

Council Assessment Panel Minutes

19 October 2026

Our Vision

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

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

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

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
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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
Mr Paul Mickan
Mr Mark Adcock
Cr Sandy Wilkinson

Staff Kieran Fairbrother, Manager, Development & Regulatory Services
Ned Feary, Senior Urban Planner
Callum Hastie, Urban Planner
Daniella Hadgis, Administration Officer

APOLOGIES

ABSENT

1. **COMMENCEMENT AND WELCOME**

2. **APOLOGIES**

3. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 29 SEPTEMBER 2026**

Moved by Mr Mickan and Seconded by Cr Wilkison
CARRIED

4. **DECLARATION OF INTERESTS**

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER ID 26020234 – BARRY FORREST – 14 ANN STREET
STEPNEY SA 5069**

DEVELOPMENT NO.:	26020234
APPLICANT:	Barry Forrest
ADDRESS:	14 ANN ST STEPNEY SA 5069
NATURE OF DEVELOPMENT:	Single-storey alterations and additions to existing dwelling including partial demolition of later addition, alterations to existing façade, new boundary fencing and the removal of 4 regulated trees
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 8m; semi-detached dwelling is 8m) • Minimum Site Area (Minimum site area for a detached dwelling is 200 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Site Coverage (Maximum site coverage is 60 per cent)
LODGEMENT DATE:	29 Jun 2026
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.11 18/06/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Callum Hastie Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	City Arborist - Matthew Cole Heritage Advisor - David Brown

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves a single storey addition to an existing representative building within the Historic Area Overlay. The development would demolish the rear part of the existing dwelling, and create a new kitchen, living room, study, bathroom, laundry, theatre room, and garage. The proposal also includes a new front fence along the Ann St frontage. The new garage would provide up to 3 parking spaces accessed off an unnamed public laneway.

BACKGROUND:

The proposal was lodged on the 25th of June 2026. The initial proposal had a taller, 1.8m high, front fence. This was reduced to 1.5m to be more in keeping with the Historic Area Statement.

The application was publicly notified from 10 to 28 August 2026 with 2 representations received. Following notification, several changes were made to the proposal with the goal of reducing site coverage and the impact of the boundary wall.

Finally, the original plans showed some painting and render to the front elevation that is no longer proposed. Note that painting of a building is not development unless it is a heritage place.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 14 ANN ST STEPNEY SA 5069

Title ref.:	Plan Parcel: F210915 AL129	Council: THE CITY OF NORWOOD PAYNEHAM & ST PETERS
CT 5690/210		

Shape:	regular
Frontage Width:	12.19 metres
Area:	518m ²
Topography:	Flat
Existing structures:	A Victorian double fronted cottage with bluestone façade.
Existing vegetation:	4 regulated trees and other unregulated vegetation

Locality

A locality for the site is illustrated in **Attachment 2**. It extends 85m north to Lindas Lane, and 75m to south to an unnamed laneway abutting 2A Ann St. It includes dwellings fronting Ann St, and any sites with access from the unnamed laneway between Ann St and Nelson St.

Ann St is entirely residential and predominantly single storey, but there are three storey townhouses at the southern edge of the locality, constructed as part of the Otto development. There are commercial buildings to the west fronting Nelson St. With a mix of offices, warehouses and bulk goods outlets.

The site is within the Established Neighbourhood Zone and Stepney Historic Area (NPSP19). It abuts the Suburban Business Zone to the west. The Otto Development to the south is within the Urban Corridor (Living) Zone.

While the locality is variable in its amenity and built form, Ann St displays a high level of amenity and historic character.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Tree-damaging activity: Code Assessed - Performance Assessed
 - Dwelling addition: Code Assessed - Performance Assessed
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Building Alterations: Accepted
- **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?
Lodge	Chris		Supports	No
Wilson	Tom		Opposed	Yes

- **SUMMARY**

The representor in support of the proposal believes that they will not be negatively impacted by the development.

The representor opposed to the proposal raised several concerns including:

- Site coverage exceeding what the Zone envisions
- Removal of regulated trees
- The extent of boundary walls
- Potential overshadowing of their property
- The consistency of the front fence with the Historic Area Overlay
- The width of the rear laneway
- Consistency with the Stormwater Management Overlay and Hazards (Flooding – General) Overlay
- Extent of landscaping
- Concerns regarding the accuracy of the Applicant's arborist report

INTERNAL REFERRALS

- City Arborist - Matthew Cole

The City Arborist commented that the arboricultural report provide by the applicant is of a high quality and he agrees with its assessment of the trees' species, size and location.

The City Arborist agrees with the assessment that trees 1 (Jacaranda), 3 and 4 (native Frangipanis) conflict with the proposed development. However, he believes that tree 2 (Ginkgo) could be retained with appropriate tree protection measures.

- Heritage Advisor - David Brown

The Heritage Advisor supports the proposed addition as it will not be readily visible from the primary street with minimal impact on the historic character of the area. He also supports the amended front fence which is now an acceptable height and preserves views to the dwelling. He commented on the proposed rendering and painting of the front façade, which are no longer proposed, albeit that the dwelling can be painted without approval.

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 proposal maintains the existing residential use that is envisioned within the Established Neighbourhood Zone. The Zone and Historic Area Overlay allow for dwelling additions where they are compatible with the locality.

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 would be single storey with a maximum height of 5.6m from the natural ground level. The is lower than the existing dwelling which has a maximum height of 5.7m. The proposed height means that the addition will not have a significant impact on the streetscape to satisfy Performance Outcome 4.2 of the Established Neighbourhood Zone and Performance Outcome 2.2 of the Historic Area Overlay.

Site Coverage

A maximum site coverage technical numeric variation of 60% applies to the site per DPF 3.1 of the Zone. The proposed development would result in 65% site coverage. While this is higher than DPF 3.1 suggests, it is consistent with the locality. Dwellings on Ann St tend to have narrower frontages and rear access. This has promoted rear additions and garages with higher site coverage. There are many dwellings nearby with site coverage greater than 60% and the proposed addition will not alter the character of the area, thereby satisfying PO 3.1 of the Zone

Impact on Neighbouring Properties

The proposed wall on the southern boundary would be 21.23m long and 3.3m high. While most of the wall abuts existing structures on the boundary, 4.91m of its length would abut the private open space of 12 Ann St. The section of private open space abutting the wall is already extensively shadowed by trees, their removal will likely improve access to natural light compared to existing conditions.

12 Ann St primarily gains access to natural light from the southern part of its private open space, with the northern section impacted by a verandah and adjacent trees. The proposed boundary wall will only impact the northern section and will not unreasonably alter the existing amenity. Notably, the owner of 12 Ann St is supportive of the proposal, and they do not believe that they will be significantly impacted by the development.

A second wall is proposed on the northern boundary. This mostly abuts an existing boundary wall at 16 Ann St, with only 1.8m of its length abutting private open space. Given the limited length of wall abutting 16 Ann St, and that 16 Ann is north of the development site, the wall will not result in unreasonable impacts to that property.

Given the above, Performance Outcome 7.1 of the Established Neighbourhood Zone is considered to be met.

Apart from the boundary walls, the addition will be reasonably setback from side boundaries with minimal impact on adjacent land.

Historic Area

Partial Demolition

The proposal seeks to demolish the existing front fence, a rear lean-to attached to the original dwelling, and a shed. The structures are all non-original and do not contribute to the historic character of the original dwelling. Their demolition is also supported by Council's Heritage Advisor. Given that the structures proposed to be removed are non-original, their demolition satisfies Performance Outcome 7.1 of the Historic Area Overlay.

