

Council Assessment Panel Minutes

18 December 2023

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
Website www.npsp.sa.gov.au
Socials  /cityofnpsp  @cityofnpsp



City of
Norwood
Payneham
& St Peters

	Page No.
1. COMMENCEMENT AND WELCOME	1
2. APOLOGIES	1
3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 20 NOVEMBER 2023	1
4. DECLARATION OF INTERESTS	1
5. DEVELOPMENT APPLICATIONS – PDI ACT	2
5.1 DEVELOPMENT NUMBER 23004466 – TWENTY FOUR OUTDOOR PTY LTD C/ FUTURE URBAN PTY LTD – 149 PAYNEHAM ROAD, ST PETERS.....	2
5.2 DEVELOPMENT NUMBER 23030106 – SYLVIA SOON – 4 WOODS STREET, NORWOOD	20
6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT	30
7. REVIEW OF ASSESSMENT MANAGER DECISIONS.....	31
7.1 DEVELOPMENT NUMBER 23016005 – INSPIRE DESIGN – 292 THE PARADE, KENSINGTON	31
8. ERD COURT APPEALS	45
9. OTHER BUSINESS	46
9.1 SCHEDULE OF COUNCIL ASSESSMENT PANEL MEETINGS FOR 2024.....	46
10. CONFIDENTIAL REPORTS	47
11. CLOSURE	47

VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

Panel Members

Mr Terry Mosel
Mr Mark Adcock
Mr Ross Bateup
Ms Jenny Newman
Cr Christel Mex

Staff Geoff Parsons, Manager Development Assessment
Kieran Fairbrother, Senior Urban Planner
Ned Feary, Senior Urban Planner
Tala Aslat, Planning Assistant

Staff

APOLOGIES

ABSENT

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

**3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 20 NOVEMBER 2023**

Moved by Mr Adcock
Seconded by Ms Newman
CARRIED

4. DECLARATION OF INTERESTS

Cr Mex declared conflict of interest for item 5.2, due to her previous consideration and publicly declared position on this matter.

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER 23004466 – TWENTY FOUR OUTDOOR PTY LTD C/- FUTURE URBAN PTY LTD – 149 PAYNEHAM ROAD, ST PETERS

DEVELOPMENT NO.:	23004466
APPLICANT:	Twenty Four Outdoor Pty Ltd C/- Future Urban Pty Ltd
ADDRESS:	149 PAYNEHAM RD ST PETERS SA 5069
NATURE OF DEVELOPMENT:	Partial change in use from motor repair station and consulting room to motor repair station, consulting room and third-party advertising, and the construction of an LED screen and architectural columns atop the existing building
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Activity Centre <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Future Road Widening • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Interface Height (Development should be constructed within a building envelope provided by a 30- or 45-degree plane, depending on orientation, measured 3m above natural ground at the boundary of an allotment)
LODGEMENT DATE:	20 Feb 2023
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	20 Feb 2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother Senior Urban Planner
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 5:	Representation Map
ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 7:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 8:	Prescribed Body Responses
ATTACHMENT 4:	Sensitive Receiver Map		

DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves the construction of a 10.50m(W) x 3.50m H) billboard-style advertising display atop an existing commercial building located at 149 Payneham Road, St Peters. The advertising display will sit above a 1.46m(H) cladding panel which will be affixed to the roof of the building. At its highest point, the advertising display will be 9.7m above ground/footpath level. Adjacent to the advertising display will be seven (7) 'architectural columns' designed to soften the appearance of the advertising display by providing a transition in height from the building to the display. These 'architectural columns' and the supporting posts and cladding panel associated with the advertising display will all be painted in a colour matching the associated building.

The advertising display will display third-party advertisements and is not intended to be restricted to displaying only advertisements associated with the lawful use of the land.

The advertising display is one-sided, directed to the southwest. The primary intent of the advertising display is to capture north-bound motorists along Payneham Road; although some peripheral views may be obtained by motorists travelling along Stephen Terrace and Nelson Street.

BACKGROUND:

When the application was first lodged, the proposal was for a 12.0m(W) x 3.0m(H) advertising display. However, as a result of feedback from the Commissioner of Highways (see **Attachment 8**), the proposal was amended, resulting in the dimensions of the advertising display currently before the Panel. This is why the Panel may observe references to a 12.0m-wide advertising display in the supporting Planning Statement and Traffic Impact Assessment contained within **Attachment 1**.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 149 PAYNEHAM RD ST PETERS SA 5069

Title ref.: CT 5483/504 **Plan Parcel:** F16829 AL500 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	irregular
Frontage width:	approx. 47 metres to Stephen Terrace and 21 metres to Payneham Road
Area:	approx. 1024m ²
Topography:	relatively flat
Existing Structures:	a single-storey commercial building comprising two tenancies, containing a motor repair station and a consulting room (physiotherapy)
Existing Vegetation:	low-level plantings between the buildings and the two street frontages

Locality

The locality is considered to be the area extending 100m in all directions from the intersection of Payneham Road and Stephen Terrace/Nelson Street (“**Intersection**”). Payneham Road is characterised predominantly by non-residential development in the form single- and two-storey buildings, comprising a variety of land uses including a motor repair station, consulting rooms, offices and shops. The Avenues Shopping Centre is located directly east of the subject site, presenting to the Intersection by way of a large sign board, a car parking area and, further back into the site, a large single-storey building containing a group of shops. This intersection generally enjoys a low level of physical amenity and streetscape character.

Located approximately 50m northeast of the subject land is a three-storey residential flat building located within the site of a local heritage place, the old ‘Jam Factory’. Although not yet constructed, the State Planning Commission recently granted planning consent to a four-storey mixed-use building at 151-157 Payneham Road – between the subject land the ‘Jam Factory’ site.

Immediately west of the subject site are the ‘Avenues’ of St Peters, which is comprised predominantly of historic dwelling stock in the form of single-storey detached dwellings that enjoy a high level of amenity with the exception of those fronting Stephen Terrace.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Change of use: Code Assessed - Performance Assessed
Advertisement: Code Assessed - Performance Assessed
Other - Commercial/Industrial - Architectural blades: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The proposed development involves a partial change of use for the commencement of a display of an advertisement, which is not exempt from notification by virtue of Table 5 of the Suburban Activity Centre Zone, nor is it development of a minor nature.

Additionally, the seven (7) columns proposed adjacent the LED screen are structures that are not exempt from notification per Table 5 of the Zone either.

