

# Council Assessment Panel Minutes

**17 February 2025**

## **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  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)  
Socials [f /cityofnpsp](https://www.facebook.com/cityofnpsp) [@cityofnpsp](https://www.instagram.com/cityofnpsp)



City of  
Norwood  
Payneham  
& St Peters

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**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 6.30pm

**PRESENT**

**Panel Members** Mr Stephen Smith  
Mr 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 21 JANUARY 2025**

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

4. **DECLARATION OF INTERESTS**

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER – 23012750 – MINUZZO PROJECT MANAGEMENT -  
2 TORRENS STREET COLLEGE PARK

<b>DEVELOPMENT NO.:</b>	23012750
<b>APPLICANT:</b>	Minuzzo Project Management
<b>ADDRESS:</b>	2 TORRENS ST COLLEGE PARK SA 5069
<b>NATURE OF DEVELOPMENT:</b>	Construction of a two-storey dwelling addition (including partial demolition of existing dwelling and demolition of a carport and ancillary structures) and a masonry and metal infill front fence
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 17m; semi-detached dwelling is 9m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 300 sqm)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 900 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> <li>• Site Coverage (Maximum site coverage is 40 per cent)</li> <li>• Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	15 May 2023
<b>RELEVANT AUTHORITY:</b>	Assessment panel at City of Norwood Payneham and St. Peters
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2023.6 (27/04/2023)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Kieran Fairbrother, Senior Urban Planner
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	David Brown, Heritage Advisor

## CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 5:	Representations
ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Response to Representations
ATTACHMENT 2:	Subject Land & Locality Maps	ATTACHMENT 7:	Internal Referral Advice
ATTACHMENT 3:	Zoning, Overlay & TNV Maps	ATTACHMENT 8:	Original Three-Storey Proposal
ATTACHMENT 4:	Representation Map		

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## DETAILED DESCRIPTION OF PROPOSAL:

This proposal is for works to an existing single fronted sandstone cottage, which is a Representative Building within the St Peters Historic Area Overlay. The works involve:

- Demolition of an existing lean-to addition (which appears to have already been unlawfully undertaken);
- Demolition of an existing brush front fence (which has already been unlawfully undertaken);
- Demolition of the rear carport and surrounding fencing;
- Internal alterations to existing dwelling;
- Construction of a new rendered masonry pier and plinth front fence with steel vertical blade infill;
- Construction of a two-storey addition to the dwelling, sited on the rear boundary and both side boundaries, and comprising a garage and living areas at ground level and living areas and a balcony at the second level. The addition is constructed of brickwork at ground level and to the balcony balustrade, and off-white aluminium cladding to the upper level with black metal framed windows.

## BACKGROUND:

This application was initially submitted in early 2023 and has since undergone two rounds of public notification – the first in June 2023 and the second in October 2024. Initially, the proposal involved a three-storey addition to the existing dwelling, but following discussions with Council administration the proposal was amended to remove the third building level. In so doing, the additions were re-sited from being mostly on the southern side boundary to now being mostly on the northern side boundary. Despite the loss of the third building level, the overall height of the building has only reduced by 1.76 metres.

The same representor was the sole representor during both rounds of public notification, whose concerns remain despite the removal of the third building level and the re-siting of the development.

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 2 TORRENS ST COLLEGE PARK SA 5069

**Title ref.:** CT                      **Plan Parcel:** F136398                      **Council:** THE CITY OF NORWOOD PAYNEHAM  
5661/370                      AL47                      AND ST PETERS

Shape:	regular
Frontage Width:	approximately 8 metres
Area:	approximately 391m <sup>2</sup>
Topography:	dwelling built higher than footpath level, with ground levels falling towards the rear
Existing structures:	a single fronted sandstone cottage and a freestanding garage

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Existing vegetation: a landscaped front yard and very little vegetation elsewhere

## Locality

The locality is considered to comprise the area outlined in **Attachment 2**. This encompasses the dwellings with frontages to Torrens Street that are within 50m of the subject land, as well as those with frontages to College Street that are within 70m of the subject land, along with part of the school grounds west of Eton Lane.

This locality is characterised by low density residential development, with the exception of the school oval that adjoins Eton Lane. The built form within this locality is predominantly comprised of single-storey, historical dwellings set on larger allotments. There are two exceptions to this. The first is 6 College Street, which has a two-storey component at the rear of the dwelling that is not readily visible from College Street. The second is the adjoining dwelling at 4 Torrens Street, which has a large three-storey addition at the rear of the dwelling, that is not readily visible from the primary street frontage but is unmissable from Eton Lane and adjoining allotments. This locality enjoys a very high level of amenity due to a combination of the high-quality built form, the larger allotment sizes and consistent, mature street tree plantings.

## CONSENT TYPE REQUIRED:

Planning Consent

## CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  - Dwelling alteration or addition
  - Fences and walls
  - Dwelling addition: Code Assessed - Performance Assessed
  - Internal building work: Code Assessed - Performance Assessed
  - Fence: Code Assessed - Performance Assessed
  - Demolition
  - Partial demolition of a building or structure: Code Assessed - Performance Assessed
  
- **OVERALL APPLICATION CATEGORY:**
  - Code Assessed - Performance Assessed
  
- **REASON**
  - P&D Code

## PUBLIC NOTIFICATION

- **REASON**
  - Development exceeds the height limit TNV of 1 storey.
  - Involves a boundary wall that exceeds 3.2m in height *and* 8m in length.
  - Involves the partial demolition of a representative building in the Historic Area Overlay.
  
- **LIST OF REPRESENTATIONS**

This development has undergone two (2) rounds of public notification, due to the substantial changes that were made following the first round. On both occasions, only one (1) representation was received; both from the adjoining neighbour at 2 College Street, College Park.

- **SUMMARY**

The single representor's concerns can be read in full in **Attachment 5** but can be summarised as having concerns regarding the height, bulk and scale of the development; the impact of the development on the amenity of their residence next door; and the impact of the development on the prevailing character of the area.