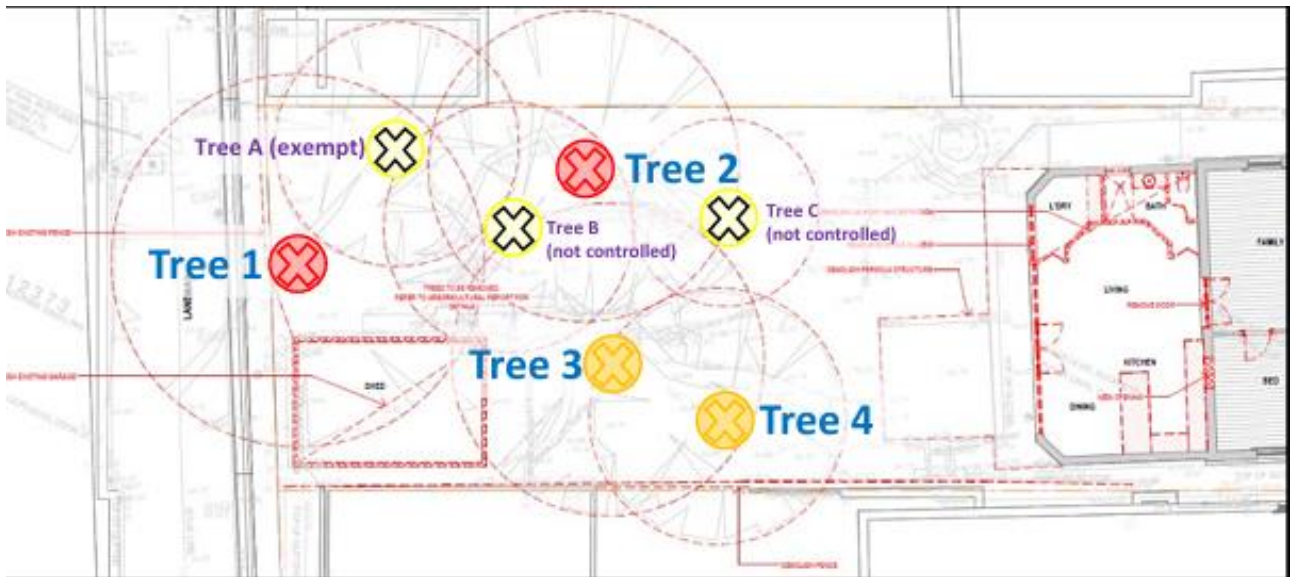
Front Fence

The proposed front fence would consist of 1.5m high pickets with masonry pillars supporting them. The height reflects the "low, open fencing" envisioned by the Historic Area Statement. The proposed fence is supported by Council's Heritage Advisor and satisfies Performance Outcome 4.4 of the Historic Area Overlay.

Tree Removal

There are 4 trees that would be removed as part of the proposed development. The trees are all regulated with a circumference between 1 and 2 metres. The trees are identified as a *Jacaranda mimosifolia* – Jacaranda (Tree 1), *Ginkgo biloba* - Maiden Hair Tree (Tree 2), and two *Hymenosporum flavum* - Native Frangipani (Trees 3 and 4). All of the trees are located at the rear of the site, see figure 1 below.

Figure 1 – Regulated Tree Locations



Performance Outcome 1.1 of the Regulated and Significant Tree Overlay seeks that regulated trees are retained where they:

- make an important visual contribution to local character and amenity*
- are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species and/or*
- provide an important habitat for native fauna.*

None of the trees are indigenous to the local area. While one representor has noted that Grey-headed flying foxes are present, they would primarily be eating fruit from the exempt fig tree on the property. It is acknowledged that the flying foxes may be using other trees on the property, but the bats primarily roost in the Adelaide Botanic Gardens camp and feed off fruit and pollen of native species. While the Gingko may provide habitat, this is not considered important habitat that would warrant the retention of the tree.

The question of the trees' retention value therefore relies on their visual contribution to local character and amenity. From Ann St, only the top of the Native Frangipani canopies are visible, with the Jacaranda and Ginkgo entirely hidden from the street (*Figure 2*).

Figure 2 – View of Native Frangipani trees from Ann St



Along the rear laneway, the trees are more readily visible. The Jacaranda is particularly notable as its canopy covers the full width of the laneway (*Figure 3*). The

Figure 3 – View of the trees from rear laneway, facing north



The Gingko is not readily visible from either Ann St or the laneway and is not considered to make an important contribution to the character of the area. While the Jacaranda and Native Frangipanis are more visible, their impact is primarily on the rear laneway, with minimal contribution to Ann St or neighbouring land. While they certainly contribute to local character and amenity, their position and limited visibility prevent them from making an important contribution as required by PO 1.1 above.

The trees satisfy none of the retention criteria under Performance Outcome 1.1 and therefore, the P&D Code supports their removal. However, for the sake of completeness, Performance Outcome 1.4 has also been considered. This Performance Outcome seeks that 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.*

Since the trees are not significant, only criterion (a) is relevant to this assessment. The Jacaranda and Native Frangipanis directly conflict with the footprint of the proposed addition. The Native Frangipanis are in poor health with limited useful life expectancy and will likely need to be removed regardless of proposed development. The Jacaranda is located at the rear of the site and conflicts with the proposed garage location. Provision of rear access is important as it preserves the historic character of Ann St. While there is a small rear garage in the southwest corner of the site, this only provides 1 small parking space. Any new garage, especially a double garage, would conflict with the root zone of the Jacaranda. Given the above, the development is considered to be reasonable, and removal of the trees is supported by Performance Outcome 1.4 in addition to Performance Outcome 1.1. There is the potential that the *Gingko biloba* could be retained, however it makes the lowest contribution to local character and amenity of any of the trees and its removal remains supported by Performance Outcome 1.1.

Per Practice Direction 12, the applicant will offset removal of the trees through a combination of replanting on site and payment into Council's Urban Tree Fund. Four (4) trees will be replanted on site, and \$2064 will be paid in into the fund in lieu of planting a further four (4) trees. Note that the Urban Tree Fund offset fee is set at the time of lodgement. The application was lodged in June 2026 and therefore the 2025-26 fees apply, requiring \$516 per tree. This has been reflected in Condition No. 4

Vehicle Access

The new rear garage will provide 2 parking spaces that satisfy the minimum dimensions in Design in Urban Area DTS/DPF 23.2. Part of the garage is labelled "store" and could in theory be used as a third parking space, albeit that access to this part of the garage would be more difficult due to the width of the laneway.

The applicant has provided turn path drawings that demonstrate vehicles can exit the site in a safe and convenient manner to satisfy Design in Urban Areas Performance Outcome 23.4.

The access point will have no impact on on-street parking or verge infrastructure.

Landscaping & Private Open Space

The site would be covered by approximately 98m²/19% soft landscaping. Design in Urban Areas DTS/DPF 22.1 seeks 25% soft landscaping for sites greater than 450m². While the landscaping area is lower than the Code desires, it will still be possible to satisfy Performance Outcome 22.1 by improving the quality of the

landscaping. The amount of landscaping in front of the dwelling is unchanged and can still make a positive contribution to the appearance of the land.

The current landscaping plan provides limited detail, and further information is required to ensure that the Performance Outcome is met. Therefore, a reserved matter is recommended requiring that a final landscaping plan be provided prior to Development Approval to the reasonable satisfaction of the Assessment Manager. Upon satisfaction of the Reserved Matter, the Assessment Manager would impose a standard condition requiring that landscaping plan to be implemented and maintained.

The dwelling would be provided with over 100m² of private open space on the northern boundary. The private open space would meet the likely needs of residents and provides reasonable amenity to satisfy Design in Urban Areas Performance Outcome 21.1.

Flooding & Stormwater

A condition is recommended that all stormwater from the development be drained to Ann St in accordance with advice from the Council's Infrastructure & Major Projects department, as there is minimal stormwater infrastructure on the rear laneway.

The Hazards (Flooding – General) Overlay applies to the site but this is only for a very small section along the Ann St frontage, and there is no evidence that either the existing dwelling or the addition will be at risk of flooding. Accordingly, the administration did not consider it necessary to seek advice from Council's external flooding engineer for this development.

A representor raised concerns regarding the Stormwater Management Overlay; however, this only applies to new dwellings and is not relevant to this proposal.

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 26020234, by Barry Forrest 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

4 replacement tree(s) must be planted on the subject land within 12 months of completion of the development. Replacement trees cannot be within a species identified 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.

Condition 3

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

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

Condition 4

Payment of \$2064 is required to be paid into the Council's Urban Trees Fund, prior to the tree removal herein approved being undertaken. Payment may either be made in person at the Norwood Town Hall at 175 The Parade, Norwood or by telephoning 08 8366 4555 and providing your credit card details. Payment must be made prior to the issue of development approval.

