

Council Assessment Panel Minutes

21 October 2024

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

Panel Members Mr Stephen Smith
Mr Mark Adcock
Mr Ross Bateup
Mr Julian Rutt
Cr Christel Mex

Staff Geoff Parsons, Manager, Development & Regulatory Services
Kieran Fairbrother, Senior Urban Planner
Tala Aslat, Planning Assistant
Dana Cher, Planning Assistant

APOLOGIES

ABSENT

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

**3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
PANEL HELD ON 16 SEPTEMBER 2024**

*Moved by Mr Adcock and Seconded by Mr Rutt
CARRIED*

4. DECLARATION OF INTERESTS

Cr Mex declared a conflict of interest for item 5.1 and left the meeting at 7:04pm

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER 24020493 – JONATHON FRASER & ERIN FRASER
- 51 QUEEN ST NORWOOD

DEVELOPMENT NO.:	24020493
APPLICANT:	Jonathon Fraser and Erin Fraser
ADDRESS:	51 QUEEN ST NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Two-storey detached dwelling, swimming pool, garage, outbuilding, tennis court with associated fencing and lighting, masonry fencing, and the removal of two (2) significant trees
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 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 300 sqm; semi-detached dwelling is 300 sqm; row dwelling is 300 sqm; group dwelling is 300 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	24 Jul 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.13 18/7/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother - Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	External Hydrological Engineer (Tonkin) City Arborist (Internal)

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

This proposal involves the following elements that require development approval:

- The removal of two (2) significant palm trees, located in the rear yard of the existing dwelling site;
- The construction of a two-storey detached dwelling constructed from brick, rendered masonry and stained hardwood cladding;
- Face brick walls along the southern side boundary, varying in heights of 2.4m and 4m;
- A freestanding brick garage in the southwest corner of the site, accessed via Hardy Lane over which the subject land has a right of way;
- A swimming pool;
- A tennis court in the northwest corner of the site, along with associated 3.6m chain mesh fencing across its northern and western sides and four (4) light poles with associated lighting;
- A 2.4m tall, rendered masonry wall along the west rear boundary; and
- A masonry and metal infill front fence along the east front boundary of the site.

BACKGROUND:

The Panel should note the following in the context of the representations that have been submitted.

The subject land is not located within an Historic Area Overlay and the dwelling is not a Local or State Heritage Place. Therefore, pursuant to Clause 10(1) of the *Planning, Development and Infrastructure (General) Regulations 2017* (SA), no approval is required to demolish this dwelling.

Hardy Lane, which abuts the southern boundary of the subject land, is a privately-owned laneway and is not under the care and control of the Council. The subject land has rights of way over this lane up to the western end at which point it aligns with the rear boundary of the subject land. The existing dwelling uses this lane for vehicle movements and the subject application seeks to do the same.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 51 QUEEN ST NORWOOD SA 5067

Title ref.: CT
6272/436

Plan Parcel: F139284
AL4

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

Shape:	regular
Frontage Width:	24.61 metres
Area:	approximately 1117m ²
Topography:	relatively flat
Existing structures:	a bluestone villa constructed circa 1900 and a freestanding garage
Existing vegetation:	heavily vegetated with two (2) significant palm trees and various non-regulated trees, shrubs, hedges and groundcovers.

Locality

The locality is considered to be the section of Queen Street that extends south to the Parade and north to Wall Street, including a couple of properties on Wall Street to the north, Henry Street to the east, and those fronting The Parade to the south, as depicted in **Attachment 2**.

This locality is largely characterised by the residential land uses that are contained to Queen Street, Wall Street and Henry Street, which is comprised of a number of single- and two-storey dwellings on allotments of varying sizes. At the southern end of this locality are several commercial properties all of which, bar two, have frontages to The Parade. This locality enjoys a high level of amenity despite being so close to an arterial road in The Parade.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 Tree-damaging activity: Code Assessed - Performance Assessed
 Other - Residential - Tennis Court Lighting: Code Assessed - Performance Assessed
 Outbuilding: Code Assessed - Performance Assessed
 Fences and walls
 Outbuilding (Carport or garage): Code Assessed - Performance Assessed
 Detached dwelling: Code Assessed - Performance Assessed
 Fence: Code Assessed - Performance Assessed
 Swimming pool or spa pool and associated swimming pool safety features: Accepted
 Carport or garage
 New housing
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 Southern side boundary wall exceeds 8m in length and abuts a private laneway – not a public road – and is therefore not exempt from notification.
 Tennis court lighting is not exempt from public notification per Table 5 of the Zone.
- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position	Wishes to be heard?
John	Lombardi	247 The Parade, Beulah Park	Opposed	No
St Peters Residents Ass. Inc		12 St Peters St, St Peters	Opposed	Yes
Norwood Resident Association		N/A, SA 5067 (Norwood)	Opposed	Yes
Nas	Elisa	N/A, SA 5251 (Mount Barker)	Opposed	No

- **SUMMARY**

No Representation Map has been provided because all representors are outside of the map range.

One representor raised concerns about the safety of Hardy Lane, which this development seeks to utilise for vehicle movements.

The other three representors were opposed to the demolition of the existing dwelling on this site, a villa constructed circa 1900. The same representors also expressed concerns about the removal of the two significant palm trees and the absence of similar quality landscaping in the new proposal by virtue of the tennis court.

INTERNAL REFERRALS

- Hydrological engineer, External (Tonkin)

Council's external hydrological engineer has doubts regarding the capacity of the sump and pump to manage discharge from the site and has recommended that a Stormwater Management Plan be provided for the development, the requirements of which are reflected in the recommended Reserved Matter.

- City Arborist, Internal

Council's City Arborist was asked to provide advice on a suspected regulated tree on neighbouring property; advising that the tree of concern is not regulated as it is an exempt species. Council's Arborist was not asked to comment on the proposed removal of the two (2) palm trees on the subject land.

PLANNING ASSESSMENT

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

Building Height

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

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

The corresponding Designated Performance Feature has a Technical and Numeric Variation (TNV) of 2 building levels.

The proposed dwelling is two-storeys in height, consistent with the TNV for the Zone. Moreover, the building will be of a similar height than other two storey dwellings nearby such as 47 Queen Street, 47A Queen Street, 45 Queen Street and 52 Queen Street; thereby complementing the height of nearby buildings in accordance with PO 4.1 above.

Design & Appearance (Streetscape Character)

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

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

In the context of this Performance Outcome, 'sympathetic' is read as meaning development that can exist in harmony with, and corresponds to, the surrounding built form. The rectilinear, flat-roofed design employed by this proposal does not correspond to the wall heights, roof forms and roof pitches of the predominant housing stock in this locality, which are houses with pitched roofs and consequently lower wall heights. Consequently, the proposal is at odds with this Performance Outcome.

Nevertheless, the overall height of the dwelling is not dissimilar to the height of other two-storey dwellings as highlighted above, all of which fall within the chosen locality and influence this streetscape. Accordingly, the failure to satisfy this Performance Outcome is not considered fatal to this proposal.

Performance Outcome 20.2 of the Design in Urban Areas module states:

"Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas."

Performance Outcome 20.3 of the Design in Urban Areas module states:

"The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets."

Performance Outcome 17.1 of the Design in Urban Areas module states:

“Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.”

Performance Outcome 17.2 of the Design in Urban Areas module states:

“Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.”

The street-facing elevation of the dwelling is constructed primarily of light grey painted bagged brick walls with several sections of stained hardwood cladding to avoid a complete monotony of material and colour. To add some visual interest to this somewhat monotonous façade and to reduce the visual mass of the building, genuine modulation has been incorporated into the ground level design of the dwelling. A tall, rendered open verandah/canopy extends across the façade of the building, providing further visual interest through articulation and shadowing. This canopy centres on the entry door to the dwelling where shade and shelter is provided with a solid roof overhead. A good level of fenestration exists at both building levels to both break up the façade and encourage passive surveillance. Accordingly, the development is considered to sufficiently satisfy the above Performance Outcomes and will make a positive contribution to the streetscape.

Performance Outcome 10.1 of the Established Neighbourhood Zone states:

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

The garage is positioned at the rear of the site and therefore will not affect the appearance of this development from the primary street in accordance with this Performance Outcome.

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

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

This application proposes a 2.1 masonry and metal infill fence along the front boundary of the site that has a solid-to-void ratio of 2:1. Generally speaking, fences with a lower solid-to-void ratio provide better streetscape outcomes and encourage passive surveillance. In this case, however, adjoining dwellings on the western side of Queen Street similarly have tall fences (either brush or masonry) and therefore, in this context, the proposed fence will not unreasonably impact visual amenity or the streetscape and is consistent with the above Performance Outcome. Notably, because the proposed dwelling will sit 400mm higher than the footpath level, the fence will not unreasonably impede views of the dwelling which is positive.

Performance Outcome 2.2 of the Transport, Access and Parking module states:

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

Hardy Lane is not strictly a public road, despite acting like one, and therefore the subject land is not a ‘corner site’ as anticipated by this Performance Outcome (when read down from the *Planning, Development and Infrastructure Act 2016*). However, it is obvious that the proposed fence will restrict adequate sightlines for

vehicles exiting Hardy Lane – just as the current fencing and hedging on the site do. It may therefore be considered that the masonry fence is adjacent a ‘driveway’ to some extent by virtue of the way in which Hardy Lane operates and services vehicle traffic. Interpreted in this way, the masonry fence is at odds with this Performance Outcome.

However, the landowner could erect a 2.1m lightweight fence (e.g. sheet metal) around this southeast corner without needing any approval, because the site is not a corner site by definition, thereby resulting in the same

sightline concerns. In this context, the masonry fence proposed, despite being regrettable from a traffic safety perspective, is considered acceptable and will provide a better streetscape outcome than a sheet metal fence.

Setbacks and Visual Impact

Performance Outcome 5.1 of the Established Neighbourhood Zone states:

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

The corresponding Designated Performance Feature suggests that the proposed dwelling should match the setback of the adjoining dwelling at 49 Queen Street.

The front setback proposed varies between 5.24 metres and 6.8 metres. The dwelling at 49 Queen Street has a front setback of approximately 8 metres. The street involves varying setbacks between 0 metres (57 Queen Street) and 8 metres (49 Queen Street), with several dwelling setbacks between 5 metres and 7 metres. Although the setback proposed will position this dwelling forward of the adjoining dwelling at 49 Queen Street, the setback is not completely at odds with the general setback pattern in the street and is therefore considered acceptable.