## **INTERNAL REFERRALS**

- David Brown, Heritage Advisor

Council's Heritage Advisor is supportive of the proposal from a heritage perspective, stating that "it will still be quite visible from the neighbour land, but...will not have a detrimental impact on the streetscape or the existing cottage."

## **PLANNING ASSESSMENT**

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

The Council Assessment Panel should note that there appears to be a spatial application issue with the way in which the relevant Zone and Overlay have been applied to this site. In particular, the Planning & Design Code 'snapshot' provided for this site shows that the site falls within both the St Peters and the College Park Historic Area Overlays. Consequently, some Designated Performance Features produce two results (e.g. DPF 3.1 of the Zone, which relates to site coverage, says site coverage should not exceed 50 percent *and* 40 percent).

*Part 1 – Rules of Interpretation of the Planning & Design Code states that "reference to the South Australian Property and Planning Atlas of the SA planning database will be made to determine whether a zone, subzone, overly or TNV is relevant to the site of the proposed development application".* For the Panel's benefit, **Attachment 3** includes maps that display the applicable TNVs for this site – these are reflective of the same criteria that applied in the Development Plan prior to the transition to the P&D Code. The assessment report below will reference only the applicable TNVs, where relevant.

Finally, the Panel should note that the relevant Historic Area Overlay is *NPSP18: St Peters Historic Area Statement*. The incorrect Historic Area Statement has therefore been omitted in Appendix 1 for ease of reference.

### **Question of Seriously at Variance**

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2023.6, dated 27/04/2023), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- Dwelling additions are envisaged within the Established Neighbourhood Zone;
- The height of the proposed development exceeds the 1 level TNV for this Zone, but is not seriously at odds with the prevailing and anticipated building heights in the locality/neighbourhood; and
- The visual impact produced by the proposal is not considered to be so egregious as to consider the proposal being seriously at variance with the provisions of the Planning & Design Code.

## Demolition

This application seeks to demolish the existing carport, the front fence, an existing lean-to addition and a small portion of the original roof at the rear.

Performance Outcome 7.3 of the Historic Area Overlay states:

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

The carport, front fence and lean-to addition are not part of the original cottage's building fabric, and their demolition is therefore supported by this Performance Outcome.

Performance Outcome 7.2 of the Historic Area Overlay states:

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

With respect to the rear section of roofing proposed to be demolished, this is not visible from Torrens Street and its demolition is therefore supported by this Performance Outcome.

The dwelling has two chimneys that extend through the roof and are visible from Torrens Street and should be retained as they are part of the original building fabric. The plans do not note that the chimneys are to be removed, but none of the roof plan, elevations or renders show the chimneys being retained. Accordingly, Condition No. 4 has been recommended to ensure that the chimneys are retained.

## 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 contains a TNV that states that the maximum building height should be one (1) level.

Performance Outcome 1.1 of the Historic Area Overlay states:

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

With respect to building heights, the Historic Area Statement states "single storey".

Performance Outcome 2.2 of the Historic Area Overlay states:

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

The proposed additions are two storeys in height, which is contrary to the TNV applicable for this site. However, the TNV is contained to a DPF, which is not a policy in its own right.<sup>1</sup> That is to say, a proposal's failure to comply with a TNV does not preclude the proposal from still satisfying the Performance Outcome.

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<sup>1</sup> *Parkins v Adelaide Hills Council Assessment Manager* [2022] SAERDC 12 at [73]-[74].



Performance Outcome 4.1 of the Zone seeks two outcomes: contribution to the prevailing character of the neighbourhood, and the complementation of the height of nearby buildings. The term 'neighbourhood' is not defined in the Planning & Design Code, but it was considered by the ERD Court to perhaps constitute an area larger than a locality.<sup>2</sup> In that case, as with this one, the character of the locality and what might constitute the larger neighbourhood is essentially the same such that both terms can be considered interchangeably.

There is therefore evident conflict between the policies in the Established Neighbourhood Zone and the Historic Area Overlay because the subject land is on the boundary of the relevant Historic Area Overlay; where it abuts a different Historic Area Overlay which has a 2 level TNV. Performance Outcome 4.1 of the Zone contemplates an assessment of the locality / neighbourhood, which would include the neighbouring Historic Area Overlay with an applicable TNV of 2 levels; whereas, conversely, Performance Outcome 1.1 and 2.2 of the Historic Area Overlay contemplate an assessment that only considers the relevant Overlay.

As pointed out by Commissioner Dyer in *Parkins*<sup>3</sup>, 'it is a fundamental tenant of planning assessment that policy is applied having regard [to] the specific circumstances of each case'. In this case, the subject land sits adjacent to a three-storey building at 4 Torrens Street (in the 1 level TNV) and abuts a section of the Established Neighbourhood Zone where a 2 level TNV applies (i.e. 2 College Street and to the east and south) – see **Attachment 3**. Although the *Rules of Interpretation* to the Planning & Design Code say that where there is an inconsistency between policies, the Overlay takes precedence over the Zone, it would be erroneous to consider this proposal with isolated regard to the 1 level TNV applicable to the site and the relevant Historic Area Statement, and ignoring the character and built form to the south and east of the site. Instead, the proper approach is to consider the site's immediate context and surroundings.

Consequently, the proposal for a two-storey addition on this site is not considered, in principle, to be fatal to the proposal. The additions will not impact the Torrens Street streetscape and will only be readily visible from Eton Lane and the neighbouring allotments; thereby satisfying the intent of the Historic Area Overlay provisions – to not adversely impact on the historic character of the historic area.

Notably, the tallest point of the addition is only 1.1m higher than the ridge line of the existing dwelling, and is lower than the ridge line of the dwelling at 4 Torrens Street and lower than the three-storey addition to that dwelling. Accordingly, the height of the building is considered to complement the height of nearby buildings in accordance with PO 4.1 of the Zone (above).

When considered in the broader context of the locality, the proposed additions will contribute to the prevailing character of the neighbourhood insofar as the additions will not be taller than additions contemplated in the neighbouring Historic Area Overlay and do not impact on streetscape character at all.