• **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position	Wishes to be heard?
G G	Scott	PO Box 2758, Kent Town	Support, with concerns	No
Candice	Dullona	20/167-169 Payneham Road, St Peters	Opposed	No
Thomas	Mackinnon	20/167-169 Payneham Road, St Peters	Opposed	No
The St Peters Residents Association Inc		c/- 12 St Peters St, St Peters	Opposed	Yes
Brenton	Burman	68 Third Ave, Forestville	Opposed	Yes
Rob	VoZZo	61 Glynburn Rd, Glynde	Opposed	Yes
Giuseppe	Rocca	114 Payneham Rd, Stepney	Opposed	No

• **SUMMARY**

The concerns raised by the representors can be summarised as follows:

- Increased light pollution
- The advertising display will act as a distraction to motorists
- The advertising display creates a safety risk at a busy intersection
- It is not of a 'neighbourhood-scale' and is a large and obtrusive structure
- It is out of character of the area and will contribute to visual clutter
- The advertising display is inconsistent with other types of advertising displays in the area
- Third-party advertising is inappropriate
- The structure will impede views from a proposed four-storey mixed use development granted planning consent on the adjacent allotment at 151-157 Payneham Road

Representor 5 (Brenton Burman) supplemented their original representation with additional material, which they requested be included for the Panel's consideration. In accordance with the Panel's Meeting Procedures, the Assessment Manager accepted the additional material (contained in **Attachment 6**) and provided a copy to the Applicant for their consideration.

AGENCY REFERRALS

- Commissioner of Highways

As earlier highlighted, the Commissioner of Highways initially had concerns with the proposal. However, favourable amendments were made to the application that satisfied these concerns, and the Commissioner of Highways is now supportive of the proposal subject to the Conditions and Advisory Notes outlined in **Attachment 8**.

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

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

Land Use / Advertising Display

The Environment, Resources and Development Court has determined that the commencement of a display of an advertisement can be considered a change of use of land¹, particularly when the proposed advertisement will not necessarily be related to the current lawful land use (i.e. third-party signage). The proposed development comprises a partial change of use of the land for the commencement of the display of an advertisement, noting that the existing motor repair station and consulting room use are to remain and the proposed advertising display will include third-party advertising unrelated to these uses.

Performance Outcome 1.1 of the Suburban Activity Centre Zone states:

“Shops, office, entertainment, health and recreation related uses and other business that provide a range of goods and services to the surrounding neighbourhood and district.”

Corresponding Designated Performance Feature 1.1 specifically identifies ‘advertisement’ as an envisaged form of development and so the partial change of land use is supported in principle. However, one of the contentious aspects of the proposed advertising display relates to the proposal to display third-party advertising; a concern raised by several representors.

Performance Outcome 3.1 of the Advertisements module in the general development policies states:

“Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.”

Contrarily, the ERD Court has held on several occasions that the product or message being advertised is not an important consideration² (albeit these judgments were handed down prior to the Planning & Design Code being written and implemented).

Further, the Court in *A & A Centofanti Pty Ltd*³ identified that ‘third-party advertisements clearly have a place in the urban environment and one looks to Development Plans to provide guidance on where that place might be’ (at [42]).

Both the Suburban Activity Centre Zone and the Advertisements module in the general development policies are silent on the topic of third-party advertising. In fact, nowhere within the whole Planning & Design Code is third-party advertising mentioned, let alone specifically envisaged by a particular zone. Despite this, it is highly doubtful that the Code’s intention is to completely exclude third-party advertisements from ever being displayed. Government advertising campaigns targeted at issues such as speeding, driving without rest on country roads, and the use of handheld devices while driving hold a necessary place somewhere within society. Similarly, the use of public transport stops and similar public infrastructure for the use of third-party advertisements has been a regular feature

¹ *Gawler and Barossa Jockey Club v Town of Gawler* (1995) 64 SASR 598.

² *Keast v City of Marion* [1999] SAERDC 74; *A & A Centofanti Pty Ltd v City of Port Adelaide Enfield* [2009] SAERDC 8; *Adspace Group Pty Ltd v City of Marion* [2009] SAERDC 39.

³ *A & A Centofanti Pty Ltd v City of Port Adelaide Enfield* [2009] SAERDC 8.

of the public realm for many years. Consequently, the proposal to display third-party advertisements is not considered fatal to this application in its own right, and can be supported providing the remaining considerations for assessment sufficiently accord with the Planning & Design Code.

Advertisement Hoarding and Appearance

Desired Outcome 1 of the Suburban Activity Centre Zone states:

“An active commercial precinct supporting neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community. Buildings and pedestrian areas create a high quality, activated public realm that is integrated with pedestrian and cycle networks and establish well-defined connections to available public transport services.”

Performance Outcome 4.1 of the Suburban Activity Centre Zone states:

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

Performance Outcome 1.1 of the Advertisements module of the general development policies states:

“Advertisements are compatible and integrated with the design of the building and/or land they are located on.”

Performance Outcome 1.2 of the Advertisements module of the general development policies states:

“Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.”

Performance Outcome 1.5 of the Advertisements module of the general development policies states:

“Advertisements and advertising hoardings are of a scale and size appropriate to the character of the locality.”

The proposed advertising hoarding will be located above an existing commercial building, sitting at 9.7m above ground level at its highest point. It measures 10.5m wide and 4.96m tall, containing a 10.5m x 3.5m illuminated LED screen on which advertisements will be displayed. Adjacent to the advertising hoarding are seven columns that evenly reduce in height from 4.96m (closest to the advertising display) to 2.15m.

The Intersection does not currently enjoy a high level of amenity or consistent built-form character, as described in the Locality section of this report. Vegetation around the intersection is sparse, with the exception of several large, mature street trees set back sufficiently from the signalised intersection.

The advertising display is setback 5.5m from the Payneham Road boundary and 11.5m from the Stephen Terrace boundary of the subject land. The abutting columns and their complementary paint colour will effectively integrate the advertising hoarding into the design of the existing building consistent with PO 1.1 above.

The proposed advertising hoarding will, however, be taller than other structures that currently abut the Intersection. That being said, the Suburban Activity Zone envisages development up to two storeys in height, and it is worth noting in this context that many zones that contemplate two-storey development also contain an alternative height in metres, of 9 metres. Several representors raised the same concern – that the advertising display is taller than the two-storey limit envisaged by DPF 3.1 of the Zone. It is therefore prudent to highlight the fact that the State Commission Assessment Panel recently granted planning consent to a development application for the adjacent site at 151-157 Payneham Road, St Peters, for the construction of a four-storey mixed-use building which will rise to 14.6m above ground level; double the height limit envisaged by DPF 3.1 of the Zone and almost 5 metres higher than the proposed advertising display. While construction on this project has not commenced, the representor who has the benefit of this consent stated in their representation that they intend to act on this consent, which bears some contextual weight on the present assessment.

Representor 5 (who represents the applicant for the development application for 151-157 Payneham Road) suggests that the proposed advertising display is inappropriate because it will obstruct future views from the proposed four-storey mixed use development. In so doing, the representor cites a recent decision of the Queensland Supreme Court in favour of their submission (see **Attachment 6**).