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

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

This application proposes a boundary wall along the entire length of the southern boundary, except where entry to the garage is required, and masonry walling along the entire rear boundary. These walls both abut inherently public spaces – the side boundary wall abuts Hardy Lane, which provides a thoroughfare for vehicle traffic, and the rear boundary wall abuts a car parking area associated with the commercial premises on The Parade. Neither of these walls will create visual or overshadowing impacts to neighbouring properties and are therefore acceptable per the above Performance Outcome.

Performance Outcome 8.1 of the Established Neighbourhood Zone states:

“Buildings are set back from side boundaries to provide:

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

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

“Buildings are set back from rear boundaries to provide:

- (a) Separation between buildings in a way that complements the established character of the locality*
- (b) Access to natural light and ventilation for neighbours*
- (c) Private open space*
- (d) Space for landscaping and vegetation”*

The dwelling has been sited and designed to be contained to the southeast corner of the site to accommodate the tennis court, which in turn reduces the opportunities for visual or overshadowing impacts to neighbours.

At ground level, the dwelling is set back 900mm from the northern side boundary and 16m from the rear boundary. The upper level is set back 2.4m from the southern side boundary at its closest point, 4.3m from

the northern side boundary and 28.4m from the rear boundary. The rear setback is obviously sufficient to accord with Performance Outcome 9.1 of the Zone (above).

Hardy Lane provides sufficient separation between the subject land and the dwelling to the south to mitigate any visual or overshadowing impacts of this development, notwithstanding the setbacks to the southern side boundary are considered sufficient. Similarly, the setback provided to the northern side boundary, and the siting of the dwelling to be in line with the northern dwelling’s carport, results in a built form outcome that is not

considered to create any visual impact concerns for this neighbour. Accordingly, the proposal is considered to satisfy Performance Outcome 8.1 of the Zone (above).

Site Coverage and Soft Landscaping

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

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

The corresponding Designated Performance Feature does not provide a specific TNV for site coverage and therefore suggests, by default, that 50% site coverage is generally acceptable.

The proposed dwelling, garage and various outbuildings along the southern boundary occupy approximately 33% of the site, which is well below the 50% considered generally acceptable by DPF 3.1. More importantly, this is a lower site coverage than the surrounding development pattern and is therefore considered to satisfy Performance Outcome 3.1 above.

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

“Soft landscaping is incorporated into development to:
(a) Minimise heat absorption and reflection
(b) Contribute shade and shelter
(c) Provide for stormwater infiltration and biodiversity
(d) Enhance the appearance of land and streetscapes.”

The corresponding Designated Performance Feature suggests that 25% of the subject site should be comprised of soft landscaping areas that have a minimum dimension of 700mm.

The application proposes the following areas of soft landscaping:

- Approximately 108m² of landscaped areas between the building line of the dwelling and the front boundary of the site, constituting approximately 75% of this area. Within this area there will be 11 tree plantings, lawned areas and mulched areas;
- Hedges planted around the perimeter of the tennis court and adjacent the alfresco area;
- A small 6m² garden bed adjacent the southern boundary; and
- A landscaped path between the garage and the dwelling.

The total area of soft landscaping is approximately 116m², which equates to only 10% of the site. The tennis court occupies almost 40% of the entire site but is not permeable and will not contribute to the cooling of the site. Due to the siting of the buildings and the Applicant's desire for a tennis court, there is no opportunity for further planting than that beyond which has already been proposed; noting that the proposed site coverage is well below the 50% that might be considered acceptable.

A positive aspect of this proposal is that the site can accommodate all of the six (6) replacement tree plantings required in lieu of the two (2) significant trees proposed for removal as well as the four (4) small trees required by DPF 1.1 of the Urban Tree Canopy Overlay per *Practice Direction 12*, which states:

“Tree planting is provided in accordance with the following... [for a site >800m² in area, 1 large tree or 2 medium trees or 4 small trees].”

Thus, when assessed against Performance Outcome 22.1 (above), the development does provide soft landscaping that will contribute to shade and shelter through the number of tree plantings, but this is concentrated in the front setback area of the property leaving the vast area of the rear yard unshaded and without canopy cover, thus contributing to urban heating. Similarly, the soft landscaped areas account for only 10% of the site, meaning only 10% of the site is pervious to stormwater infiltration.

No planting schedule has been provided for the development and so it is unclear whether the proposed soft

landscaping will provide for biodiversity in accordance with criterion (c) of Performance Outcome 22.1 above. Notwithstanding, the extent of soft landscaping in the front setback area will undoubtedly enhance the appearance of the development in the streetscape in accordance with criterion (d) of Performance Outcome 22.1.

The application proposes a significant shortfall in soft landscaped areas, when measured against the generally anticipated outcome expressed in DPF 22.1 (25%), and a highly impervious site that will fail to adequately contribute to urban cooling and stormwater infiltration. Despite this variance, this is not considered sufficient reason to refuse the proposal. Instead, two Reserved Matters have been recommended which, when satisfied, will help mitigate peak stormwater flows from the site and ensure sufficient biodiversity is implemented and maintained on the site, to help offset the shortfall in soft landscaped areas provided onsite.

Private Open Space & Overlooking

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

“Dwellings are provided with suitable sized areas of usable private open space to meet the needs of the occupants.”

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

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

The development provides approximately 630m² of private open space that is directly accessible from the internal living areas of the dwelling, therefore satisfying the above Performance Outcomes.

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

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

The Planning & Design Code defines “direct overlooking” as being:

“Limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than [a] 45-degree angle from the plane of that wall containing the overlooking window.”

The only habitable room window that has an opportunity for “direct overlooking” is the rear-facing window of Bedroom 2, which is located 9.8m from the north side boundary (when measured at a 45-degree angle). All other upper-level windows are located more than 15m from a side or rear boundary with the exception of the south-facing window to the staircase. Views from the staircase window will be transient as this area will not be permanently frequented at any time. Accordingly, there is not considered to be a reason for this window to be obscured.

With respect to the window of Bedroom 2, the Applicant has added a 570mm deep steel shroud around this window with L-shaped aluminium battens inside that will mitigate views into 49 Queen Street while allowing views into the rear yard areas of the subject land. This adequately maintains the neighbour’s privacy in accordance with Performance Outcome 10.1 (above).

Significant Tree Removal

This application seeks the removal of two (2) palm trees. Both trees have a trunk circumference that exceeds 2 metres and both trees are more than 3 metres away from the existing dwelling, and therefore constitute significant trees.

Performance Outcome 1.2 of the Regulated and Significant Tree Overlay states:

“Significant trees are retained where they:

- (a) Make an important contribution to the character or amenity of the local area*
- (b) Are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*

- (c) *Represent an important habitat for native fauna*
- (d) *Are part of a wildlife corridor of a remnant area of native vegetation*
- (e) *Are important to the maintenance of biodiversity in the local environment*
- And/or*
- (f) *Form a notable visual element to the landscape of the local area.”*

These trees are not indigenous to the area nor are they part of a wildlife corridor of a remnant area of native vegetation, and therefore do not satisfy criteria (b) or (d) above. Both trees are shrouded by other vegetation on the site as well as the existing dwelling. Although they are visible from Hardy Lane and the commercial car park behind, the trees do not stand out in the Queen Street streetscape and therefore do not form a notable visual element to the landscape of the local area per criterion (f) above.

Therefore, the trees’ retention value will be determined by reference to their importance to either: the character or amenity of the area, habitat value for native fauna, or the maintenance of biodiversity in the local environment.

In *Savoy Development Pty Ltd v Town of Gawler* [2013] SAERDC 32, at [83], Commissioner Nolan expressed her view on how the word ‘important’ should be interpreted:

In my view, for habitat to be raised to the level of ‘important’, ... it must be beyond that likely to be expected in any mature tree of indigenous origins – that is, it is beyond the normal level that might be expected or that it is so unique or special that it may be considered important.

Palm trees do not provide a level of habitat value that is considered so unique or special that it may be considered important in this context. Similarly, as discussed above, the trees do not make an important contribution to the character or amenity of the local area, being obscured by other vegetation and buildings. The trees are not considered to be important to the maintenance of the biodiversity in the local environment either because they are not the only palm trees within the local environment and are therefore not so unique or special as to be considered necessary to retain.

Neither of the two (2) significant palm trees are considered to meet the retention criteria set out in Performance Outcome 1.2 of the Regulated and Significant Tree Overlay and their removal is therefore supported in the circumstances.

Pursuant to *Practice Direction 12*, replacement trees must be planted in lieu of the two (2) significant trees to be removed. Recommended Condition No. 3 reflects this requirement. The Applicant has demonstrated the ability to plant the required number of trees (six) on the land in accordance with this Condition (see the “Tree Planting & Site Plan” in **Attachment 1**).

Access and Parking

Performance Outcome 23.3 of the Design in Urban Areas module states:

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

Performance Outcome 23.4 of the Design in Urban Areas module states:

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

Vehicle access is obtained via Hardy Lane, over which the subject land has rights of way, consistent with

existing arrangements for this site. This arrangement prevents the creation of a new crossover on Queen Street, which would require the removal of at least one (1) on-street car parking space in an area that is in high demand for on-street parking due to its proximity to The Parade. The retention of on-street parking on Queen Street is preferred and since the land has rights of access over Hardy Lane it is pleasing to see the Applicant use this for vehicle access.

In an earlier iteration of this proposal, the garage was located too close to the southern boundary and vehicles could not enter and exit the garage in a 3-point turn manoeuvre. Accordingly, the Applicant was asked to increase the set back. As demonstrated by the swept path diagrams in **Attachment 1**, a B85 vehicle will be able to enter and exit both parking spaces within the garage in no less than a 3-point turn manoeuvre and using only the portion of Hardy Lane over which the subject land has rights of way. Accordingly, the proposal satisfies the abovementioned Performance Outcomes.

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

“Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development...”

The corresponding Designated Performance Feature suggests that meeting the minimum parking requirements listed in Table 1 of this module will generally satisfy this Performance Outcome, which is also the generally accepted assessment practice.

In this respect, Table 1 states that a detached dwelling with two or more bedrooms should provide two (2) off-street car parking spaces, at least one (1) of which should be covered. The proposed development achieves this by providing two (2) spaces in the double garage.

Tennis Court Lighting

Performance Outcome 6.1 of the Interface Between Land Uses module states:

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

Australian Standard 4282-1997: The Control of the Obtrusive Effects of Lighting sets a standard for maximum lux levels recommended in residential settings. It is considered appropriate to assess the Performance Outcome 6.1 above by reference to this Australian Standard.