### **Heritage, Design & Appearance**

Performance Outcome 4.2 of the Established Neighbourhood Zone states:

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

Performance Outcome 2.1 of the Historic Area Overlay states:

*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.*

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<sup>2</sup> *Minicozzi (Osmond Terrace) Pty Ltd v The City of Norwood Payneham & St Peters Assessment Panel* [2024] SAERDC 18 at [9]-[19].

<sup>3</sup> *Parkins v Adelaide Hills Council Assessment Manager* [2022] SAERDC 12 at [96].

As discussed above, the additions will not be readily visible from Torrens Street and are therefore not considered to impact on the streetscape character at all, consistent with Performance Outcome 4.2 above – a view shared by Council’s Heritage Advisor.

The rectilinear form and the two-storey scale of the proposed additions, which will be visible from the public realm in Eton Lane, are not consistent with the prevailing historic characteristics of the historic area: one made up predominantly of single-storey villas and cottages.

Performance Outcome 3.1 of the Historic Area Overlay states:

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

Performance Outcome 2.5 of the Historic Area Overlay states:

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

The proposed addition is a simple rectilinear form that, due to the fall in levels towards the rear of the site, only rises to 1.1m above the ridge line of the existing dwelling. The ground level of the addition and the balcony balustrade will be constructed of light grey bricks whereas the upper level is proposed to be constructed with an off-white aluminium cladding. A good level of fenestration is proposed at the upper level to break up the bulk of the additions and soften the appearance of the building from neighbouring allotments.

The existing sandstone single-fronted cottage maintains a lightly-coloured and textured palette, and the materials and colours chosen for the proposed addition complement the existing dwelling by remaining subdued and not dominating the original dwelling – consistent with Performance Outcome 3.1 of the Historic Area Overlay. The original cottage is proposed to be reroofed in heritage galvanised steel sheets, which is a good outcome consistent with Performance Outcome 2.5 above.

Accordingly, despite the form and scale of the additions being at odds with the prevailing characteristics of the historic area, the height, materials and colours provide for a contextually-responsive development that is nonetheless appropriate in the context of the subject dwelling and subject land.

The one negative aspect of the way the additions are proposed to be constructed is the continuation of the existing roof of the cottage. This blurs the line between original and new and is not a good outcome. However, this does not stand as a reason to refuse this proposal.

Performance Outcome 4.4 of the Historic Area Overlay states:

*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.*

The front fence proposed is a masonry rendered blockwork pillared fence (in off-white) with vertical batten steel blade infill (in black). The fence is unusually tall for this type of fence in a historic area – ranging from 2.11m to 2.38m above the footpath level. But this height is necessitated by the existing dwelling finished floor level and the slope in the Torrens Street footpath; meaning all but the top 1.2 metres of fencing acts as a retaining wall. The fence is similar in height to the neighbouring fences and so it will not sit uncomfortably in the streetscape and is therefore acceptable in this respect. The materials and colours are a contemporary take on a traditional pillared fence and are acceptable per Performance Outcomes 2.5 and 4.4 of the Historic Area Overlay.

## Setbacks and Visual Impact

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

*Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.*

This development involves the construction of walls on both side boundaries. Along the southeast side boundary – the one shared with the sole representor – the development involves a brick wall of 7.2m length and 5.9m height. This wall forms the side wall of the ground level garage and the 1.7m balustrade to the second level balcony. This boundary wall abuts a garage/outbuilding on the neighbouring allotment that is longer in length but lower in height. The proposed boundary wall protrudes 1.7m higher than the neighbouring garage at the eastern end, lowering to 900mm higher where the garage roof ridge is, and then extending to 3.6m taller at the boundary with Eton Lane. To describe this another way, the boundary wall has a surface area of 42.5m<sup>2</sup> of which only a third will be visible beyond the neighbour's garage/outbuilding.

Adjacent the neighbouring garage/shed is a large carport structure. The main area of private open space associated with the neighbouring dwelling is the tennis court, which will not directly abut the proposed boundary wall. Otherwise, the dwelling is approximately 19m away from the proposed development and therefore any views of this development from within the dwelling are considered to be reasonable given the separation between the two. In this context, the visual impact proposed by the boundary wall of this development is considered to be acceptable per Performance Outcome 7.1 above.

On the northwest side boundary, the development involves a wall extending from Eton Lane of 5.6m height and 5.1m length that then increases to a height of 8m for another 4.1m length. Then, separated by 2.7m, a second boundary wall is proposed for a length of 2.9m and a height between 6.6m and 6.4m. These walls abut the neighbour's undercroft garage entrance and a boundary wall of the neighbour's own development. The proposed boundary walls will be taller than the boundary walls of the neighbouring dwelling and will likely shadow a few of the skylight windows at 4 Torrens Street in the morning.

The height and length of the walls proposed on the boundary shared with 4 Torrens Street would not ordinarily be supported were it not for the existing conditions of that neighbouring property. Considered accordingly, the development will produce some small visual and overshadowing impacts due to the presence of the skylights, but this is not considered to be fatal to the proposal. Throughout both rounds of public notification, the owner/occupant of 4 Torrens Street did not raise any objections to the proposal – this is notable because the original proposal did not involve any boundary walls on this shared boundary whereas the amended proposal shifted the development onto this boundary. Thus, in the absence of an objection by the occupant of 4 Torrens Street, it is reasonable to infer that they are relatively comfortable with the impacts of the proposal.

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.*

The corresponding Designated Performance Outcome prescribes a quantitative method for determining side setbacks based on the height of the wall.

Performance Outcome 2.4 of the Historic Area Overlay states:

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

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

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

The balance of the additions (at both building levels) is set back 1.4m from the southeast side boundary shared with 2 College Street. The proposed additions measure between 7.5m and 6.5m tall on the neighbour's side, due to the slope of the land and the roof profile of the additions. The formula provided in DPF 8.1 of the Zone suggests that a wall of this height should be setback between 2.0m - 2.3m; hence there is a shortfall when assessed against the DPF.

