11 representations were supportive, three (3) supportive with concerns, and two (2) opposed to the development. Four (4) representors have asked to be heard by the panel.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: UNIT 1 81 OSMOND TCE NORWOOD SA 5067

Title ref.: CT	Plan Parcel: D137148	Council: THE CITY OF NORWOOD PAYNEHAM AND
6313/52	AL2	ST PETERS

Shape:	regular
Frontage Width:	12.50 metres
Area:	732m ²
Topography:	The site is on a slope with the eastern boundary approximately 800mm higher than the western.
Existing structures:	A Victorian building, previously a library associated with the local heritage place on the abutting allotment to the north. The building is not a local heritage place itself, however a land management agreement prevents it from being demolished.
Existing vegetation:	Some unregulated vegetation

Locality

A locality for the site is illustrated in **Attachment 2**. It extends some 120m along Osmond Terrace to the north, and 100m south. It extends the full length of Gloucester Terrace, around 85m west of the site. To the east, the locality only includes those allotments with a frontage to Osmond Terrace, given the width of the road, noting its wide median strip.

Osmond Terrace is a residential boulevard, characterised by its wide (~11m), grassed median strip. It has historically been lined with large mansions, though in recent years these have increasingly been divided into smaller allotments. One such example is “Warinilla” at 92 Osmond Terrace, which was a historic mansion which became a drug and alcohol rehabilitation clinic, before more recently being converted to residential use, and divided into a series of smaller allotments. With this being redeveloped, the locality is entirely residential.

Gloucester Terrace is a short, relatively narrow and relatively quiet residential street. Allotments on Gloucester Terrace are typically around 200-400sqm in area, with both historically small dwellings, and some more recent subdivision activity.

Both streets have large, mature street trees, with London Plane Trees being typical on Osmond Terrace, and Gloucester Terrace being more varied (with Queensland Box and Ironbark trees being slightly more prominent).

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
Dwelling addition: Code Assessed - Performance Assessed
Outbuilding (Carport or garage): Code Assessed - Performance Assessed
Fence: 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 8m in length.
- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Fienemann	Michael		Supports with concerns	No
Bunning	Phillip		Opposed	Yes
Tardiff	Robert		Supports with concerns	Yes

Bennett	James		Supports	No
Tsianos	Ivana		Supports	No
Cvetkoski	Carmen		Supports	No
Spagnuolo	Mary		Supports	No
Rabone	Anne		Supports with concerns	Yes
Sarris	Timothy		Supports	No
Principe	Anita		Supports	No
Kittel	Jane		Opposed	Yes
De Michele	Kristen		Supports	No
De Michele	Marco		Supports	No
De Michele	Maria		Supports	No
Cutts	Will		Supports	No
Conterno	Adrian		Supports	No

Attachment 3 shows a map of all representations received within the locality and are colour coded as per below:

- Green – Supports
- Yellow – Supports with concerns
- Orange – Opposed

• SUMMARY

The representations in support of the development commented on the quality of the design, the prevalence of two storey development in the area, the retention of the library, and adequate provision of on-site parking.

The other representors raised the following concerns:

- Overshadowing from the new addition,
 - Several representors also questioned the accuracy of the shadow diagrams provided by the applicant,
- The impact of the addition on the visual amenity of surrounding properties,
 - One (1) representor suggested altering the material of the boundary wall to improve the appearance of the building,
- That the addition will dominate the library and its heritage value,
- The compatibility with the character of the area.

INTERNAL REFERRALS

- Heritage Advisor - David Brown

While the existing building is not part of the Local Heritage Place listing, it was referred to Council's Heritage Advisor for advice regarding the Heritage Adjacency Overlay. He has advised that the proposed development will not impact the heritage fabric or

He also provided commentary on impacts on the Library despite it not being a Heritage Place. He recommended that the addition be moved towards the rear of the site to avoid interfering with the original Library roof and the applicant has voluntarily made this change.

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 change in use to residential has been previously approved (albeit not enacted) and will support the adaptive reuse and retention of the building.

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*.

Building Height

The proposed addition will be two storeys, with a maximum height of 7.2m above the natural ground level. Two storey dwellings are common in the locality and due to the topography of the site, the proposed addition will match the height of the existing dwelling.

Impact on Neighbouring Properties

Boundary Wall

The proposed wall on the northern boundary would be 14.0m long and up to 3.1m above the natural ground level. Since the wall is on the northern boundary, it will not result in overshadowing. Per the recent approval for a dwelling addition on the property to the north, the area facing the boundary wall will be used for services and a barbeque, providing minimal amenity. The boundary wall will therefore have minimal visual impact on the abutting property, and the proposal satisfies Performance Outcome 7.1 of the Zone.

Setbacks and Overshadowing

Aside from the wall on the northern boundary, the dwelling would be setback 2.15m from the northern boundary and 3.16m from the southern boundary. No additional setback is proposed for the upper level from the southern boundary. As discussed above, the dwelling to the north (81 Osmond Tce) will have a service area facing the development site with minimal impact from the new building work.

Of more concern, is the impact of the development on the properties to the south. Performance Outcome 8.1 of the 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*

Two-storey dwellings are already common in the locality, with all five (5) properties between the development

site and William St being two storeys The upper level is adequately setback from the boundary that it will not cause an unreasonable visual impact. The first part of the Performance Outcome is therefore considered to be met.

The Interface Between Land Uses module provides additional guidance regarding access to natural light. DPF 3.1 states:

North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.

Similarly, DPF 3.2 states:

Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:

- a) for ground level private open space, the smaller of the following:
 - i. half the existing ground level open space or*
 - ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)**
- b) for ground level communal open space, at least half of the existing ground level open space*

The extent of overshadowing resulting from the development has been the subject of several representations. Several representors suggested that the shadow diagrams provided by the applicant were inaccurate, and one representor has produced alternative shadow diagrams that show more extensive overshadowing than the applicant's drawings. When comparing the shadow diagrams from the applicant with those from the representor, it is worth noting that 81A Osmond Tce has an openable "vergola". The applicant's drawings show this in its open position and the representors show it closed which does significantly change the extent of shadows. In response to the representations, the applicant has reduced the height of the addition by 360mm and the height of the south-facing wall by 560mm. They have also produced updated shadow diagrams showing the impact of the amendments. The applicant considered increasing the setback from the southern boundary by 190mm and providing a pitched roof but found that these did not significantly alter the extent of overshadowing. They have included shadow diagrams for the considered alternatives for reference.

81A Osmond Tce would be the most impacted by overshadowing. This dwelling has several north-facing windows, however the ground-level window is already overshadowed on 21 June by the existing fence, this is also the case for 75A William St. The upper-level windows will receive more than 3 hours of direct sunlight consistent with DPF 3.1.

Of the five (5) dwellings to the south, four (4) will maintain access to direct sunlight in their private open space of a quantum consistent with DPF 3.2. The exception is 81A Osmond Tce which will have most of its private open space in constant shadow on 21 June. Per the shadow diagrams from the applicant, only a small section of private open space will receive direct sunlight if the vergola is in the open position. Regardless, the area receiving direct sunlight does not appear to meet the minimum dimensions expected in DPF 3.2. The associated Performance Outcome 3.2 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*

There is a conflict here between overshadowing policies and the built form envisioned by the Zone. The Zone expressly envisions 2-storey dwellings, and they are well represented within the locality. The proposed addition

is compatible with the Zone and is positioned to minimise impacts on the streetscape. Pushing the addition closer to the northern boundary would make it more readily visible from the street and would increase the visual impact on adjoining residents to the north. Given the constraints of the site, any 2-storey dwelling would result in overshadowing of 81A Osmond Terrace. The amended design attempts to minimise overshadowing of adjacent land but will inevitably result in significant overshadowing of some private open space and Performance Outcome 3.2 is not considered to be met. Given that the development reflects the form envisioned by the Zone and noting that 81A Osmond Terrace already has limited access to direct sunlight during winter months, failing to satisfy this single Performance Outcome is not enough to warrant refusal.

Finally, one representor at 81B Osmond Terrace has raised concerns regarding overshadowing of their solar panels. The solar panels are located on the roof of the two-storey dwelling and the shadow diagrams from both the applicant and the other representor demonstrate that there will be no overshadowing of the panels to satisfy Interface Between Land Uses Performance Outcome 3.3.

Overlooking/Visual Privacy

The upper-level windows facing adjacent residential land will have either high sills or obscure glazing to at least 1.5m above the floor level of the upper-level. The windows will also be fixed to satisfy Design in Urban Areas DPF 10.1. A condition has been recommended to ensure these treatments remain in place.

Garage

The garage will be detached from the dwelling, abutting the western and southern boundaries. The boundary walls would be 9.31m and 6.27m long respectively. The walls would be 2.73m high, not including the gable end on the southern boundary. The abutting sites (14 Gloucester Tce & 75 William St) both have small outbuildings on the boundary with the development site. While the proposed garage is bigger than these existing structures, it is still limited in height and will not detract from the appearance of the land or neighbouring properties to satisfy Performance Outcome 11.1 of the Zone.

Heritage

The Local Heritage Place Overlay applies to the site; however, the listing only covers the Victorian dwelling on the northern allotment and not the Library building on the development site. The Land Management Agreement prohibits demolition of the Library but unlike the Local Heritage Place Overlay, the LMA does not control the design of any addition.

Therefore, the question of heritage is limited to impacts on the Victorian dwelling rather than the Library. The new hallway on the boundary of Gloucester Terrace is single storey, with the two storey elements hidden at the rear and reasonably setback from the local heritage place. The proposed development will not dominate, encroach or unduly impact the setting of the local heritage place and satisfies Performance Outcome 1.1 of the Heritage Adjacency Overlay.

Design and Streetscape Impacts

Front Setback

The existing setback from Osmond Tce is unchanged with new work behind the line of the existing building.

Site Coverage/Space Between Buildings

Proposed site coverage is 302.8m²/41.3% compared to the 50% envisioned by Zone DPF 3.1. The proposed site coverage is lower than most nearby dwellings and maintains the character of the unique site. The design hides the upper level behind the roof the existing building and maintains the prevailing streetscape character.

Design

While the Library is not a local heritage place, it makes a significant contribution to the streetscape character that is worthy of retention. Performance Outcome 10.2 of the 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.

The proposed addition emphasises the existing Library while hiding new additions as much as possible. Following discussions with Council's Heritage Advisor, the applicant decided to increase the separation between the addition and the existing building, allowing for the existing roof form of the Library to be preserved. The addition is sympathetic to the Library and to the prevailing streetscape character and therefore satisfies Performance Outcome 10.2.

The garage is also detached from the dwelling and hidden at the rear of the site and will not dominate the appearance of the dwelling or the streetscape.

Traffic, Access and Parking

Two parking spaces are available in the rear garage, with additional parking space on the driveway if necessary. All parking spaces satisfy the minimum dimensions in the Code. While it is not required by the Code, the driveway is wide enough for vehicles to turn around at the rear of the site and navigate the long driveway in a forward direction. Overall, the proposed driveway allows for safe and convenient access to satisfy Design in Urban Areas Performance Outcome 23.4.

The crossover location and dimensions were previously approved via the land division application; impacts on street trees and on-street parking were considered as part of that application.

Landscaping & Private Open Space

The site would be covered by 121m²/17% soft landscaping, this is a notable shortfall from the 25% sought by Design in Urban Areas DPF 22.1. While the shortfall is undesirable, landscaping opportunities are limited by the position of the existing building, and the necessity of locating the garage at the rear of the site. Given these constraints, it would be difficult to construct a functional addition and achieve the 25% landscaping sought by the Code. Overall, landscaping opportunities have been maximised across the site, especially along the street boundary. Despite the shortfall in area, it will be possible to satisfy Performance Outcome 22.1 by providing a high-quality landscape plan that provides the biodiversity, shade, and appearance that is sought by the Code. Therefore, a reserved matter is recommended requiring a detailed landscape plan to be provided to the reasonable satisfaction of the Assessment Manager.