To this end, AS4282-1997 prescribes the following maximum lux levels, when measured at the boundary of adjoining residential properties in the vertical plane:

- During “pre-curfew hours” (i.e. 6am to 11pm), a maximum of 10 lux; and
- During “curfew hours” (i.e. 11pm to 6am), a maximum of 2 lux.

As demonstrated by the ‘Tennis Court Light Spill Diagrams’ Plan in **Attachment 1**, the tennis court lights achieve the relevant “pre-curfew hours” maximum but fail the “curfew hours” maximum. Consequently, the lights are considered to satisfy Performance Outcome 6.1 (above) providing the lights are not permitted to be used between the hours of 11pm and 6am. Although the tennis court is unlikely to be used during these hours, Condition No. 6 has been recommended to ensure the continued compliance with AS4282-1997 and Performance Outcome 6.1.

Finished Floor Levels, Stormwater and Flood Risk

Performance Outcome 1.1 of the Stormwater Management Overlay states:

“Residential development is designed to capture and re-use stormwater to:

- (a) Maximise conservation of water resources*
- (b) Manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded*
- (c) Manage stormwater runoff quality.”*

The corresponding Designated Performance Feature prescribes minimum rainwater tank volumes and connection types which are considered to generally satisfy this Performance Outcome. Such rainwater tank(s) must be installed per *Practice Direction 12*, which is reflected in Condition No. 7.

Council's external hydrological engineer has expressed concern regarding the ability of the currently proposed stormwater plan to adequately mitigate and manage peak stormwater runoff flows from the site in accordance

with this Performance Outcome. Accordingly, due to the large increase in impervious area on the site, Reserved Matter No. 1 seeks to address this.

Performance Outcome 2.1 of the Hazards (Flooding – General) Overlay states:

“Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.”

The corresponding Designated Performance Feature suggests that a finished floor level of at least 300mm above the height of a 1% AEP flood event is sufficient to meet this Performance Outcome.

Advice was sought from the Council’s external hydrological engineer in this respect. They have advised that the finished floor level of the dwelling provides adequate protection from inundation in a 1% AEP flood event. Contrarily, the garage level needs raising to 64.24 mAHD to provide the same. Condition No. 4 requires the garage level to be raised accordingly and for this finished floor level to be shown on the plans provided for Building Consent as well as the Stormwater Management Plan required by Reserved Matter No. 1.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.13, dated 18/07/2024), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The residential land use remains unchanged and is anticipated in the Established Neighbourhood Zone;
- The development does not exceed the maximum building height TNV for this part of the Established Neighbourhood Zone;
- The design and siting of the development generally accords with the anticipated outcomes expressed in the Planning & Design Code;
- Tennis courts and swimming pools are ancillary to the residential use of the land and are a feature not uncommon to this neighbourhood; and
- The Code envisages scenarios in which significant trees may be removed.

CONCLUSION

This development involves the construction of a two-storey dwelling, a swimming pool, garage, tennis court and masonry fencing; all of which are reasonably anticipated within the Established Neighbourhood Zone. The dwelling has been sited slightly forward of the adjoining dwelling at 49 Queen Street, but the setback is not wholly inconsistent with the setback pattern in the street. The dwelling has a somewhat monochromatic façade, but this is broken up using different textures and modulation and articulation throughout, which will provide visual interest and positively contribute to the streetscape despite its rectilinear form being a new introduction to this street. The dwelling will sit comfortably in its environs and the setbacks provided at both levels are considered sufficient to mitigate visual and massing impacts on neighbours and public spaces.

The removal of the two significant trees is justified when assessed against the provisions of the Regulated and Significant Tree Overlay and it is pleasing that six replacement trees can be accommodated on the land in lieu of these trees. Unfortunately though, all the replacement tree plantings will be contained to the front yard of the dwelling, leaving the majority of the site without shade and shelter or permeable areas. The large reduction in landscaping on the site and pervious areas is a negative consequence of the proposal.

Access for the dwelling will remain via rights of way over Hardy Lane and vehicles have been demonstrated to be able to access the garage safely and conveniently. Sufficient private open space is provided for the occupants of the dwelling. The tennis court lighting does not produce an unreasonable impact on neighbours providing they are not used between 11pm and 6am, as conditioned. Similarly, treatments to the window of Bedroom 2 mitigate opportunities for direct overlooking thereby maintaining privacy to neighbours.

When assessed as a whole against the relevant provisions of the Planning & Design Code, this proposal has both positive and negative outcomes. Those negatives are not considered to vastly outweigh the positives such that this development is considered at variance with the Planning & Design Code and accordingly, on balance, the proposal is considered to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24020493, by Jonathon Fraser and Erin Fraser is granted Planning Consent subject to the following conditions and reserved matter:

RESERVED MATTERS PLANNING CONSENT

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment by the Assessment Manager prior to the granting of Development Approval:

1. A Stormwater Management Plan shall be provided for the development that conforms to the Council's requirements, prior to the granting of Development Approval.

Calculations are required to demonstrate detention storage meets the minimum requirements of Council. The detention requirements for the site are to detain the post-development 1 in 100 year ARI storm event, with discharge being at the pre-development 1 in 5 year ARI rate.

Note: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

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

Note: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

CONDITIONS PLANNING CONSENT

Condition 1

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

Condition 2

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

Condition 3

Six (6) replacement tree(s) shall be planted on the subject land as soon as is practical within 12 months of completion of the development. The replacement tree shall not be planted within 3 metres of a dwelling or in-ground swimming pool and cannot be of a species identified in Regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Condition 4

The Finished Floor Level (FFL) of the garage shall be raised to 64.240 RL. This FFL shall be reflected on the plans submitted for Building Consent and the Stormwater Management Plan required by Reserved Matter No. 1.

Any change in levels required to accommodate this increased FFL shall be accommodated entirely within the boundaries of the subject land.

Reason: to prevent stormwater ingress in a 1% AEP flood event.

Condition 5

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.

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

Condition 6

The tennis court lights are not permitted to be used between 11:00pm and 6:00am the following day.

Condition 7

The approved development must include rainwater tank storage which is:

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

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

ADVISORY NOTES PLANNING CONSENT

Advisory Note 1

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

Advisory Note 2

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

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

If an extension is required to any of the above-mentioned timeframes a request can be made for an

extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Advisory Note 3

No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or

building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

To assist in the interpretation of the Urban Tree Canopy condition noted above, tree(s) must be planted in accordance with the requirements set out below. Further guidance and information can be obtained by visiting the Landscaping and Development webpage on the Council's website (https://www.npsp.sa.gov.au/planning_and_development/landscaping-and-development) or contacting the Council's Planning Department on (08) 8366 4555.

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

<450 // 1 small tree

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

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

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

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

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

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

Ms Lichfield addressed the Council Assessment Panel from 7:05pm until 7:09pm

Mr Burton addressed the Council Assessment Panel from 7:10pm until 7:13pm and from 7:19pm until 7:20pm

Mr Handsaker answered questions from the Council Assessment Panel from 7:17pm until 7:18pm

Moved By Mr Adcock

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Note: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

2. *A detailed landscaping plan showing a suitable mix and density of trees, shrubs and groundcovers that provide for biodiversity, including details of the ten (10) trees proposed to be planted to satisfy Conditions No. 2 and 3, and providing details for the ongoing maintenance of the landscaping, shall be provided to the reasonable satisfaction of the Assessment Manager prior to Development Approval being granted.*

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PLANNING CONSENT**

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Reason: to prevent stormwater ingress in a 1% AEP flood event.

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- 4. if the site perviousness is less than 35%, with a minimum detention capacity of 1000 litres; and*
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**ADVISORY NOTES
PLANNING CONSENT**

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accordance with the requirements set out below. Further guidance and information can be obtained by visiting the Landscaping and Development webpage on the Council's website (https://www.npsp.sa.gov.au/planning_and_development/landscaping-and-development) or contacting the Council's Planning Department on (08) 8366 4555.

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

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

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

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

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

Seconded by Mr Bateup

CARRIED

Cr Mex returned to the meeting at 7:39pm

**5.2 DEVELOPMENT NUMBER 24010039 – TIA CONSULTING PTY LTD
- 9 MARLBOROUGH STREET COLLEGE PARK**

DEVELOPMENT NO.:	24010039
APPLICANT:	TIA Consulting Pty Ltd
ADDRESS:	9 MARLBOROUGH STREET COLLEGE PARK SA 5069
NATURE OF DEVELOPMENT:	Dwelling alterations & additions (including partial demolition), demolition of outbuildings and removal of swimming pool, replacement masonry front fence, carport, in-ground swimming pool with associated safety barriers and combined fence & retaining walls
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Heritage Adjacency • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area for a detached dwelling is 900 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Site Coverage (Maximum site coverage is 40 per cent)
LODGEMENT DATE:	16 April 2024
RELEVANT AUTHORITY:	Assessment Panel at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.6 04/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes – public notification period 22 August 2024 to 11 September 2024
RECOMMENDING OFFICER:	Marie Molinaro Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Heritage Advisor - Council consultant Hydrological Engineer

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 proposal is for a single-storey, split-level addition behind the original dwelling, which includes demolition of an existing later extension (including attached deck and carport), removal / demolition of two outbuildings, (rumpus room and covered swimming pool shelter), removal of existing swimming pool and new swimming pool, removal of existing front fence and new front fence and new carport. There is an open-sided pergola shown between the addition and the north-western side boundary, however this structure does not require Development Approval and is therefore not considered part of the proposal. The original dwelling is also being altered internally to re-configure the existing layout.

The completed dwelling will comprise the following:

- Four (4) bedrooms (two with walk-in-robe and ensuite), open plan living, kitchen and dining room, separate study, bathroom and separate toilet, laundry and separate utilities areas, home gym room, pool pavilion, semi-enclosed rear verandah (alfresco) and four (4) car garage.
- The total floor area is 819 square metres.
- Site coverage is approximately 55 per cent.

The dwelling setbacks are as follows:

- Side boundaries – garage wall on the south-eastern side boundary for length of 12.6m, with the remainder of the dwelling setback 1.2m. Alfresco wall on the north-western side boundary for length of 4.8m, with the remainder setback 2m.
- Rear boundary – 1.2m at the closest point for the pool pavilion section, the remainder is setback in excess of 20m.
- The height of the garage wall on the boundary ranges in height from 4.4m above natural ground level at the front to 4.7m above natural ground level at the rear.
- The height of the alfresco wall is 4.5m above natural ground level.