The two-level addition will remain well separated from the dwelling at 2 College Street, despite the reduced setback, such that the visual impact of the addition from within the dwelling is acceptable. Similarly, the majority of the area of private open space associated with 2 College Street will be sufficiently separated from the development such that it is only the western corner of the tennis court – where it is closest to the proposed development – that the visual bulk of the building will be most readily apparent and most impactful. For the reasons expressed above, the material and colour palette chosen for this development will help to soften the visual bulk of the development – especially with the contrast between ground level and the upper level. The development employs a good level of fenestration to the same effect.

The development will not unreasonably impact on access to light and ventilation for the occupants of 2 College Street by virtue of the separation provided by the tennis court. The subject land is a narrow site when compared to the two sites surrounding it, and it is therefore reasonable to expect a slightly lesser side setback for new additions. While it is probable that the addition could be narrowed further to provide a larger side setback, that is not what is being proposed here and therefore one must assess the proposal as it stands.

Because of the separation between the subject land and the dwelling at 2 College Street, because of the large area of private open space available to the occupants of 2 College Street, because of the siting of the ancillary structures (garage/outbuilding and carport) between part of the proposed development and the dwelling at 2 College Street, and because of the appropriate palette of materials and colours, the proposed development is considered to satisfy the three abovementioned Performance Outcomes in that there will still be separation between buildings consistent with the pattern in the historic area, and the bulk, mass and visual impact of the development on the occupants of 2 College Street is tolerable.

There is no doubt that the occupants of 2 College Street will have views onto the development, and the development will be noticeable when compared to their current outlook, but the impact of those views is not considered to be unacceptable such that the proposal warrants refusal. Council administration did try to negotiate a better outcome with the applicant, requesting that the building design be amended to reduce the ceiling height of the garage and therefore reduce the overall height of the building. Unfortunately, the applicant did not seek to make any amendments despite these concerns.

Performance Outcome 9.1 of the Established Neighbourhood Zone states:

*Buildings are set back from rear boundaries to provide:*

- (a) Separation between dwellings 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 rear boundary of the subject land abuts Eton Lane, on the other side of which are the playing fields associated with an educational establishment. The pattern of development along this section of Torrens Street involves buildings constructed on or close to the rear boundary and so this Performance Outcome is considered to have little relevance to this proposal.

### **Overlooking and Overshadowing**

Performance Outcome 10.1 of the Design in Urban Areas module of the general development policies 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 corresponding Designated Performance Features suggests that obscure glazing to 1.5 metres above the internal floor level of the upper floor is sufficient to satisfying this outcome. This is the generally-accepted approach and so Condition No. 3 has been recommended to ensure that all windows facing the side boundaries are obscured to this height.

Performance Outcome 10.2 of the Design in Urban Areas module of the general development policies states:

*Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.*

The proposed additions include an upper-level balcony at the rear of the building. When this application was subject to public notification, the balustrade for the balcony was noted as being 1.5m tall and the representor had concerns with this height. In response, the brick balustrade has now been amended to be 1.7m tall on both side boundaries to satisfy the representor in this respect. This is considered to be consistent with Performance Outcome 10.2 above.

Performance Outcome 3.2 of the Interface Between Land Uses module of the general development policies states:

*Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in... a neighbourhood type zone is minimised to maintain access to direct winter sunlight.*

The development will result in some afternoon overshadowing of the tennis court associated with 2 College Street. But the extent of overshadowing anticipated to occur during winter is considered reasonable.

### **Site Coverage, Private Open Space 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 states that site coverage should not exceed 50%.

The subject land has a site area of approximately 391m<sup>2</sup>. The existing site coverage is approximately 195m<sup>2</sup>, which equates to a site coverage of 50%. The proposed site coverage is 257m<sup>2</sup>, which equates to a site coverage of 65.7%. This exceeds the Designated Performance Feature but is not considered to be at odds with the Performance Outcome. The proposed building footprint is not entirely inconsistent with other building footprints that are located within the same St Peters Historic Area Overlay (i.e. where the 50% DPF applies). For example, the neighbouring dwelling at 4 Torrens Street has an approximate site coverage of 56%, created by a 537m<sup>2</sup> footprint. The visual impact of this footprint is discussed in the preceding sections of this report, but from a purely quantitative perspective, the proposed site coverage is not considered to be problematic.

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

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

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

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

The existing dwelling has approximately 54m<sup>2</sup> of functional private open space in the rear yard area, being the area available around the carport and between the rear wall of the dwelling and the rear boundary. Following completion of the proposed additions, the resultant dwelling will have approximately 38m<sup>2</sup> of private open space, which will be solely comprised of the floor area of the rear balcony that is not occupied by the planter box.

Although this is less than the 60m<sup>2</sup> expected of the DPF, and less than what is currently provided on the site, this space is arguably more functional than the existing private open space on the site as it better integrates with the internal living areas of the dwelling and will accommodate a better use of the outdoor area for the occupants. Accordingly, Performance Outcome 21.1 is not considered to be offended.

Performance Outcome 22.1 of the Design in Urban Areas module of the general development policies 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 sites between 200m<sup>2</sup> and 450m<sup>2</sup> should be minimum 20% comprised of soft landscaping.

This application proposes a slight reduction in soft landscaping on the site; which currently accounts for approximately 61m<sup>2</sup> (15.6%) of the site. The front yard area is to remain landscaped as per existing conditions. The reduction occurs in the rear yard, where several conifer trees abutting the northern side boundary and a small lawn area are being removed to facilitate the development; and are being replaced by a small 3m<sup>2</sup> planter box that runs the length of the rear boundary on the second level balcony.

The result will be that only 48m<sup>2</sup> (12.3%) of soft landscaping will remain on the site. Importantly, the front yard area will remain the same and therefore there will be no change in the Torrens Street streetscape.

Further, the existing plantings in the rear yard do not provide for any shade or shelter, meaning there is no negative result from the development in this respect. The slight increase in stormwater run-off and the additional heat absorption resulting from the development is not considered to be such that the application is at odds with Performance Outcome 22.1 (above).