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 Wilson addressed the Council Assessment Panel from 6.33pm until 6.39pm

Mr Brunning and Mr Forrest addressed the Council Assessment Panel from 6.42pm until 6.48pm

Moved by Mr Mickan

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

Seconded by Mr Rutt

CARRIED

Moved by Mr Rutt

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Seconded by Mr Adcock
Motion Lapsed

Moved by Cr Wilkinson

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

4 replacement tree(s) must be planted on the subject land within 12 months of completion of the development. Replacement trees cannot be within a species identified 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.

Condition 3

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

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

Condition 4

Payment of \$2064 is required to be paid into the Council's Urban Trees Fund, prior to the tree removal herein approved being undertaken. Payment may either be made in person at the Norwood Town Hall at 175 The Parade, Norwood or by telephoning 08 8366 4555 and providing your credit card details. Payment must be made prior to the issue of development approval.

Condition 5

The front fence shall be constructed at a maximum height of 1200mm.

ADVISORY NOTES

PLANNING CONSENT

Advisory Note 1

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

Advisory Note 2

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

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

Advisory Note 3

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 4

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

Advisory Note 5

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

Advisory Note 6

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

Advisory Note 7

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

Advisory Note 8

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

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

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

Advisory Note 9

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

Advisory Note 10

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

Seconded by Mr Rutt
CARRIED

**5.2 DEVELOPMENT NUMBER ID 26017839 – JEFF YABLON & TALIS PUTNINS –
103 SYDENHAM ROAD NORWOOD SA 5067**

DEVELOPMENT NO.:	26017839
APPLICANT:	Jeff Yablon Talis Putnins
ADDRESS:	103 SYDENHAM RD NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Proposed upper storey addition, new carport and fencing
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Established Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	3 Jun 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:	Callum Hastie Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Heritage Advisor - David Brown City Arborist - Matthew Cole Consulting Engineer (Flooding) – 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:	Internal Referral Advice
ATTACHMENT 3:	Zone Map	ATTACHMENT 8:	Applicant Response to Internal Referral Advice
ATTACHMENT 4:	Historic Area Map		

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves a two-storey addition to an existing dwelling within the Historic Area Overlay. The development would partially demolish a previous addition and add a new kitchen, laundry, living room and garage at ground level. The upper level would create four (4) new bedrooms, for a total of six (6); with two (2) existing bedrooms retained on the ground level. The upper level would extend over part of the private open space to create a covered outdoor area, replacing an existing verandah.

The new garage would be single-width and located on the southern boundary. The two (2) existing access points and uncovered parking spaces would be maintained, with the southern driveway to be resurfaced.

The proposal includes a new 1.5m high front fence along the street boundary. The fence would be constructed from timber with supporting brick piers.

There is one (1) significant tree on the property and three (3) more around the development site. All four (4) trees will be protected during and after construction with no tree-damaging activity proposed.

BACKGROUND:

The application was lodged on the 3rd of June 2026. The initial proposal had a single rectilinear form with a low roof pitch that was not supported by Council's Heritage Advisor. A double garage was also proposed that was not considered in keeping with the Historic Area Statement.

Following discussions with the applicant, the proposal was amended to break up the form of the addition and provide more variety in materials. The width of the garage door was also reduced.

The application was publicly notified from 19 August to 8 September 2026. One (1) representation was received, and the representor wishes to be heard.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 103 SYDENHAM RD NORWOOD SA 5067

Title ref.: CT 5078/826 **Plan Parcel:** F100117 AL91 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	regular
Frontage Width:	21.95 metres
Area:	669m ²
Topography:	Flat
Existing structures:	A Victorian double fronted cottage with bluestone façade.
Existing vegetation:	1 significant trees and other unregulated vegetation

Locality

A locality for the site is illustrated in **Attachment 2**. It extends approximately 100m south and 60m north along Sydenham Rd and 50m east and west along William St.

The locality is predominantly residential apart from two commercial tenancies at the intersection of Sydenham Rd and William St. The locality is entirely within the Established Neighbourhood Zone and Norwood 5 Historic Area (NPSP 15), the southern edge of the locality is also the edge of the Historic Area.

The locality displays a mixed character, with well maintained single storey dwellings contrasted against two storey dwellings (usually constructed in the 1990s or 2000s) that have somewhat diminished the historic character of the street. There is a notable example of a two-storey infill dwelling on the abutting site to the south (101A Sydenham Rd). Despite the impacts of new development on the street, the area maintains a historic character.

The character of Sydenham Rd is heavily influenced by large street trees; the row of English Oaks in front of the site makes a significant contribution to the amenity of the locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Outbuilding (Carport or garage): Code Assessed - Performance Assessed
Dwelling addition: Code Assessed - Performance Assessed
Fence: Code Assessed - Performance Assessed
Partial demolition of a building or structure: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

Proposal involves partial demolition of a building in the Historic Area Overlay, the part of the building to be demolished is not considered an excluded building for the purposes of notification.

- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Gelsthorpe	Katherine		Supportive with concerns	Yes

- **SUMMARY**

The representor raised concerns about the size of the addition and the resulting loss of visual amenity from their property. They are also concerned about overlooking and overshadowing from the development. Finally, they are concerned that the significant Spotted Gum on their property will be impacted and that it was not properly concerned by the applicant's arborist.

INTERNAL REFERRALS

- Heritage Advisor - David Brown

The Heritage Advisor initially raised concerns regarding the form of the addition in that it dominated the original dwelling. Following discussions with the applicant, the form was changed to break up the upper

level, and the addition is now supported. While the width of the garage door has been reduced, the Heritage Advisor has suggested that an open carport would be a better outcome for the street.

- City Arborist - Matthew Cole

The City Arborist has reviewed the arborist report provided by the applicant and supports its recommendations. He has suggested an additional condition requiring that the driveway works be undertaken prior to any work on the dwelling to prevent construction vehicles from damaging the root plate of the street trees.

- Consultant Engineer (Flooding) – Tonkin

The Consultant Engineer supports the proposed finished floor level but has recommended provision of flood resilient design measures.

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 proposal maintains the existing residential use that is envisioned within the Established Neighbourhood Zone. The Zone and Historic Area Overlay allow for dwelling additions where they are compatible with the locality.

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 would be two storeys, with a maximum height of 7.6m above the unchanged floor level. There are several adjacent sites with two storey dwellings, most notably 101A Sydenham Rd. The proposed addition would be consistent the prevailing height of nearby buildings to satisfy Performance Outcome 4.1 of the Established Neighbourhood Zone. The impact of the upper level on the street and adjacent residents is considered below.

Site Coverage

Total site coverage would be approximately 298m²/45%. DTS/DPF 3.1 of the Established Neighbourhood Zone suggests a maximum site coverage of 50%. Site coverage would only be slightly higher than what currently exists on the site, as most of the addition is contained within the existing dwelling footprint, and the garage would replace an outbuilding of roughly the same size. The building footprint would therefore be consistent with the character of the locality to satisfy Performance Outcome 3.1 of the Zone.

Historic Area

Demolition

The proposal would demolish part of a previous rear addition, two (2) outbuildings and the front verandah.

The addition and outbuildings are not part of the original building fabric and do not conform to the values described in the Historic Area Statement. Therefore, their demolition is supported by Performance Outcome 7.3 of the Historic Area Overlay.

The verandah displays a traditional form characteristic of the subject Historic Area, and its removal is not automatically supported. The applicant has not provided structural details of the verandah; however, a visual inspection found that the verandah was in very poor condition with both the posts and roof sheeting in clear need of replacement. With an appropriately designed replacement verandah, the contribution to the streetscape can be maintained and therefore, the demolition of the existing verandah is supported on the basis that a replacement verandah is proposed as part of this same application.

Dwelling Addition

Performance Outcome 3.1 of the Historic Area Overlay states:

Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.

The addition will be broken up into sections. The section behind the original dwelling seeks to reference its design with a simple upper level and hipped roof that complements the original built form. The northern part of the dwelling will be more prominently visible and of a more contemporary form. It would have an angled roof that appears distinct from the rest of the dwelling and helps break up the upper level to avoid dominating the original building. A smaller section 'bridges' the two larger parts of the addition creating three distinct sections with reasonable articulation in the roof form. The sections will be clad in different materials and finished in a variety of colours. The northern section will be most prominent and will be finished in white render that provides the traditional materials sought by the Historic Area Statement and minimises the visual mass of the addition.