External materials and colours are as follows:

- Walls – mixture of cement rendered walls in an off-white colour and exposed brickwork in a white colour.
- Roof – Colorbond 'Woodland Grey'.

Detail of the other associated proposal components are as follows:

- New swimming pool – located behind the alfresco 10m x 4.5m and setback 2m from the north-western side boundary.
- New front fence – comprising 1.8m high off-white rendered pillars and supporting plinth with black metal blade infill panels and pedestrian and driveway gates.
- New carport – attached to the front of the garage, flat roof design of timber and steel construction.

The proposal also includes earthworks, comprising fill to a maximum of 1.2m behind the garage and below the alfresco. The earthworks are to be retained by concrete sleeper retaining walls along a portion of both side boundaries and a portion of the rear boundary. 1.8m high Colorbond 'Woodland Grey' fencing is to be installed atop the retaining walls.

Stormwater will be directed to the street via a sump and pump system.

Six (6) trees are shown to be removed in the front garden and on the north-western side of the dwelling.

New landscaping in the form of a 1.8m hedge is proposed along the front boundary and along the north-western side of the dwelling.

The overall soft landscaping per centage is approximately 24 per cent of the site area.

Landscaping works at the rear of dwelling include an outdoor shower and 'sun deck' adjacent the swimming pool and fire pit in the north-western corner of the land.

The application plans are included in **Attachment 1 – Application Documents**.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
26 March 2021 (Lapsed – Development Plan Consent only)	155/266/19	Single-storey alterations and additions to an existing detached dwelling; the construction of an inground swimming pool; and a masonry and palisade front fence
23 October 2014 (Lapsed - Development Plan Consent only)	155/225/13	Two-storey alterations and additions to an existing detached dwelling and the construction of a 1.8m high x 6.1 metre long masonry front fence along the south-eastern side boundary
12 August 2004	155/120/04	Alterations to dwelling and inground pool and freestanding verandah
13 November 2001	155/860/01	Removal of a significant tree (Eucalyptus maculate)
8 May 1995	160/086/95	To erect a front boundary fence
18 January 1991	160/017/91	Residential outbuilding
29 October 1984	84B/3265	Alterations to private house

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 9 MARLBOROUGH ST COLLEGE PARK SA 5069

Title ref.: CT 5840/435 **Plan Parcel:** D371 AL29 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

The subject land is a 1484 square metre, rectangular shape allotment. It has a frontage of 22.86m and a depth of 64.92m. It is on the eastern side of Marlborough Street and approximately 41m north of Hartford Lane and 115m south of Rugby Street. It has a fall of 1m front to back.

The land contains the dwelling, associated outbuildings including double carport with front roller door and swimming pool. Vehicle access to the land is via a cross-over near the southern-eastern side boundary, with paved driveway to the double carport.

The dwelling was constructed in approximately 1885 and is listed as a Representative Building in the College Park (NPSP1) Historic Area. Representative Buildings are recognised in the Planning & Design Code as buildings which display characteristics of importance in a particular Historic Area.

The dwelling is centrally located on the site with respect to side boundary setbacks, with the double carport however being located on the south-eastern side boundary.

The front yard of the dwelling is well landscaped and is fenced along the front boundary and side boundaries.

There are no easements or other restrictions registered on the Certificate of Title.

The locality is comprised wholly of residential development and residential amenity is considered to be high.

Of the eight (8) allotments on the same side of Marlborough Street as the subject land between Hartford Lane and Rugby Street (6) sites contain identified Representative Buildings.

On the opposite side of the street between Hartford Lane and Rugby Street, five (5) allotments contain identified Representative Buildings and a further three (3) allotments/sites are identified as Local Heritage Places.

Dwellings in the locality are considered to be large, with examples of later additions and outbuildings being built to side boundaries.

Allotments along Marlborough Street between Hartford Lane and Rugby Street mostly comprise consistent width frontages, with some variation however in depth.

Marlborough Street has a wide carriageway and footpath, consistently lined with mature street trees.

The subject land is identified in **Attachment 2 – Subject Land Map**. The zoning is shown in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
 - Carport or garage
 - Demolition
 - Dwelling alteration or addition
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
 - Dwelling addition: Code Assessed - Performance Assessed
 - Fences and walls
 - Demolition: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Retaining wall: Code Assessed - Performance Assessed
 - Carport: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**

The proposal is not listed as Accepted, Deemed-to-Satisfy or Restricted development in the Planning & Design Code, so it defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

- **REASON**

In accordance with Table 5 procedural matters of the Established Neighbourhood Zone, development of a dwelling addition (amongst other matters) including a wall on a side boundary exceeding 3.2m above natural ground level and/or a wall length on boundary exceeding 8m in length requires public notification.
- **LIST OF REPRESENTATIONS**

Four (4) representations were received during the public notification period. Two (2) of the representations were supportive of the proposal, one (1) of the representations was supportive of

the proposal with some concerns and one (1) representation was opposed to the proposal. One (1) representor wishes to be heard in support of their written representation.

The representor details are below:

Representor Name	Representor's Address	Wishes to be Heard	Nominated Speaker (if relevant)
David Librandi	11 Marlborough Street, College Park	Yes	David Librandi
Jacob Opie	PO Box 7371, Adelaide	No	
Frank Jakacic	44 Seventh Avenue, St Peters	No	
Nas Elisa	Not Provided	No	

- **SUMMARY**

The issues contained in the representations can be briefly summarised as follows:

- Concern regarding height of the north-western side boundary wall and seeking clarification of the proposal plan details.
- Concern regarding removal of trees.

The representor's location is shown in **Attachment 4 – Representation Map** and their written representations are included in **Attachment 5 – Representations**. The applicant's response is provided in **Attachment 6 – Response to Representations**.

Following public notification, the plans were amended to dimension the height of the alfresco wall on the north-western side boundary.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- Council Heritage Advisor
The Heritage Advsor was generally satisfied with the proposal but recommended some minor design changes to the dwelling addition component.
- Council consultant Hydrological Engineer
Advised that the proposed finished floor levels are “considered to provide an acceptable degree of protection against flooding” and also advised on stormwater management.

The internal referral responses are included in **Attachment 7 – Internal Referral Advice**.

PLANNING ASSESSMENT

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

Demolition

Demolition is the first part of the proposal to consider because if the demolition is not appropriate the proposed addition and new / replacement front fence should not proceed.

Demolition matters are considered in the Historic Area Overlay provisions.

Historic Area Overlay (College Park Historic Area NPSP1)

Performance Outcome (PO) 7.2

Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

Performance Outcome (PO) 7.3

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

The partial demolition of the dwelling and associated outbuildings is considered to meet both Performance Outcomes. The partial demolition is at the rear of the dwelling, so does not contribute to the historic character of the streetscape. Further, the portion of the dwelling to be demolished is a later addition, not original to the era of importance recognised in the College Park (NPSP1) Historic Area Statement as being between the 1870s and 1920s.

The removal / demolition of the current front fence meets Performance Outcome 7.3 as it is a 'recent' structure, approved to be built in 1995.

Dwelling Addition – Appearance, Setbacks and Site Coverage

Appearance, setback and site coverage matters of the dwelling addition are addressed in the Historic Area Overlay and Established Neighbourhood Zone provisions.

Historic Area Overlay (College Park Historic Area NPSP1)

Performance Outcome 1.1

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

Performance Outcome 2.1

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

Performance Outcome 2.2

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

Performance Outcome 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.

Performance Outcome 2.4

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

Performance Outcome 2.5

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

Performance Outcome 3.1

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

Established Neighbourhood Zone

Performance Outcome 3.1

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

Performance Outcome 4.2

Additions and alterations do not adversely impact on the streetscape character.

Performance Outcome 7.1

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

Performance Outcome 8.1

Buildings are setback from side boundaries to provide: a) separation between buildings in a way that complements the established character of the locality b) access to natural light and ventilation for neighbours.

Performance Outcome 9.1

Buildings are setback from rear boundaries to provide: a) separation between buildings in a way that complements the established character of the locality b) access to natural light and ventilation for neighbours c) private open space d) space for landscaping and vegetation.

Performance Outcome 10.2

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

Performance Outcome 3.1 of the Historic Area Overlay is considered to be the most pertinent provision speaking directly to the dwelling addition part of the proposal. The proposal was amended in accordance with the recommendation of the Council Heritage Advisor. The amendments involved removal of the replica detail on the front facing wall of the 'Carla' bedroom and a change to the colour of the roof from 'Monument' (black) to 'Woodland Grey' (dark grey). In this respect, the addition is considered to complement the original dwelling and employ a 'contextual design approach'. The addition is sited to the side and rear of the dwelling, with the side additions being behind the building line of the original dwelling so as to not dominate the primary façade. Performance Outcome 3.1 of the Historic Area Overlay is satisfied. By extension Performance Outcome 4.1 of the Zone is also considered to be satisfied.

The proposal retains street facing design and architectural features of the original dwelling, with the existing chimneys to be refurbished as desired by Performance Outcome 2.3. Materials of the addition incorporating brick walls and Colorbond roof complement the dwelling and others in the locality as desired by Performance Outcome 2.5.

Regarding side boundary setbacks, Performance Outcome 2.4 of the Historic Area Overlay seeks for these to be consistent with the prevailing setback pattern in the historic area. Further in respect to setbacks (setting), the College Park Historic Area (NPSP1) Historic Area Statement identifies a recognisable feature of dwellings having sizeable setbacks from all boundaries, typically set in large, landscaped grounds.

Whilst the addition will result in the dwelling being located partly on both side boundaries, the setback pattern in the locality does include some later dwelling additions located partly on side boundaries. Performance Outcome 2.4 of the Historic Area Overlay is considered to be sufficiently satisfied and by extension so is part (a) of Performance Outcome 9.1 of the Zone.

Performance Outcome 1.1 of the Historic Area Overlay seeks for development to be undertaken having consideration to the historic streetscapes (and built form) expressed in the Historic Area Statement. The streetscape impact of the dwelling being built partly on both side boundaries will likely be negligible as these sections of the dwelling are substantially setback from the street (27m to the front of the garage). Further, the existing/current carport built to the side boundary with front panel lift door is in the same location as the proposed garage. So, there will be no change to streetscape appearance resulting from the proposed garage siting on the south-eastern side boundary. Landscaping space around the front curtilage of the dwelling will remain to retain the landscaped setting of the original dwelling visible from Marlborough Street. Performance Outcome 1.1 is not considered to be offended by the proposed siting of the addition.

