

Council Assessment Panel Minutes

18 November 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.*

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

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials  /cityofnpsp  @cityofnpsp



City of
Norwood
Payneham
& St Peters

1.	COMMENCEMENT AND WELCOME	1
2.	APOLOGIES	1
3.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON MONDAY 21 OCTOBER 2024	1
4.	DECLARATION OF INTERESTS	1
5.	DEVELOPMENT APPLICATIONS – PDI ACT	2
5.1	DEVELOPMENT NUMBER 24016085 – JUDY BARNETT – 16 EDMUMD STREET, NORWOOD	2
6.	DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT.....	16
7.	REVIEW OF ASSESSMENT MANAGER DECISIONS.....	16
8.	ERD COURT APPEALS	16
9.	OTHER BUSINESS	16
10.	CONFIDENTIAL REPORTS.....	16
11.	CLOSURE	16

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
Ned Feary, Senior Urban Planner
Tala Aslat, 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 MONDAY 21 OCTOBER 2024**

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

4. **DECLARATION OF INTERESTS**

5. DEVELOPMENT APPLICATIONS – PDI ACT

**5.1 DEVELOPMENT NUMBER 24016085 – JUDY BARNETT
- 16 EDMUND STREET, NORWOOD**

DEVELOPMENT NO.:	24016085
APPLICANT:	Judy Barnett
ADDRESS:	16 EDMUND ST NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Partial demolition at the rear of the existing dwelling and removal of the existing garage, construction of a two-storey dwelling addition and verandah, and relocation and repurposing of the existing verandah to become a garage
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 Site Area (Minimum site area is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	7 Jun 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 2024.10 06/06/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary - Senior Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Heritage Advisor (David Brown)

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposal involves demolition at the rear of the existing building, including relocation of the existing verandah / alfresco to now function as a garage, and the construction of a two-storey dwelling addition. The addition has an irregular form, with a skillion roof, and would be constructed from a weatherboard material.

The addition includes walls on both the northern and southern boundaries, both of which exceed one storey in height. On the northern side, the height of the boundary wall follows the clearance required for a set of stairs, while on the southern side it is two-storeys (up to 6.92m), though this largely abuts the existing single-storey boundary wall.

BACKGROUND:

The applicant submitted the application on the 2nd of June, with the application being lodged on the 7th of June. This original proposal involved an addition above the garage area at the rear of the site, which would have included two-storey boundary walls on both sides, abutting existing garaging to the south, and private open space to the north.

Staff advised the Applicant that this original proposal was not supported, and an extensive negotiation process followed to attempt to achieve a workable outcome. This involved reducing the visual impact of the addition by bringing it closer to the existing dwelling (despite this having heritage implications which are outlined below).

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 16 EDMUND ST NORWOOD SA 5067

Title ref.: CT **Plan Parcel:** S7532 UN1 **Council:** THE CITY OF NORWOOD PAYNEHAM & ST PETERS 5953/601

Shape:	Rectangular
Frontage Width:	6.3m
Area:	212.6m ²
Topography:	Mostly flat
Existing structures:	Attached single-fronted cottage (which shares a verandah with the double-fronted cottage to the south) constructed circa 1900, lean-to addition, gable-ended verandah and garage.
Existing vegetation:	Limited to groundcovers in the front yard.

Locality

The locality (illustrated in **Attachment 3**) is considered to extend along the length of Edmund Street (some 170m), but only approximately 30m along King Street. King Street is a more mixed-use area with early-2000's infill development providing a transition between the lighter industrial / warehousing uses towards the east of King St, and the historic residential character of Edmund Street. As the site is part of this historic residential character, the locality does not extend far to the east.

The locality is characterised by relatively small dwellings, generally single or double fronted cottages, built prior to World War 1, with some more recent infill development interspersed throughout. There is also the former industrial premises of John Mitchell & Sons from 32-40 Edmund Street, which have been adaptively reused for residential purposes.