It is acknowledged that the northern section is imperfect and an addition would ideally be more hidden from the street. However, the design builds upon a previous addition which dictates the footprint of the building. The modifications to the existing addition and the proposed rendering will generally improve consistency with the Historic Area Statement and provide a better contribution to the streetscape.

The proposed addition will improve the streetscape relative to existing conditions and will not dominate the appearance of the dwelling. Therefore, Performance Outcome 3.1 is considered to be met.

Note that the plans do not currently identify the roof colour of the addition, therefore a reserved matter is proposed to require a final schedule of colours and materials prior to Development Approval.

Regarding building height, the Historic Area Statement envisions "up to two storeys" but doesn't provide guidance on how prominent an upper level may be. The locality to the north is predominantly single storey, with some notable exceptions. Two storey dwellings are more common to the south, and upper levels become more prominent towards the edge of the Historic Area Overlay. Given the above, and the prominent two storey dwelling at 101A Sydenham Rd, a visible upper level is acceptable in this context, but there should be a transition in scale as the locality becomes more single storey in character to the north.

The proposal achieves this with the upper-level setback at least 7m from the building line and 11.5m from the street compared to the negligible setbacks of the dwellings to the south. The proposal creates an acceptable transition in form between taller buildings to the south and the more single storey character to the north to satisfy Performance Outcome 2.2 of the Historic Area Overlay.

Garage Appearance

The Historic Area Statement does not provide details of anticipated garaging in the area. However, Performance Outcome 1.1 of the Overlay requires consideration of the both the Historic Area Statement and the streetscape. Council's Heritage Advisor has commented that visible roller doors are uncommon in the locality and that a carport without a roller door would be a better outcome for the street. The applicant has declined to remove the roller door but has reduced it to be single width instead of the double width originally proposed.

It is true that most sites in the northern part of the locality do not have roller doors visible from the street, with most having no covered parking spaces at all. However, most sites to the south have a garage or carport with a roller door, and there are several double garages south of William St. Due to the transitional position of the site on Sydenham Rd, and noting that the Historic Area Statement does not mention garaging, a single-width garage on the southern boundary is considered acceptable and will not unreasonably impact the streetscape character.

Verandah & Front Fence

The current plans provide limited detail on the design of the new verandah and front fence. The front fence will be 1.5m high, and consistent with the low fencing envisioned by the Historic Area Statement. The new structures will need to be consistent with the existing dwelling and streetscape, but their exact appearance (in terms of finishes and colours) is not considered fundamental to the granting of planning consent. Therefore, reserved matters are recommended to require more detail in respect of the verandah and front fence prior to Development Approval being granted.

Impact on Neighbouring Properties

Boundary Walls

The proposal involves walls on the northern and southern boundaries. The northern boundary wall already exists with no changes proposed to its length or height and consequently no new amenity impacts on adjacent land. The southern boundary wall would abut a masonry wall and verandah attached to the dwelling to the south (101A Sydenham Rd). The masonry wall extends to the roofline of the verandah and the proposed 2.7m high garage wall is not expected to impact amenity.

Side Boundary Setbacks

The new building work will mostly occupy the footprint of the existing addition. The only expansion is the garage on the southern boundary, which as discussed above is acceptable, and a slight expansion towards the southern boundary. The ground level would still be setback 3.072m from the boundary with no unreasonable impact on adjacent land.

Regarding the upper-level, DTS/DPF 8.1 of the Established Neighbourhood Zone suggests the following side boundary setbacks:

- Northern Boundary – $0.9\text{m} + \frac{1}{3}$ of the distance that the wall height exceeds 3m = 1.88m
- Southern Boundary – $1.9\text{m} + \frac{1}{3}$ of the distance that the wall height exceeds 3m = 2.88m

The proposed upper level would be setback 2.00m from the northern boundary and 5.25m from the southern boundary.

The associated Performance Outcome states:

Buildings are set back from side boundaries to provide:

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

As discussed in the Historic Area section above, the upper level will not unreasonably impact the streetscape and is compatible with the Historic Area Overlay. Criterion (a) of the Performance Outcome is therefore met. The dwelling to the north cannot be overshadowed due by the proposed addition and the upper level will not unreasonably impact the visual amenity of the dwelling to the north.

The representor, located south of the development site, has raised concerns about the visual and overshadowing impacts of the development. While the applicant has not provided shadow diagrams for the proposal, the development is setback significantly more than the minimum suggested by DTS/DPF 8.1 which is a good indication that it will not cause unreasonable overshadowing. The proposal will also retain the two significant trees between the proposed addition and the representor's property which will provide screening to reduce the visual impact of the development. The proposed development will still allow access to natural light and ventilation for neighbours to satisfy Performance Outcome 8.1(b).

Overlooking/Visual Privacy

Upper-level windows facing adjacent land would have either high sills or obscure glazing to 1.5m above the finished floor level. The representor raised concerns that 1.5m is not enough to prevent overlooking. While this is acknowledged, Design in Urban Areas Performance Outcome 10.1 specifically seeks to mitigate direct overlooking as defined in Part 8 of the Planning and Design Code. The intent of the policy is to prevent unintentional overlooking when occupying a space, but it does not seek to make overlooking impossible. While the DTS/DPF criteria are only a guide, it would be unreasonable to demand additional screening beyond what the Code suggests to be appropriate without justification. The potential for overlooking from the proposed upper level is not unique or unreasonable and therefore, it is recommended that the standard 1.5m screening condition be applied.

Regulated and Significant Trees

There are four (4) significant trees that could be impacted by the proposed development:

1. A Spotted Gum (*Corymbia maculata*) on the neighbouring property to the south - 33 William St
2. A Giant Bird of Paradise (*Strelitzia nicolai*) on the southern boundary
3. An English Oak (*Quercus robur*) in the road reserve next to the southern driveway
4. An English Oak (*Quercus robur*) in the road reserve next to the northern driveway

The applicant has provided an arborist report from URPS which has been reviewed and supported by the Council's City Arborist. The report provides a detailed tree protection plan for all four (4) trees, and its recommendations have been recommended as a condition.

The existing garden bed and retaining walls on the southern boundary will be retained, with permeable paving between trees 1 and 2 (as identified in the arborist report) and the proposed addition. The City Arborist was not particularly concerned with these trees, and he does not believe that a formal tree protection zone is necessary.

Of more concern is the southern English Oak, which may be impacted by the resurfacing of the driveway.

The new driveway is proposed to be constructed of permeable paving with minimal, tree-sensitive excavation to be undertaken. The driveway will also be required to be resurfaced prior to work commencing on the dwelling to prevent construction vehicles from damaging the root plate of the tree.

The City Arborist agrees with the recommendations of the project arborist and does not believe that the trees will be harmed by the development.

Note that following public notification, the project arborist obtained access to the neighbouring property to validate the dimensions of the Spotted Gum. The initial measured circumference was greater than what the arborist measured on this occasion and so the calculated notional root zone is smaller than described in the report. Following the further review by the project arborist, no changes were made to their report or tree protection plan however.

Flooding

The maximum flood depth of the site in a 1% AEP event is 0.1m. Therefore, to satisfy DTS/DPF 2.1 of the Hazards (Flooding – General) Overlay the addition would require a finished floor level of 52.55 AHD. The proposed finished floor level is 52.25 AHD to match the existing dwelling. The garage would have a finished floor level of 52.47 AHD with a step down into the dwelling.

The proposal has been reviewed by Council's Consultant Flooding Engineer. Since the addition is mostly within the existing footprint, it is an acceptable outcome to maintain the same finished floor level. However, she has recommended that the final design incorporate flood resilient design measures, which is proposed to be resolved via a reserved matter. The Consultant Engineer has provided a list of potential design measures that can be incorporated into the development (refer **Attachment 7**). Based on the advice from the Consultant Engineer, the proposal can satisfy Performance Outcome 2.1 subject to review via the reserved matter.