The remainder of the addition (not on the side boundaries) is setback 1.2m from the south-eastern side boundary and 2m from the north-western side boundary. These setbacks are considered to provide access to natural light and ventilation for neighbours as desired by part (b) of Performance Outcome 9.1 of the

Zone. The associated Designated Performance Feature anticipates as a guide in this scenario a minimum 1.2m side boundary setback.

Regarding the representation with concern about the alfresco wall on the north-western side boundary Performance Outcome 7.1 of the Zone seeks for walls on boundaries to be limited in height and length to manage visual and overshadowing impacts on adjoining properties. Regarding height, the corresponding Designated Performance Feature as a guide anticipates a maximum wall height on boundary of 3.2m above natural ground level. The alfresco wall height exceeds this, however with respect to visual impact the greater than anticipated height is considered to be off-set by its modest 4.8m length on the boundary and its siting, abutting outbuilding structures on the adjoining site (11 Marlborough Street).

Regarding the garage wall on the south-eastern side boundary it has a maximum height of 4.7m and length of 12.6m. The corresponding Designated Performance Feature also anticipates a maximum wall length on boundary of 8m. Both departures are accepted for this wall as the visual impact is managed by its siting abutting a carport of similar length on the adjoining site (7 Marlborough Street).

The rear of the dwelling is setback 1.2m from the rear boundary at the closest point for the pool pavilion room, which has a wall length of 9.2m. The remainder of the dwelling is setback in excess of 20m from the rear boundary.

Performance Outcome 9.1 of the Zone seeks rear setbacks in part to provide separation between buildings in a way that complements the established character of the locality. The 1.2m setback is not considered to be complementary to the character of the locality, with dwellings on the eastern side of Marlborough Street between Hartford Lane and Rugby Street setback generally around 20m from the rear boundary. However, there are examples of outbuilding type structures set close to rear boundaries, considered akin to the pool pavilion section of the dwelling addition. Those other parts of Performance Outcome 9.1 which seek for the rear boundary setback to provide private open space and space for landscaping and vegetation are met, being accommodated in a 'L-shape' open courtyard space to the side of the pool pavilion room and the rear of the remainder of the addition.

Performance Outcome 3.1 of the Zone speaks to site coverage, seeking that building footprints be consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation. As a guide, the corresponding Designated Performance Feature in this location anticipates a maximum site coverage of 40 per cent.

The existing site coverage is around 40 per cent and the proposed site coverage is 55 per cent.

With respect to site coverage being consistent with the character and pattern of the neighbourhood, the locality comprises large, detached dwellings and associated outbuildings on similarly sized large allotments. The applicant has undertaken some analysis of site coverage in the immediate area and further north-west along Marlborough Street. The proposed site coverage is the highest in the immediate area but more compatible with some sites further north-west.

The proposed site coverage however does not detract from the second part of the Performance Outcome being met, with space provided around the dwelling to provide an attractive outlook and access to light and ventilation for neighbours and dwelling occupants.

For neighbours, most of the addition is off-set from the boundaries to an acceptable level in accordance with setback Performance Outcomes 8.1 and 9.1. Further, with respect to visual impact, there is considered likely to be minimal change for the adjoining site to the south-east (7 Marlborough Street) as the existing rumpus room and enclosed pool shelter structure are located on the side boundary in the same position as the pool pavilion, home gym room, laundry, storage room and part of the garage component of the addition.

There will be a change to the outlook from the adjoining site to the north-west (11 Marlborough Street) with the bedrooms and family rooms extending closer to the shared boundary than the original dwelling. However visual impact is considered to be limited as the driveway area of the adjoining site abuts the shared boundary.

For dwelling occupants, the 'L-shape' courtyard area is directly visible (and accessible) from the living areas within the dwelling to provide an attractive outlook, and the openings (windows and doors) of these parts of the dwelling are well setback from the site boundaries to provide for access to light and ventilation.

The proposal includes a covered alfresco, pool house (pavilion) area and space for separate household and garden storage. So, it is considered unlikely that further development of the land will be necessary which would increase site coverage further.

Performance Outcome 3.1 is considered to only be partly met, however failure to completely meet this Performance Outcome is not considered to be fatal to the application when considered on balance against the other merits of the proposal.

Ancillary Development (Front Fence, Garage and Carport) – Appearance, Siting and Design

Appearance, siting and design matters of the ancillary structures are addressed in the Historic Area Overlay and Established Neighbourhood Zone provisions and Design in Urban Areas

Historic Area Overlay (College Park Historic Area NPSP1)

Performance Outcome 4.1

Ancillary development, including carports, outbuildings and garages, complements the historic character of the area and associated buildings.

Performance Outcome 4.2.

Ancillary development, including carports, outbuildings and garages is located behind the building line of the principal building(s) and does not dominate the building or its setting.

Performance Outcome 4.4

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

Established Neighbourhood Zone

Performance Outcome 10.1

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

Design in Urban Areas Module

Performance Outcome 23.1

Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.

Performance Outcome 23.4

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

The proposed masonry pillar and metal blade front fence is more contemporary in style, so technically Performance Outcome 4.2 of the Historic Area Overlay is not met as it seeks for such fencing to be consistent with the traditional period, style and form of the associated building. In this case however, the contemporary style has been accepted by the Council Heritage Advisor so the variance with Performance Outcome 4.2 is tolerable.

The fence design takes into consideration the College Park (NPSP1) Historic Area Statement, which for fencing identifies low, open front fencing with masonry pillars up to 2m in height as a recognised streetscape feature.

The pedestrian and driveway gates open into the land, so as not to interfere with footpath movements.

The proposed garage and attached front carport are located behind the building line of the dwelling a substantial distance to ensure these structures do not dominate the dwelling or its setting as desired by Performance Outcome 4.2 This siting on the side of the dwelling complements the siting of other covered parking structures in the Historic Character Area locality, consistent with Performance Outcome 4.1.

The garage dimensions exceed that of Designated Performance Feature 23.1 to ensure that it is functional, accessible and convenient as sought by Performance Outcome 23.1. Access to the garage is via an existing cross-over to Marlborough Street and internal paved driveway. Performance Outcome 23.4 is satisfied.

Heritage Adjacency

The Heritage Adjacency Overlay is applicable as the subject land adjoins a Local Heritage Place at the rear and there are three (3) Local Heritage Places on the opposite side of Marlborough Street.

The proposed development at the subject land is approximately 38m from the rear of the abutting Local Heritage Place dwelling. Performance Outcome 1.1 of the Overlay, which seeks for development adjacent to a Local (or State Heritage Place) does not dominate, encroach on or unduly impact on the setting of the Place is satisfied.

Environmental Factors

Earthworks

The proposal includes filling of land to a maximum height of 1.2m.

Performance Outcome 8.1 of the Design in Urban Areas module seeks for development to minimise the need for earthworks to limit disturbance to natural topography. Corresponding Designated Performance Feature 8.1 anticipates filling of land to a height of 1m as being acceptable. The proposed departure is considered to be minor and accepted. The land has a reasonable slope, and the design of the addition is partly split-level at the rear to minimise further the extent of filling.

The filling of land is to be supported by concrete sleeper retaining walls on part of the side boundaries with 1.8m high Colorbond fencing on top of the retaining walls. Performance Outcome 9.1 seeks for fences and retaining walls to be of sufficient height to maintain privacy without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

The boundary side wall enclosure of the alfresco will prevent overlooking to the north-west towards 11 Marlborough Street. The 20m setback to the rear boundary is considered sufficient to minimise direct overlooking to adjoining land at the rear from this part of the addition.

Landscaping along the north-western side boundary and the 12m separation distance will help to minimise overlooking from the pool pavilion part of the addition (approximately 700mm above natural ground level) towards 11 Marlborough Street.

The south-eastern facing window the gym room is more than 1.5m above floor level to minimise direct overlooking towards 7 Marlborough Street.

The combined fence and retaining wall structures are not considered to unreasonably impact visual amenity of adjoining land as they are limited in length on the side boundaries as shown on the combined fence & retaining wall elevations plan.

Flooding and Stormwater Management

The land is in the Hazards (Flooding – General) Overlay, Performance Outcome 2.1 of this Overlay seeks for development to be sited, designed and constructed to prevent the entry of floodwaters likely to result in undue damage to, or compromise ongoing activities within, buildings.

For this reason, the proposal was referred to the Council consultant Hydrological Engineer. The referral

advice is that the finished floor levels are adequate for flood protection. On this basis, Performance Outcome 2.1 is satisfied.

The consultant Hydrological Engineer also provided referral advice regarding stormwater management. The advice recommendation was to seek calculations to demonstrate the pump capacity of the stormwater system is sufficient to cater for flows.

These calculations were provided by the applicant, which show a larger pump is required. Recommended reserved matter one (1) seeks the provision of a revised site & drainage plan prior to Development Approval.

Recommended condition three (3) requires stormwater to be managed so as to not trespass onto adjoining land.

Regulated & Significant Trees and Landscaping

The opposed representation was concerned with the tree removal shown on the proposal plans. At the time of lodgement, as these trees are within 10m of the existing dwelling and are not Eucalypts or Willow Myrtle tree species, they were not regulated or significant.

Recommended advisory note ten (10) advises the applicant that the status of these trees may now be regulated or significant and that their removal as part of this proposal can occur up until 16 May 2025. After this date if the trees meet all of the criteria to be regulated or significant their removal ('tree-damaging activity') will require separate Development Approval.

The proposed site plan shows a replacement 1.8m high hedge around the perimeter of the front garden area. Open landscape character to front gardens, which enhances dwelling and streetscape quality, is recognised in the College Park Historic Area Statement. Therefore, it is recommended that

a more detailed landscaping plan is provided – see recommended reserved matter two (2). This reserved matter also seeks detail of the proposed planting along the north-western side of the land. The reserved matter allows for additional conditions to be applied such as a condition controlling the timeframe for planting and ongoing maintenance.

Resulting from the proposal approximately 27.4 per cent of the site area will remain as soft landscaping. Designated Performance Outcome 22.1 of the Design in Urban Areas Module anticipates for a site of this size that 25 per cent of the site area will be soft landscaped. The shortfall is minor and accepted.

Noise

The pump equipment associated with the proposed swimming pool is to be contained within an equipment shed located between the side of the pool and the north-western side boundary. This location is more than 5m from a habitable room on an adjoining allotment.

Performance Outcome 19.3 of the Design in Urban Areas module which seeks for fixed plant and equipment in the form of pumps and / or filtration systems for a swimming pool to be positioned and / or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers is satisfied.