The eastern side of Edmund Street has a more intact historic character, while the western side has seen more recent infill development.

Building heights are mixed throughout the locality, with some outwardly two-storey development towards the south, and more single storey to the north. There are also examples of developments with more subtle upper floor areas such as at 22 Edmund Street, and 11A, 11B and 13 Edmund Street.

Vehicle access is generally obtained from rear lanes, and the lack of crossovers means that Edmund Street has a strong avenue of street trees (generally ornamental pears). Front setbacks are generally quite small (2-4m), and with the fairly narrow width of the street (with parking only on one side), the streetscape is well-framed.

It is a locality with a high degree of amenity, and a medium density of housing.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Demolition
Dwelling addition: Code Assessed - Performance Assessed
Demolition: Code Assessed - Performance Assessed
Dwelling alteration or addition

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

- **REASON**
P&D Code; Dwelling addition includes a boundary wall over 3m tall
Demolition is in a Historic Area (but is an excluded building)

PUBLIC NOTIFICATION

- **REASON**
Boundary wall exceeds 3.2m in height

- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position	Wishes to be heard?
Donna	Retallick	20 Edmund St, Norwood	Opposed	Yes
David	Retallick	20 Edmund St, Norwood	Opposed	Yes
Emily	Robertson	18 Edmund St, Norwood	Opposed	No

It is noted that the submissions by Mr and Ms Retallick were identical.

- **SUMMARY**

The representors raised a variety of issues, including:

- Visual impact;
- Impact on established trees / landscaping;
- Risks to structural integrity of common wall;
- Privacy;

- Overshadowing;
- Impacts during construction;
- Material (suggested brick not weatherboard);
- Site coverage; and
- Garage design.

It is noted that there are no policies in the Planning and Design Code which relate to structural integrity for neighbouring properties, impacts during construction, or anything relating to potential encroachments or the need to remove landscaping on neighbouring properties to access the site. Therefore, these elements are not addressed in this report, though the applicant has provided a response in their response to representations.

INTERNAL REFERRALS

- Heritage Advisor (David Brown)

Council's Heritage Advisor is opposed to the proposed development, on the basis of the extent of demolition, and the interaction between the proposed addition and the original form of the dwelling.

It is noted that the dwelling is not specifically identified as a Representative Building (no buildings in Norwood's Historic Area Overlays are identified as Representative), but it is considered to be a building which is representative of the historic characteristics outlined in the Historic Area Statement.

PLANNING ASSESSMENT

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

Land Use

The proposal is to construct an addition to an existing dwelling. Development of dwellings is envisaged by ENZ DPF 1.1, and it is a form consistent with the residential nature of the Established Neighbourhood Zone.

Building Height

Relevant policies in this instance include:

ENZ PO 4.1:

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

ENZ PO 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.

HAO PO 2.2:

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

The proposed dwelling addition is two storeys (6.92m), consistent with the two-storey Technical and Numeric Variation (TNV) for the area. It is noted that the Historic Area Statement identifies that dwellings in the Historic Area are generally, "Up to two storeys" in height.

While many of the outwardly two-storey dwellings in the locality are outside of the Historic Area Overlay, there are nonetheless several dwellings in the Area which are two-storey, namely the examples mentioned in the locality section of this report.

Considering Historic Area Overlay PO 2.2, while there is a predominantly single storey form to the street, there is not necessarily a predominantly single storey form overall, hence why the statement envisages two storey development.

This being the case, the fundamental nature of the building height is consistent with the policies of the Zone and the Historic Area Overlay.

Heritage

The Application was referred to Council's Heritage Advisor, who advised that he was not supportive of the proposed design.

The comments provided are as follows:

The revised design is set much further forward on the block than the earlier proposal. It eats into the back of the original dwelling, so is not a great outcome from a heritage perspective. It will be visible from Edmund Street, which is also not something common in this streetscape, with other two level structures behind old houses set further back.