Approximately 200m² of private open space is provided at the rear of the dwelling. The private open space will meet the likely needs of residents and satisfies Design in Urban Areas Performance Outcomes 21.1 and 21.2

Stormwater

Permeable paving is provided at the rear of the site, limiting the impervious area to the dwelling roof and driveway handle. A pump system and 3150L sump for detention would be located at the rear of the site to control rainwater and direct it to the street. The system will use dual alternating pumps to ensure continuous operation. A condition is proposed that would require the sump to have sufficient detention capacity to manage a 1-in-20 year ARI event.

The proposal also includes a 1000L retention tank to support the efficient reuse of rainwater.

Waste

Space is available at the side or rear of the site to store waste bins screened from public view. Bins can be easily transported to the street for collection.

Earthworks and Fencing

Proposed earthworks are less than 1m in height. The existing fencing on the southern boundary will be maintained with a matching rendered fence proposed on the northern boundary. A 2.0m high Colorbond Fence is proposed towards the rear of the site along the Gloucester Terrace frontage. Council's Heritage Advisor suggested that this fence should be corrugated in profile, so a condition has been recommended to require this outcome.

The fencing will not have an unreasonable visual impact on adjacent land or the public realm and therefore satisfies Design in Urban Areas Performance Outcome 9.1.

Swimming Pool Noise

Pool equipment will be stored in an acoustically treated structure on the northern boundary to manage noise impacts on adjacent land.

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 26012473, by Lisa Vlassis is granted Planning Consent subject to the following conditions and reserved matter:

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 detailed landscaping plan showing a suitable mix and density of trees, shrubs and groundcovers, and providing details for the on-going maintenance of the landscaping, shall be provided to the reasonable satisfaction of the Assessment Manager prior to Development Approval being granted.

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

Condition 3

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-and-Maintenance-Guidelines-Permeable-paving-FINAL.pdf>

Condition 4

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

Condition 5

Surface water from the rear car park and paved area shall be collected and discharged to Osmond Terrace via pump and sump arrangements or via soakage pit in accordance with the following requirements:

Pump and Sump Configuration

1. the pump system shall be designed to ensure that at a minimum the 1 in 20 year ARI event is safely discharged to the street watertable without overflowing onto neighbouring properties. This can be achieved by pumping the peak rainfall intensity duration in full to the street watertable or utilising onsite storage (above or below ground) and pumping a smaller flow rate;
2. where the pump system relies on surface storage for flood peaks, ponding of water shall only occur for events having a 1 in 5 year ARI or greater;
3. sufficient storage (above or below ground) shall be provided to safely contain runoff from the contributing catchments for a 10 year, 30 minute duration rainfall event in the event of power failure; and
4. pump systems shall incorporate two pumps each capable of discharging the design flow (to cater for the failure of one of the pumps).

Condition 6

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 7

The Colorbond 'Good Neighbour' fencing shown on the north and west elevations shall be corrugated in profile.

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 6:35pm until 6:39pm

Mr Rabone addressed the Council Assessment Panel of behalf of Ms Anne Rabone from 6:42pm until 6:48pm

Mr Heynen addressed the Council Assessment Panel on behalf of Ms Jane Kittel from 6:49pm until 6:54pm

Mr Levinson addressed the Council Assessment Panel from 7:00pm until 7:08pm

Moved by Mr Rutt

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

Seconded by Mr Mickan

CARRIED

Moved by Mr Rutt

2. *Development Application Number 26012473, by Lisa Vlassis is deferred, with the consent of the Applicant, to permit the Applicant to:*

- *Amend the application to minimise the extent of overshadowing to neighbouring allotments to the South; and*
- *Provide a detailed schedule of materials and colour selections for the development.*

Seconded by Cr Wilkinson
CARRIED

- 5.2 DEVELOPMENT NUMBER ID 26009103 - LEYTON PROPERTY –
- 319 PORTRUSH RD NORWOOD SA 5067
 - 38 DONEGAL ST NORWOOD SA 5067
 - 137 KENSINGTON RD NORWOOD SA 5067
 - 139 KENSINGTON RD NORWOOD SA 5067
 - 141 KENSINGTON RD NORWOOD SA 5067

DEVELOPMENT NO.:	26009103
APPLICANT:	Leyton Property
ADDRESS:	319 PORTRUSH RD NORWOOD SA 5067 38 DONEGAL ST NORWOOD SA 5067 137 KENSINGTON RD NORWOOD SA 5067 139 KENSINGTON RD NORWOOD SA 5067 141 KENSINGTON RD NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Construction of a two-storey building containing consulting rooms, with an undercroft car park, associated signage, amendments to existing car parking and access, partial demolition to the rear of a Local Heritage Place, and removal of nine (9) regulated, two (2) significant trees and one (1) council street tree
ZONING INFORMATION:	Zones: • Community Facilities Subzones: • Neighbourhood Overlays: • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Future Road Widening • Heritage Adjacency • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy • Hazards (Flooding - General) • Urban Transport Routes • Hazards (Flooding) • Local Heritage Place

	Technical Numeric Variations (TNVs): • Maximum Building Height (Metres) (Maximum building height is 18.5m) • Maximum Building Height (Levels) (Maximum building height is 5 levels) • Maximum Building Height (Metres) (Maximum building height is 12.5m) • Maximum Building Height (Levels) (Maximum building height is 3 levels) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	29 May 2026
RELEVANT AUTHORITY:	Assessment Panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.10 28/05/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary, Senior Urban Planner
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	City Arborist- Matthew Cole Heritage Advisor- David Brown Consulting Architect- David Brown Senior Traffic Engineer- Rebecca Van Der Pennen Consulting Civil Engineer- Tonkin

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 5:	Representations
ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Response to Representations
ATTACHMENT 2:	Subject Land & Locality Map	ATTACHMENT 7:	Prescribed Body Responses
ATTACHMENT 3:	Zoning, Overlay and TNV Map	ATTACHMENT 8:	Internal Referral Advice
ATTACHMENT 4:	Representation Map	ATTACHMENT 9:	Applicant Correspondence

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves the construction of a building containing two floors of consulting rooms of varying kinds, with a total of 28 consulting rooms provided. This includes the relocation of the existing orthodontics business on the site (the “Straight Smile Centre”) into the proposed building, and a radiological imaging service, with a significant proportion of the floor area not currently assigned to an expected tenant. The development retains a Local Heritage Place on the site, a two-storey Victorian bluestone mansion now also used for consulting rooms.

The radiological imaging service would occupy a 650m² tenancy on the ground floor. While the floor plans do not show a layout for this, the parking assessment provided as part of the traffic report states that this would include 11 consulting rooms. The orthodontics tenancy would be on level one and is proposed to have two consulting rooms plus an “open treatment room” with space for three dental chairs. This is across a leasable floor area for this tenancy of 350m². There would then be an additional tenancy of 760m² on level 1, which the car parking assessment suggests would have 12 consulting rooms. There are then also expected to be four consulting rooms retained within the Local Heritage Place.

To facilitate the new building, an existing dwelling at 137 Kensington Road is to be demolished, as is a former dwelling (now consulting rooms) at 38 Donegal Street. Neither of these have any form of heritage protection and their demolition does not constitute “development” in its own right for the purposes of the *Planning, Development and Infrastructure Act 2016*. There would be some partial demolition of later additions at the rear of the Local Heritage Place, which does constitute development.

The proposal also intends to remove nine (9) regulated and two (2) significant trees to facilitate the development. While the plans provided (in the report by Arborman) show the removal of three (3) significant trees, the application has subsequently been amended to no longer seek the removal of tree S3 as indicated in the report. Updated plans to reflect this are sought by way of a Reserved Matter.

The development would also involve the construction of a new driveway access between the new building and the Local Heritage Place which would connect to Kensington Road, and enable the closure of the existing access point on Kensington Road, which is closer to the intersection of Kensington and Portrush Roads than would generally be permitted. Nonetheless, the primary vehicle access point for the development would be from Donegal Street.

There is also proposed to be a large advertisement on the building elevation facing Kensington Road, which would constitute development in its own right as it is more than 3.7m above ground level.

The development is proposed to be constructed in two stages (identified as Stage 1 and Stage 1a in the plans provided), so as to enable the Straight Smile Centre to continue operating in their existing premises while construction of the new building takes place. The Straight Smile Centre would then move into the new building, and the existing building demolished to enable construction of the new driveway and additional car parking spaces between the proposed building and the Local Heritage Place.

It is noted that the proposed building is technically three levels for the purposes of the Planning and Design Code. The Code defines a “building level” as:

“Means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it. It does not include any mezzanine or any building level having a floor that is located 1.5m or more below finished ground level.” [emphasis added]

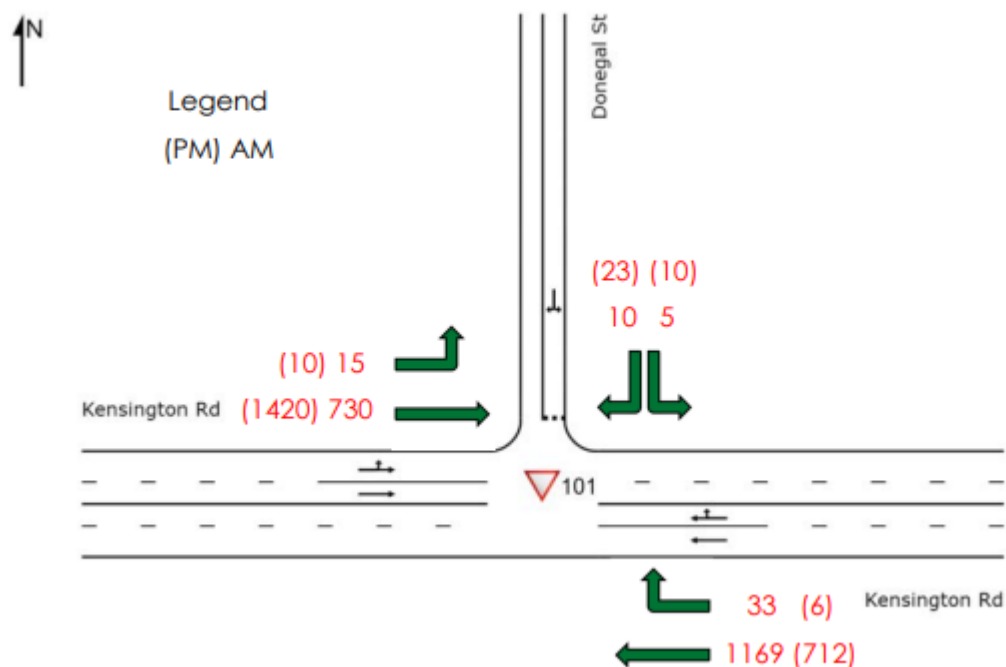
As the proposed floor level of the basement car park is less than 1.5m below ground level as it nears the Kensington Road frontage, the basement would constitute a “building level” for the purposes of this definition. As the development required public notification regardless, this would only be relevant insofar as whether the “medium rise” policies of the Code are applicable. This will be discussed in the Planning Assessment below.

BACKGROUND:

The site was the subject of a Code Amendment- the [Kensington and Portrush Road, Norwood Community Facilities Code Amendment](#) - which was approved by the Minister for Planning in 2024. This applied the Community Facilities Zone to the site and applied a series of Maximum Building Height TNV’s to reflect different heights across different portions of the site. It also applied the Neighbourhood Subzone to the portion of the site fronting Donegal Street.

The traffic report provided with the Code Amendment envisaged 11 medium density dwellings on the site, with 7400m² of consulting room and office space. This resulted in a projected increase in vehicle movements along Donegal Street of 250 vehicles per day, or 25 movements in peak hour. The image below reflects the anticipated overall movements (i.e. not just additional movements as a result of development) at the Kensington Road/Donegal Street intersection which were included in the Code Amendment document.

Figure 5.1: Predicted Peak Hour Traffic Volumes



Council’s commentary on the Code Amendment included the following in relation to traffic:

There are significant access and egress constraints at the site given its location at the intersection of two arterial roads which would allow for left-in and left-out movements only. However, access and egress at Donegal Street should be avoided or kept to a minimum, given that it is a narrow street with limited capacity. As such, the internal traffic circulation for any development at this site is critical and should not rely on right turns at the junction of Kensington Road and Donegal Street. All turning movements are currently permitted at this junction, however the right-turns are problematic during peak periods. In addition, the right-turn out is across four-lanes of traffic as well as the commencement of the eastbound, right turn auxiliary lane.