Council administration is of the view that the case cited bears limited relevance to the present proposal because the decision of the Queensland Supreme Court is based on an entirely different legislative scheme, including as to public participation. Likewise, the subjectivity of advertisement impact assessment is such that those passages quoted in the representation provide no assistance to assessing this application. The relevant provisions of the Planning & Design Code do not require consideration of the potential future developments of adjoining land. Relevantly, the development application for 151-157 Payneham Road has only been granted planning consent and therefore no construction work in relation to that proposal has begun. Accordingly, it would be inappropriate to assess the proposed advertising display based on the potential future development of adjoining land and based on a policy perspective that does not exist in the Planning & Design Code. In any case, it is worth highlighting that a two storey building constructed on the subject land could result in the same potential outcomes.

The public realm surrounding the Intersection is not considered to be of a ‘high quality’, nor ‘activated’, and so while not strictly considered to be of a ‘neighbourhood-scale’, the scale and size of the advertising hoarding is considered appropriate for the locality. Moreover, the complementary colour scheme and the staggered columns adjacent will soften the visual impact that the development will have on the subject land and building and the character of the Intersection, and is therefore considered to sufficiently accord with PO 1.2 above.

Performance Outcome 2.1 of the Advertisements module of the general development policies states:

“Proliferation of advertisements is minimised to avoid visual clutter.”

Performance Outcome 2.3 of the Advertisements module of the general development policies states:

“Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.”

Advertisements are common-place on land adjacent to the subject site. The Intersection is characterised by a variety of non-residential land uses, all of which contain some form of advertising display predominantly in the form of signage affixed to or painted on a building wall or window. The Avenues shopping centre directly east has a large freestanding advertising display that displays signage for multiple businesses within the centre.

The subject building contains signage across the parapet of the building that addresses both the Payneham Road and the Stephen Terrace frontages. While there may be an argument that the existing building already contains a proliferation of advertising, the proposed advertising display will be separated from the existing building to distinguish it from existing signage ensuring its messages can be clearly read and thus avoiding visual clutter and untidiness.

Traffic Impact / Safety

Performance Outcome 1.1 of the Advertising Near Signalised Intersections Overlay states:

“Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.”

Performance Outcome 5.4 of the Advertisements module of the general development policies states:

“Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.”

The proposed advertising display is located adjacent two (2) State-maintained roads in Payneham Road and Stephen Terrace, and within 100 metres of the signalised intersection of these roads, and so the application was necessarily referred to the Commissioner of Highways (“CoH”) for assessment against PO 1.1 of the Advertising Near Signalised Intersections Overlay (above).

The COH’s full response is contained in **Attachment 8**. In summary, following favourable amendments being made to the application, the CoH is of the opinion that the advertising display will be sufficiently separated from the adjacent traffic lights to not create conflict and that with appropriate conditions (as the CoH has imposed) ‘the proposed sign should not cause undue distraction to motorists at this location’.

The conditions imposed by the CoH are considered appropriate in the context of PO 1.1 above, noting that:

- illumination levels will be automatically controlled and limited at different times of the day such that they will not impair the ability of road users to use the road safely;
- an automatic error detection system shall be installed to turn off the display in the event of a malfunction;
- the display shall display only one message every 45 seconds, with no flashing, scrolling or moving of messages permitted; and
- message changes shall take no more than 0.1 seconds to take effect;

with these final two points ensuring that undue distraction is not caused by distracting messages or the frequent changeover of messages.

Performance Outcome 5.3 of the Advertisements module of the general development policies states:

“Advertisements and/or advertising hoardings do not create a hazard to drivers by:

- a. being liable to interpretation by drivers as an official traffic sign or signal*
- b. obscuring or impairing drivers’ view of official traffic signs or signals*
- c. obscuring or impairing drivers’ view of features of a road that are potentially hazardous (such as junctions, bends, changes in width or traffic control devices) or other road or rail vehicles at/or approaching level crossings.”*

Performance Outcome 5.5 of the Advertisements module of the general development policies states:

“Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users.”

The proposed advertising display is located 5.5m from the subject land’s boundary with Payneham Road and 11.5m from the subject land’s boundary with Stephen Terrace, providing sufficient clearance from the road carriageway and locating it sufficiently behind traffic lights such that it will not obscure or impair drivers’ view of traffic signs and other road features, and will continue to allow for safe and convenient movement by all road users.

Environmental Factors

Light Spill

Performance Outcome 5.2 of the Advertisements module of the general development policies states:

“Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.”

As mentioned above, the CoH has directed the imposition of a condition that limits the luminance levels of the advertising display at different times of the day and under different weather conditions. These levels are adopted from the Department of Planning, Infrastructure and Transport’s ‘Advertising Signs Assessment Guidelines for Road Safety’ (August 2014), which has been relied upon throughout the State since its inception and is considered to satisfy the above Performance Outcomes.

Performance Outcome 4.1 of the Advertisements module of the general development policies states:

“Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.”

Performance Outcome 1.2 of the Interface Between Land Uses module in the general development policies states:

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

Performance Outcome 6.1 of the Interface Between Land Uses module in the general development policies states:

“External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).”

‘Sensitive receiver’ is defined by the Planning & Design Code as, relevantly, ‘any use for residential purposes or land zoned primarily for residential purposes’.

Based on the orientation of the proposed advertising display to face southwest, and the fact that it is a one-sided display, it is only those properties located southwest of the subject land that require consideration for assessment against the abovementioned Performance Outcomes. One representor has raised concerns that illumination from the advertising display will spill onto their proposed development at 151-157 Payneham Road. Similarly, two representors are located in the dwellings further northeast at 167-169 Payneham Road. These dwelling and proposed dwellings should not suffer any impact by way of light spill given the orientation of the proposed advertising display.

Attachment 3 demonstrates the relevant zones surrounding the subject land. Only the Established Neighbourhood Zone is considered to be a zone primarily intended to accommodate sensitive receivers for the purposes of this assessment. While the Business Neighbourhood Zone is a zone that does envisages residential land uses, it does not do so *primarily* above any other land uses.

Attachment 4 highlights the location of sensitive receivers within the vicinity of the subject land, and specifically located in the direction in which the proposed advertising display will face. By reference to **Attachment 4**, these include:

1. A number of single-storey detached and semi-detached dwellings in Stephen Terrace and First Avenue, St Peters, in the Established Neighbourhood Zone;
2. Two, two-storey dwellings and a three-storey residential flat building containing five (5) dwellings, sited behind single-storey commercial tenancies at 125-127 Payneham Road;
3. A two-storey residential flat building containing four dwellings, sited behind a two-storey commercial building at 115 Payneham Road; and
4. Six single-storey dwellings in Cornish Street, Stepney, in the Suburban Activity Centre Zone.

The six dwellings in Cornish Street are not considered to be affected by light from the proposed development due to their distance from the intersection and their location behind larger buildings on Payneham Road that will shield any projected light.