CONSIDERATION OF 'SERIOUSLY AT VARIANCE'

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.6 04/04/2024) the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The proposal is for an addition to a dwelling with associated ancillary structures. Residential development is the predominantly desired use in the Zone.

SUMMARY & CONCLUSION

The proposal is for a dwelling addition and associated ancillary structures within the Historic Area Overlay of the Established Neighbourhood Zone. To undertake the addition and construct the associated ancillary structures demolition work is also required.

The demolition is acceptable with respect to Historic Area Overlay matters. The dwelling addition is large, resulting in site coverage exceeding that desired in the Zone, dwelling walls partly on both side boundaries and a partial departure from the desired rear setback for part of the dwelling.

The College Park (NPSP1) Historic Area Statement recognises large setbacks as an identifiable feature, however the part of the addition on the side boundaries is well-setback from the front boundary so as not to be readily visible from the street. Maintenance of streetscape appearance is considered to be a key desired outcome of the Historic Area Overlay. The development on the side boundaries is not considered to impact on neighbouring properties with respect to visual amenity and access to light and ventilation as desired in the Zone Performance Outcomes.

The design is adequate for flood protection and the recommended reserved matter and condition will control stormwater management. Further recommended conditions will ensure that landscaping is suitable and maintained on an ongoing basis.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24010039, by TIA Consulting Pty Ltd for dwelling alterations & additions (including partial demolition), demolition of outbuildings and removal of swimming pool, replacement masonry front fence, carport, in-ground swimming pool with associated safety barriers and combined fence & retaining walls at 9 Marlborough Street, College Park is GRANTED Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment by the Assessment Manager prior to the granting of Development Approval:

Reserved Matter 1

An updated site & drainage plan shall be prepared and provided to the reasonable satisfaction of the Assessment Manager that:

- Reflects the same pump capacity and sump capacity of that calculated in the pump chamber sizing calculations by Lelio Bibbo Engineers dated 21 August 2024.

NOTE: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

Reserved Matter 2

A detailed landscaping plan by a suitably qualified person showing landscaping species, planting spacing and details for the on-going maintenance of the landscaping around the front curtilage of the dwelling and

along the north-western side boundary of the land for privacy of adjoining land shall be provided to the reasonable satisfaction of the Assessment Manager prior to Development Approval being granted.

NOTE: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

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

Condition 3

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 the adjacent street kerb & water table.

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, verge landscaping, 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 Note 10

The *Planning, Development and Infrastructure (General) (Regulated and Significant Trees) Amendment Regulations 2024* which recently came into effect have changed the criteria for the designation of regulated and significant trees. The effect of this is that many trees that were previously not regulated are now regulated, meaning development approval is required to remove such tree(s) or undertake certain pruning works to such tree(s).

The following (non-exhaustive) list provides examples of trees that are now regulated that were not previously:

- Trees with a trunk circumference over 1 metre;
- Trees of the genera *angophora*, *corymbia*, *eucalyptus* or *agonis flexuosa*, with a trunk circumference over 1 metre, in all circumstances; and
- Any other genera of tree with a trunk circumference over 1 metre that is located more than 3 metres from an existing dwelling or in-ground swimming pool (except a species exempt by Notice published by the Minister).

Pursuant to Schedule 1 of these Amendment Regulations, this development authorisation may permit a "tree damaging activity" for a tree which was previously unregulated, but that is now regulated. However,

you should note that this activity is only permitted (exempt) until 16 May 2025. After this date, further approval is required for any tree-damaging activity in relation to such tree(s).

Mr Izzo answered questions from the Council Assessment Panel from 7:41pm until 7:42pm

Moved By Mr Rutt

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

2. *Development Application Number 24010039, by TIA Consulting Pty Ltd for dwelling alterations & additions (including partial demolition), demolition of outbuildings and removal of swimming pool, replacement masonry front fence, carport, in-ground swimming pool with associated safety barriers and combined fence & retaining walls at 9 Marlborough Street, College Park is GRANTED Planning Consent subject to the following reserved matters and conditions:*

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Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment by the Assessment Manager prior to the granting of Development Approval:

Reserved Matter 1

An updated site & drainage plan shall be prepared and provided to the reasonable satisfaction of the Assessment Manager that:

- *Reflects the same pump capacity and sump capacity of that calculated in the pump chamber sizing calculations by Lelio Bibbo Engineers dated 21 August 2024.*

NOTE: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to

impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

Reserved Matter 2

A detailed landscaping plan by a suitably qualified person showing landscaping species, planting spacing and details for the on-going maintenance of the landscaping around the front curtilage of the dwelling and

along the north-western side boundary of the land for privacy of adjoining land shall be provided to the reasonable satisfaction of the Assessment Manager prior to Development Approval being granted.

NOTE: Further conditions may be imposed on the Planning Consent following satisfaction of the above matter. Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

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

Condition 3

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 the adjacent street kerb & water table.

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.

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

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

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time 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, verge landscaping, 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 Note 10

The Planning, Development and Infrastructure (General) (Regulated and Significant Trees) Amendment Regulations 2024 which recently came into effect have changed the criteria for the designation of regulated and significant trees. The effect of this is that many trees that were previously not regulated are now regulated, meaning development approval is required to remove such tree(s) or undertake certain pruning works to such tree(s).

The following (non-exhaustive) list provides examples of trees that are now regulated that were not previously:

- *Trees with a trunk circumference over 1 metre;*
- *Trees of the genera angophora, corymbia, eucalyptus or agonis flexuosa, with a trunk circumference over 1 metre, in all circumstances; and*
- *Any other genera of tree with a trunk circumference over 1 metre that is located more than 3 metres from an existing dwelling or in-ground swimming pool (except a species exempt by Notice published by the Minister).*

Pursuant to Schedule 1 of these Amendment Regulations, this development authorisation may permit a "tree damaging activity" for a tree which was previously unregulated, but that is now regulated. However, you should note that this activity is only permitted (exempt) until 16 May 2025. After this date, further approval is required for any tree-damaging activity in relation to such tree(s).

**Seconded by Cr Mex
CARRIED**

**5.3 DEVELOPMENT NUMBER 24020644 – ASHLEIGH COOK AND JOHN CLARK
- 19 LOCH STREET STEPNEY**

DEVELOPMENT NO.:	24020644
APPLICANT:	Ashleigh Cook John Clark
ADDRESS:	19 LOCH ST STEPNEY SA 5069
NATURE OF DEVELOPMENT:	Partial demolition at the rear of a Representative Building, with construction of a new dwelling addition, carport and swimming pool
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Historic Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 9m) • Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 300 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	6 Aug 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.14 1/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund (Ned) Feary Senior Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	David Brown

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies	ATTACHMENT 3: Zoning and Historic Area Overlay Map
ATTACHMENT 1: Application Documents	ATTACHMENT 4: Representation
ATTACHMENT 2: Subject Land and Locality Map	ATTACHMENT 5: Response to Representations

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves the demolition of the later addition at the rear of the dwelling, pergola and garage, and the construction of a new dwelling addition, swimming pool and carport.

The proposed dwelling addition would include a boundary wall on the southern side, with a length of 10.7m, which was the trigger for public notification. Integrated within this addition is a covered patio area. While the majority of the addition is covered by a butterfly roof to allow for the inclusion of clerestory windows, the part closest to the southern boundary has a flat roof to minimise its visual impact.

The proposed carport would be along the northern boundary, in the existing driveway, set back 500mm from the front wall of the dwelling.

The proposed swimming pool would be in the location of the existing garage in the northwestern corner of the site.

There is also proposed underpinning works to original walls.

BACKGROUND:

The original cottage is an identified Representative Building within the Historic Area Overlay, with Valuer-General's data suggesting that it was constructed around 1900.

An alternative dwelling addition at the rear and along the southern side (albeit not on the southern boundary), with carport, received Development Plan Consent (155/782/2017) but never received Development Approval.

The dwelling addition for the ensuite and walk-in robe on the southern side was approved under DA 155/696/2019.

The applicant sought preliminary advice on the proposal, and was advised that it generally had merit but would require public notification due to the boundary wall. The current proposal is substantially the same as that which was submitted for preliminary advice.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 19 LOCH ST STEPNEY SA 5069		
Title ref.: CT 5437/175	Plan Parcel: F20313 AL509	THE CITY OF NORWOOD PAYNEHAM & ST PETERS

Shape: Mostly a parallelogram though the southern boundary is 60mm longer than the northern boundary.

Frontage Width: 18.17m

Area: 666sqm

Topography: Mostly flat, with a slight fall towards the southwestern corner

Existing Structures: The primary building on the site is a circa-1900 cottage, which is identified as a Representative Building for the Historic Area Overlay. This has two later dwelling additions, one the rear and another on the southern side. There is a large (~54sqm) outbuilding in the northwestern corner of the site.

Existing Vegetation: There are a series of trees along the length of the southern boundary. None of these are large enough to be classified as a regulated tree. There are also grass areas in the front and back yards.

Locality

The locality consists of both sides of Loch Street between Flora Street and Olive Road, the eastern side of Battams Road in the same distance, as well as properties in that same block which front

Flora Street and Olive Road, and three dwellings on the northern side of Olive Road. This is illustrated in **Attachment 2**.

The locality includes a mix of historic and non-historic buildings. The extent of the Historic Area Overlay is shown in **Attachment 3**.

Loch Street itself is quite intact, with only two dwellings not being identified as Representative Buildings. Later additions at the rear of these Representative Buildings are universal, though of varying ages.

Battams Road has more recently constructed dwellings, interspersed with some older dwelling stock.

The locality has a mix of site coverages from ~35%-65%, with a site coverage of over 50% being more common than not. The locality is predominantly single storey, with only one two-storey dwelling on Battams Road.

Tree canopy coverage is moderate throughout the locality, with many street trees.

Overall, the locality is considered to have a high amenity.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
 - Demolition
 - Carport or garage
 - Dwelling alteration or addition
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
 - Carport: Code Assessed - Performance Assessed
 - Dwelling addition: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code; Historic Area Overlay- no other pathway other than for swimming pool, where the filter pump is within 5m of a dwelling

PUBLIC NOTIFICATION

- **REASON**
 - Boundary wall exceeds 8m in length
- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position	Wishes to be heard?
Nas	Elisa	N/A	Opposed	No

* The representor provided no address, but as they could be reasonably identified by their email address, the representation was considered valid in accordance with *MacKenzie Intermodal Pty Ltd v Peter Lawson & Naracoorte Lucindale Council [2003] SASC 297*. As the representor did not provide an address, no Representation Map is provided in the attachments.