Vehicle Access

The existing vehicle access will be unchanged aside from the resurfaced southern driveway. The new garage would provide 1 covered parking space, with 3 additional uncovered spaces available on the two driveways. The access points will continue to provide safe and convenient access to the site to satisfy Design in Urban Areas Performance Outcomes 23.4 and 23.5.

Landscaping & Private Open Space

The amount of private open space is mostly unchanged with the addition occupying the existing footprint, with only a small extension to the south that is not the primary area of private open space. A rear outbuilding will also be removed to increase private open space at the rear of the site.

The plans do not clearly show the extent of landscaping. However, there will be an increase in soft landscaping compared to existing conditions. Part of the currently paved northern driveway will be landscaped and paving on the western boundary will be replaced with landscaping as well. A reserved matter is recommended to confirm the exact extent of landscaping, but by increasing the amount of landscaping compared to current conditions it is expected that the proposal will easily satisfy Design in Urban Areas Performance Outcome 22.1.

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 26017839, by Jeff Yablon and Talis Putnins is granted Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

PLANNING CONSENT

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

Details of flood resilient design measures to reasonably manage flood risk to the proposed additions shall be provided to the satisfaction of the Assessment Manager.

Reserved Matter 2

A final schedule of materials and finishes shall be provided to the reasonable satisfaction of the Assessment Manager.

Reserved Matter 3

Detailed elevations for the replacement front verandah, including materials, finishes, colours and dimensions, shall be provided to the reasonable satisfaction of the Assessment Manager.

Reserved Matter 4

A detailed elevation for the new front fence showing a maximum height of 1.5m, colours, materials, spacing between timber pickets and the details of any gates shall be provided to the reasonable satisfaction of the Assessment Manager.

Reserved Matter 5

An amended site plan that clearly delineates the areas to be comprised of soft landscaping shall be provided to the reasonable satisfaction of the Assessment Manager.

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

The upper floor windows facing north, west, and 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

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

Condition 4

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 5

Work around the four (4) regulated trees will be undertaken in accordance with the Tree Protection Plan prepared by URPS (dated 31 July 2026).

The following measures will be implemented during construction:

- The southern driveway will be replaced prior to construction machinery accessing the site.
- Demolition of the existing paving/structures within the Notional Root Zone (NRZ) of Tree 1 is to be undertaken manually. The use of machinery is to be avoided for demolition/construction in this area.
- The raised garden bed in the rear of the allotment (within the NRZ of Tree 1 and Tree 2) is to be retained.
- The southern driveway is to be demolished by hand (machinery not to be used) by carefully breaking and lifting concrete slabs.
- The new driveway is to consist of permeable pavers. These are to be laid with minimal excavation and in accordance with manufacturer specifications.
- If roots >30mm diameter are found during project works, the roots are to be left in-tact and will not be pruned without consultation with the project arborist.

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.

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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.

Ms Geisthorpe addressed the Council Assessment Panel from 7.27pm until 7.32pm
Prof Putnins addresses the Council Assessment Panel from 7.34pm until 7.40pm

Moved by Mr Adcock

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

Seconded by Mr Rutt
CARRIED

Moved by Mr Rutt

2. *Development Application Number 26017839, by Jeff Yablon and Talis Putnins is granted Planning Consent subject to the following conditions and reserved matters:*

RESERVED MATTERS
PLANNING CONSENT

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

Details of flood resilient design measures to reasonably manage flood risk to the proposed additions shall be provided to the satisfaction of the Assessment Manager.

Reserved Matter 2

A final schedule of materials and finishes shall be provided to the reasonable satisfaction of the Assessment Manager.

Reserved Matter 3

Detailed elevations for the replacement front verandah, including materials, finishes, colours and dimensions, shall be provided to the reasonable satisfaction of the Assessment Manager.

Reserved Matter 4

A detailed elevation for the new front fence showing a maximum height of 1.5m, colours, materials, spacing between timber pickets and the details of any gates shall be provided to the reasonable satisfaction of the Assessment Manager.

Reserved Matter 5

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

The upper floor windows facing north, west, and 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

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

Condition 4

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 5

Work around the four (4) regulated trees will be undertaken in accordance with the Tree Protection Plan prepared by URPS (dated 31 July 2026).

The following measures will be implemented during construction:

- *The southern driveway will be replaced prior to construction machinery accessing the site.*
- *Demolition of the existing paving/structures within the Notional Root Zone (NRZ) of Tree 1 is to be undertaken manually. The use of machinery is to be avoided for demolition/construction in this area.*
- *The raised garden bed in the rear of the allotment (within the NRZ of Tree 1 and Tree 2) is to be retained.*
- *The southern driveway is to be demolished by hand (machinery not to be used) by carefully breaking and lifting concrete slabs.*
- *The new driveway is to consist of permeable pavers. These are to be laid with minimal excavation and in accordance with manufacturer specifications.*
- *If roots >30mm diameter are found during project works, the roots are to be left in-tact and will not be pruned without consultation with the project arborist.*

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.

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Seconded by Mr Mickan
CARRIED

5.3 DEVELOPMENT NUMBER ID 26023142 – FRANK SARTI – 13 FRANK STREET ST MORRIS SA 5068

DEVELOPMENT NO.:	26023142
APPLICANT:	Joseph Sarti
ADDRESS:	13 FRANK ST ST MORRIS SA 5068
NATURE OF DEVELOPMENT:	Single story dwelling addition and associated fencing
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 11m; semi-detached dwelling is 9m; group dwelling is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; group dwelling is 400 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	14 Jul 2026
RELEVANT AUTHORITY:	Assessment panel at City of Norwood Payneham & 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:	City Arborist – Matthew Cole

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves a single storey addition to an existing dwelling within the Character Area Overlay. The applicant seeks to demolish an existing lean-to at the rear of the original dwelling and add a new bedroom, laundry, living room, kitchen, alfresco and garage.

The proposed garage would provide 2 on-site parking spaces in a tandem arrangement. The existing driveway and access point would be retained.

The proposal also includes a new 1.64m high masonry fence along the street boundary.

Note that the plans show that the dwelling will be painted however this is exempt from approval and not within the scope of this assessment.

BACKGROUND:

The application was lodged on the 14th of July 2026. Public notification was undertaken between 28 July and 17 August 2026. 1 representation was received and wishes to be heard.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 13 FRANK ST ST MORRIS SA 5068

Title ref.: CT **Plan Parcel:** D1041 AL37 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS
5850/650

Shape:	regular
Frontage Width:	13.41 metres
Area:	546m ²
Topography:	The site is on a slight gradient with the rear approximately 500mm lower than the street boundary
Existing structures:	An austerity house constructed circa 1947 with lean-to addition, 2 sheds and wire front fence
Existing vegetation:	Some unregulated vegetation

Locality

A locality for the site is illustrated in **Attachment 2**. It extends 90m north to the intersection with Third Av and 90m south along Frank St. It extends 40m west to incorporate sites on the eastern side of Breaker St. The locality includes sites fronting Gage St with rear access via Frank St.

The locality is entirely residential and, apart from a dwelling at 2 Frank St, entirely single storey. There are only 3 pre-1940 dwellings along Frank St (at 5, 17 and 19), but there are more original buildings fronting Breaker St and Gage St. All of the locality is within the Established Neighbourhood Zone and Trinity Gardens/St Morris Character Area (NPSP – C5).

Post war dwellings vary in style and typology and have somewhat compromised the character of the street, especially in comparison to Breaker St and Gage St which are more intact. The amenity of Frank St is impacted by rear garaging of dwellings fronting Gage St, although amenity is higher on the western side of the street.

The existing dwelling on the site is an austerity house circa 1947. At some point it has been rendered to replicate an inter-war Spanish mission style dwelling.

The locality demonstrates reasonable amenity, although there is significant variety in its character.

CONSENT TYPE REQUIRED:
Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Dwelling addition: Code Assessed - Performance Assessed

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

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

Per Table 5 of the Established Neighbourhood Zone – The proposal involves a boundary wall greater than 8m in length.

- **LIST OF REPRESENTATIONS**

Surname	First Name	Address	Position	Wishes to be heard?
Kuerschner	Debra		Opposed	Yes

- **SUMMARY**

The representor raised concerns regarding the length of the boundary wall and the amenity impact it will have on the dwellings they own at 11 Frank St.