Similarly, the two- and three-storey dwellings behind 125-127 Payneham Road are located approximately 100 metres from the proposed advertising display. At this distance, and with consideration of the permitted luminance levels, the amenity of these dwelling should not be impacted by the proposed advertising display. The same consideration applies to the dwellings located behind 115 Payneham Road and those facing First Avenue.

With respect to the dwellings facing Stephen Terrace, the warehouse located at the rear of 139 Payneham Road will effectively obscure views of the advertising display from any east-facing habitable windows and therefore impede light spill from the display into these windows and onto these allotments. Notably, the two closest dwellings will not have direct views onto the advertising display as a result of their setback behind the adjoining warehouse.

Accordingly, when considering the location and siting of surrounding sensitive receivers, and the orientation of the proposed advertising display, the proposed development is considered to satisfy PO 4.1 of the Advertisements module and POs 1.2 and 6.1 of the Interface Between Land Uses module.

CONCLUSION

This application seeks approval to construct a large advertising display atop an existing commercial building at the intersection of two State-maintained roads. The proposed advertising display will display third-party advertising, contrary to PO 3.1 of the Advertisements module of the Planning & Design Code. Notwithstanding, third-party advertisements have a place in urban environments and that is generally considered to be in locations close to major intersections.

The proposed display and its associated hoarding have been designed in a manner that integrates well with the existing building, softening the visible bulk and scale of the structure so as to not detract from the existing character of the Intersection (albeit a low level of character) while also avoiding visual clutter and untidiness.

The application sufficiently demonstrates that the advertising display will not cause undue distraction to motorists and other road users by way of motion, illumination or obstruction. The Commissioner of Highways is satisfied in this regard and has directed the imposition of conditions that will ensure this remains the case, providing the Council with enforcement options should these conditions not be adhered to.

Finally, the direction in which the advertising display faces, combined with existing siting characteristics of surrounding buildings, minimises any potential effect on the amenity of surrounding existing and approved sensitive receivers by way of light spill.

The proposed development is finely balanced and sufficiently accords with the provisions of the Planning & Design Code to warrant planning consent.

RECOMMENDATION

Grant Planning Consent

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23004466, by Twenty Four Outdoor Pty Ltd C/- Future Urban Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 2

The billboard shall be installed as shown on 24 Outdoor, Plan & Elevation, Job No. SA-PET-0922, Drawing No. 230922-2/5, Revision Apr23.

Condition 3

The billboard shall be permitted to display one self- contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds. The sign shall not flash, scroll or move. Furthermore, the sign shall not be permitted to display or imitate a traffic control device in any way. Animated effects such as 'fade', 'zoom' or 'fly in/out' or signs that show images across multiple displays shall not be used.

Condition 4

The operational system for the billboard shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off peak period.

Condition 5

The billboard shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED component of the sign shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²)
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	60

Condition 6

The non-illuminated portion of the billboard shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 10

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from both the Payneham Road and Stephen Terrace frontages of this property as well as additional land from the corner of the site for future upgrading of the Payneham Road/Stephen Terrace/Nelson Street intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirements.

Accordingly, the attached consent form should be completed by the applicant and forwarded to DIT with a copy of the DNF and approved plans for processing (via dit.landusecoordination@sa.gov.au).

Advisory Note 11

This Department is undertaking a planning study to identify possible future upgrade options for Payneham Road. The exact nature and timing of any improvements at this intersection have yet to be determined.

Advisory Note 12

Should traffic flows on Payneham Road and or Stephen Terrace be impacted by the installation of the sign, the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email dit.roadworks@sa.gov.au to gain approval for any road works, or the implementation of a traffic management plan during the installation of the billboard.

Mr Burman addressed the Council Assessment Panel from 7:03pm until 7:09pm

Ms Walker addressed the Council Assessment Panel from 7:10pm until 7:12pm

Mr Bonato addressed the Council Assessment Panel from 7:18 pm unit 7:21pm

Mr Cree did not attend the Council Assessment Panel Meeting

Mr Cattonar addressed the Council Assessment Panel from 7:24:pm until 7:33pm

Mr Wilson from Cirqa answered questions from the Council Assessment Panel from 7:37pm until 7:40pm

Mr Ellery from Big Screen Video answered questions from the Council Assessment Panel from 7:43pm unit 7:44pm

Moved by Mr Adcock

- 1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and*
- 2. Development Application Number 23004466, by Twenty Four Outdoor Pty Ltd C/- Future Urban Pty Ltd is granted Planning Consent subject to the following conditions:*

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

The advertising hoarding and associated architectural columns shall be finished in a mid tone grey colour to the reasonable satisfaction of the Assessment Manager.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 3

The billboard shall be installed as shown on 24 Outdoor, Plan & Elevation, Job No. SA-PET-0922, Drawing No. 230922-2/5, Revision Apr23.

Condition 4

The billboard shall be permitted to display one self- contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds. The sign shall not flash, scroll or move. Furthermore, the sign shall not be permitted to display or imitate a traffic control device in any way. Animated effects such as 'fade', 'zoom' or 'fly in/out' or signs that show images across multiple displays shall not be used.

Condition 5

The operational system for the billboard shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off peak period.

Condition 6

The billboard shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED component of the sign shall be limited to the following stepped luminance levels:

<i>Ambient Conditions</i>	<i>Sign Illuminance Vertical Component (Lux)</i>	<i>Sign Luminance (Cd/m²)</i>
<i>Sunny Day</i>	<i>40000</i>	<i>6300</i>
<i>Cloudy Day</i>	<i>4000</i>	<i>1100</i>
<i>Twilight</i>	<i>400</i>	<i>300</i>
<i>Dusk</i>	<i>40</i>	<i>200</i>
<i>Night</i>	<i><4</i>	<i>60</i>

Condition 7

The non-illuminated portion of the billboard shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending

removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 10

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from both the Payneham Road and Stephen Terrace frontages of this property as well as additional land from the corner of the site for future upgrading of the Payneham Road/Stephen Terrace/Nelson Street intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirements.

Accordingly, the attached consent form should be completed by the applicant and forwarded to DIT with a copy of the DNF and approved plans for processing (via dit.landusecoordination@sa.gov.au).

Advisory Note 11

This Department is undertaking a planning study to identify possible future upgrade options for Payneham Road. The exact nature and timing of any improvements at this intersection have yet to be determined.

Advisory Note 12

Should traffic flows on Payneham Road and or Stephen Terrace be impacted by the installation of the sign, the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email dit.roadworks@sa.gov.au to gain approval for any road works, or the implementation of a traffic management plan during the installation of the billboard.