### **Traffic Impact, Access and Parking**

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

*Sufficient on-site vehicle parking...[is] provided to meet the needs of the development...*

The corresponding Designated Performance Feature suggests that a provision of car parking spaces equivalent to listed in Table 1 of the module is sufficient to satisfy the Performance Outcome. This is the generally accepted practice in respect of dwellings.

To that end, Table 1 suggests that this dwelling should provide two (2) off-street car parking spaces, of which at least one (1) should be covered. The application provides for 2 car parking spaces in the way of the extra-wide double garage, accessed from Eton Lane.

Performance Outcome 23.5 of the Design in Urban Areas module of the general development policies states:

*Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.*

Eton Lane is approximately 4.5 metres wide from boundary to boundary. Ordinarily, this does not provide enough width to allow vehicles to enter and exit the garage in no less than a three-point turn manoeuvre. In this case, though, the garage opening is setback 900mm from the lane, providing an effective apron width of 5.4 metres, and the garage door is 6.7m wide. This enables a B85 vehicle to enter and exit the garage in no more than a three-point turn manoeuvre and therefore Performance Outcome 23.5 is satisfied.

### **CONCLUSION**

This application seeks approval for the construction of a two-storey dwelling addition and a masonry front fence in what is inherently a single-storey historic area. Contextually, though, the subject land sits in between a site containing a three-storey dwelling addition (4 Torrens Street) and a site within the adjacent College Park Historic Area Overlay which contemplates two-storey development.

The addition is sited to the rear of the existing single fronted sandstone cottage and will not be readily visible from Torrens Street, extending above the ridgeline of the existing dwelling by only 1.7m and being set back approximately 20m from the building line. Accordingly, the Torrens Street streetscape is only going to be impacted by the new front fence which, while objectively tall, is appropriate in the context and will sit comfortably between the two neighbouring fences.

The two-storey addition will be constructed on both side boundaries as well as the rear boundary. Although this is not an ideal outcome, it is considered acceptable given the surrounding circumstances. Eton Lane enjoys a low level of amenity and the garage and brick balcony that will be constructed on the rear boundary will not detrimentally affect this amenity or the appearance of the lane.

The fact that the additions are constructed two stories tall on the northern side boundary is at odds with

Performance Outcome 8.1 of the Zone in that it fails to provide any separation between the subject building and the building at 4 Torrens Street. However, the boundary walls will have limited impact on the affected neighbour by virtue of the neighbour's own boundary construction adjacent a three-storey tall addition that is set on the rear boundary with Eton Lane.

With respect to the impacts of the development on the representor's property, there is no doubt that the development will be visible from their private open space and from within their dwelling. But the visual impact of the development is mitigated by: the separation between the proposed additions and the representor's dwelling (almost 20m); the large amount of private open space available to the representor that won't be readily impacted by the development; the presence of existing ancillary structures on the representor's land that will impede views of the majority of the boundary walling; and the softening materials and colours employed on the second level. When considered in this context, the impact of the development on the amenity of the representor's land is considered acceptable.

The subject land will see a slight reduction in soft landscaping and private open space as a result of the proposed additions, but these reductions are considered so slight that they do not warrant refusal of the application. Finally, sufficient on-site vehicle parking is provided to meet the needs of the development, and the wider garage door facilitates safe and convenient access for vehicles.

## 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 23012750, by Minuzzo Project Management 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 hard-surfaced areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

Please note that disposal of the stormwater to Eton 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 3

All upper floor windows facing the side boundaries of the site 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 4**

The two (2) existing chimneys on the roof of the building that are closest to the Torrens Street boundary of the site are to be retained and shall not be demolished.

**Condition 5**

No changes to ground levels in Eton Lane are permitted. Any change in gradient required to facilitate vehicle access for the proposed garage shall be accommodated entirely within the boundaries of the site.

**Condition 6**

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**

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](mailto:townhall@npsp.sa.gov.au). Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

**Advisory Note 3**

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

**Advisory Note 4**

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

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

#### Advisory Note 5

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

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

#### Advisory Note 6

The Applicant is advised that construction noise is not allowed:

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

#### Advisory Note 7

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

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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

Many of the laneways within the City of Norwood Payneham & St Peters are only of sufficient width and design to accommodate the manoeuvring of a B99 vehicle (such as a normal sedan or 4WD). Larger vehicles which may be involved in construction activity should exercise caution in accessing the laneways. Any company / driver who causes damage to public infrastructure (such as kerbing and footpaths) through the manoeuvring of larger vehicles may be held liable for the costs associated with any repair or reinstatement.

Mr Stefanopoulos addressed the Council Assessment Panel from 6:35pm until 6:41pm  
Mr Vaccarella, Mr Hayter and Mr Hilditch addressed the Council Assessment Panel from 6:42pm until 7:00pm

**Moved by Mr Bateup**

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## **ADVISORY NOTES**

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**Seconded by Mr Rutt**

**CARRIED**

**5.2 DEVELOPMENT NUMBER – 24038142 – LUKE MINICOZI –  
43 GEORGE STREET NORWOOD**

<b>DEVELOPMENT NO.:</b>	24038142
<b>APPLICANT:</b>	Luke Minicozi
<b>ADDRESS:</b>	43 GEORGE ST NORWOOD SA 5067
<b>NATURE OF DEVELOPMENT:</b>	Construction of a two-storey addition at the rear of existing consulting rooms, with partial demolition and alterations to the existing building, formalisation of car parking, and landscaping works
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Business Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	18 November 2024
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Norwood, Payneham and St. Peters
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.20 7/11/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Edmund Feary Senior Urban Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Heritage- David Brown Traffic- Rebecca Van Der Pennen Flooding- Melinda Lutton

## CONTENTS:

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<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>	<b>ATTACHMENT 5:</b>	<b>Representations</b>
<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 6:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land and Zoning Map</b>	<b>ATTACHMENT 7:</b>	<b>Heritage Referral Advice</b>
<b>ATTACHMENT 3:</b>	<b>Locality Map</b>	<b>ATTACHMENT 8:</b>	<b>Public Notification Documents</b>
<b>ATTACHMENT 4:</b>	<b>Representation Map</b>	<b>ATTACHMENT 9:</b>	<b>Response to Staff Concerns</b>

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## DETAILED DESCRIPTION OF PROPOSAL:

The proposed development seeks to build a two-storey addition to an existing GP practice. This would involve a relatively small ground floor addition, with an upper floor above the car parking area at the rear. The existing gravel car park has no line marking and would be formalised with this proposal.