- **SUMMARY**

The representor was opposed to the removal of three non-regulated trees as part of the proposal.

AGENCY REFERRALS

None

INTERNAL REFERRALS

- Heritage Advisor

PLANNING ASSESSMENT

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

Land Use & Question of Seriously at Variance

The proposed development is residential in nature. Dwelling additions are an expected and envisaged form of development in the Established Neighbourhood Zone.

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

Setbacks, Design & Appearance

The proposed addition is single storey, consistent with the Technical and Numeric Variation for the area.

The proposed development would have a site coverage of 339.7sqm or 51%. This is a trifling departure from the 50% Technical and Numeric Variation, and as the applicant's analysis points out, higher site coverages are common across the locality. This is considered to be consistent with Established Neighbourhood Zone PO 3.1 in that it is "consistent with the character and pattern of the neighbourhood."

It is noted that the proposed development would result in development on both side boundaries near the street frontage, with the existing dwelling addition on the southern side and the proposed carport on the northern side. Zone PO 7.2 is not directly applicable because this relates only to semi-detached and row dwelling arrangements, but this generally discourages boundary-to-boundary development.

Both boundary structures are relatively simple in structure, meaning that the original Representative Building maintains its prominence. Other dwellings in the locality also include similar boundary-to-boundary arrangements, such as at 22 Loch St and 21 Loch St (though this is set back further from the street boundary). Overall, the boundary-to-boundary nature of the development is not considered inconsistent with the pattern of the streetscape and the Historic Area, and the proposed carport does not detract from the appearance of the main dwelling.

The main part of the proposed addition would be hidden behind the original part of the dwelling, the existing ensuite addition and the proposed carport. The butterfly roof form is fairly elegant, and it would not have an unreasonable visual impact on the street.

The proposed addition has a northern side setback of 1.2m. This provides additional side setback from the standard 900mm given the height of the patio component is up to 4.5m above natural ground level. It is 200mm short of complying with DPF 9.1 which expects a setback of 900mm plus one-third the height above 3m, but it is considered that this DPF is generally intended to relate to two-storey dwellings, so the additional setback that is provided is sufficient to soften the visual impact of the proposed addition.

The rear boundary setback of 9.8m is ample to comply with the 6m expected by Zone DPF 10.1.

The proposed boundary wall for the addition is 10.7m in length, therefore being beyond the 8m length that is expected by Zone DPF 7.1. It is also closer to the other boundary wall than envisaged by this DPF, being only 2.3m from the existing boundary wall for the ensuite, compared to 3m sought by the DPF. It is, however, consistent with the envisaged height and proportion of the boundary that might be covered by walling, being

3m high from natural ground level, and covering 43.5% of the boundary, compared to 3.2m height and 45% of the boundary length.

PO 7.1 seeks the following:

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

It is therefore a matter of what the visual and overshadowing impacts would be for the adjoining property to the south.

For a guide on what the Code considers a reasonable level of overshadowing, DPF 3.1 and 3.2 of the Interface Between Land Uses module is instructive. This outlines that on the 21st of June:

- *North-facing windows should receive at least 3 hours of direct sunlight between 9am-3pm; and*
- *At least 35sqm of private open space (with minimum dimension 2.5m) should receive at least 2 hours of direct sunlight between 9am-3pm*
 - *This 35sqm is applicable because it is the smaller of the options compared to half the private open space of the neighbouring dwelling.*

Given the siting and orientation of the wall, it is evident that the proposed development will comply with this guideline in terms of private open space.

The Applicant has provided shadow diagrams for the equinox rather than the winter solstice upon which the relevant policies are based. For context, a shadow of a 3m wall at 12:17pm (the highest point) on the winter solstice will be 4.86m long, compared to 12:08pm being the culmination on the equinox, where a shadow from a 3m wall will be 2.11m long.

Plans for the addition for the neighbouring dwelling show that this part of the addition contains a bathroom and laundry- i.e. no living rooms would be affected by the proposal. The neighbouring wall is also set back 3.1m from this side boundary according to those plans (there is a 900mm deep eave which means that aerial photography makes the neighbouring dwelling look closer than it actually is). This means that the shadow cast by the proposed boundary wall would reach the dwelling wall, but the window for the bathroom would still receive sunlight since the shadow would not be cast on the entire wall.

Therefore, the overshadowing implications are considered acceptable.

In terms of visual impact, it is noted as above that this is not the primary outlook for the affected neighbour, given that this is a secondary part of the private open space, and they have only a bathroom window facing this wall.

It is noted that the affected owner/occupier to the south did not lodge any representation to the application.

Given all of the above, it is considered that the proposed boundary walls are consistent with Zone PO 7.1.

Heritage

The application was referred to Council's Heritage Advisor, who advised that he had no objection to the proposal. He suggested that the proposal would, "[blend into the] background, [be of] low scale and will not impact the streetscape". He did not provide a formal report.

Traffic Impact, Access and Parking

Vehicle access to the site would continue to use the existing crossover from Loch St, meaning there are no new access considerations relating to this crossover.

With the removal of the existing garage/shed, the requisite undercover parking space sought by Transport, Access and Parking Table 1 would now be provided by the proposed carport. Design in Urban Areas DPF

23.1 seeks for minimum dimensions of 5.4 x 3m for single width parking spaces. The useable area of the carport is 5.4m long x 3.4m wide, meaning that it complies with these minimum dimensions.

An additional uncovered space is still provided in the driveway forward of the dwelling.

Environmental Factors

Landscaping

The representor was opposed to the development on the basis that it involved the removal of unregulated trees. It is noted that those trees could be removed immediately without the need for any approval, and so this point is considered somewhat moot. However, the proposal does include the retention of two trees behind the building line, and the row of trees along the southern boundary in the front yard. While the applicant's response to representations notes that they comply with the Urban Tree Canopy Overlay, it is noted that this Overlay only applies to new dwellings, not dwelling additions. Therefore, the proposal goes beyond the tree planting requirements of the Code.

The site overall would involve 200sqm of soft landscaping post-development, equivalent to 30% of the site area. This is well in excess of the 25% guideline of Design in Urban Areas DPF 22.1 and is considered acceptable.

Stormwater

The proposed addition and carport would all drain to a proposed rainwater tank in the southwest corner of the site. The standard stormwater condition is recommended to ensure that stormwater is properly disposed of in accordance with recognised engineering practices. It is noted that the site is not in a flooding overlay, and therefore there is no need for a detailed assessment of flood risk associated with the development.

Noise (Pool Filter Pump)

It is noted that the swimming pool would be Accepted Development if not for the pool filter pump being located within 5m of a dwelling. As such, the relevant consideration for the assessment of the swimming pool is whether the noise of the filter pump would be an unreasonable nuisance. It is administration's approach to generally not include a condition relating to noise from the pump and to allow this to be handled in accordance with the *Local Nuisance and Litter Control Act 2016*.

CONCLUSION

The proposed development is a form which is envisaged in the Established Neighbourhood Zone, and is a positive outcome in ensuring that historic dwellings remain suitable for modern lifestyles. The proposed addition and carport are consistent with the historic character of the area and Council's Heritage Advisor is supportive of the proposal.

The proposed addition is of a relatively modest scale, being only just above the site coverage TNV, and with more vegetation coverage than the soft landscaping guideline. While the proposed boundary wall is substantial, its siting means that the impact on the neighbouring allotment will not have an unreasonable impact.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24020644, by Ashleigh Cook and John Clark is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

All stormwater from buildings and 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.

Condition 3

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

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

Advisory Note 2

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

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

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

Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

The Applicant is advised that the enclosure of the carport on any side with any solid material, roller door, or the like requires further Development Approval.

Moved By Mr Rutt

1. *The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 24020644, by Ashleigh Cook and John Clark is granted Planning Consent subject to the following conditions:*

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

All stormwater from buildings and 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.

Condition 3

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

ADVISORY NOTES

Planning Consent

Advisory Note 1

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

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

The Applicant is advised that the enclosure of the carport on any side with any solid material, roller door, or the like requires further Development Approval.

Seconded by Mr Bateup
CARRIED

**5.4 DEVELOPMENT NUMBER 24026256 – CHRISTINE TRIMMER
- 27 GREEN STREET ST MORRIS**

DEVELOPMENT NO.:	24026256
APPLICANT:	Christine Trimmer
ADDRESS:	27 GREEN STREET, ST MORRIS SA 5068
NATURE OF DEVELOPMENT:	Dwelling alterations & additions and outbuilding
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Character Area • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage is 12m) • Minimum Site Area (Minimum site area is 450 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	26 August 2024
RELEVANT AUTHORITY:	Assessment Manager at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.15 15/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Marie Molinaro - Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council consultant Hydrological Engineer

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 3:	Zoning Map
ATTACHMENT 1:	Application Documents	ATTACHMENT 4:	Internal Referral Advice
ATTACHMENT 2:	Subject Land Map		

BACKGROUND & DETAILED DESCRIPTION OF PROPOSAL:

The owner of the land is a Council staff member, and in accordance with internal protocols the Council Assessment Panel is the relevant authority.

The proposal is to retain the original front portion of the dwelling, demolish a later addition and construct a new single-storey addition. The completed dwelling will contain three (3) bedrooms (master with ensuite), open plan kitchen dining and living room, laundry and separate bathroom. The materials of the addition will be Colorbond roof in 'Ironstone' colour and rendered concrete walls in 'Surfmist' colour. The deck shown on the proposal plans does not require Development Approval as the highest point of the deck does not exceed 500mm above natural ground level and it is more than 900mm from any boundary of the land. It is therefore not considered part of the proposal.

The addition maintains the same side boundary setbacks as the existing dwelling and is 10.7m from the rear boundary.

An outbuilding (garden shed) will be demolished to accommodate the addition with a replacement outbuilding (garden shed) in the rear north-western corner of the land. The replacement / new outbuilding is an Accepted form of development. Accepted development does not require a Planning Consent assessment.

The application plans are included in **Attachment 1 – Application Documents**.

DEVELOPMENT APPLICATION HISTORY:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
25 November 2013	155/656/13	Carport

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 27 GREEN STREET, ST MORRIS SA 5068

Title ref.: CT
5302/10

Plan Parcel: D2157
AL82

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

The subject land is a 581 square metre, rectangular shaped allotment. It has a frontage of 15.24m and a depth of 38.10m. It is on the western side of Green Street and approximately 18m south of Fourth Avenue and 45m north of Third Avenue. The land slopes down towards the rear.

The land contains the dwelling with attached verandah and deck, carport on the northern side of the dwelling and outbuilding behind the dwelling. Vehicle access to the land is via a cross-over near the northern side boundary with concrete driveway to the carport.