Seconded by Ms Newman
CARRIED

5.2 DEVELOPMENT NUMBER 23030106 – SYLVIA SOON – 4 WOODS STREET, NORWOOD

DEVELOPMENT NO.:	23030106
APPLICANT:	Sylvia Soon
ADDRESS:	4 WOODS ST NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Demolition of ticket booth and construction of a replacement ticket booth (with associated signage) and fencing
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Recreation <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Heritage Adjacency • Local Heritage Place • Local Heritage Place • 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 9m; semi-detached dwelling is 8m; row dwelling is 6m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 250 sqm; group dwelling is 250 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	17 Oct 2023
RELEVANT AUTHORITY:	Assessment panel at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) - Version 2023.14 - 12/10/2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Mark Thomson, Consulting Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Pippa Buckberry, Heritage Advisor

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development comprises the demolition of an existing ticket booth associated with Norwood Oval, adjacent Woods Street and the construction of a smaller replacement ticket booth and fencing.

The replacement ticket booth is approximately 1.24m wide, 3.2m deep and 2.6m high. It is to be clad in red corrugated metal sheets and have an open grill at the front, as well as a sign above with the word "tickets".

The proposed new fencing is 2.6m high, 3.65m long and has a cut-out to accommodate access to a new electricity transformer which is the subject of a separate development application.

BACKGROUND:

The existing 500kVQ electricity transformer at Norwood Oval is insufficient to meet the current electricity demands for the Norwood Oval during football matches. As a result, it was necessary for the Council and the AFL to hire and use generators for electricity backup for the previous 'Gather Round' games played at the Norwood Oval.

As part of its 2023/2024 Annual Business Plan, the City of Norwood Payneham & St Peters has allocated a budget to upgrade the existing transformer to align with the Norwood Oval's current electrical demands at full capacity plus contingency.

A separate Development Application (DA 23028960) was lodged for the installation of the electricity transformer.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 4 WOODS ST NORWOOD SA 5067

Title ref.: CT
6130/129

Plan Parcel:
F35168 AL7

Council: THE CITY OF NORWOOD PAYNEHAM
AND ST PETERS

The subject land is the whole of the Norwood Oval site, including the oval itself, stands, offices and facilities. The Planning & Design Code lists the entire "Norwood Oval Complex" at 4 Woods Street as a Local Heritage Place.

Also located on the subject land, to the north of the site of the ticket booth, is the RSL Hall. This is also listed in the Code as a Local Heritage Place.

Locality

Woods Street forms the boundary between the Recreation Zone containing Norwood Oval and the Established Neighbourhood Zone to the west.

The Established Neighbourhood Zone part of the locality contains character dwellings at low density. The Historic Area Overlay applies to this part of the locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Demolition
Replacement building: Code Assessed - Performance Assessed
Fences and walls
Demolition: Code Assessed - Performance Assessed
Fence: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

Demolition is exempt from public notification within the Recreation Zone, other than the demolition (or partial demolition) of a State or Local Heritage Place.

The ticket booth forms part of the Norwood Oval Complex and is therefore part of the Local Heritage Place listing.

- **LIST OF REPRESENTATIONS**

One representation was received from Mr Peter Fairlie-Jones of 15 Theresa Street, Norwood. Mr Fairlie-Jones is opposed to the development and wishes to be heard by the Council Assessment Panel in support of his representation.

- **SUMMARY**

In summary, Mr Fairlie-Jones has opposed the development on the following three grounds:

- The location of the replacement ticket booth should be altered to enable the adjacent entrance gates to be widened;
- The new electricity transformer may emit low level noise which may impact on amenity; and
- An alternative material should be considered for the construction of the replacement ticket booth and fence, to lessen heat radiation.

The applicant has responded to the representation, advising in summary:

- There will be no adjustments made to the access gate;
- The new transformer is not expected to create noise impacts; and
- The proposed metal cladding matches existing cladding along Woods Street.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

The application was referred to Ms Pippa Buckberry of Anaglypta Architecture for advice on the impact of the proposal on the heritage value of the Norwood Oval complex. Ms Buckberry was appointed in lieu of the Council's usual Heritage Advisor, David Brown, as Mr Brown prepared the plans for the application.

PLANNING ASSESSMENT

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

Demolition

Performance Outcomes 6.1 and 6.2 of the Local Heritage Place Overlay respectively state:

"Local Heritage Places are not demolished, destroyed or removed in total or in part unless:

- a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value*

or

- b) the structural integrity or condition of the Local Heritage Place represents an unacceptable risk to public or private safety and is irredeemably beyond repair."*

and

"The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Local Heritage Place."

Ms Buckberry has reviewed the 1994 Heritage Data Sheet for the Norwood Oval Complex to assist her in determining which elements of the complex constitute significant fabric of the Local Heritage Place. In this respect, the data sheet references the E.T. Smith Pavilion, the Southern Stand and the entrance gates on the south side (facing The Parade) as significant fabric.

As the ticket booth is not mentioned in the data sheet as being significant fabric, Ms Buckberry has advised that its demolition is acceptable.

Heritage Impact of New Building Work

Ms Buckberry has also considered the impact of the proposed replacement ticket booth and fencing on the adjacent RSL Hall. The most relevant policies in this respect are considered to be Performance Outcomes 3.1, 3.2, and 3.4 of the Local Heritage Place Overlay, as set out respectively below:

"Ancillary development, including carports, outbuildings and garages, complements the heritage values of the Local Heritage Place."

“Ancillary development, including carports, outbuildings and garages, is located behind the building line and does not dominate the Local Heritage Place or its setting.”

and

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

Ms Buckberry has advised that the proposal will have minimal impact on the setting of the adjacent RSL Hall, being designed to match in with the extensive boundary fencing and rear of the western grandstand, which are all finished in manor red corrugated colorbond cladding.

Ms Buckberry has recommended that the new transformer be painted in the same manor red colour, to similarly blend in with the existing streetscape. This recommendation is not relevant to the subject development application, as it relates to the separate development application for the installation of the transformer.

Signage

Performance Outcome 3.3 of the Local Heritage Place Overlay states:

“Advertising and advertising hoardings are designed to complement the Local Heritage Place, be unobtrusive, be below the parapet line, not conceal or obstruct heritage elements and detailing, or dominate the building or its setting.”

The proposed sign displaying the word “tickets” is small and reasonably discreet and unobtrusive, extending only 300mm above the height of the ticket box and adjacent fence. It is not proposed to be illuminated. Given its small size, the sign is considered to be reasonably complimentary to the adjacent Local Heritage Place and consistent with PO 3.3.

Traffic Impact, Access and Parking

While there appears to be sound rationale behind the suggestion by the representor that the entry gates be widened, this is not a relevant consideration for the assessment of the development application. The proposal relates only to the demolition of the ticket booth and constructing a new booth and fencing in its place. No changes are proposed to the existing gate and it would be inappropriate for the planning authority to seek to vary the nature of the development application by way of a condition or other means. If the applicant chose to voluntarily take the opportunity to widen the entrance gates that would be a different matter, however that is not the case.