Overall, this is not a particularly good outcome for the streetscape or existing house. Moving the addition further back would give a better result, and leave the original form of the existing cottage untouched.

The relevant policies regarding the extent of demolition are PO 7.1 and 7.2 of the Historic Area Overlay:

PO 7.1:

Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style*
- or*
- b) the structural integrity or safe condition of the original building is beyond reasonable repair.*

PO 7.2:

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

These PO's seem to reflect slightly contradictory approaches to demolition. PO 7.1 could be interpreted as suggesting that buildings can only be demolished (whether partially or wholly), either if they are not representative, or if they are beyond all reasonable repair. However, PO 7.2 suggests that this historic value is only relevant to the streetscape.

While it may not necessarily represent best practice in heritage architecture, PO 7.2 suggests that the Code does support the extent of demolition proposed, since it only involves the demolition of elements which have no streetscape impact.

In terms of the visual impact on the Edmund Street streetscape, the following policies from the Historic Area Overlay are instructive:

PO 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.

PO 2.3:

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

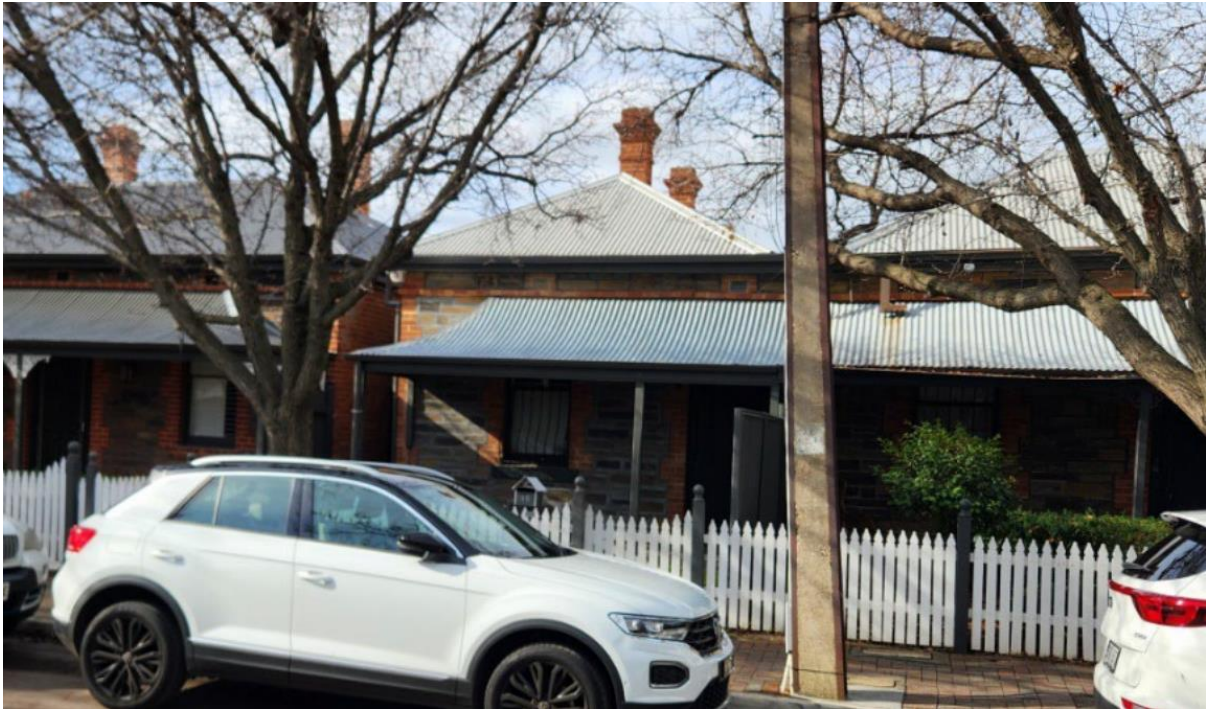
PO 2.5:

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

PO 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.