Preliminary advice on the development proposal was provided in late February of 2026. With the application being lodged on the 29th of May 2026. The Commissioner of Highways issued an RFI on 15 June, which was responded to on 3 July. The application underwent public notification from 29 July to 18 August, and some amendments to the application were made subsequent to the commencement of public notification. These amendments are not considered “substantial” such that the application did not require a second round of public notification.

SUBJECT LAND & LOCALITY:

Site Description:

The subject site includes five existing allotments, though the development itself predominantly occurs on only three, those being 137 and 139 Kensington Road, and 38 Donegal Street.

Location reference: 319 PORTRUSH RD NORWOOD SA 5067

Title ref.: CT 6142/946 **Plan Parcel:** D93706 AL300 **Council:** THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

Location reference: 38 DONEGAL ST NORWOOD SA 5067

Title ref.: CT 5506/60 **Plan Parcel:** F138820 AL40 **Council:** THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

Location reference: 137 KENSINGTON RD NORWOOD SA 5067

Title ref.: CT 5599/228 **Plan Parcel:** F138819 AL39 **Council:** THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

Location reference: 139 KENSINGTON RD NORWOOD SA 5067

Title ref.: CT 6142/947 **Plan Parcel:** D93706 AL301 **Council:** THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

Location reference: 141 KENSINGTON RD NORWOOD SA 5067

Title ref.: CT 6142/948 **Plan Parcel:** D93706 AL302 **Council:** THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

Shape:	Mostly square, although the site is slightly wider (east-west) than it is deep (north-south), and there are irregularities in the boundaries with a “kink” in the northern boundary, and corner cut-offs (including an irregular corner cut-off for a slip lane at the corner of Kensington and Portrush Road).
Frontage width:	Kensington Road: 83m Portrush Road: 81m Donegal Street: 78m
Area:	6501m ²
Topography:	Generally, a fall from east to west, with a low point at the southwest corner of the site. There is a high point around the local heritage listed building at the centre of the site.
Existing structures:	In the centre of the site (on 139 Kensington Road) is a Local Heritage Place. The extent of the listing is described as, “Form of the two-storey

bluestone house including associated original building fabric and its Victorian character, as well as its setting as viewed from the road including the bluestone and iron palisade fence and gate piers.”

Also on 139 Kensington Road is a later single-storey building used for consulting rooms.

Existing bungalow (detached dwelling) at 137 Kensington Road, surrounded by high fencing.

Single-fronted cottage at 38 Donegal Street, used as an office.

It is noted that plans refer to a building at 319 Portrush Road, listed as “Physiotherapy Tenancy”. This building has since been demolished.

Existing vegetation: Twenty-five (25) trees across the site, with many being various species of palms. Seven trees (7) are significant and 11 are regulated.

Locality

A locality for the development is shown in **Attachment 2**. This extends:

- Approximately 90m north to Cypress Street;
- Approximately 130m east to Bridge Street;
- Approximately 120m south to Hewett Avenue; and,
- Approximately 100m west to Queen Street and Moore Street.

The locality is dominated by Kensington and Portrush Roads- both major arterial roads with high traffic speeds and volumes, including significant commercial vehicle traffic particularly on Portrush Road. These roads have a very low street tree canopy coverage and a low level of amenity, particularly along Portrush Road.

Kensington Road is also the Council area boundary, with the southern side of Kensington Road (west of Portrush Road) located within the City or Burnside.

There are some notable commercial and institutional land uses in the locality, including the Robin Hood Hotel, Loretto College (playing fields and a car park for which are inside the locality), and an area for proposed expansion of the Burnside War Memorial Hospital.

Other streets in the locality are far quieter and are typically residential in nature. The area within the City of Burnside is mostly comprised of large, detached dwellings, while the sections of the locality within Norwood and Kensington have a greater degree of housing diversity, including prominent quantities of group dwellings and residential flat buildings. This includes a four-storey, mid-century residential flat building complex at 317 Portrush Road.

Donegal Street is a narrow residential street, with a carriageway width of approximately 6m, and a road reserve width of approximately 9m. The street does have footpaths on both sides and allows on-street parking on the eastern side. It presently has very low traffic volumes, with 23 movements in the AM peak, and 11 movements in the PM peak. Traffic volumes are limited due to a mid-road dead end, which prevents through access to Cypress and William Streets. The built form on the street is mixed in character, with one and two-storey dwellings of a variety of styles and types. Nonetheless, the street does have a clear residential character at present.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Demolition: Code Assessed – Performance Assessed

Tree-damaging activity: Code Assessed - Performance Assessed

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

Advertisement: Code Assessed - Performance Assessed

Consulting room: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; No other pathway

PUBLIC NOTIFICATION

- **REASON**

Consulting rooms are not exempt from notification where the site is adjacent to a residential use in a neighbourhood-type zone.

- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Feifei	Du		Opposed	Yes
Andrew	Chang		Opposed	Yes
Myra	Fallon		Opposed	No
Rosa	Chard		Opposed	Yes
Michael	Migliore		Supportive, with concerns	No
Jack	Holmes		Supportive	No
Jackqueline	Menzies		Supportive, with concerns	Yes

- **SUMMARY**

The concerns raised by the representors who are opposed to the development can be summarised as follows:

- Overlooking from the development into adjacent private open space and habitable rooms;
- Noise from vehicle activity will create a nuisance for adjacent dwellings;
- The proposed operating hours are unreasonable in the largely residential context of the site, and will result in unreasonable nuisances through noise and lighting;
- Overall, there will be a degradation in residential amenity as a result of this development;
- The increased traffic in Donegal Street, which is a cul-de-sac and narrow street, will result in unreasonable impacts;
- There will be increased parking pressure in Donegal Street, which is already constrained by on-street parking and tight vehicle movements;
- There is an unacceptable shortfall in on-site car parking being provided;
- Safety concerns for pedestrians resulting from the increased traffic movements;
- Increased potential for vehicle collisions at the intersection of Donegal St and Kensington Rd due to increased vehicle movements;

- General construction impacts (traffic, obstructions, dust, noise, etc);
- The development is too large in scale for its location and context;
- The cumulative impacts of this development and Burnside hospital opposite are too great and pose further dangers and risks to vehicles and pedestrians (particularly school children);
- Concerns with the design of the development and interface with Donegal Street;
- Concerns with the scale and massing of the development;
- A lack of soft landscaping;
- Concerns with the number of regulated and significant trees proposed for removal;
- The lack of detail provided around tree protection measures;
- This application only involves a Stage 1 development, with no transparency as to what future stages may involve.

AGENCY REFERRALS

- Commissioner of Highways

The Commissioner of Highways is supportive of the proposal after requesting several amendments and further information from the applicant (see **Attachment 7**).

INTERNAL REFERRALS

- City Arborist - Matthew Cole

Council's City Arborist has reviewed the proposal and has provided advice which is included in **Attachment 8**. This advice does contain an error in that it states that no Council street trees would be affected by the development. One semi-mature crepe myrtle tree would need to be removed on the Donegal Street frontage to facilitate the construction of the proposed basement vehicle access. This tree is not marked on the plans provided.

- Heritage Advisor - David Brown

As the site includes a Local Heritage Place, and the proposed building may have heritage adjacency impacts, the application was referred to Council's Heritage Advisor for comment. He advised that he had no concerns about the heritage impact of the proposal. His advice is contained in **Attachment 8**.

- Consulting Architect - David Brown

Given the proposed building's significant size, the application was also referred to David Brown for comment on its overall architectural merit and contextual design, in his role as a practicing architect rather than a heritage specialist. While initially not supportive of the proposal, the applicant amended the design treatment of the Donegal Street elevations to address his concerns. His comments on the revised proposal are contained in **Attachment 8**.

- Senior Traffic Engineer- Rebecca Van Der Pennen

The application was referred to Council's Senior Traffic Engineer, whose comments (via email) are provided in **Attachment 8**. The Senior Traffic Engineer was also involved in providing preliminary advice to the applicant. The advice is also discussed under the Traffic and Access section of the Planning Assessment below.

- Consulting Civil Engineer - Tonkin

The application was also referred to Council's consulting civil engineer for commentary regarding flooding impacts to the proposed development, and the suitability of the proposed Stormwater Management Plan. She advised that the development's approach to this was generally suitable. Her advice is contained in **Attachment 8**.

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 two-storey building containing consulting rooms, with an undercroft car park, associated signage, amendments to existing car parking and access, partial demolition to the rear of a Local Heritage Place, and removal of nine (9) regulated, two (2) significant trees and one (1) council street tree. It is located in the Community Facilities Zone and Neighbourhood Subzone. Development of this nature is appropriate within the site, locality or in the subject Zone and Subzone for the following reasons.

- The Zone envisages consulting rooms uses and built forms of up to three levels in this location;
- The Subzone only envisages residential development "as an alternative" to community facilities uses (including consulting rooms), thus not requiring the site be used for residential purposes;
- The built form is of a scale, and the use of an intensity, that is generally consistent with the outcomes sought by Zone.

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

PO 1.1 of the Community Facilities Zone states:

"Development is associated with or ancillary to the provision of community, educational, recreational and / or health care services."

PO 1.1 of the Neighbourhood Subzone is identical, though PO 1.2 of the Subzone provides additional guidance:

"Residential land uses at medium densities that provide an alternative to community, educational and health care facilities in the zone."

PO 1.2 above does not state that development within the Subzone should be residential. Rather, it allows residential development, if development consistent with PO 1.1 of the Zone is not desirable. In this case, residential development is not proposed, and assessment should therefore be made against PO 1.1 of both the Zone and Subzone.

The proposed development of consulting rooms allows for the provision of health care services on the site. This is therefore consistent with the Zone's intent.

While the Zone provides guidance on the intensity of shops and offices (DPFs 1.2 and 1.3), it does not provide similar guidance on the intensity of health care facilities. It is considered therefore that the Zone envisages the ability for higher intensities of health care related uses. This is reflected in the fact that the Code Amendment on this site approved this Zone with a TNV of five storeys along the northern side of this site. As a result, the intensity of consulting rooms proposed is considered to be supported by the Zone.

Building Height

The affected portion of the site upon which the building will be constructed has a TNV which envisages building heights of up to three levels. As noted in the description of the proposal above, the building is technically three building levels because the basement car park is not deep enough to avoid being counted as a “building level” for the purposes of the Code, though if it were 270mm deeper then the proposal would be only two levels. Nonetheless, this is within the envisaged height in the Zone.

The lift core has a total height of 12.25m above ground level, with the wall height of the main building being 10m near the Kensington Road frontage. Due to the topography, it is only 9.25m high at the highpoint in the street. While this is therefore quite tall for a building of (essentially) two levels, it is not an unreasonable height, particularly for medical buildings which typically have generous ceiling heights, and is nevertheless consistent with the 12.5m TNV applied to the site.

As a result, the building's height is considered reasonable.

Setbacks, Design & Appearance

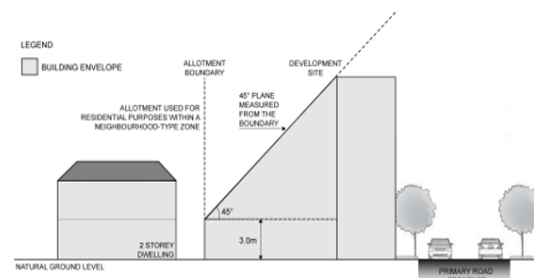
PO 2.2 of the Zone, and its associated DPF, are as follows:

PO 2.2

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

DTS/DPF 2.2

Except in the St Andrews Hospital Precinct Subzone and the part of the WHC and Memorial Hospital Precinct Subzone north of Kermode Street, buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or where this boundary is the street boundary):



The proposed development generally complies with the building envelope outlined in this DPF, other than the rear stairs which protrude into the setback area by a vertical height of 980mm and a horizontal distance of 3.1m. The proposed stairs would be set back 1.275m from the boundary, and are set back between 14.75m-17.8m from the Donegal St boundary. The neighbouring dwelling to the north is built mostly on its southern boundary, but with a “cut-out” section, which includes windows looking over a courtyard. That courtyard is

approximately 12.3-15.8m from the Donegal Street boundary, meaning that there is approximately 1m of the stairs' width adjoining this courtyard. In noting also that the proposed development is on the southern side and overshadowing impacts are therefore limited, the proposed impacts are considered suitably limited that the visual impact on the neighbour to the north is generally acceptable.