As the proposal does not alter the existing vehicular access conditions, access and associated traffic impacts are not relevant to the assessment.

Environmental Factors

Concerns regarding noise emissions from the transformer are not directly relevant to the proposal, as there is a separate development application for the transformer. That said, there is some indirect relevance to the concern, as an approval of the separate development application for the transformer would only be able to be implemented if the subject development application is also approved.

In any event, noise from electricity transformers is very low level to the extent that it is almost undetectable when standing directly adjacent to one and below typical background noise in an urban area.

The proposal will not increase heat reflection to the adjacent residential area. While red colour corrugated iron may or may not reflect more heat than the existing red brick building, any difference would be negligible, particularly at the distance of the nearest residential properties.

CONCLUSION

The proposal to demolish the existing ticket booth and replace it with a smaller ticket booth and fencing does not impact on any important historic fabric of the Norwood Oval complex and does not impact adversely on the heritage value of the adjacent RSL Hall.

Concerns raised through the public notification process regarding traffic access are not relevant to the proposal, while any noise and heat reflection impacts would be negligible.

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23030106, by Sylvia Soon is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

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).

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) 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.

Cr Mex declared conflict of interest for item 5.2 and left the meeting at 8:22pm

Moved by Ms Newman

- 1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and*
- 2. Development Application Number 23030106, by Sylvia Soon is granted Planning Consent subject to the following reasons/conditions/reserved matters:*

CONDITIONS

Planning Consent

- 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).*

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) 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.

Seconded by Mr Bateup
CARRIED

Cr Mex returned to the meeting at 8:25pm

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

7.1 DEVELOPMENT NUMBER 23016005 – INSPIRE DESIGN – 292 THE PARADE, KENSINGTON

DEVELOPMENT NO.:	23016005
APPLICANT:	Inspire Design
ADDRESS:	292 THE PARADE KENSINGTON SA 5068
NATURE OF DEVELOPMENT:	Addition to existing consulting rooms
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Business 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 • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	5 Jun 2023
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	Version applicable at lodgement – 5 June 2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Geoff Parsons Manager, Development Assessment
REFERRALS STATUTORY:	None required
REFERRALS NON-STATUTORY:	David Brown – Heritage Advisor

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 3:	Decision Notification Form
ATTACHMENT 1:	Council Assessment Panel Review of Decisions of the Assessment Manager Policy	ATTACHMENT 4:	Delegated Assessment Report
ATTACHMENT 2:	Application to Assessment Panel and accompanying correspondence	ATTACHMENT 5:	Application Documentation

INTRODUCTION

Section 202(1)(b)(I)(A) of the *Planning, Development & Infrastructure Act 2016* 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.

To assist with undertaking a review under Sections 201-203 of the *Planning, Development & Infrastructure Act 2016*, the Council Assessment Panel adopted a procedure to guide the consideration of an application for such at its meeting held on 10 February 2021. A copy of that Policy is provided in **Attachment 1**.

It is noted that the attached Policy was due for review in February 2023. A review of the Council Assessment Panel *Terms of Reference* and *Meeting Procedures* has been completed. The review of the attached Policy will commence shortly.

The Panel should also be aware that the South Australian Government made changes to the *Planning, Development & Infrastructure (General) Regulations 2017* on 25 May 2023. An amended regulation was introduced which states:

- (2) *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)*

Council (together with the rest of the local government sector) has received advice in relation to the new regulation and such advice confirms that an Applicant should be provided with the right to make submissions (both written and verbal). Accordingly, the Applicant's written submission has been provided in **Attachment 2** (together with the request for the review) and the Presiding Member and Assessment Manager have agreed it is reasonable for both the Applicant and Assessment Manager to address the Panel verbally for five (5) minutes each, as per the Panel's normal processes for a hearing of representations.

DETAILED DESCRIPTION OF PROPOSAL:

The Application to which the review relates to Development Application 23016005. This Application sought Planning Consent to undertake a modest addition (including some alterations) to an existing premises used for consulting rooms purposes (dental practice). The nature of development was formally described as:

Addition to existing consulting rooms

The building to which the addition is proposed is identified as a representative building (RB). The addition primarily entails:

- Partial demolition of the existing building; namely removal of a door, removal of stormwater infrastructure and concrete paving, and removal of a portion of the existing verandah
- Construction of an addition, measuring approximately 7 square metres in area, for the purposes of creating a store room, to the north western corner of the existing building.

Small windows are proposed to be incorporated to the northern and western elevation and a new door provides access to the store room from inside the existing building. The addition would have a rendered exterior to match the existing western elevation.

Development Application 23016005 was refused Planning Consent under delegation from the Assessment Manager. It is that determination that is the subject of this review.

Clause 6 in the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* stipulates 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, the Council Assessment Panel may defer its decision in accordance with clauses 5.6 and 5.7 of the *Council Assessment Panel Review of the Assessment Manager Policy*.

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

BACKGROUND:

Development Application 23016005 was submitted on 31 May 2023 and lodged on 5 June 2023. Following a detailed assessment, Council's administration raised concerns with the design of the addition and the impact on the representative building and character of the locality (particularly from a historic impact perspective).

The applicant responded to the Council's concerns on 24 July 2023 providing amended plans. The plans showed a more "replica" design which was also not supported by Council's Heritage Advisor or Council's administration.

Accordingly, the applicant chose not to proceed with the amended plans they submitted on 24 July 2023, and instead asked the Council to determine the Application based on the original plans submitted.

The Application was then refused on 3 October 2023.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 292 THE PARADE KENSINGTON SA 5068

Title ref.: CT
5462/16

Plan Parcel:
F139183 AL3

Council: THE CITY OF NORWOOD PAYNEHAM
AND ST PETERS

The subject land is an odd-shaped allotment, with a direct frontage to The Parade of approximately 15 metres.

The site is approximately 510 square metres in area and contains a single building (used for consulting rooms purposes) in addition to parking, access / manoeuvrability areas and landscaped areas.

The land is relatively flat / level and a mature street tree is located at the front of the property.

The subject land is approximately 170 metres from the intersection between The Parade and Portrush Roads.

Locality

The locality contains a number of different land uses and is mixed in nature.

Immediately to the east lies a service station complex and dry cleaners. Residential uses lay to the north, with more retail uses to the north east. A church is sited to the north west.

More residential uses are located to the west and south, and commercial offices are located further west.

Deciduous street trees line The Parade in this area and footpaths are present on both sides of the street. The locality is heavily trafficked but enjoys a relatively high level of amenity.

PROCEDURAL MATTERS

The Application was performance assessed and did not require public notification.

AGENCY REFERRALS

No agency referrals were required

INTERNAL REFERRALS

An internal referral was required to Council's Heritage Advisor – Mr David Brown. Council's Heritage Advisor was not supportive of the original proposal, nor the suggested amendments. Further commentary regarding this is provided below.