While the proposed addition will be visible from the street, its visibility will be limited. The photo below, taken by Council's Heritage Advisor, shows that the rear chimney is visible from the street, but only to a limited extent. The proposed addition, which would sit behind this chimney, and at roughly the same height, would therefore be slightly less visible than this chimney.



Considering the proposed materials, the relatively simple surfmest weatherboard complements the representative building because the contrast in colour, and consistent backdrop will mean that the chimney will be more visible, consistent with PO 2.5.

The simple form and relative lack of architectural detailing for the addition results in a visually recessive outcome, meaning that the addition does not compete for attention with the original dwelling. This is consistent with the intent of PO's 2.1, 2.3 and 3.1.

While the upper floor would to some extent be obscured by street trees, these are deciduous so this would only be relevant in summer.

Nonetheless, overall, the extent to which it will be visible from the street is considered to be quite limited. It therefore does not dominate the primary facade and is consistent with PO 3.1.

Note that the Heritage Advisor commented on the comparison to the previous proposal. While the previous proposal was preferred from a heritage perspective, as outlined above, it could not be supported in terms of its impact on neighbours.

Therefore, despite the Heritage Advisor's advice, it is considered to sufficiently comply with the Code.

Setbacks, Design & Appearance

Site Coverage

Concerns about site coverage were raised by representors, who noted the 50% Technical and Numeric Variation. The site already has an extremely high site coverage, given that the existing alfresco covers the entire rear yard area. As a result, any increase in site coverage would only be from the proposed staircase to the side of the addition, and the enlarged garage.

The plans provided show a pre-development site coverage of 156.5m² or 72.9%, compared to a post-development site coverage of 162.8m² or 75.8%.

High site coverages are common in the locality, and the TNV is not considered to reflect this reality.

Visual Impact (adjoining properties)

Relevant Performance Outcomes include:

Established Neighbourhood Zone PO 7.1:

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

Established Neighbourhood Zone PO 8.1:

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.*

It is noted that DPF 7.1 provides a guideline of boundary walls to be 8m long, up to 3.2m high, covering up to 45% of the length of a boundary, and not encroaching within 3m of another boundary wall on the subject site.

These Designated Performance Features are, of course, only guidelines, and they are applicable in vastly different contexts. For example, the same DPF applies in the St Peters Historic Area Overlay from First to Sixth Avenues, where allotments are generally much larger. It may be reasonable to expect greater side setbacks or less boundary walling in that lower-density context, but a greater extent of boundary development is reasonable in a more compact context such as this.

In considering PO 7.1, the question is one of impacts. The overshadowing part of this will be considered in the separate section below.

With regard to visual impact to the south (the direction of all representors), the proposed addition largely replaces an existing, single-storey boundary wall, though it would be 1.5m longer. This would about the neighbouring verandah area. The only view of the upper level from the south would be looking from the rear of the properties (the garages) back towards the houses (i.e. standing on the eastern side of the allotment and looking north and west). This tends to be a secondary view, while people are generally looking out from the rear of their dwelling, where the proposed development will be largely imperceptible compared to the existing single storey wall.

Part a) of PO 8.1 refers to the “established character of the locality”. Side setbacks are generally small to non-existent in the locality, with boundary walls commonplace. This includes much of the two-storey development in the locality, where the upper floors also have boundary walls.

Therefore, on balance and considering the compact nature of the locality, it is considered that, while finely balanced, the visual impact is overall acceptable.

Overshadowing

In order to provide more guidance than the generic policies of the Zone, the Interface between Land Uses module provides more guidance on what level of overshadowing may be reasonable. These are outlined in the table below.