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 proposal maintains the existing residential use that is envisioned within the Established Neighbourhood Zone. The Zone and Character Area Overlay allow for dwelling additions where they are compatible with the locality.

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 would be single storey with a maximum height of 5.4m above the natural ground level. The highest point of the addition will be 500mm lower than the roof of the existing dwelling to minimise its visibility from the street and adjacent land and to maintain the existing character of the area. The proposed height means that the addition will not have a significant impact on the streetscape to satisfy Performance Outcome 4.2 of the Established Neighbourhood Zone and Performance Outcome 2.2 of the Character Area Overlay.

Site Coverage & Space Between Buildings

Total site coverage would be 307m²/56% compared to the 50% suggested by DTS/DPF 3.1 of the Established Neighbourhood Zone. Frank St tends to have higher site coverage than is typical of the area due

to the rear garages of dwellings fronting Gage St. The site coverage proposed remains in keeping with the locality and Performance Outcome 3.1 is considered to be met.

Of more concern, however, is the side boundary setback. DTS/DPF 8.1 of the Zone suggests a minimum side boundary setback of 1m, which this proposal does not meet with the long garage wall on the boundary.

The corresponding Performance Outcome 8.1 states:

Buildings are set back from side boundaries to provide:

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

Focusing first on criterion (a), most dwellings in the locality have a carport or garage on one boundary, with the rest of the building setback at least 1m. This reflects the superseded Council Development Plan which was more nuanced than the Planning and Design Code regarding side boundary setbacks and allowed for "single storey boundary development...on one side boundary for a carport, garage [or] small addition". The proposed garage addition is lower than the associated dwelling and significantly set back from the building line to ensure that it remains visually subordinate to the dwelling.

Aside from the garage, the addition will be setback more than 1m from side boundaries. The northern wall is setback in line with the existing dwelling to minimise impacts on the streetscape.

The proposal provides adequate separation between buildings to satisfy Performance Outcome 8.1(a); criterion (b) is considered further below.

Impact on Neighbouring Properties

The proposed boundary wall would be 12.2m long with a maximum height of 3.0m. The wall abuts the common driveway of the dwellings to the south (11 Frank St). The two dwellings are setback approximately 3.7m from the proposed boundary wall, however, their north-facing windows are setback approximately 5.7m from the wall. Since the wall will abut a driveway, it is considered to have minimal amenity impact on the dwellings to the south with their private open space located on the southern and western boundaries, with no view to the proposed wall. There are only two (2) north-facing windows (one (1) per dwelling), and these are both far enough from the wall to minimise the impact on natural light and ventilation.

To reduce the visual impact of the wall, the applicant has committed to rendering the wall in a light colour finish that would match the fence it replaces. The plans currently show the wall as white-washed face brick, therefore, a reserved matter is recommended requiring a final schedule of materials and finishes for the boundary wall.

Given the above, the proposal is considered to satisfy Performance Outcome 8.1(b) of the Zone. The proposal also satisfies Interface Between Land Uses Performance Outcome 3.1 as the wall is adequately separated from the north-facing windows to minimise overshadowing of habitable room windows.

Design & Character Area Overlay

Most of the addition will be hidden at the rear of the site. Assessment against the Character Area Overlay is therefore only relevant to the garage. The Character Area Statement gives the following guidance for garages:

Vehicle garaging, driveways and front fences are not dominant streetscape elements.

The proposed garage is lower than the existing dwelling and reasonably setback from the building line. The handful of original dwellings on Frank St have carports with roller doors and the proposed roller door will not impact the character of the locality.

The garage would be constructed of white-washed face brick, reflecting the traditional materials envisioned within the Character Area.

Front Fencing

The proposed front fence would consist of 1.64m white-washed brick pillars with pickets between. The picket material is not listed but they would be painted in Colorbond Night Sky.

Per Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the landowner could build a non-masonry fence up to 2.1m high on the street boundary without Development Approval. There is a conflict here between the exemption from approval in the Regulations and the “low, open-style fencing” envisioned by the Character Area Statement. While a lower fence would be desirable, a 1.64m high brick and picket fence is a better outcome for the street than a 2.1m high panel fence that could otherwise be built. Therefore, the fence style and height are supported despite it being taller than the Character Area Overlay envisions.

The proposal also includes a 2.3m high fence/gate structure between the dwelling and the northern boundary. The gate is far enough back from the building line that it will not dominate the appearance of the existing dwelling or be dominant in the streetscape. Its position on the side boundary means it will not unreasonably impact the amenity of the dwelling to the north.

The proposal was reviewed by the City Arborist to consider if the new front fence might impact the Regulated Bottlebrush street tree in front of the site. He has confirmed that front fence is acceptable, but care will need to be taken when undertaking excavations within the notional root zone (NRZ). A condition is recommended requiring that any excavation within the NRZ is undertaken using tree-sensitive methods and that larger roots are only pruned following consultation with a qualified arborist.

Vehicle Access

The existing access point and driveway would be unchanged. The new garage provides two (2) covered parking spaces in a tandem arrangement, which satisfies Performance Outcome 5.1 of the Transport, Access and Parking module. Both spaces meet the minimum dimensions in the Code.

The crossover would continue to provide safe and convenient access to the site to satisfy Design in Urban Areas Performance Outcome 23.4.

Landscaping & Private Open Space

The site would be covered by approximately 132m²/24% soft landscaping; Design in Urban Areas DTS/DPF 22.1 seeks 25% soft landscaping for sites greater than 450m². The 1% shortfall from the DTS/DPF is considered to be minor and does not alter the merits of the proposal. Significant areas of landscaping are provided at the front and rear of the dwelling and provide enough space for plantings that will provide reasonable amenity and satisfy Performance Outcome 22.1.

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 26023142, by Joseph Sarti 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:

Provision of a final schedule of materials and finishes of the boundary wall to the reasonable satisfaction of the Assessment Manager

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

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

Condition 3

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

Condition 4

Care will be taken during construction of the new front fence to avoid damaging the Council street tree in front of the site. Any excavation within 4 m of the centre of the tree must be kept to the minimum necessary and undertaken using tree-sensitive methods (e.g. hand digging or hydrovac). Roots less than 50 mm in diameter may be cleanly pruned. If roots greater than 50 mm in diameter are encountered, they must only be pruned following consultation with a suitably qualified arborist (Level 5 or above).

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.

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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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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.

Ms Kuerschner addressed the Council Assessment Panel from 8.09pm until 8.12pm
Mr Sarti addressed the Council Assessment Panel from 8.14pm until 8.16pm

Moved by Mr Adcock

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

Seconded by Cr Wilkinson
CARRIED

Moved by Cr Wilkinson

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Planning Consent

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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 Adcock

CARRIED

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

**7.1 DEVELOPMENT NUMBER ID 26008311 – NORTH ADELAIDE CONSTRUCTIONS
TRADING AS HPG HOMES – 50 JOHN STREET PAYNEHAM SA 5070**

DEVELOPMENT NO.:	26008311
APPLICANT:	NORTH ADELAIDE CONSTRUCTIONS trading as HPG Homes
ADDRESS:	50 JOHN ST PAYNEHAM SA 5070
NATURE OF DEVELOPMENT:	Single storey detached dwelling with associated fencing and retaining walls
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Signif Retirement Facility Supported Accom Sites • Urban Tree Canopy • Water Resources
LODGEMENT DATE:	1 Apr 2026
RELEVANT AUTHORITY:	Original Decision – Assessment Manager at City of Norwood Payneham & St Peters Review of AM Decision – Council Assessment Panel at City of Norwood Payneham & St Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.6 26/03/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Kieran Fairbrother Acting Manager, Development & Regulatory Services
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	External Engineer, Tonkin

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Application Documentation
ATTACHMENT 1:	CAP Review of Decisions of the Assessment Manager Policy	ATTACHMENT 5:	Delegated Officer's Assessment Report
ATTACHMENT 2:	Application to Assessment Panel	ATTACHMENT 6:	Internal Referral Advice
ATTACHMENT 3:	Decision Notification Form	ATTACHMENT 7:	RFI & Applicant Correspondence

INTRODUCTION

Section 202(1)(b)(i)(A) of the *Planning, Development & Infrastructure Act 2016* (the “Act”) provides an applicant with a right to apply to the Council Assessment Panel for a review of the Assessment Manager’s decision relating to a prescribed matter.