The Zone lacks policy regarding the streetscape impact of development, with relevant policy instead to be found in the Subzone. While these policies mostly relate to the design of residential development in the Subzone, PO 2.1 is relevant:

"Buildings designed, sited and of a scale and appearance that complements the character and amenity of adjoining residential areas and buildings of heritage significance."

The initial design (which was the version that was seen on public notification) had a strong emphasis on horizontality in the design, with limited material variation. However, based in part on feedback from Council's consulting architect, the applicant has amended the design such that there is now further articulation and variation in materials (including a series of different types of brick) on the Donegal Street side. This is intended to visually break up the structure into smaller components which are of a scale more akin to a typical dwelling, thus providing a better contextual outcome with reference to the residential streetscape of Donegal Street. The consulting architect is satisfied that this has addressed their concern.

Other relevant policies regarding the building's appearance can be found in the Design in Urban Areas module.

PO 1.1 states:

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

While the building does not significantly visually reinforce the corner at the intersection of Donegal and Kensington, this allows it to better "open up" to the Local Heritage Place on the opposite side, which is a positive outcome.

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."

The building's purpose is clearly conveyed to the primary street, with a clearly commercial style of architecture, and with a significant advertisement space allowing for the building to be clearly identified. With regard to access points, while the pedestrian access from Kensington Road is not entirely clear, it is very clear from the Donegal Street frontage, and the stairs would face Kensington Road, which would improve its visibility. In terms of complementing the streetscape, the present streetscape generally lacks consistency. To the west are a variety of residential structures of varying styles, often with limited visibility behind high fences, while to the east there is again a lack of consistency between residential styles and open playing fields for the school. In such a context, the proposed building will not seem uncomplimentary.

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.”

The proposed plant is located centrally on the roof of the proposed building, minimising its visibility and potential impact on sensitive receivers to the north and west. It is also proposed to be behind a small screen, further limiting this impact.

There is a proposed transformer which is broadly in line with the building but exposed in a garden area. There is the potential for this to be obscured behind landscaping as this is established.

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 bin enclosure is on the eastern side of the building and therefore would not be visible from Donegal Street. It is set substantially back from Kensington Road and would be screened from view consistent with this Performance Outcome.

Heritage

The application would retain the existing Local Heritage Place, with some partial demolition of later additions at its rear. Council’s Heritage Advisor is satisfied that this would not detrimentally impact the heritage values of the place.

Similarly, the proposed driveway has been designed to avoid conflict with the original bluestone fence which forms part of the Local Heritage Place. This would therefore not be damaged in the course of the development.

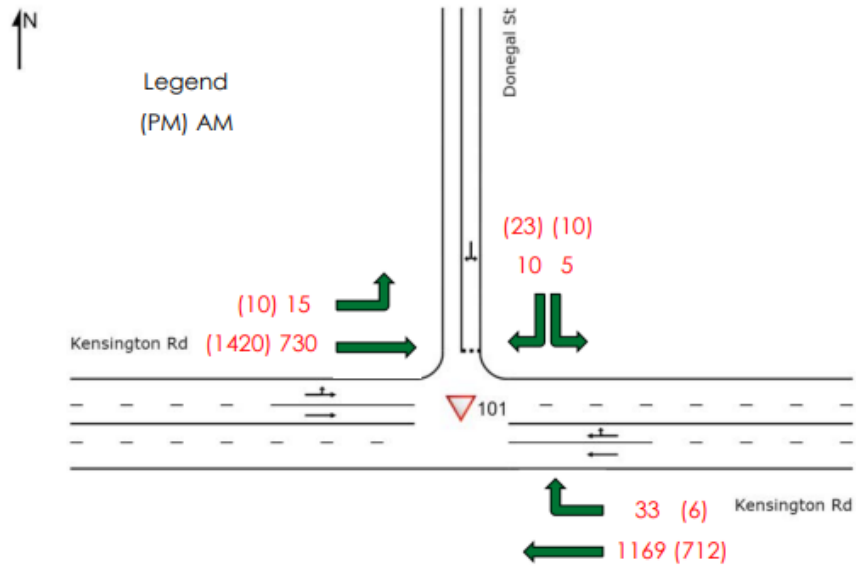
Council’s Heritage Advisor is also satisfied that the proposed new building does not dominate the appearance of the Local Heritage Place. He advised that, “the setbacks are such that the setting is only marginally impacted” and the building’s design is such that the new building will be more of a “background” with the Local Heritage Place in the foreground, which is appropriate.

Traffic Impact and Access

The proposed development would be accessed primarily via Donegal Street. While there would be a new access point from Kensington Road, the proposed basement, where the majority of the proposed parking spaces would be, can only be accessed via Donegal Street. As a result, the majority of vehicle movements will occur along Donegal Street.

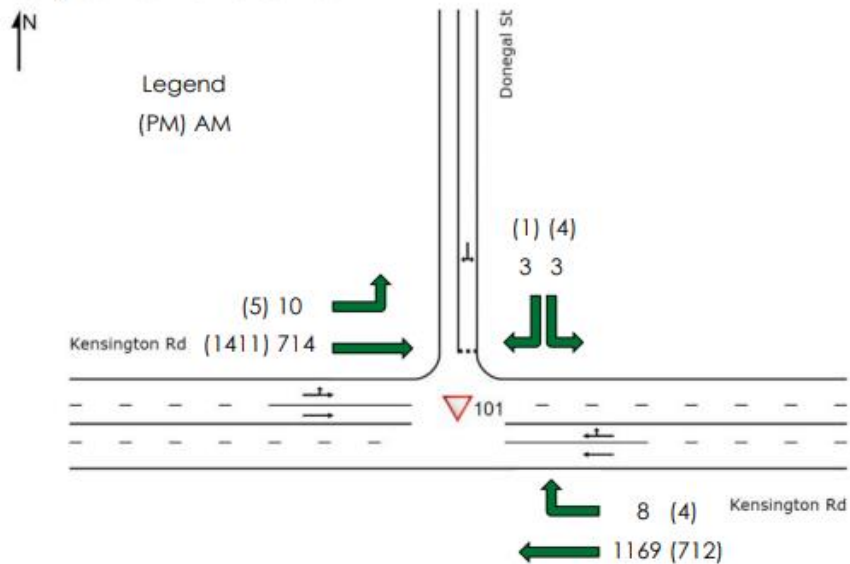
The image below shows the traffic projection provided for the intersection of Donegal Street and Kensington Road as part of the Code Amendment for the site:

Figure 5.1: Predicted Peak Hour Traffic Volumes



The Code Amendment also provided the following diagram showing the existing conditions at this intersection:

Figure 3.4: Existing Peak Hour Traffic Volumes



The image below, taken from the applicant's report from MFY, shows the projected traffic increase from this development application. Note that this application is only the first stage of a broader development that was envisaged in the Code Amendment.

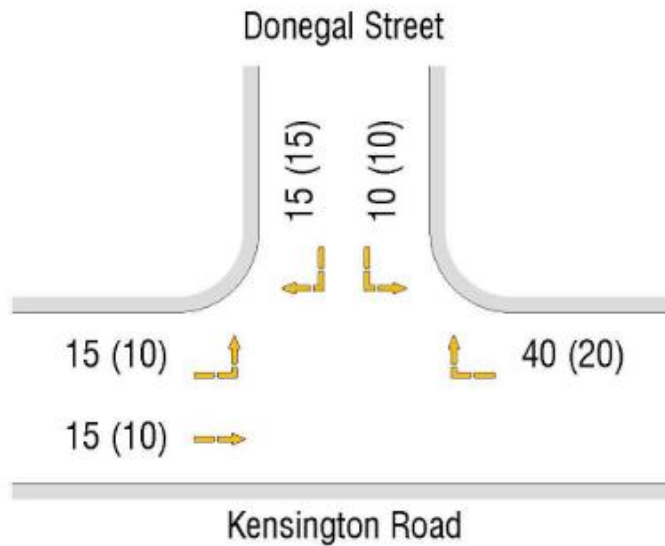


Figure 2: Additional traffic movements at the Kensington Road/Donegal Street intersection

The table below compares these two projections, with the numbers provided representing the total additional vehicle movements through Donegal Street. This suggests that this application would result in significantly more vehicle movements along Donegal Street than were projected for the entire development of the broader site at the time of the Code Amendment.

	Code Amendment	DA	DA % of Code Amendment
AM Peak	39	80	205%
PM Peak	35	55	157%

Council's Senior Traffic Engineer has outlined concerns that the increased traffic volumes along Donegal Street as a result of the development may make the street unsafe in its current configuration. This is because the street has on-street parking along part of its length, which reduces the width to only allow for one vehicle movement at a time. With the higher volume of traffic, there will be increased conflicts along this section of the street. This could be resolved by removing these parking spaces, but this would further exacerbate the lack of on-street parking in the area.

There is no defined standard for when on-street parking spaces would need to be removed in such a scenario. Nonetheless, the applicant has argued that the removal of these spaces is not necessary, suggesting that the available width is still more than what would be available on a typical residential street. Their analysis included the following statement:

"The length of road which would be single lane (should all on-street parking spaces be occupied) would be approximately 30 m. The utilisation ratio of the single width carriageway would be 0.175. Accordingly, based on a random arrival of these vehicles, there would be a 95% probability that either 0 or 1 vehicles will be waiting to traverse the single carriageway. Further, based on a travel speed of 20 km/h, a vehicle would take between 5 and 6 seconds to navigate the single lane section of road. Accordingly, there would be (on average)

in the order of 25 seconds between vehicle movements and significant spare capacity to readily cater for the additional volumes even if the parking creates a single lane width carriageway for 30 m."

Nonetheless, it cannot categorically be stated that these parking spaces can be retained, nor that they must be removed. This would need to be managed by a separate Council process after the development was operational, based on the actual impact. It is therefore important to note that this assessment considers the impact of the development with those on-street spaces being retained.

The application was referred to the Commissioner of Highways, who requested some amendments to the application and additional information, but have advised that they have no objection to the application in its current form. Nonetheless, they have directed that a condition be applied to prohibit right-turn movements into the site from Kensington Road, during peak traffic periods. This does not prohibit right-turn movements from Kensington Road into Donegal Street, only the proposed site access point from Kensington Road.

The proposed development would include the closure of the existing access point close to the intersection between Kensington Road and Portrush Road. This access point is closer to the intersection than would be permitted under present standards, and its replacement with the new access point would have a positive impact on road safety.

Notwithstanding the above, the policy provided by the Code must be considered.

PO 1.2 of the Transport, Access and Parking module states:

"Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers."

While visitors to the site will mainly access the premises from Donegal Street, these will generally be by passenger vehicles. Commercial vehicles will typically access the site via the access point on Kensington Road. The waste truck is the only vehicle larger than a van which is expected to regularly access the site, and this would collect waste from the enclosure on the internal site access from Kensington Road. As a result, while the development's commercial nature does not discourage vehicle movements through residential streets, the design does discourage commercial vehicles from using Donegal Street.

PO 1.4 of the Transport, Access and Parking module states:

"Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths."

While there would be some queueing onto and off of Kensington Road, the Commissioner of Highways has advised that the extent of such queueing is considered acceptable to them. Further analysis on the extent of queueing is provided in the applicant's traffic report.

PO 2.1 of the Transport, Access and Parking module states:

"Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians."

This reflects similar issues to PO 2.2 of the Transport, Access and Parking module, which states:

"Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians."

The applicant has provided diagrams demonstrating compliant sightlines in accordance with AS/NZS2890.1:2004. The Commissioner of Highways has also imposed a condition requiring sightlines to be provided in accordance with this Standard.

PO 3.1 of the Transport, Access and Parking module states:

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

This policy is expressed in fairly general terms which can be challenging to interpret. The associated DPF refers to the location of access points away from intersections, which the development complies with. Nonetheless, the development would clearly have some impact on, and would to some degree interrupt, the operation of public roads, particularly Donegal Street.