DOCUMENTS FOR REVIEW

In accordance with clause 4 of the *Council Assessment Panel Review of Decisions of the Assessment Manager* a number of different materials have been included as attachments to this agenda, as follows:

- Attachment 1 – Council Assessment Panel Review of Decisions of the Assessment Manager Policy
- Attachment 2 – Application to Assessment Panel and accompanying correspondence
- Attachment 3 – Decision Notification Form – DA 23016005
- Attachment 4 – Delegated Assessment Report – DA 23016005
- Attachment 5 – Application Documentation – DA 23016005

REVIEW OF ASSESSMENT MANAGER DECISION

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 (namely, the refusal of DA 23016005) should be set aside.

To assist the Panel in their consideration of this matter, and in accordance with clause 4.1.3 of the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* I have set out the rationale for the Assessment Manager's decision below.

Development Application 23016005 proposes a modest addition to an existing premises used for consulting room purposes.

I note that many of the issues and matters for consideration that normally form part of a planning assessment are addressed by the modest nature of the development, namely:

- Land Use – The use of the land is not proposed to change;
- Intensity – The intensity of the land use is not changing. No additional consulting rooms are to be added, and the storage room does not increase the capacity of the business to service more persons;
- Car Parking – No change is being proposed to the amount of car parking available on site, and the development does not trigger the need for additional parking;
- Traffic and Manoeuvrability – No changes are proposed to the traffic and manoeuvrability arrangements on site;
- Landscaping – A small bush / hedge may require removal to facilitate the addition, but no substantial changes are required to the landscaping areas;
- Services – Other than some potential minor adjustments to service infrastructure located on the existing western façade of the building, there would be no impact to the existing serviceability of the site;
- Stormwater – Can be disposed of via the existing system with a new connection;
- Cut / Fill / Retaining – The finished floor level of the addition is to match the existing level. No significant cutting and / or filling of land, or associated retaining would be required;
- Privacy / Overlooking – The addition is at ground level, and would have no impact on the privacy of adjoining property owners / occupiers;
- Overshadowing – The addition is at ground level and is no closer to the western boundary than the existing building. There would be no / minimal overshadowing impact;
- Site Contamination – The land use is existing and would not change. There are no applicable site contamination considerations;
- Signage – Not proposed to change.

Accordingly, the remaining matters for consideration that require assessment relate to heritage impact and design.

The building is identified as a representative building. A representative building is defined in the *Planning & Design Code* as:

Representative buildings referenced in Historic Area Statements and Character Area Statements are mapped in the South Australian Planning and Property Atlas are buildings which display characteristics of importance in a particular area. The identification of representative buildings in a particular area is not intended to imply that other buildings in an historic area are not of importance.

In the view of the author, representative buildings are identified because they are considered to display the characteristics and elements that are of importance to a particular area which displays a particular character (primarily historic).

The maintenance and protection of representative buildings, while perhaps not as critical as places/ items which are specifically identified as having historic importance (through a State or Local Heritage listing), remains of importance to maintain the character of a particular area.

In this case, the site falls within the Historic Area Overlay, and a specific Historic Area Statement is applicable to this area, namely the *Kensington (Mixed Use) Historic Area Statement (NPSP22)*. That Statement reads as follows:

Kensington (Mixed Use) Historic Area Statement (NPSP22)

The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.

These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.

The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

<i>Eras, themes and context</i>	<i>Pre 1890s, Victorian and post 1918 period. Offices, consulting rooms and residential dwellings generally utilising historic buildings, with new residential apartments and townhouses.</i>
<i>Allotments, subdivision and built form patterns</i>	<i>[Not stated]</i>
<i>Architectural styles, detailing and built form features</i>	<i>Early buildings of pise, stone or brick construction. Larger Victorian-styled brick and stone buildings. Federation era brick and stone buildings. Bungalow-styled buildings of the post-1918 period.</i>
<i>Building height</i>	<i>Up to two storeys.</i>
<i>Materials</i>	<i>Pise, stone or brick construction. Unpainted brickwork, stonework and original corrugated iron roofing material.</i>

<i>Fencing</i>	<i>[Not stated]</i>
<i>Setting, landscaping, streetscape and public realm features</i>	<p><i>Existing character created by buildings and settings which reflect the principal historic development periods of the urban village of Kensington.</i></p> <p><i>Vehicular movement is dominated by The Parade which abuts the northern edge of the policy area. This frontage provides primary access for delivery, service, visitors' and residents' vehicles, in preference to access via the adjoining residential area, except where vehicular access to sites with frontages to Hill Street, Shipsters Road, Bowen Street and Phillips Street is provided from those streets.</i></p>
<i>Representative Buildings</i>	<i>Identified - refer to SA planning database.</i>

The original advice from Council's Heritage Advisor (**Attachment 5**) states *"The proposed addition will be highly visible from the street, and hence is not a good outcome. It changes the front façade and streetscape presentation, and demolishes an original portion of the front verandah.*

Given the strange shape of the site, there appear to be several other options for a storeroom on the property, if in fact this is a storeroom with two windows in it. Either way, there is opportunity for better placed additions at the rear and side of the building that will not impact the front façade.

In an attempt to address Council's concerns, the applicant provided amended plans which detailed a more "replica" approach, but such designs were considered a worse outcome and accordingly the applicant opted to revert to the original design.

Bearing in mind the comments of Council's Heritage Advisor, Council's administration undertook an assessment of the proposal against the relevant provisions of the *Planning and Design Code*. In particular, the following provisions were considered relevant:

Historic Area Overlay DO 1 – Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

Historic Area Overlay PO 1.1 – All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

Historic Area Overlay PO 2.1 – The form and scale of new buildings and structures that are visible from the public realm and consistent with the prevailing historic characteristics of the historic area.

Historic Area Overlay PO 2.3 – Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.

Ultimately the administration determined that the proposed development, comprising an addition to the front of a representative building, was at variance with the above-mentioned provisions in the Planning & Design Code, for the reasons outlined in the assessing officer's Delegated Planning Assessment Report, which were stated as:

1. *The proposed development is not, “contextually responsive” as it obscures its context and is therefore not in accordance with DO 1;*
2. *The proposal does not give due consideration to historic streetscapes and built form by obscuring historic built form as viewed from the street, and is therefore not consistent with PO 1.1;*
3. *The new structure is not consistent with the prevailing forms of the Historic Area because it obscures a form which has been designated as being representative of the Historic Area, and is therefore not consistent with PO 2.1; and,*
4. *The proposed design does not complement the prevailing characteristics of the Historic Area, as it obscures the representative fabric of the building, and is therefore inconsistent with PO 2.3.*

The applicant has contended that the decision should be overturned, primarily due to:

- The additional space will house a new generation CBCT X-Ray Machine. This machine must be located in close proximity to the current X-Ray room. The current X-Ray room is EPA approved and shielded etc. for radiation purposes – hence it cannot be moved and relocating the storage room to the rear of the property is not possible;
- The dental practice has made a considerable investment in the building;
- The proposed addition is modest in floor area and scale;
- The external finishes will match / complement the existing building;
- The current streetscape character will be maintained;
- No walls or stonework will be removed – the existing stone facing will form (some of) the internal walls of the storage area; and
- The addition is setback 3.8 metres from the façade of the building and accordingly any visual impact will be minimised.