The development includes a 21.4m long boundary wall on the northern side boundary, and a 7m tall (10m to the gable end) wall on the western boundary.

The proposal includes facilities for eight consulting rooms, plus three reception/waiting areas, pathology room, practice manager's office, administration room, director's office, and staff rooms. It would provide seven on-site parking spaces (one of which would be accessible). The six non-DDA compliant parking spaces would be designated for staff only in order to minimise the number of vehicle movements through the existing, narrow driveway.

## BACKGROUND:

An application was submitted in late January 2024 for a development at 41 George Street Norwood (to the north of this subject site) for "*Partial demolition at the rear of a Local Heritage Place, partial change of use from consulting rooms to consulting rooms and office, and construction of a two storey addition at rear, including reconfiguration of the car parking area and associated fencing*". The development was subject to public notification due to the partial demolition work to the Local Heritage Place, but no opposed representations were received, and this was approved by the Assessment Manager under delegation in early July 2024. This application involved prolonged negotiations to ensure that the proposed car parking area would be functional, but this was eventually resolved. This application has not yet received Building Consent or Development Approval, but Planning Consent will be valid until the 28<sup>th</sup> of June 2026.

Staff were approached on several occasions and provided preliminary advice for a development at this site of 43 George St, Norwood, with a substantially similar proposal to what is now before the panel being presented at a meeting between staff and the applicant in late October 2024. At that meeting, it was noted that there may be manoeuvring issues given experience with the site to the north, and also it was noted that the upper floor rear setback was not without concern, though more detailed consideration of the policy would be needed.

The application was submitted on the 11<sup>th</sup> of November 2024, and lodged on the 18<sup>th</sup> of November 2024. Public notification was required due to the length of the northern boundary wall and height of the western wall, and ran from the 28<sup>th</sup> of November 2024 to the 18<sup>th</sup> of December 2024, with one representation in support of the application, and another opposed from the owners of the site to the north.

## SUBJECT LAND & LOCALITY:

### Site Description:

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**Location reference:** 43 GEORGE ST NORWOOD SA 5067

**Title ref.:** CT 5246/390

**Plan Parcel:** D756 AL18

**Council:** The City of Norwood  
Payneham & St Peters

<b>Shape:</b>	Rectangular
<b>Frontage width:</b>	13.7m
<b>Area:</b>	627m <sup>2</sup>
<b>Topography:</b>	Fall of approximately 600mm from the street boundary to the rear of the site
<b>Existing structures:</b>	Villa constructed circa 1915 used lawfully as consulting rooms, with a later addition at the rear.
<b>Existing vegetation:</b>	Two small garden beds at the front of the property facing George Street (approximately 12 m <sup>2</sup> each).

## Locality

The locality extends some 75m to the north and south along George St, includes some properties on Harris Street, the Webbe Street Car Park, the Webbe Street side (rear) of the Norwood Place Shopping Centre, and part of both the Norwood Concert Hall and Parade Central (commonly referred to as the “Hoyts’ complex”) including the Parade Central carpark.

The site is one of a row of four former dwellings which have been converted to consulting room or office uses, with this row being in the Business Neighbourhood Zone as a transition between the residential development in the Established Neighbourhood Zone to the north, and the surrounding Urban Corridor (Main Street) Zone.

The Urban Corridor Zone contains the core of The Parade District Centre, one of the key commercial hubs of Adelaide’s eastern suburbs. This locality sits at the northern periphery of this district centre.

Key developments surrounding the site include:

- Webbe Street Car Park;
  - A two-storey concrete parking structure owned and operated by the City of Norwood Payneham & St Peters, which also provides access via a vehicle ramp to the rooftop of Norwood Place, which provides further car parking;
- Norwood Place shopping centre;
  - Norwood Place has a pedestrian entrance and two loading bays off of Webbe Street, as well as a basement carpark, with a rooftop carpark accessed via the Council’s car parking structure;
- Parade Central entertainment complex;
  - Along the George Street frontage directly opposite the site is a surface level car park, while the site provides small commercial tenancies along George Street; and,
- Norwood Concert Hall and Town Hall complex
  - One shop tenancy (House of Health) is found on George Street and has outdoor dining. There is also the entrance to the Concert Hall, and functional features such as the stage winch.

Webbe Street’s streetscape is mostly dictated by functional requirements, with large blank walls for the shopping centre, wide crossovers for loading bays and car parking. Nonetheless, substantial landscaping on the street does work to improve the amenity of the street.

Harris Street’s streetscape is again split, with the car park dominating the southern side, but residential on the northern side.



George Street has a relatively high level of residential amenity to the north, but once on the southern side of Harris/Wall Streets, transitions to a moderate amenity commercial character, with car parking and large blank walls being a feature, though punctuated by active uses.

George Street is also subject of public realm upgrades by the City of Norwood Payneham & St Peters, which are intended to improve its pedestrian amenity.

With such commercial activity there is generally a high level of pedestrian traffic, particularly during daylight hours, with a not insubstantial amount of pedestrian traffic after dark (though notably less than during the day).

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
 Demolition  
 Partial demolition of a building or structure: Accepted  
 Consulting room: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
 Code Assessed - Performance Assessed
- **REASON**  
 P&D Code; Proposal is not a change of use

**PUBLIC NOTIFICATION**

- **REASON**  
 Boundary walls exceed dimensions outlined in Business Neighbourhood Zone Table 5 Row 4 (4).
- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
John	Turner	Not provided (PO Box in Norwood)	Support	No
Suzanne and Andrew	Whittam	41 George Street, Norwood*	Opposed	Yes

\*Mr and Ms Whittam provided their home address in the representation, but the relevant point for the Panel is that they are the owners of the property immediately to the north of the site at 41 George St, Norwood.