Nonetheless, the policy only seeks for such an impact to be “minimised”, not eliminated, such that some impact would be acceptable. Whether the extent of the impact proposed in this application is within such tolerances is a subjective matter. Nonetheless, considering the justification provided by the applicant, it is considered that this impact is acceptable.

PO 3.2 of the Transport, Access and Parking module states:

“Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic”

This reflects similar issues to PO 7.1, which states:

“Undercroft and below ground garaging of vehicles is designed to enable safe entry and exit from the site without compromising pedestrian or cyclist safety or causing conflict with other vehicles”

The section drawings provided show the ramp clearly flattening towards the exit point, which provides sufficient space to enable appropriate visibility to manage potential conflicts. Swept path diagrams provided by the applicant also demonstrate that simultaneous movements at the bottom of the ramp are possible for B99 vehicles.

PO 3.3 of the Transport, Access and Parking module states:

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

While the access points are designed to accommodate the expected traffic, whether their siting is appropriate is less clear. Their siting on Donegal Street, rather than one of the two available arterial roads is not considered to be the best option to accommodate the anticipated traffic volumes, and Council’s traffic engineers do not support this outcome for this reason.

PO 3.4 of the Transport, Access and Parking module states:

“Access points are sited and designed to minimise any adverse impacts on neighbouring properties.”

Similarly, the siting of key access points on Donegal Street does potentially create impacts for neighbouring properties due to the increased traffic volumes. However, this policy again seeks only to minimise such impacts, not to eliminate them.

PO 3.5 of the Transport, Access and Parking module states:

“Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.”

The only verge infrastructure affected by the proposed development would be one street tree, which would need to be removed to facilitate the proposed basement access. This will be discussed further below under the street tree removal section. There is an existing stobie pole on Kensington Road which will remain in-situ, sited in the pedestrian ‘island’ that will be located between the two crossovers proposed on Kensington Road. There will be sufficient separation between the stobie pole and the crossovers such that sightlines are not expected to be adversely impacted.

PO 3.8 of the Transport, Access and Parking module states:

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

The applicant has demonstrated through the use of swept-path turning diagrams that the proposed manoeuvring areas are of sufficient dimension to accommodate appropriate passenger vehicle movements which are expected. The site access from Kensington Road can also accommodate a 10.2m waste collection vehicle which can enter and exit the site in a forward direction (as required by condition from the Commissioner of Highways).

PO 3.9 of the Transport, Access and Parking module states:

“Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.”

This has some commonality with PO 6.1 which states:

“Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.”

The proposal has been designed in such a manner that a vehicle cannot move from the ground floor parking area to the basement car park (or vice versa) without travelling on Donegal Street. Nonetheless, the applicant has noted the following:

“The proposal has been designed to provide for circulation to a future Stage 2 development at both the upper and lower ground level. The connectivity provided using the right-of-way also provides for circulation and minimises the need for drivers to use the public road network (as does the allocation of staff spaces).”

PO 4.1 of the Transport, Access and Parking module states:

“Development is sited and designed to provide safe, dignified and convenient access for people with a disability”

Two spaces which comply with the requirements of the Disability Discrimination Act are shown on the plans provided; one in the ground floor carpark and another in the basement carpark. The basement space is

immediately adjoining the lift, while the ground floor space is immediately adjoining the walkway to the lobby.

This allows people with mobility issues to access the building in the same manner as anyone else, which is consistent with typical standards of appropriate safety, convenience and dignity.

PO 6.2 of the Transport, Access and Parking module states:

“Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.”

The volume of traffic along Donegal Street may have some impact on sensitive receivers along the street, but this policy more seeks for these impacts to be managed by design features, rather than avoided. The difference in levels, and proposed walls to the car parking areas, as well as landscaping, will have some effect in mitigating these impacts.

PO 6.3 of the Transport, Access and Parking module states:

“Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.”

As noted above, the applicant has stated that the car park has been designed to allow for future integration with later stages of the development for a shared parking area and access points. As those future stages are not included as part of this application, there is no certainty around this, but nonetheless the proposed parking area does allow for shared use benefits across the various tenancies which are included as part of this application.

PO 6.4 of the Transport, Access and Parking module states:

“Pedestrian linkages between parking areas and the development are provided and are safe and convenient.”

The basement car park has a clear lift and stairs area in the centre which connects to the lobby areas above. The main entrance at the ground floor level is connect to the ground floor car park by a walkway which links to the bollard space of the DDA compliant parking space.

Access to the Local Heritage Place is clear from the five spaces that are adjoining that building.

PO 6.5 of the Transport, Access and Parking module states:

“Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users”

With the majority of the parking areas being undercover, the placement of lighting within these areas should be straightforward and is considered to be a matter for the applicant to resolve during detailed design (noting that such lighting would not ordinarily require development approval).

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”

The plans show provision for 12 bicycle parking spaces (six at ground level and six in the basement). Table 3 of the Transport, Access and Parking module prescribes a rate of, “1 space per 20 employees plus 1 space per 20 consulting rooms for customers.” As the number of employees is not known, this rate is difficult to calculate. With a predicted 32 consulting rooms provided, this rate would suggest that 1.6 spaces for visitors should be provided. To work backwards from the number of bicycle spaces to consider a potential number of staff, this would allow for 208 staff at that rate. It is considered that this is ample provision given the scale of the development.

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.”

Both storage places are within the active car parking areas, which should provide appropriate passive surveillance and will make lighting straightforward.

PO 9.3 of the Transport, Access and Parking module states:

“Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.”

No such facilities are shown on the plans provided and so this PO is not considered to be met.

PO 10.1 of the Transport, Access and Parking module states:

“Development is located and designed to ensure drivers can safely turn into and out of public road junctions.”

The DPF associated with this PO relates to maintaining a clear corner cut-off area of 4.5m x 4.5m to preserve appropriate sightlines. The proposed development is adequately separated from the intersection to provide the necessary sightline distance.

Overall, there are some issues with the traffic and access arrangements for the proposed development. However, the applicable Code policies provide relatively little clarity in the standard that should be expected of a development such as this. Many speak to “minimising” impacts, rather than avoiding or eliminating them, such that if the development is generally anticipated in the Zone, it could be considered that the traffic issues of themselves would not be sufficient to justify refusing the development.

Vehicle Parking

PO 3.6 of the Transport, Access and Parking module states:

“Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).”

One on-street space would need to be removed for the proposed access point on Donegal Street, and there is some potential for further removals to be necessary to facilitate the increase in traffic volumes. With approximately 30m of parking space potentially requiring removal, this could equate to up to five spaces, for six fewer on-street spaces in total. However, it cannot be confirmed at this stage whether those five spaces

would need to be removed, as this would be subject to a separate assessment process of actual outcomes once the development is operational.

Regardless, the PO above only relates to the number of access points, with an aim to optimise on-street parking; it does not seek to maximise on-street parking itself.

Regarding on-site parking, the relevant policy is PO 5.1 of the Transport, Access and Parking module:

“Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) availability of on-street car parking*
- (b) shared use of other parking areas*
- (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- (d) the adaptive reuse of a State or Local Heritage Place*
- (e) proximity to high frequency public transport*

Note: In circumstances where a land use is not defined in Table 2 - Off Street Vehicle Parking Requirements in Designated Areas or Table 1 General Off-Street Car Parking Requirements (as applicable), an appropriate car parking rate may be defined by reference to similar development in comparable locations.”

The associated DPF refers to Table 1 of the module, as the site is not within a “designated area”, as the designated area rates do not apply to the Community Facilities Zone. To this end, the relevant rate is four (4) parking spaces per consulting room.

While the plans do not specify a layout for every tenancy, the applicant’s car parking assessment suggests a number of consulting rooms for each tenancy apart from the “Straight Smile Centre”. That number of rooms is based on a rate of one consulting room per 60m² of gross leasable floor area, as used in the *Transport for NSW Guide to Transport Impact Assessment*. The “Straight Smile Centre” does have a layout shown on the plans provided. As a result, it can be determined that there may be a total of 32 consulting rooms across the site, as follows:

- Four (4) consulting rooms in the Local Heritage Place;
- Five (5) consulting rooms* in the Straight Smile Centre;
 - Two (2) in separate rooms, plus three (3) in the open treatment room;
- 11 for Jones Radiology; and,
- 12 for the as yet undetermined tenancy.

* The applicant has contended that an individual bed in the open treatment room should not be considered to constitute a consulting room as, “the consultant may initially meet a patient in the separate consulting room and then treat them in the open treatment room (meaning the consultant and patient are in one or the other location and both are not utilised at any one time).” As a result, while this open treatment room is not reflective of three consulting rooms, it is not clear how it should be factored into this assessment for the purposes of considering Table 1. This is part of the applicant’s rationale for their assessment.

As a result of this, a theoretical car parking demand of 128 spaces could be considered.

The plans provided show a total of 63 parking spaces being provided:

- 22 at ground level;
- 36 in the proposed basement (inclusive of three (3) small car spaces); and

- Five (5) in front of the Local Heritage Place.

This would suggest a theoretical shortfall of 65 spaces, or 50.7%. The parking assessment provided by the applicant cites 79 spaces being provided on-site, meaning that 16 spaces are not shown on the plans. It is possible that some spaces would be provided on the site of 319 Portrush Road, which is part of the overall development site, but would be the subject of later stages of the development. Irrespective, these additional 16 spaces are not shown on the plans in **Attachment 1** and therefore cannot be considered in this assessment.

Regardless, the applicant has suggested that the rate in the Code is not reflective of the true demand for car parking for such facilities.

A survey of the existing demand from the site, which includes the Straight Smile Centre, suggests that demand from the Straight Smile Centre would be no more than 19 spaces. Other existing uses would no longer operate on the site, so this would reduce even further; though by how much is not entirely clear. The applicant has advised that there were seven consulting rooms on the site at the time, (i.e. an effective rate of 2.7 spaces per consulting room), so if the five (5) consulting room figure for the Straight Smile Centre were reflective of its operations, then that would suggest a demand for 13.5 spaces. Conservatively assuming the total demand of 19 spaces for this use is not dissimilar from the 20 spaces suggested by Table 1.

For the rate for the general consulting rooms within the Local Heritage Place and the unspecified tenancy, the applicant has suggested that these typically only have an occupancy rate of 70% for each room. This is based on data collected at Burnside Hospital Stepney (formerly known as Sportsmed), which suggests an occupancy rate for each consulting room of generally less than 70%, as consultants typically share their time between consulting rooms on different premises and at hospitals. While it cannot be guaranteed that such an occupancy rate will be the case in this development, this does reflect typical practice among medical practitioners. As a result, a rate of 70% of the 4 spaces per room (i.e. 2.8 spaces per consulting room) is suggested by the applicant. This would result in demand for 11.2 spaces from the Local Heritage Place, and a demand for 33.6 spaces from the undetermined tenancy in the new building.

If the rationale for these tenancies is accepted, that would mean demand for 63.8 spaces, generally equivalent to the number of spaces shown on the plans, before the radiology practice is considered.

With regard to the radiology clinic, the applicant suggests a rate of only two spaces per consulting room would be more appropriate, and then a discount for the shared use of the parking areas should be applied of 50%, meaning an effective rate of one space per consulting room. This is on the basis of surveys of similar clinics, which suggest that because all machines will not be in use at any given time, many of the rooms will be unoccupied, and therefore not generating parking demand. The applicant also suggested that many of the patients will be visiting another medical professional within the precinct (particularly when the latter stages of the development are complete), thus creating shared use benefits. The applicant has clarified that the surveys suggesting the rate of two spaces per consulting room were conducted at standalone radiology facilities, and therefore do not already factor in the reduction in demand from co-location benefits. The applicant has provided copies of the surveys of the standalone radiology facilities to substantiate this rate.

If this rationale is accepted, then a practical demand would be more akin to 75 spaces, compared to the 63 provided on the plans. Thereby resulting in a shortfall of 12 spaces.