The locality is comprised wholly of residential development and residential amenity is considered to be high.

The subject land is identified in **Attachment 2 – Subject Land Map**. The zoning is shown in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Shed
 - Dwelling alteration or addition

Outbuilding (Shed): Accepted

Dwelling addition: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
Planning & Design Code.

PUBLIC NOTIFICATION

- **REASON**
In accordance with Table 5 Procedural Matters of the Established Neighbourhood Zone, the proposal did not require public notification.

INTERNAL REFERRALS

- Council consultant Hydrological Engineer
Recommended that the floor level of the addition be raised for flood protection and also advised on stormwater management.

The internal referral response is included in **Attachment 4 – Internal Referral Advice**.

PLANNING ASSESSMENT

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

Dwelling Addition – Appearance, Setbacks and Site Coverage

Appearance, setback and site coverage matters of the dwelling addition are addressed in the Character Area Overlay and Established Neighbourhood Zone provisions.

Character Area Overlay – Trinity Gardens/St Morris Character Area Statement (NPSPC5)

Performance Outcome 1.1

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

Performance Outcome 2.2

Development is consistent with the prevailing building wall and wall heights in the Character Area.

Performance Outcome 2.4

Development is consistent with the prevailing front and side boundary pattern in the Character Area.

Performance Outcome 2.5

Materials are either consistent with or complement those within the Character Area.

Performance Outcome 3.1

Additions and alterations do not adversely impact on the streetscape character.

Established Neighbourhood Zone

Performance Outcome 3.1

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

Performance Outcome 4.2

Additions and alterations do not adversely impact on the streetscape character.

Performance Outcome 8.1

Buildings are setback from side boundaries to provide: a) separation between buildings in a way that complements the established character of the locality b) access to natural light and ventilation for neighbours.

Performance Outcome 9.1

Buildings are setback from rear boundaries to provide: a) separation between buildings in a way the complements the established character of the locality b) access to natural light and ventilation for neighbours c) private open space d) space for landscaping and vegetation.

The proposed works are all at the rear of the existing dwelling, with the same wall and overall height. The addition maintains the same side boundary setbacks as the existing dwelling.

Whilst the roof and wall materials and colour scheme of the addition do not match the existing dwelling, which is red tiled roof and red brick walls, the addition is wholly at the rear.

The proposed 48 per cent site coverage is below the 50 per cent anticipated by Designated Performance Feature 3.1 of the Zone.

The 10m setback to the rear boundary is well in excess of the 4m desired by Performance Outcome 9.1.

With respect to Performance Outcome 9.1 parts c and d; private open space exceeds the minimum 60 square metres desired by Designated Performance Feature 21.1 of the Design in Urban Areas Module; and soft landscaping is in excess of 25 per cent of the total site area as desired by Designated Performance Feature 22.1 of the Design in Urban Areas module.

Environmental Factors

Flooding and Stormwater Management

The land is in the Hazards (Flooding – General) Overlay, Performance Outcome 2.1 of this Overlay seeks for development to be sited, designed and constructed to prevent the entry of floodwaters likely to result in undue damage to or compromise ongoing activities within buildings.

For this reason, the proposal was referred to the Council consultant Hydrological Engineer. The referral advice was that the floor level of the addition be raised for adequate flood protection, which was done by the applicant. On this basis, Performance Outcome 2.1 is satisfied.

The consultant Hydrological Engineer also provided referral advice regarding stormwater management. The advice recommendation was to seek calculations to demonstrate the pump capacity of the stormwater system is sufficient to cater for flows. This information was provided by the applicant.

Regulated & Significant Trees

Three (3) trees are shown to be removed to accommodate the addition. A search of photos online shows these trees are not regulated or significant.

CONSIDERATION OF ‘SERIOUSLY AT VARIANCE’

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.6 04/04/2024) the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reason:

- The proposal is for an addition to a dwelling with associated ancillary structures. Residential development is the predominantly desired use in the Zone.

SUMMARY & CONCLUSION

The proposal is for an addition to a dwelling and separate outbuilding within the Established Neighbourhood Zone. The main assessment matter is considered to be flood protection, which has been adequately addressed.

RECOMMENDATION

GRANT PLANNING CONSENT

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24026256, is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

All stormwater from buildings and 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 the adjacent street kerb & water table.

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, verge landscaping, 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.

Moved By Mr Adcock

1. *The proposed development is not considered seriously at variance with the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.*
2. *Development Application Number 24026256, is GRANTED Planning Consent subject to the following conditions:*

CONDITIONS

Planning Consent

Condition 1

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PLANNING CONSENT

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Advisory Note 9

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

**Seconded by Mr Bateup
CARRIED**

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

7.1 UPDATED REVIEW OF DECISIONS OF THE ASSESSMENT MANAGER POLICY

COUNCIL ASSESSMENT PANEL – UPDATED REVIEW OF DECISIONS OF THE ASSESSMENT MANAGER POLICY

REPORT AUTHOR:	Senior Urban Planner
GENERAL MANAGER:	General Manager, Urban Planning & Environment
CONTACT NUMBER:	83664561
FILE REFERENCE:	qA153026
ATTACHMENTS:	1 and 2

PURPOSE OF REPORT

This report seeks the endorsement of a revised and updated *Review of Decisions of the Assessment Manager Policy*.

BACKGROUND

As Members are aware, the *Planning Development and Infrastructure Act 2016* (the Act) provides that where an application for development is made to an Assessment Manager, a person who has applied for the development authorisation may apply to the Council Assessment Panel for a review of a prescribed matter.

A prescribed matter is defined under the Act as:

- *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*
- *a decision to refuse to grant the authorisation; or*
- *the imposition of conditions in relation to the authorisation; or*
- *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.*

The scope for requesting a review of an Assessment Manager's assessment, request, decision, direction or action, is broad – it may be the final determination of an application (e.g. refusal) or any administrative step in the process (e.g. a decision to publicly notify an application).

The review does not apply to applications that have been delegated from the Panel to the Assessment Manager, but only to those applications assigned by the Regulations to the Assessment Manager in his / her own right. For clarity, the review does apply to applications assessed by staff acting as a delegate of the Assessment Manager.

It is noted that should an applicant be dissatisfied with the outcome, they can appeal the decision of the Panel to the ERD Court. The applicant can also lodge an appeal against the Assessment Manager's decision directly to the ERD Court (in addition to, or instead of, an application for review by the CAP), as is the case with applications where the Panel is the relevant authority.

At its meeting held on 10 February 2021, the Panel adopted the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* (the Policy) which sets out the procedure and requirements relating to the application for review process. It is necessary for the Panel to consider an updated and revised Policy both because the Policy is due for review, and to ensure it is consistent with an amendment to the *Planning Development and Infrastructure (General) Regulations 2017* which has occurred since the Policy was first adopted.

DISCUSSION

The *Planning Development and Infrastructure (General) Regulations 2017* (the Regulations) were amended in May 2023 to include Regulation 116(2) as outlined below:

- 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).*

In summary, where an applicant has sought an Assessment Panel review of an Assessment Manager decision, they must be given an opportunity to provide submissions on the review, and to appear and make submissions at the relevant Panel meeting. The current Policy is inconsistent with this regulation as it precludes the Panel from considering any additional information that was not before the Assessment Manager at the time of the decision of the Prescribed Matter and from receiving submissions or hearing addresses from any party.

To correct this inconsistency, the current Policy has been revised to allow receiving written and verbal submissions from the applicant and appropriate responses from the Assessment Manager. The relevant amendments include new procedural steps to accommodate the change, including the option for the Presiding Member to provide a referral agency which provided a response on the application with the opportunity to review and respond to any additional information and / or materials. These revisions have been prepared having regard to the latest Policy template provided by the LGA, as well as a review of Policies adopted by a selection of other Councils' Assessment Panels.

A small number of additional amendments to the Policy have been prepared which are largely administrative in nature, but do include two (2) procedural changes summarised below:

- deletion of the clause requiring the Panel's deliberation and final determination of a review matter to be conducted in private, with the applicant and public gallery excluded. In the interests of transparency, it is recommended the Panel generally conduct deliberations in public, unless there is a particular reason why this should not be the case. Regulation 13(2) of the Regulations enables a Panel to exclude the public from attendance at a meeting for a range of reasons, such as to discuss legal advice or litigation, so deliberations could still be conducted in confidence if this is required; and
- a clause allowing the Presiding Member to determine if an application for review should not be considered by the CAP in circumstances where it is frivolous, vexatious, or is otherwise an abuse of process. It is expected this clause will be used infrequently but is considered appropriate to have, should the need arise.

Attached to this report are the following:

- Attachment 1 – a 'tracked change' version of the Policy (in order for the proposed amendments to be easily identified); and
- Attachment 2 – a flowchart showing the steps involved in the review process.

CONCLUSION

The proposed amendments to the Policy which relate to receiving written and verbal submissions from the applicant are required to be made to bring the Policy in line with the current Regulations. Additional optional amendments have been proposed to the Policy with a view to improving transparency during meeting proceedings and preventing potential frivolous applications.

RECOMMENDATION

1. That the Council Assessment Panel endorses and adopts the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* as contained in **Attachment 1**, and delegate authority to the Assessment Manager to produce a publish a final version with all tracked changes accepted.

Moved By Mr Adcock

1. *That the Council Assessment Panel endorses and adopts the Council Assessment Panel Review of Decisions of the Assessment Manager Policy as contained in **Attachment 1**, and delegate authority to the Assessment Manager to produce and publish a final version with all tracked changes accepted.*

Seconded By Mr Bateup
CARRIED

8. ERD COURT APPEALS

- *Mr Parsons advised the Panel that an appeal has been submitted to the ERD Court for ID23020223, 263-277 Payneham Road Royston Park and a compromise proposal will come before the Panel in due course.*

9. OTHER BUSINESS

- *The Presiding Member requested the meeting procedures be revised and put back before the Panel for consideration;*
- *Mr Parsons welcomed and introduced Dana Cher to the Panel*
- *Mr Parsons thanked Kieran Fairbrother and Emily McLuskey for all their support and work;*
- *Mr Parsons advised of the resignation of the Manager, Traffic & Integrated Transport and acknowledged the advice and expertise they have provided to the Panel; and*
- *Mr Bateup queried whether Council can consider the re-location of palm trees approved for removal.*

10. CONFIDENTIAL REPORTS

11. CLOSURE

The Presiding Member declared the meeting closed at 8:15pm