These arguments are reasonable and well considered, ultimately however Council’s administration determined that the development did not satisfactorily address the relevant provisions of the *Planning & Design Code*.

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 4.1.3 of the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy*. The attachments provide all of the other relevant information and details as required by clause 4.1.

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 23016005 is not seriously at variance with the Planning and Design Code, but that it does not warrant Planning Consent for the following reasons:

- 1. The proposed development would obscure the historic fabric of the associated Representative Building when viewed from the street. This is considered to be inconsistent with Historic Area Overlay DO 1, PO 1.1, PO 2.1 and PO 2.3.*

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 23016005 by including the following reasons for refusal:

- [insert additional / alternate reasons]*

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 23016005 and substitute the following decision:

- Development Application 23016005 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 stormwater from buildings and paved 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.

ADVISORY NOTES

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.

Note 2

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

Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;

Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;

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 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.

Note 4

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

Note 5

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

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

Note 6

The Applicant is advised that construction noise is not allowed:

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

Note 7

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) 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 8

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

Note 9

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

Note 10

The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing between the building and a street).

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 23016005 until:

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

Recommendations to Allow Consideration of the Matter in Confidence Following the Hearing

That pursuant to Regulation 13(2)(a)(ix) and Regulation 13(2)(b) of the Planning Development & Infrastructure (General) Regulations 2017, together with clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager, the Council Assessment Panel orders that the public, with the exception of the Council's Senior Urban Planner and Planning Assistant, be excluded from the meeting.

That the public be allowed to return to the meeting and that pursuant to Regulation 14(4) of the Planning, Development & Infrastructure (General) Regulations 2017 and clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager Policy, the discussion shall remain confidential.

Mr Rogers addressed the Council Assessment Panel from 8:28pm until 8:37pm

Mr Parsons addressed and answered questions from the Council Assessment Panel from 8:38pm until 8:42pm

Mr Feary answered questions from the Council Assessment Panel from 8:43pm until 8:44pm

Moved by Mr Adcock

Recommendations to Allow Consideration of the Matter in Confidence Following the Hearing That pursuant to Regulation 13(2)(a)(ix) and Regulation 13(2)(b) of the Planning Development & Infrastructure (General) Regulations 2017, together with clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager, the Council Assessment Panel orders that the public and staff, with the exception of the Council's Senior Urban Planner and Planning Assistant, be excluded from the meeting.

Seconded by Mr Bateup
CARRIED

Moved by Mr Adcock

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 23016005 and substitute the following decision:

- *Development Application 23016005 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 stormwater from buildings and paved 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.

ADVISORY NOTES

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.

Note 2

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

Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;

Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;

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 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.

Note 4

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

Note 5

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

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

Note 6

The Applicant is advised that construction noise is not allowed:

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

Note 7

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) 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 8

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

Note 9

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

Note 10

The Applicant is advised that the property is located within an Historic Overlay area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing between the building and a street).

**Seconded by Ms Newman
CARRIED**

Moved by Mr Adcock

That the public and staff be allowed to return to the meeting and that pursuant to Regulation 14(4) of the Planning, Development & Infrastructure (General) Regulations 2017 and clause 5.5 of the Council Assessment Panel Review of Decisions of the Assessment Manager Policy, the discussion shall remain confidential.

**Seconded by Ms Newman
CARRIED**

8. ERD COURT APPEALS

9. OTHER BUSINESS

Mr Parsons advised the Panel Members that an appeal has been submitted to the ERD courts for ID 23010962, 1 Kensington Road Norwood. Also Mr Parsons advised the Panel Members of the ongoing appeal for ID 23004961 114A Osmond Terrace Norwood.

9.1 SCHEDULE OF COUNCIL ASSESSMENT PANEL MEETINGS FOR 2024

PURPOSE OF REPORT

The purpose of the report is to obtain the Panel's endorsement of the draft Schedule of Meetings of the Council Assessment Panel for the period January 2024 to December 2024.

BACKGROUND

Pursuant to Clause 1.2 of the Meeting Procedures, ordinary meetings of the City of Norwood Payneham & St Peters Council Assessment Panel (CAP) will be held at such times and places as determined by the CAP.

The CAP previously determined the times and places of meetings up until December 2023, corresponding with the end of the calendar year. As a new calendar year is shortly to commence, it is necessary for the CAP to consider its meeting dates and times for 2024 to ensure we maximise the opportunity to secure a quorum for each meeting.

DISCUSSION

In the past, ordinary meetings of the Council Assessment Panel have been held commencing at 7.00pm on the third Monday of each month, unless otherwise determined by the Panel. In the event of a public holiday and / or the re-scheduling of a Council meeting which clashes with a scheduled Panel meeting, the Council has previously resolved that Panel meetings be held on the third Wednesday of the month.

A draft Schedule of Meetings for this period has been prepared for consideration by the Panel based on this practice of conducting Panel meetings on the third Monday of the month. A copy of the draft Schedule is attached (**Attachment A**).

This Schedule has worked well in the past and in order to ensure consistency with the Elected Member on the Panel, staff and the community, it is recommended that this schedule be followed, unless the time and date is such that one or more Members of the Panel is unable to attend the scheduled meetings on a regular basis.

The venue of the Council Chambers / Mayor's Parlour is also recommended, as it is considered conducive to the format and operation of a typical Panel meetings and has the necessary IT equipment.

Please note, no part of this report or the attached schedule would prevent a special meeting of the Panel being called, in accordance with clauses 1.12 and 1.14 of the Meeting Procedures.

CONCLUSION

Determination of the times and places for ordinary meetings of the Panel, will ensure compliance with the requirements of the Terms of Reference and enables administration to communicate these dates and times to the community.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council Assessment Panel meetings for the 2024 calendar year be held in accordance with the Schedule of Council Assessment Panel Meetings attached to this report.

Moved by Cr Mex

1. *That the Council Assessment Panel meetings for the 2024 calendar year be held in accordance with the Schedule of Council Assessment Panel Meetings attached to this report.*

**Seconded by Mr Bateup
CARRIED**

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Acting Presiding Member declared the meeting closed at 9:23pm

Terry Mosel
PRESIDING MEMBER

Geoff Parsons
MANAGER DEVELOPMENT ASSESSMENT