This rationale is generally logical, though it does rely on a series of assumptions, even though these assumptions are supported by evidence. Based on the empirical data provided by the applicant, the parking rate specified by the Code could be considered to be conservative in this case and some discount therefore

may be justified.. It should also be noted that the site is located along a high-frequency public transport corridor, which may allow for some staff to use public transport, and the site does have some active transport connectivity through Donegal Street to William Street. The Code also anticipates allowing a reduced rate where the development involves the adaptive reuse of a heritage place. The proposal does involve the retention of the heritage place, which would continue with its existing use. While not necessarily strictly adaptive reuse, the proposed development will contribute to the overall viability of the heritage place.

Tree Damaging Activity

The applicant has provided a report from Arborman which describes the various trees on the site and their legislative status, and expected development impacts. This identifies nine (9) regulated and three (3) significant trees which would require removal to facilitate the development in its current form.

Many of these trees are palm trees, which were commonly planted in association with large, historic residences such as the Local Heritage Place on the site. While there is some argument that palm trees may be taxonomically considered to be a grass, section 3(2) of the *Planning, Development and Infrastructure Act*, clarifies that, “any plant that is commonly known as a palm will be taken to be a tree”. Many of the palms are very tall, indicating a substantial age. While palm trees typically have a lower amenity value than other kinds of trees due in part to their limited canopy spread and limited biodiversity value, some palm trees may still meet the retention criteria as outlined in Performance Outcomes 1.1 and 1.2 of the Regulated and Significant Trees Overlay.

PO 1.1 of the Overlay states that for a regulated tree to meet the threshold for retention on the grounds of its appearance, it must, “make an important visual contribution to local character and amenity”. For a significant tree under PO 1.2, the test is whether the tree “make[s] an important contribution to the character or amenity of the local area ... and/or form[s] a notable visual element to the landscape of the local area.”

Following a site inspection, the following trees noted for removal in the Arborman report were considered to meet the criteria for retention:

- S3;
- R6;
- R14;
- R15;
- R16; and,
- R17.

Each of these trees are tall palm trees, which are considered to provide an important contribution to local character and amenity due to their height, the prominence of their locations, and/or the connection to the Local Heritage Place.

All other trees sought for removal and not listed above are not considered to meet the retention criteria in POs 1.1 or 1.2 of the Overlay and hence their removal is considered to be justified.

PO 1.4 of the Regulated and Significant Tree Overlay states:

“A tree-damaging activity in connection with other development satisfies all the following:

- (a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible*
- (b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.”*

Tree R6 does clearly conflict with the proposed driveway location, and as this tree is only regulated, rather than significant, redesigning the proposed driveway would not be an appropriate requirement.

Tree S3 is at the edge of the proposed driveway, however the applicant had stated that its removal would be necessary due to a proposed stormwater pipe. The applicant has stated that, *"The proposed stormwater pipe and the other encroachments are likely to cause this tree to decline and/or fail, and therefore it is proposed to be removed"*.

Given that this tree is significant, an exploration of reasonable alternatives should be undertaken before the tree can be approved for removal. The applicant has not demonstrated that there are no alternative locations for this stormwater pipe, or the driveway (e.g. constructing this from a permeable surface). As a result, this tree's removal is not supported. To this end, and after further discussion with the applicant on this matter, the application no longer seeks its removal as part of this application, and the tree would be retained through the development. A Reserved Matter is recommended to allow for updated plans to be provided to reflect the retention of this tree.

The applicant has advised that trees R14-17 would also need to be removed due to the location of a proposed stormwater pipe. However, they have added:

"Further, we note your comment regarding 'SRZ/NRZ calculations do not generally reflect true root behaviour' for palms. Arborists have advised that this was considered when determining the impact on the trees. The loss of root mass and the proximity and depth of the required excavation for the undercroft carpark will impact soil cohesion and is likely to lead to the trees being destabilised regardless of the impact on their health."

As these trees are regulated, rather than significant, an exploration of development alternatives is not necessary under PO 1.4 above. Furthermore, the locations would appear to conflict with the building entry point on Donegal Street, which may also create challenges. While it may be feasible to relocate these trees within the site, there is no relevant Code policy which could require this to occur. Accordingly, their removal is justified in the circumstances.

It is noted that tree S21, a significant Jacaranda tree, is proposed to be retained. Given its prominent position at the corner of Kensington Road and Donegal Street, this will have a significant, positive impact on amenity.

Regarding this and other trees to be retained, the City Arborist agrees with Arborists that retention of these trees is expected to be feasible provided that a detailed, site-specific Tree Protection Specification be completed. A Reserved Matter is recommended to this effect.

Street Tree Removal

While not marked on any plans, the proposed basement vehicle access would conflict with a Council street tree. This tree is a semi-mature *Lagerstroemia indica x fauriei* 'Natchez' or white flowering crepe myrtle, which is establishing well in its growing environment. There are no arboricultural concerns with the tree. It has a moderate degree of amenity value, but it is not a regulated tree.

In accordance with Council's Tree Strategy, Council would only permit the removal of the tree if the tree is *"preventing the development of land (eg by impeding access) and reasonable alternative development design options that would obviate the need to remove the tree have been considered"*.

To reconfigure the access arrangement to avoid the need for the tree's removal, there would be two options. The first would be to move the access point further south along Donegal Street. This would likely require

switching the basement and ground floor car park positions, which would interrupt the clear pedestrian access between the ground floor car park and the building entry, or any closer to Kensington Road would disrupt the active frontage of the building, and impact the floor space of the building. The other alternative would be to “flip” the access point so that the basement is accessed via the internal driveway. This would require reconfiguring the emergency egress stairs at the rear to allow for the parking spaces to be moved; but the vehicle manoeuvring would be very challenging and would likely require further reconfiguration to enable this to work.

Considering the compromises which would be necessary and comparing these against the relatively limited amenity value of the tree, it is considered that the design alternatives that would facilitate the tree’s retention are not “reasonable”. Therefore, the removal of the tree is considered acceptable. It is also worth noting that the relevant Council officer with delegation to permit the removal of a street tree in association with development has expressed their support for the tree’s removal if the development is approved.

Environmental Factors

Landscaping

Two key policies are relevant to the landscaping proposed as part of the development. PO 4.1 of the Subzone states:

“Development incorporates substantial landscaping of streetscapes and unbuilt spaces.”

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.”*

The provided landscaping plan shows a variety of groundcovers, shrubs and trees. The proposed groundcovers are native, as is one of the two proposed shrubs, but both of the proposed tree species are introduced.

While most of the proposed trees are unlikely to grow to their full size due to constrained planting locations, the plan does prominently include the retention of the existing jacaranda tree at the corner of the site nearest the intersection of Kensington Road and Donegal Street, as well as the aforementioned significant palm tree, both of which will contribute significantly to amenity.

Given the lack of clarity in the policies provided by the Code, while the landscaping provided is limited, it is not considered fatal to the application.

Crime Prevention

PO 2.1 and 2.4 of the Design in Urban Areas module relate to passive surveillance. This is provided within the development through the use of substantial glazing on both the upper and lower levels on both street frontages. The active frontage to both streets, with the car parking being below and at the rear rather than facing the street, is also positive.

PO 2.3 seeks that:

“Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.”

While the pedestrian access from the Kensington Road frontage is limited due to the need to walk along Donegal Street, this is nonetheless considered suitable, given the clear sightlines and lighting available. Clear and direct access is available from both Donegal Street and the car parking areas.

Noise Emissions

The applicant has provided an acoustic report from Sonus which considers the noise generated by the plant equipment and by vehicle movements. The plant used for the assessment was indicative only as the plant has not been selected at this time, though it would generally accord with that used for similar developments. Vehicle movements considered equated to 116 vehicles per hour, which exceeds the projected 100 vehicles in the AM peak which was the projected maximum in the traffic report. These assumptions are therefore considered to be suitably conservative.

The report was based on daytime criteria only, which is considered appropriate based on the expected hours of operation of the development. To accord with this, a condition limiting the hours of operation to 7am-10pm, in line with the “daytime” period, is recommended. The assessment did not apply a penalty for “annoying noise”, with the rationale explained in the report. In the circumstances, this rationale would be suitably logical.

The assessment outlines three relevant recommendations to achieve the policy goal outlined in the *Environment Protection (Commercial and Industrial Noise) Policy* as cited in Interface Between Land Uses module DPF 4.1. The Sonus report makes recommendations regarding the construction of the rooftop plant enclosure, which is considered necessary to achieve the relevant *Noise Policy* criteria, and a condition has been recommended to reflect these requirements.

Waste Management

The applicant has not provided a Waste Management Plan, but a bin enclosure is shown on the plans, and the applicant has stated that waste collection would be done by a private contractor using the access point on Kensington Road. As the collection would be by a private contractor, if the waste enclosure is smaller in capacity than needed, the collection frequency can be increased. There is also space to expand the size of the enclosure if needed.

The area is screened in view in accordance with Design in Urban Areas PO 11.2, and the traffic report outlines that a waste vehicle would be able to enter and exit the site in a forward direction in accordance with PO 11.4.

Environmental Performance

Performance Outcomes 4.1, 4.2 and 4.3 of the Design in Urban Areas module relate to the environmental performance of a development. These respectively state:

“Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.”

“Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.”

“Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.”

In considering these policies, the applicant has advised that the development would incorporate the following:

- *“Solar PV cells reducing carbon emissions and providing reduced reliance on power infrastructure. Such will be submitted via a separate development application following Planning Consent once detailed design is complete;*
- *LED lights with movement sensor control and efficient light control;*
- *Air-cooled heat pump type air conditioning systems for cooling/heating utilising variable speed compressors, providing efficient heating and cooling while reducing energy demand;*
- *Instantaneous electric hot water units in lieu of gas fired systems supporting an all-electric, lower emissions building approach;*
- *High-performance building envelope, including well-insulated walls and roof assemblies and thermally efficient glazing systems. Glazing extents are optimised to balance daylight access with minimised heat gain and loss. Passive means of reducing overall energy consumption and carbon footprint in conjunction with associated reductions in running costs; and*
- *Inset windows to provide appropriate shading.”*

The development will also need to satisfy Section J of the National Construction Code in order to achieve Building Consent, which includes a clearer assessment of the building's energy efficiency.

The development therefore does provide a number of measure to ensure that its environmental performance is satisfactory. While further climate responsive design features could be included, the PO's above do not expect development to be perfect, rather they expect that some features are included, which is indeed the case. As a result, this element of the development is considered to comply with these policies.

Flooding and Stormwater

The application was referred to Council's consulting engineer who advised that the building FFL and the proposed Stormwater Management Plan were suitable. She also confirmed that the basement entrance would not be flood affected in a 1% event based on the available modelling, as the access point is sited away from the flooded portion of the site.

Nonetheless, it was noted that there could be some potential for water ingress to the basement from its southern end as the wall of the car park was not solid (in order to allow ventilation). In response, the applicant advised that:

“At the southern end of the site near the intersection with Donegal, there is an egress door that exits the Basement. Discussions with Cheesman Architects reveals that the step configuration needs to project outside the building line in order to achieve a minimum height of pavement/top of step of P71.70. This provides 260mm above water table level and min 160mm above the 100 year flood depth which appears to be 100mm in this location”.

This therefore provides less than the standard 300mm of freeboard which would be typical to protect development from flooding. A Reserved Matter would therefore be recommended to amend this to ensure that the 300mm freeboard can be provided before any open (or non-waterproof) material is used.

It is noted that the Hazards (Flooding- General) Overlay includes the following policy at PO 1.1:

“Buildings housing vulnerable people, community services facilities, key infrastructure and emergency services are sited away from flood areas enable uninterrupted operation of services and reduce likelihood of entrapment.”

As the proposed land use does not include the overnight care of any patients, and does not include emergency acute care, such considerations are considered not to be critical, particularly given the depth of the flooding (less than 400mm within the road reserve, shallower on-site), such that this hazard is not considered to warrant refusal of the development.

PO 3.1 of the Hazards (Flooding- General) Overlay states:

“Buildings and structures used either partly or wholly to contain or store hazardous materials are designed to prevent spills or leaks leaving the confines of the building during a 1% AEP flood event to avoid potential environmental harm.”

The applicant has advised that no such hazardous materials would be stored on-site, despite the radiological imaging service proposed.