A prescribed matter is defined as follows:

Prescribed matter, in relation to an application for a development authorisation, means:

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) A decision to refuse to grant the authorisation; or
- (c) The imposition of conditions in relation to the authorisation; or
- (d) Subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

Pursuant to section 203(2)(a) of the Act, the Council Assessment Panel adopted the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* (the “Policy”) at its meeting held on 21 October 2024. A copy of the Policy is provided in **Attachment 1**.

The Panel should note regulation 116(2) of the *Planning, Development & Infrastructure (General) Regulations 2017*, which states:

An applicant to an assessment panel for a review of a prescribed matter must be given an opportunity to provide the assessment panel with the applicant's submissions in relation to the review (and, if the assessment panel determines to hold a hearing, must be given written notice of the date of the hearing and an opportunity to appear and make submissions at the hearing in person).

This is reflected in Clause 4.1 of the Policy, and to that end the Applicant’s written submission has been provided in **Attachment 2**, together with the Application to Assessment Panel prescribed form.

Pursuant to Clauses 6.3 and 6.4 of the Policy, both the applicant and the Assessment Manager – or their respective representative/s or delegate – will be allowed five (5) minutes to address the Panel.

Clause 7 of the Policy states that the Panel may:

- Affirm the Assessment Manager’s decision on the Prescribed Matter;
- Vary the Assessment Manager’s decision on the Prescribed Matter; or
- Set aside the Assessment Manager’s decision on the Prescribed Matter and substitute its own decision.

In addition, Clause 6.8 of the Policy allows the Panel to defer its decision if it considers it requires additional time, or additional information from the Applicant or the Assessment Manager (including legal or other professional advice), to make its decision.

Draft resolutions for each option have been included at the appropriate point within this report.

SUBJECT LAND & LOCALITY

LOCATION OF DEVELOPMENT

Location reference: 50 JOHN ST PAYNEHAM SA 5070

Title ref: CT 5307/39 **Plan Parcel:** D7014 AL27 **Council:** THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

SUBJECT LAND

The subject land is bound by John Street on its northern boundary, Leonard Street on its western boundary and Third Creek adjacent its eastern boundary. The site currently contains a single storey dwelling, ancillary structures, boundary fencing and some vegetation throughout. No regulated trees exist on the site.

LOCALITY

The locality is residential in nature, characterised by medium-density single- and two-storey dwellings. Dwelling types vary, including detached, semi-detached and group dwellings as well as residential flat buildings. The locality enjoys semi-regular street tree plantings and is within walking distance of Payneham Oval – a public reserve. Consequently, the locality enjoys a good level of amenity.

PROCEDURAL MATTERS

The Application was performance assessed and did not require public notification pursuant to Table 5 of the General Neighbourhood Zone.

INTERNAL REFERRALS

An internal referral was issued to Council's external flooding consultant at Tonkin. Their advice is contained in **Attachment 6**.

REVIEW OF ASSESSMENT MANAGER DECISION

The Application to which the review relates is Development Application 206008311. The Application sought Planning Consent for:

Single storey detached dwelling with associated fencing and retaining walls

Development Application 26008311 was refused Planning Consent under delegation from the Assessment Manager. It is that determination that is the subject of this review.

Consistent with Clause 5 of the Policy, the documentation listed as attachments on the first page of this report have been included for the Panel's consideration.

The reasons for refusal of the Application are set out in **Attachment 3**, and are as follows:

1. Pursuant to section 119(6)(b) of the Planning, Development and Infrastructure Act 2016, information that was reasonably required for the assessment of the application was not provided within the specified timeframe, as requested.

2. The proposal fails to satisfy Performance Outcome 3.2 of the Hazards (Flooding) Overlay as it has not demonstrated that the proposed development does not cause unacceptable impacts on any adjoining property by the diversion of flood waters or an increase in flood velocity or flood level.
3. The proposal fails to satisfy Performance Outcome 3.3 of the Hazards (Flooding) Overlay as it has not demonstrated that the proposed development does not impede the flow of floodwaters through the allotment or the surrounding land, or cause an unacceptable loss of flood storage.
4. The proposal fails to satisfy Performance Outcome 3.4 of the Hazards (Flooding) Overlay as the proposed development does not avoid frequently flooded or high velocity areas.

For the Panel's reference, section 119(6) of the Act provides:

- (6) *If a request is made under subsection (3)—*
- (a) *any period between the date of the request and the date of compliance is not to be included in the time within which the relevant authority is required to decide the application; and*
 - (b) *if the request is not complied with within the time specified by the regulations, the relevant authority—*
 - (i) *may, subject to subparagraph (ii), refuse the application; and*
 - (ii) *must refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).*
- (my emphasis)

In addition, the Performance Outcomes referenced in the above-mentioned reasons for refusal are reproduced below for the Panel's benefit:

Performance Outcome 3.2 of the Hazards (Flooding) Overlay states:

Development does not cause unacceptable impacts on any adjoining property by the diversion of flood waters or an increase in flood velocity or flood level.

Performance Outcome 3.3 of the Hazards (Flooding) Overlay states:

Development does not impede the flow of floodwaters through the allotment or the surrounding land, or cause an unacceptable loss of flood storage.

Performance Outcome 3.4 of the Hazards (Flooding) Overlay states:

Development avoids frequently flooded or high velocity areas, other than where it is part of a flood mitigation scheme to reduce flood impact.

The applicant, via the correspondence provided for in **Attachment 2**, has provided a valid and clear argument as to why the decision of the Assessment Manager (i.e. the refusal of DA 26008311) should be set aside, namely (my wording):

- The Rules of Interpretation for the Planning & Design Code state that the policies of an Overlay can only be applied to a piece of land to the extent that the Overlay spatially applies to that land as depicted in SAPPA;
- The spatial application of the Hazards (Flooding) Overlay does not extend into areas where a new building or structure is proposed;
- Therefore, the three (3) Performance Outcomes listed above cannot be considered by the Assessment Manager in an assessment of the development application because no development is proposed within the areas covered by the Overlay; and

- Based on an assessment against all the applicable and relevant policies, the development warrants consent.

To assist the Panel in their consideration of this matter, and in accordance with clause 5.1.4 of the Policy the rationale for the Assessment Manager's decision is briefly outlined below.

The Delegated Planning Assessment Report (provided for in **Attachment 4**) sets out the rationale for the original decision of the Assessment Manager in detail. The report is balanced and notes that the proposed development displays merit in a number of respects. However, the Assessment Manager's decision was ultimately based on the following considerations:

- Council's flood mapping/modelling shows the majority of the site being affected in the 5% and 20% AEP flood events (see below), which was confirmed by Council's external engineer;