- **SUMMARY**

The opposed representors raised the following issues:

- Bulk and scale;
- Contextuality in design;
- Extent of hard surfacing;
- Visibility of the upper floor addition; and,
- Impact of the boundary wall.

## AGENCY REFERRALS

None

## INTERNAL REFERRALS

- David Brown- Heritage Advisor

Council's Heritage Advisor provided commentary with regard to the impact of the proposal on the Local Heritage Place to the north. This is discussed under the Heritage section of the assessment.

- Rebecca Van Der Pennen- Traffic Engineer

Council's Traffic Engineer provided some commentary on the functionality of the proposed car parking area. This is discussed further under the Traffic Impact, Access and Parking section of the assessment.

- Melinda Lutton- Principal Civil Engineer (consultant)

Council's consultant civil engineer provided advice on potential flooding impacts. This is discussed under the Flooding section of the assessment.

## PLANNING ASSESSMENT

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

### Question of Seriously at Variance

The proposed development comprises an expansion of existing consulting rooms, with associated works. It is located in the Business Neighbourhood Zone. Development of this nature is appropriate within the site, locality or in the subject Business Neighbourhood Zone for the following reasons.

- Zone DO1 envisages "compatible employment-generating land uses";
- Zone DPF 1.1 and PO 1.1 specifically envisage consulting rooms; and,
- The proposal would retain the existing building on site, contributing to the prevailing neighbourhood character, given the row of former dwellings.

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

### Land Use and Intensity

The site is presently used as consulting rooms; a use specifically envisaged in Business Neighbourhood Zone DPF and PO 1.1. The PO does state that this is appropriate where it "[does] not materially impact residential amenity". As outlined under the locality section, the locality is predominantly commercial in nature, and there are not considered to be residents who would be impacted by the land use.

DPF 1.2 outlines a floor area guideline of 250 m<sup>2</sup>, with an associated PO as follows:

*"Business and commercial land uses complement and enhance the prevailing or emerging neighbourhood character."*

As outlined above, the prevailing character of the locality is not residential in nature and is generally that of the outer edge of a district centre. This district centre character will generally see higher intensity uses.

The gross leasable floor area (GLFA) of the development is approximately 467m<sup>2</sup> though the applicant has suggested that the GLFA is only 245m<sup>2</sup>, the difference being the result of differences in interpretation of the definition of GLFA. The definition in Part 8 of the Code states:

“Means the total floor area of a building excluding public or common tenancy areas such as malls, hallways, verandahs, public or shared tenancy toilets, common storage areas and loading docks.”

The applicant has therefore excluded circulation and waiting areas, bathrooms etc, while staff have interpreted the above definition as including these areas, since the site would operate as only one tenancy and these would not be available to people who were not clients, and therefore these are not “public or common tenancy areas”.

Regardless of whether or not the development complies with DPF, it is considered that the intensity of the use does complement the character of the locality, given its commercial character.

It is noted that the Out of Activity Centres Development module does envisage development at the edge of activity centres such as is the case here, in PO 1.2 (b). The proposal does not diminish the role of the Parade Core as an activity centre, and indeed reinforces it, consistent with this module.

In terms of the land use interface, it is noted that there are no residential properties adjacent to (i.e. within 60m of) the site. Consulting rooms also generate a limited amount of noise, such that it is not considered that it would at all detract from the amenity of the locality.

The applicant has outlined operating hours of:

- Monday- Friday 8am-5:30pm
- Saturday 8am-12pm

While this could be conditioned, it is considered that the locality is such that broader operating hours would not detract from the locality’s amenity, and therefore no such condition is recommended, in order to allow for greater flexibility if it is ever needed.

### **Building Height**

The Zone includes a two storey TNV, meaning that buildings of this height are generally anticipated. The building’s height of 9m from the top of the footings to the roof ridge is consistent with this two-storey form.

### **Setbacks, Design & Appearance**

The proposal includes a 21.4m long boundary wall along the northern side. The applicant has advised that this is necessary for fire rating purposes, though the neighbour to the north has not had to do the same. There is ongoing discussion on this point; the applicant is seeking to avoid the construction of this boundary wall if possible, but it appears at this point as though it will be necessary.

The DPF which outlines the 11.5m length guideline is Business Neighbourhood Zone DPF 3.4, however the associated Performance Outcome refers only to residential properties. As the wall would face another commercial property, this is not relevant.

Instead, PO 3.6 is relevant:

*Buildings are set back from side boundaries to provide:*

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

The “character of the locality” will depend on what elements of the locality are considered most integral to its character, and to what extent the district centre form influences that character compared to the row of older, former dwellings.

As outlined in the locality section, both of these elements have an influence, and it is not the case the character is either one or the other form, but that instead the district centre character will facilitate a more intense form to still be compatible with the character than might ordinarily be the case in the Business Neighbourhood Zone.

The large boundary wall is a common form found in the district centre, as is evident along Webbe Street and George Street with the Norwood Place and Norwood Concert Hall sites, which have much larger such walls than is proposed here. While the existing row of former dwellings do not incorporate such walls, the proposed form finds a middle ground between these two characters which is compatible with the overall character of the locality.

It is also noted that the boundary wall will not be visible from the street and will only be perceived from the car park of the site to the north, and to some limited extent, from the ground floor of the Webbe Street Car Park.

Regarding the light and ventilation elements, the wall is north facing, so access to light will be essentially unaffected. With regard to ventilation, with the neighbour's car park being open to the air, the level of ventilation is expected to be sufficient.

The upper floor rear wall is also on the boundary, in this case abutting the Webbe Street Car Park and the ramp taking people from the upper floor of the carpark to Webbe Street. At the centre of the gable, the wall would be some 8.2m above the ground level of ramp, which would somewhat loom over the ramp.