Overlooking and Visual Privacy

The applicant has clarified that the windows along the northern elevation of the building would have a sill height of 1.8m. This is well above the standard 1.5m sill height which is expected to provide suitable privacy as per Design in Urban Areas DPF 10.1 (though that policy is not technically relevant to this application).

One representor on the opposite side of Donegal Street did express concern about overlooking from the development. While this is noted, it is noted considered to be relevant to the assessment, as the development is separated by a public road, and any views would therefore be reasonable.

As a result, the development is not considered to unreasonably impact the privacy of neighbouring residents.

Signage

Considering the nature of the Zone, substantial advertisements would generally be expected, particularly facing arterial roads. PO 3.1 of the Zone only provides guidance relating to freestanding advertisements, while the proposed advertisement would be attached to the building. There is nonetheless only one (1) proposed advertising location, therefore being suitably consolidated and limited in its proliferation, consistent with PO's 2.1-2.3 of the Advertisements module. In general, while the advertisement is large, it is compatible with the streetscape given its siting on Kensington Road, and it would not disfigure the locality. It is therefore considered to be consistent with the policies of the Advertisements module.

CONCLUSION

While the proposed development does accord with the land use intent of the Zone, and the built form proposed is broadly appropriate, there are serious issues with the development with respect to traffic and parking. The proposed tree removals (noting that Tree S3 would now be retained), while not ideal, can be justified under PO 1.4 of the Regulated and Significant Trees Overlay.

The increase in traffic volumes along Donegal Street are significant, and could lead to conflicts based on the presence of the existing parking spaces along the eastern side of the street. This may therefore require that these spaces are removed in future to ensure continued traffic safety along the street. While this situation is not ideal, there is limited Code policy to suggest that such an outcome is unacceptable.

While the number of car parking spaces provided is significantly less than the number expected by Table 1 of the Transport, Access and Parking module, the operational realities of the site may justify a reduced rate.

Nonetheless, the land use and built form are consistent with what would be expected in the Zone and Subzone. Given the lack of clear policy direction to reflect the concerns regarding traffic, and the rationale to justify a lower car parking rate, the application is considered to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 26009103, by Leyton Property is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

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

Reserved Matter 1

Amended Site Plans and Stormwater Management Plans shall be provided to reflect the retention of the tree identified as Tree S3 (a significant *Washingtonia robusta*) in the report prepared by Arborman, dated 21 May 2026.

Reserved Matter 2

The basement car park is at risk of water ingress in a 1% AEP event based on the current material choice on the southern elevation. Accordingly, amended plans shall be provided, to the reasonable satisfaction of the Assessment Manager, which provide a water-resistant material up to a height of no less than 72.30RL for the southern elevation of the basement carpark wall.

Reserved Matter 3

A detailed and site-specific Tree Protection Specification shall be prepared, to the reasonable satisfaction of the Assessment Manager, which demonstrates appropriate tree protection measures for each tree to be retained as outlined in the report provided by Arborman dated 21 May 2026. This shall also include measures to protect 'Tree S3'.

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

Prior to construction works associated with the approved development commencing, payment must be made to the Council in the amount of \$890.00, for the cost of removing the street tree by Council, necessary to enable vehicular access to the proposed development. Upon the issuing of full Development Approval and payment of the said amount, and prior to construction work commencing, please contact the Council's Planning Dept. to arrange for removal of the tree.

Condition 3

Either:

- (a) Replacement trees must be planted within 12 months of completion of the development at the following rates:
 - (i) if the development relates to a regulated tree—2 trees to replace a regulated tree; or
 - (ii) if the development relates to a significant tree—3 trees to replace a significant tree;

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

- (b) Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the issue of development approval.

Condition 4

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

Condition 5

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

Stormwater collection, detention and discharge shall be undertaken in accordance with the Stormwater Management Plan prepared by CPR Engineers (Project Number 250403, Rev B, dated 24 April 2026).

Condition 6

All existing vehicular crossovers on Donegal Street that will be made redundant by this development (whether in whole or in part) shall be reinstated to kerb and gutter (to the extent that they are made redundant) so as to match the existing adjacent kerb and gutter profile, within one (1) week of occupation of the development to the reasonable satisfaction of the Council. All associated costs shall be borne by the owner / applicant.

Condition 7

The carparking area(s) associated with this proposal shall be developed in accordance with the following requirements:

- (a) All carparking spaces, driveways and associated manoeuvring areas shall be sealed in bitumen, concrete or brick pavers prior to occupation of the proposed development;
- (b) The proposed car parking layout and access areas are to conform with the Australian Standards 2890.1 for Off-Street Parking Facilities;
- (c) That all parking areas be marked, to delineate the parking spaces, prior to the occupation of the proposed development in accordance with the relevant Australian Standard AS 1742; and
- (d) Wheel stopping devices constructed as per Australian Standard AS 2890.1.

Condition 8

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 9

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 10

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 11

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

Condition 12

The hours of operation of the premises shall be restricted to 7am-10pm, 7 days per week.

Note: this condition does not apply to the existing consulting room practice being retained within the two-storey Local Heritage Place.

Condition 13

The upper floor windows to the northern elevation shall maintain sill heights of 1800mm above floor level in accordance with the herein approved "Elevations 3 – North" (prepared by Cheesman Architects, Drawing No. 23200_SK-032, Revision W, dated Sept 2026).

Condition 14

The following noise mitigation measures recommended by Sonus (Norwood Health Hub – Stage 1 and 1a – Environmental Noise Assessment, S8880C3, dated April 2026, page 8) must be implemented to the reasonable satisfaction of the Assessment Manager:

1. Construction of a solid barrier around the rooftop plant area to the extent shown in Figure 2 of the Report, to a height at least as tall as the tallest item of plant or equipment to be installed within the plant area; and
2. The barrier shall be constructed from minimum 0.42 mm *base metal thickness* (BMT) profiled sheet steel (i.e. Colorbond or similar) or an alternative material with an equal or higher surface density (in kg/m²), and should be sealed airtight as far as is practicable at all junctions, including to the building (small gaps between the bottom of the barrier and roof sheeting are permitted for rain water runoff).

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require

the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

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

Ms Du addressed the Council Assessment Panel from 7:50pm until 7:54pm

Ms Chard addressed the Council Assessment Panel from 7:56pm until 8:02pm

Ms Menzies addressed the Council Assessment Panel from 8:05pm until 8:08pm

Mr Duncan addressed the Council Assessment Panel from 8:09pm until 8:13pm

Ms Mellen addressed the Council Assessment Panel from 8:13pm until 8:16pm

Mr Petrou addressed the Council Assessment Panel from 8:20pm until 8:22pm

Moved by Cr Wilkinson

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.*

Seconded by Mr Mickan

CARRIED

Moved by Mr Rutt

2. *Development Application Number 26009103, by Leyton Property is refused Planning Consent subject to the following reasons:-*
 - *The application does not accord with Performance Outcome 5.1 of the Transport, Access and Parking module, as the on-site parking provided for the development is insufficient to meet the needs of the development.*
 - *The proposed development fails to satisfy Performance Outcomes 3.1 and 3.4 of the Transport Access and Parking module in that access from Donegal Street is not considered to minimise*

impact or interruption on the operation of public roads, or any adverse impact on neighbouring properties.

- The proposed development fails to satisfy Performance Outcome 1.4 of the Regulated and Significant Tree Overlay in that the removal of trees R14, R15, R16, R17, R18, S19 and R20 is not considered justified because the development might be otherwise possible without removing these trees.*
- The proposed development fails to satisfy Performance Outcome 4.1 of the Neighbourhood Subzone and Performance Outcome 3.1 of the Design in Urban Areas Module as the proposed landscaping is insufficiently substantial, and does not sufficiently enhance the appearance of the land and streetscape.*

ADVISORY NOTES:

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.

Seconded by Mr Mickan

CARRIED

**5.3 DEVELOPMENT NUMBER ID 26023313 - BRIAN EMMETT AND TOM EMMETT
- 11 COLLEGE RD KENT TOWN SA 5067**

DEVELOPMENT NO.:	26023313
APPLICANT:	Brian Emmett and Tom Emmett
ADDRESS:	11 COLLEGE RD KENT TOWN SA 5067
NATURE OF DEVELOPMENT:	Change of use to an indoor recreation facility (in the form of a wellness and recovery facility) and associated advertising and building alterations
ZONING INFORMATION:	Zones: • Urban Corridor (Main Street) Overlays: • Airport Building Heights (Regulated) • Affordable Housing • Design • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development Technical Numeric Variations (TNVs): • Maximum Building Height (Metres) (Maximum building height is 18.5m) • Minimum Building Height (Levels) (Minimum building height is 3 levels) • Maximum Building Height (Levels) (Maximum building height is 5 levels) • Minimum Primary Street Setback (Minimum primary street setback is 2m) • Interface Height (Development should be constructed within a building envelope provided by a 30 degree plane, measured 3m above natural ground at the boundary of an allotment)
LODGEMENT DATE:	15 July 2026
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.12 2/07/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes

RECOMMENDING OFFICER:	Callum Hastie, Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Elissa Stapleton – Traffic Engineer

CONTENTS:

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

BACKGROUND & DETAILED DESCRIPTION OF PROPOSAL:

The proposal seeks a change of use from a warehouse to an indoor recreation facility in the form of a wellness and recovery facility, with associated building alterations and advertising.

The building would be used for “contrast therapy” which involves participants alternating between saunas and cold plunge baths. The applicant has advised that sessions last one (1) hour with up to 20 participants at a time. The applicant has been operating a similar facility in the City of Unley since 2025. The proposed hours of operation are:

- Monday – Friday: 6:00AM –9:00PM
- Saturday and Sunday: 7:00AM-7:00PM

The approved use of the land is a warehouse, however at some point it was converted into a call centre without approval. Since the use was unlawful and has ceased, it is not relevant to this proposal. A gym/personal trainer is located on the same allotment within another tenancy and that use is lawful.

The proposal required public notification which was undertaken from 6 August to 26 August 2026. Four (4) representations were received, and one (1) wishes to be heard by the Panel.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 11 COLLEGE RD KENT TOWN SA 5067

Title ref.: CT 5078/928 **Plan Parcel:** F100092 AL7 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape: Mostly rectangular, with a slightly offset.

Frontage width: 11m to College Rd
22m to Little Grenfell St

Area: 250m²

Existing structures: Warehouse building constructed circa 1980

Existing vegetation: None.

Locality

A locality for the development is shown in Attachment 2. This extends:

- 60m north to Rundle St
- 110m southwest to The Parade West
- 90m southeast to Dew St
- 130m northeast along Little Grenfell St

Land uses in the locality are diverse, the area northeast of the site along Grenfell St and Little Grenfell St is more residential, including a retirement village directly opposite the site. Along Little Grenfell St are new three-storey row dwellings accessed via a common driveway.

The rest of the locality is more commercial. The southwestern section of Grenfell St is a mix of offices, consulting rooms, vehicle repairers and warehouses. Rundle St to the north is also predominantly commercial and includes shops and the Kent Town Hotel.

Notably, there is a paid carpark at 82 Rundle St, however this is only approved for 3 years until April 2029 and is expected to be developed in the future.

There are two other indoor recreation facilities within the locality; a personal trainer in the other tenancy at 11 College Rd and a rock-climbing gym at 7 Grenfell St.

As shown in **Attachment 3**, the part of the locality south of College Rd (including the development site) is in the Urban Corridor (Main Street) Zone. North of College Rd are the Business Neighbourhood, Housing Diversity Neighbourhood, and Established Neighbourhood Zones.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Internal fitout: Accepted
 - Building Alterations: Accepted
 - Advertisement: Code Assessed - Performance Assessed
 - Indoor recreation facility: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

- **REASON**
 - Per Table 5 of the Urban Corridor (Main Street) Zone - the site is adjacent to land used for residential purposes in a neighbourhood-type zone.
- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Coshell	Brett		Supports with Concerns	Yes
Glazbrook	Mark		Opposed	No
Lewis	Kristin		Supports with Concerns	No
Holmes	Natasha		Supports	No

- **SUMMARY**

Representations in support of the proposal commented on the appropriateness of the use within the existing context. One representor noted that existing on-site carparking is retained and that the nature of the use will help manage demand for carparking.