<p>PO 3.1 Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ul style="list-style-type: none"> a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight, b) other zones is managed to enable access to direct winter sunlight. 	<p>DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p>
<p>PO 3.2 Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <ul style="list-style-type: none"> a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight, b) b. other zones is managed to enable access to direct winter sunlight. 	<p>DTS/DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <ul style="list-style-type: none"> a) for ground level private open space, the smaller of the following: <ul style="list-style-type: none"> i) half the existing ground level open space or ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b) for ground level communal open space, at least half of the existing ground level open space.
<p>PO 3.3 Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <ul style="list-style-type: none"> a) the form of development contemplated in the zone b) the orientation of the solar energy facilities c) the extent to which the solar energy facilities are already overshadowed. 	<p>DTS/DPF 3.3 None are applicable.</p>

It is noted that 18 Edmund Street has no north-facing windows due to the boundary wall along this side, so PO 3.1 is satisfied.

Regarding private open space, it appears that 18 Edmund Street has approximately 52m² of private open space not covered by the existing verandah, meaning that the relevant test would be whether at least half of this area, 26 m², would receive two hours of direct sunlight between 9am-3pm on the 21st of June.

I have sought to verify the shadow diagrams provided in the response to representations, and they appear to be broadly correct. The plan does note that they are not to scale, but by comparison to the scaled plans provided, they do appear to be of an irregular scale (roughly 1:245) They indicate the following areas as receiving direct sunlight:

- 9am- 33.5m²
- 11am- 38.7m²
- 1pm- 20.6m²
- 3pm- 27.9m²

Therefore, while the proposed development would increase the extent of overshadowing, they appear to still meet the guidelines outlined by DPF 3.2 (a) (i)

The representor from 20 Edmund St, Norwood raised concerns regarding solar panels. It is evident from the shadow diagrams provided that there will not be any tangible impact on the performance of these solar panels, in line with PO 3.3.

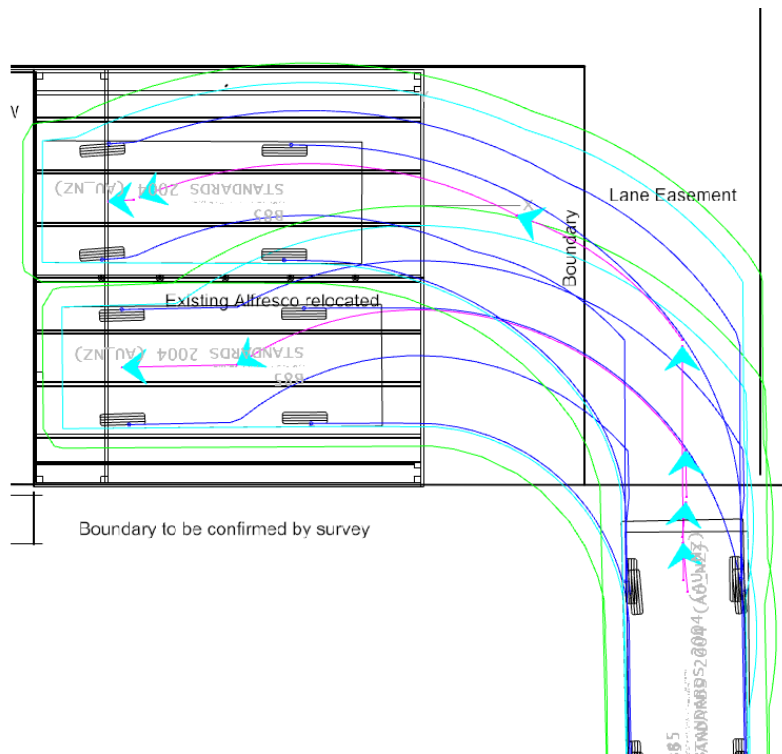
Visual Privacy

The applicant has clarified that the windows will have sill heights of 1.5m above the upper floor FFL, which will comply with Design in Urban Areas DPF 10.1, which is the relevant guideline in the Code.