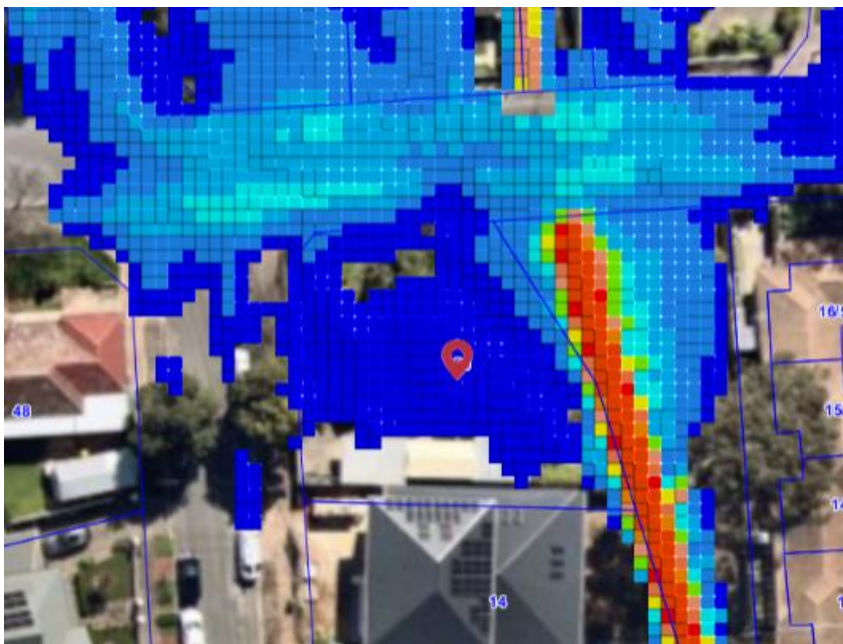


Image 1: spatial application of the 20% AEP flood event

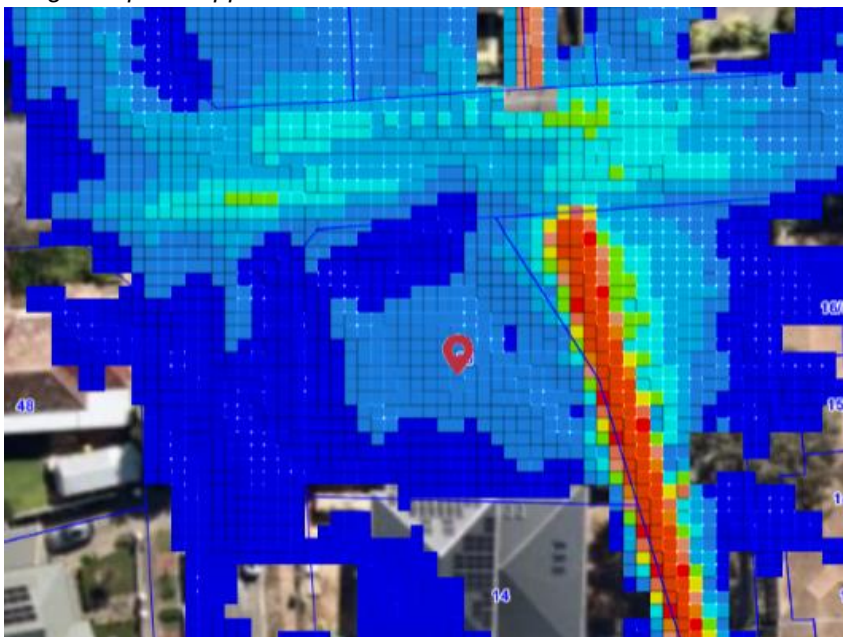


Image 2: spatial application of the 5% AEP flood event

- In the translation of this mapping into SAPPA for the purposes of the Hazards (Flooding) Overlay, some of the shallower depths were not included in the spatial application of the Overlay (for reasons unknown);
- Council's external engineer advised that the footprint of the new dwelling is within the 5% flow path and occupies 'a significant width of the flow path' and could result in the displacement of flood waters onto neighbouring land, thereby increasing their risk;
- The Council had previously received legal advice with respect to the application of the Hazards (Flooding) Overlay when it does not spatially apply to a whole site. The advice received in that instance supported the application of the Overlay beyond its spatial presentation in SAPPA when the proposed development is nevertheless within a flow path and could have impacts onto neighbouring land;
- Accordingly, the Assessment Manager determined that the abovementioned Performance Outcomes were relevant to the assessment of this development application and further information was required to satisfy itself that those Performance Outcomes had been satisfied – information that was not provided.

For those reasons the Assessment Manager concluded that Development Application 26008311 could not be supported and was refused Planning Consent.

Following the refusal of the application, the Council sought further legal advice with respect to the applicant's legal opinion (**Attachment 2**), and that has been provided to the Panel members under separate cover. That legal advice supports the Assessment Manager's position while acknowledging that the appellant has provided a valid, alternative view and that the matter is finely balanced.

As the Council Assessment Panel now has before it the rationale for the review as provided by the Applicant, and justification for the decision as provided by the Assessment Manager, the Panel must now consider this matter afresh taking into consideration all relevant factors.

CONCLUSION

This report outlines the rationale for the decision of the Assessment Manager, as required by Clause 5.1.4 of the Policy. The attachments provide all the other relevant information and details as required by Clause 5.1.

The Council Assessment Panel must determine whether to affirm the decision of the Assessment Manager, vary it, set it aside and substitute its own decision, or defer consideration of the matter for more information.

Relevant options for the consideration of the Panel are outlined below.

RESOLUTION OPTIONS

Resolution to affirm the decision of the Assessment Manager

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager that Development Application 26008311 is not seriously at variance with the Planning and Design Code, but that it does not warrant Planning Consent for the following reasons:

1. Pursuant to section 119(6)(b) of the Planning, Development and Infrastructure Act 2016, information that was reasonably required for the assessment of the application was not provided within the specified timeframe, as requested.
2. The proposal fails to satisfy Performance Outcome 3.2 of the Hazards (Flooding) Overlay as it has not demonstrated that the proposed development does not cause unacceptable impacts on any adjoining property by the diversion of flood waters or an increase in flood velocity or flood level.

3. The proposal fails to satisfy Performance Outcome 3.3 of the Hazards (Flooding) Overlay as it has not demonstrated that the proposed development does not impede the flow of floodwaters through the allotment or the surrounding land or cause an unacceptable loss of flood storage.
4. The proposal fails to satisfy Performance Outcome 3.4 of the Hazards (Flooding) Overlay as the proposed development does not avoid frequently flooded or high velocity areas.

Resolution to vary a decision of the Assessment Manager

The Council Assessment Panel resolves to vary the decision of the Assessment Manager in relation to Development Application 26008311 by including the following reasons for refusal:

- *[insert additional / alternate reasons]*

Resolution to defer review hearing

The Council Assessment Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to refuse Planning Consent to Development Application 26008311 until:

- The next ordinary meeting of the Panel; OR
- The next ordinary meeting of the Panel after *[insert additional information which has been requested by the Panel]* is provided; OR
- The next ordinary meeting of the Panel after *[insert date (e.g. providing an applicant 2 months to provide information)]*.

Resolution to set aside a decision of the Assessment Manager

The Council Assessment Panel resolves to set aside the decision of the Assessment Manager to refuse Planning Consent to Development Application 26008311 and substitute the following decision:

- Development Application 26008311 is not seriously at variance with the Planning and Design Code and Planning Consent is granted to the application subject to the following conditions and notes:

CONDITIONS

Condition 1

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

Condition 2

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 3

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

Condition 4

The approved development must include rainwater tank storage which is:

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

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

Condition 5

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

Condition 6

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

Condition 7

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

ADVISORY NOTES

Advisory Note 1

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

Advisory Note 2

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 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 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.

Advisory Note 5

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

Advisory Note 6

The 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

Note 7

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

Note 8

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

Note 9

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.

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.

Note 11

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

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

<450 // 1 small tree

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

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

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

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

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

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

Mr Game addressed the Council Assessment Panel from 8.27pm until 8.34pm

Mr Fairbrother addressed the Council Assessment Panel from 8.35pm until 8.40pm

Moved by Mr Adcock

Resolution to affirm the decision of the Assessment Manager

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager that Development Application 26008311 is not seriously at variance with the Planning and Design Code, but that it does not warrant Planning Consent for the following reasons:

- 1. Pursuant to section 119(6)(b) of the Planning, Development and Infrastructure Act 2016, information that was reasonably required for the assessment of the application was not provided within the specified timeframe, as requested.*
- 2. The proposal fails to satisfy Performance Outcome 3.2 of the Hazards (Flooding) Overlay as it has not demonstrated that the proposed development does not cause unacceptable impacts on any adjoining property by the diversion of flood waters or an increase in flood velocity or flood level.*
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- 4. The proposal fails to satisfy Performance Outcome 3.4 of the Hazards (Flooding) Overlay as the proposed development does not avoid frequently flooded or high velocity areas.*

Seconded by Cr Wilkinson

CARRIED

8. ERD COURT APPEALS

9. OTHER BUSINESS

- *Mr Fairbrother reminded the Panel members of the training for CAP members that will be held on 16 November 2026.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 9.07pm

Stephen Smith
PRESIDING MEMBER

Kieran Fairbrother
MANAGER, DEVELOPMENT & REGULATORY SERVICES