Several representors raised concerns regarding the amount of on-site parking and existing demand for street parking in the area. One representor raised concerns regarding potential noise from plant equipment.

The representations are available in full in **Attachment 4**.

INTERNAL REFERRALS

- Elissa Stapleton – Council Traffic Engineer

Council's traffic engineer has noted that the parking spaces are of insufficient dimensions to satisfy Australian Standard 2890.1 and that access to the northern most parking space is obstructed by a street tree.

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 proposed development comprises an indoor recreation facility in the form of a wellness/recovery centre. The site is located within the Urban Corridor (Main Street Zone). Development of this nature may be appropriate within the site, locality or in the subject Zone for the following reasons:

- Desired Outcome 1 of the Zone envisions a safe, walkable and vibrant shopping, entertainment and commercial main street precinct with an active day and evening economy
- Performance Outcome 1.1 of the Zone seeks a vibrant mix of land uses adding to the vitality of the area
- Performance Outcome 1.2 of the Zone supports retail, office, entertainment and recreation related uses that provide a range of goods and services to the local community and surrounding district.

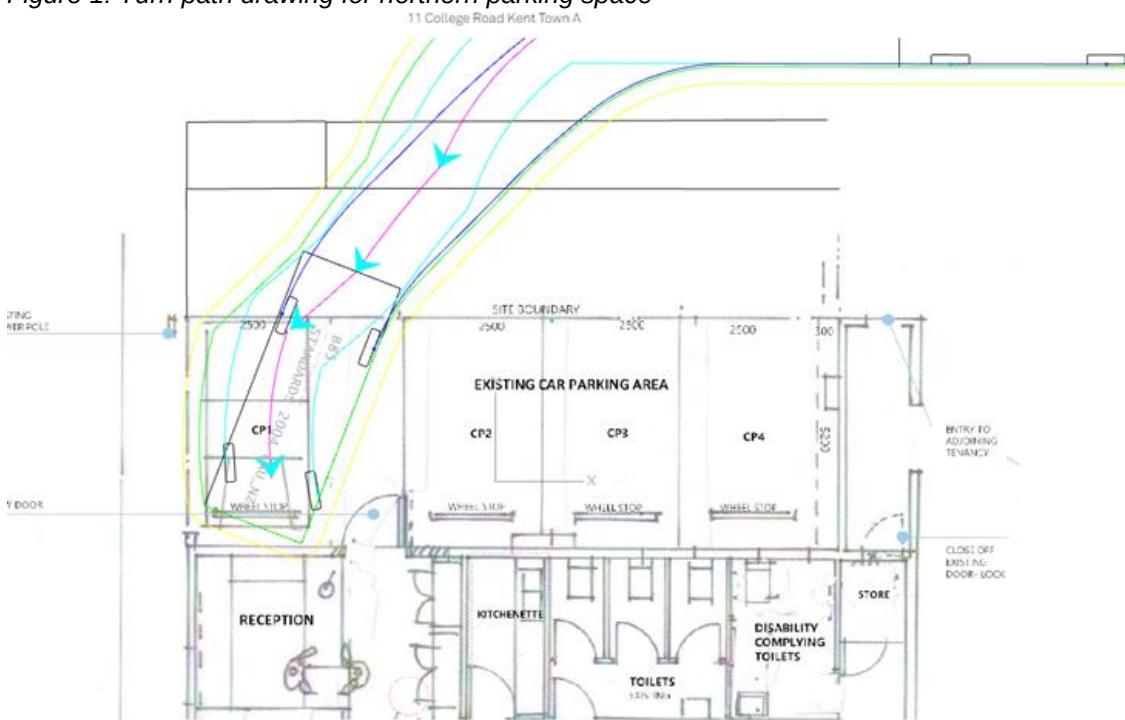
The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Traffic Impact, Access and Parking

Existing access off College Rd will be maintained. The plans show four (4) parking spaces however only two (2) of these are available to the subject development. The other two (2) spaces are allocated to the other tenancy within the building.

The parking spaces are 5.2m long, measured from the property boundary to the wall of the building, which is less than the 5.4m required to satisfy Australian Standard 2890.1. The spaces do however provide the minimum dimension for a 'small car only' space per the Australian Standard. The northern most space (marked CP1) is difficult to access, Council's Traffic Engineer has provided the below turn path drawing that demonstrate that movements conflict with a street tree at the intersection College Rd and Little Grenfell St.

Figure 1: Turn path drawing for northern parking space



Note that due to the angle of entry to space CP1, the rear of the vehicle overhangs the public realm and obstructs pedestrian entry to the site. Given the existing non-compliant nature of the parking space, it should not be considered as part of the assessment. A condition is recommended that the space be converted into dedicated bicycle parking that would provide more benefit than a single non-compliant car parking space.

The site is in a designated area for the purposes of the Transport, Access and Parking module of the Code and therefore, a non-residential car parking rate applies, seeking three (3) spaces per 100m² of gross leasable floor area (GLFA) per Table 2 of the Transport, Access and Parking module. The site has approximately 230m² of GLFA and therefore the Code seeks seven (7) on-site parking spaces.

Despite this shortfall, the proposal would not change existing conditions. Due to the standardised rate for all non-residential developments within a designated area, any other land use would have the same carparking shortfall. That is to say, the previous lawful warehouse land use would also require seven (7) spaces, but also only had one (1) compliant 'small car space'. It is a fundamental tenet of land use planning that an existing shortfall in car parking can be carried over to a new land use where the floor area of a building is not being increased. Therefore, the existing shortfall of six (6) spaces can be carried over to the proposed land use, resulting in no new shortfall.

The site is in close proximity to high-frequency public transport and active transport routes that will help reduce demand for carparking associated with the site. Access via active transport will be further enabled by the conversion of the non-compliant parking space into bicycle parking. The applicant has also provided a traffic report from Empirical Traffic Advisory (ETA). While ETA has not completed an on-street parking survey for this development, they have used recent survey data associated with the nearby Beyond Bouldering and Dogcity development applications. In a parking survey completed on 29 May 2025, ETA found that on-street parking availability varied within the area. Parking spaces on College Road were consistently occupied but there were generally parking spaces available along Grenfell St. Demand was highest at lunch time and lower early in the morning and in the evening. Apart from during the peak lunchtime period, there was generally enough on-street parking available to compensate for the on-site shortfall of the proposed development.

It is also noted that the facility will require bookings to attend. Bookings can be scheduled in 30-minute intervals and last for one (1) hour. This means that no more than 10 customers would be arriving at a time which limits overlapping car parking demand due to customers arriving and leaving simultaneously.

Given that the proposal does not alter existing conditions, the site is accessible via public and active transport, the availability of on-street parking outside of peak periods, and the ability to manage operational demand, the proposal reasonably satisfies Transport, Access and Parking PO 5.1.

Interface with Adjacent Land Uses

Interface Between Land Uses Performance Outcome 1.2 states:

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

The development will incorporate some amplified music but given the intended function as a wellness/recovery facility it is expected that any music would be quieter than a typical gym. The wellness/recovery aspect has been included in the nature of development; this will prevent a higher intensity indoor recreation facility (i.e. a gym) from being established without seeking further approval. There is also only a single pedestrian entrance proposed facing the retirement village which will limit the ability for noise to travel outside the building. Given the above, controls on amplified music, via either a condition or provision of an acoustic report are considered to be unnecessary to satisfy PO 1.2. In the unlikely event that music noise generates nuisance for adjacent sensitive receivers then Council can still undertake enforcement action under the *Local Nuisance and Litter Control Act 2016*.

One representor raised concerns regarding noise from plant equipment. All equipment associated with the development would be located within the building with noise restricted by the single pedestrian entrance to the building. The locality is already characterised by higher background noise levels due to the various commercial uses nearby and the high traffic environment on College Rd and Rundle St. Given the above, the internal plant equipment is not expected to generate unreasonable impacts on adjacent sensitive receivers and in the unlikely event that it does cause nuisance, this can also be controlled under the *Local Nuisance and Litter Control Act 2016*.

The proposed hours of operation are:

- Monday – Friday 6:00AM –9:00PM
- Saturday and Sunday 7:00AM-7:00PM

The two other indoor recreation facilities in the locality have the following conditioned hours of operation:

Beyond Boulderling (7 Grenfell St) – None conditioned; however, their operating hours are:

- Monday to Friday – 6am to 10:00pm
- Saturday and Sunday – 8am

Life Personal Trainers (11 College Rd)

- Monday to Friday – 6:00am to 8:30pm
- Saturday 6:00am – 12:00pm (noon)

While Beyond Boulderling is a more typical form of indoor recreation facility that likely generates more noise than the proposed development, it is located further from sensitive receivers with no direct line of site. Life Personal Trainers abuts the development site and has a comparable intensity with sensitive receivers located directly opposite, and occupancy of the tenancy is restricted to 10 people.

The proposed hours of operation reflect the vibrant nature of the Zone and locality. The Zone explicitly seeks an active evening economy and anticipates hours of operation that will extend beyond standard trading hours. Given the limited impacts expected from the development, and the activities expected within the Zone, the proposed hours of operation satisfy Interface Between Land Uses Performance Outcome 2.1.

Signage

A new 600mm x 600mm illuminated box sign is proposed above the building entrance. It will be attached to the existing building and will not impact the consistency of the streetscape to satisfy Performance Outcome 7.1 of the Zone.

The sign will display the applicant's logo with no text and will not result in unreasonable visual clutter or untidiness. Given the small size of the sign, it is not expected that the illumination will unreasonably impact adjacent residents or cause distraction for drivers. However, a condition is proposed that will enable Council to restrict the brightness or timing of the sign in the unlikely event that there are issues.

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 26023313, by Brian Emmett and Tom Emmett is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

The hours of operation of the premises shall be restricted to following times:

- Monday –Friday 6:00AM –9:00PM
- Saturday and Sunday 7:00AM-7:00PM

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

Lighting associated with the signs shall be of an intensity not to cause an unreasonable light over spill nuisance to adjacent occupiers, or be an undue distraction to motorists.

Condition 5

The parking space marked CP1 on the approved plans shall be repurposed as a bicycle parking area, and such detail must be shown on the plans provided for Development Approval.

Bicycle parking shall be designed in accordance with Australian Standard 2890.3 and installed prior to commencing use of the building.

Condition 6

The car parking space marked CP2 on the approved plans shall have a "small car only" sign installed prior to the commencement of use. The space shall be marked prior to occupation in accordance with the Australian Standard AS 1742 and a wheel stopping device shall be installed as per Australian Standard AS 2890.1.

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 via the Plan SA Portal. 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.

The Council Assessment Panel asked questions to the Applicants Mr Tom Emmett and Mr Brian Emmett from 9:36pm until 9:38pm

Moved by Mr Hayter

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.*

Seconded by Mr Mickan
CARRIED

Moved by Mr Hayter

2. Development Application Number 26023313, by Brian Emmett and Tom Emmett is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

The hours of operation of the premises shall be restricted to following times:

- Monday –Friday 6:00AM –9:00PM
- Saturday and Sunday 7:00AM-7:00PM

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

Lighting associated with the signs shall be of an intensity not to cause an unreasonable light over spill nuisance to adjacent occupiers, or be an undue distraction to motorists.

Condition 5

The parking space marked CP1 on the approved plans shall be repurposed as a bicycle parking area, and such detail must be shown on the plans provided for Development Approval.

Bicycle parking shall be designed in accordance with Australian Standard 2890.3 and installed prior to commencing use of the building.

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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.

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The Applicant is advised that construction noise is not allowed:

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- 2. after 7pm or before 7am on any other day*

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Advisory Note 5

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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

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

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- 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 Plan SA Portal. 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 Mickan
CARRIED

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

8. ERD COURT APPEALS

9. OTHER BUSINESS

- *Mr Fairbrother advised the Council Assessment Panel that a Review of the Assessment Manager's Decision had been submitted and would be scheduled for consideration at the next Panel meeting.*
- *Mr Fairbrother also advised that training is scheduled for CAP Members for Monday 16 November 2026, with more details to be provided to Panel members in due course.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 9:45pm

Stephen Smith
PRESIDING MEMBER

Kieran Fairbrother
ACTING MANAGER, DEVELOPMENT & REGULATORY SERVICES