Traffic Impact, Access and Parking

The proposal includes the relocation of the existing alfresco area to now be in the location of the existing garage and will indeed be the new garage / carport. The laneway is very narrow, which could lead to manoeuvring issues. The existing garage is set 3m back from the lane to provide that manoeuvring room, but the proposed new garage would be only 2.4m back, meaning a total width for turning of 5.14m - well below the 6.2m outlined in the Australian Standard.

Nonetheless, the proposed roller door is wider than normal, at 5.7m, and the overall width of the garage is considered to account for the reduced swing room in the lane. Simulations using swept path turning diagrams confirm that it is possible as below.



As a result, the proposed access arrangement is considered to be no less safe and convenient than the existing arrangement.

Landscaping & Private Open Space

Regarding soft landscaping, the site is already entirely paved except for some landscaping beds in the front yard. These would be retained, so the development would not result in a decrease in the area of soft landscaping.

A representor raised concerns about potential impacts on landscaping on the neighbouring property. There is no relevant code policy that would suggest that this is inappropriate, and this is a civil matter that can be resolved between the neighbours outside of the Development Application process.

The proposal would also retain 19.6m² of private open space. This is a reduction from the existing 36.5m², and the 24m² sought by Design in Urban Areas Table 1. The relevant Performance Outcome is Design in Urban Areas PO 21.1:

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

It is noted that the development is for an owner-occupier. Therefore, they clearly consider that the area does meet their needs. On balance, the four-square metre variance from the Designated Performance Feature is unlikely to make a substantial difference in the usability of the area.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.10 dated 6/6/2024), 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; and,
- The development does not propose the demolition of any elements of the representative building which are visible from the streetscape.

CONCLUSION

The development proposes the construction of a two-storey dwelling addition on a compact site in the Historic Area Overlay and Established Neighbourhood Zone, along with the removal of the existing garage, moving the existing verandah / alfresco to now be a new garage, and a new verandah in the rear yard. The construction of this addition would also necessitate some partial demolition to the rear of the "representative" building.

Despite not being supported by the Heritage Advisor, it is considered that the proposed addition does limit the impact on the historic streetscape. The proposed boundary walls, despite their height, are sited to ensure that their impact on neighbouring land is minimised.

As a result, while finely balanced and not directly in accordance with the Code guidelines, the proposed development sufficiently complies with the Planning and Design Code to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24016085, by Judy Barnett is granted Planning Consent subject to the following conditions:

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

The upper floor windows to side and rear elevations of the proposed addition shall either have sill heights of a minimum of 1500mm above floor level or be treated to a minimum height of 1500mm above floor level,

prior to occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

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 either the adjacent street kerb & water table or a Council underground pipe drainage system.

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

ADVISORY NOTES

PLANNING CONSENT

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

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 24016085, by Judy Barnett is granted Planning Consent subject to the following conditions:*

CONDITIONS

PLANNING CONSENT

Condition 1

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

Condition 2

The upper floor windows to side and rear elevations of the proposed addition shall either have sill heights of a minimum of 1500mm above floor level or be treated to a minimum height of 1500mm above floor level, prior to occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

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 either the adjacent street kerb & water table or a Council underground pipe drainage system.

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

ADVISORY NOTES

PLANNING CONSENT

Advisory Note 1

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

Advisory Note 2

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

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

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

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

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

Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7

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

Advisory Note 8

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

Advisory Note 9

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

***Seconded by Cr Mex
CARRIED***

6. **DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT**
7. **REVIEW OF ASSESSMENT MANAGER DECISIONS**
8. **ERD COURT APPEALS**
 - *A Compromise Proposal was submitted to Council on 21 October 2024 for ID 23020223, 263-277 Payneham Road Royston Park.*
9. **OTHER BUSINESS**
 - A copy of the meeting procedures was provided to the Panel Members to review.
10. **CONFIDENTIAL REPORTS**
11. **CLOSURE**

The Presiding Member declared the meeting closed at 7:26pm

Stephen Smith
PRESIDING MEMBER

Geoff Parsons
MANAGER, DEVELOPMENT & REGULATORY SERVICES