Again, as this site is not residential, PO 3.4 is not relevant, and instead PO 3.7 should be considered:

*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) Open space recreational opportunities*
- d) Space for landscaping and vegetation*

As above, the character must balance the district centre form with the former dwelling form. This outcome, with a boundary wall at the rear abutting the carpark, preserves the former dwelling form from the street, with a transition towards a district centre-esque form at the rear. This will have some visual impact for the sites immediately surrounding it, but it is not incompatible with the character of the locality.

In terms of natural light and ventilation, the impact on the car park in this sense would be relatively minimal given the scale of the car park (though the passive surveillance impact will be discussed below).

There is generally a lack of space for landscaping and vegetation, but this is a function of the size of the car parking area, rather than the rear setback itself. This is discussed further under the landscaping section.

The impact that this boundary wall would have on the passive surveillance of the ramp is also noted, and the large blank wall has the potential to be the target of graffiti. It is currently not uncommon for dumping and graffiti to occur under the ramp up from the Webbe Street Car Park to the Norwood Place rooftop carpark, but the existing openness of the ramp to views along Webbe Street provides some passive surveillance, or at least a perception of it given the trees planted along the northern boundary of 45 George Street. Closing in the ramp by building this boundary wall would have an impact on this.

Design in Urban Areas PO 2.1 states:

*Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use visually permeable screening wherever practicable.*

This only refers to passive surveillance of the "public realm", which generally refers to streets rather than ramps to multi-storey carparks, and it is likely that this was not intended to capture a situation like this.

It is also noted that there is a light and security camera at the top of the ramp down from the car park, which will provide some deterrence in this case.

Regarding upper floor side setbacks, the development provides a 1.2m setback on the northern side and 2.7m on the southern side, so that it aligns better with the original dwelling, limiting the upper floor's visibility from the street. It is noted that there is no distinction in the Zone (DPF 3.6) between ground floor and upper floor setback guidelines, being 900mm. Therefore, the upper floor setbacks do comply with this guideline, which, noting the discussion of PO 3.6 above, is considered suitable.

Considering the development's overall scale, Zone PO 2.1 seeks for development to "complement surrounding built form, streetscapes and local character". Again, considering the mixed or transitional character of the locality, the proposed scale of the development provides a transition between the district centre and the residential neighbourhood, with the larger scale addition being relatively subtle when viewed from George Street.

### **Heritage**

The site is in the Heritage Adjacency Overlay, with reference to the double-fronted cottage to the north. Council's Heritage Advisor has no objection to the proposal on heritage grounds, noting the following:

*While the design is large, simple and dark in colour, it is set well back, and given the commercial context, and the other large structures in the area, both existing and proposed, there will be no real additional detrimental impact to the heritage value and setting of the Local Heritage Place.*

Given that the Heritage Adjacency Overlay only seeks for development not to "dominate, encroach on or unduly impact on the setting of the Place", it is considered that the proposal is acceptable in this regard.

### **Traffic Impact, Access and Parking**

The site is in a designated area for vehicle parking meaning that the applicable rate specified in Table 2-Transport, Access and Parking is three spaces per 100 m<sup>2</sup> of GLFA. As above, this development would have a GLFA of 467m<sup>2</sup> meaning a theoretical car parking demand of 14 spaces. It is noted that the applicant contends a lower GLFA of only 245m<sup>2</sup> which would result in a theoretical demand for 7.35 spaces.

The proposed development does provide seven spaces (including one accessible space), which accords with the applicant's calculations, but does not align with the administration's interpretation of the GLFA applicable to this development..

Performance Outcome 5.1 of the Transport, Access and Parking module does allow for a reduced on-site parking rate to be considered, and provides a non-exhaustive list of reasons, including the availability of on-street parking.

While on-street parking is at a premium, there is an abundance of publicly available car parking in the locality, including the Webbe Street Car Park, and carparks associated with Norwood Place and Parade Central. This being the case, there is ample parking available off-site to meet the needs of the development, which is grounds for a reduced rate under PO 5.1.

Council's Traffic Engineer has examined the proposal and provided the following comments:

- *An accessible car park has been provided however access to the building from this location has not been considered. Current plan requires users to walk down the driveway and access from the front of site.*
- *MECH boxes are shown on bike racks and within car parks. These should not obstruct access and space for vehicles to overhang provided wheel stops.*
- *Driveway width at narrowest point has not been shown. Acknowledging that this is an existing site constraint the driveway width is narrower than the minimum 3m required in the standard.*
- *No manoeuvring clearance has been shown on the provided swept paths as required in AS2890.1 to cater for slow moving vehicles travelling within parking aisles or manoeuvring into parking spaces.*

- *The provided car parking spaces meet the minimum dimensions in width, length and aisle width as required in the standard.*

The first of these points, regarding DDA compliant access, is the most complicated.

Able-bodied people would be able to use the pedestrian path and steps located on the northern side of the site to access the building. However, due to this set of steps, this is not suitable for people with access needs, wheelchair users or others who would be unable to use these steps. They would instead need to walk or wheel down the length of the driveway to then use the ramp at the front of the site.

There are a series of Performance Outcomes relevant in this regard:

- Design in Urban Areas
  - PO 2.3
    - *Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.*
  - PO 7.3
    - *Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.*
- Transport, Access and Parking
  - PO 4.1
    - *Development is sited and designed to provide safe, dignified and convenient access for people with a disability.*
  - PO 6.4
    - *Pedestrian linkages between parking areas and the development are provided and are safe and convenient.*

The applicant has expressed a view that the proposed development does meet these outcomes by ensuring that people with access needs can enter the building via the same entrance as everyone else, therefore being dignified, and because the low volume of traffic movements, and the ample sight distances when wheeling down the driveway, would provide sufficient safety.

Despite this, in terms of “dignity” it is generally best to provide people with disabilities options to be able to determine what they feel most comfortable with, so that if they would feel more dignified entering via the rear, they can do so. Moreover, there are still some limited safety issues with wheeling or walking through a vehicle area. It would therefore be ideal if a rear ramp could be provided.

To this end, the applicant has outlined that providing such a ramp at the rear would not be feasible. Under the present configuration, the ramp would be too long and would then interfere with the manoeuvring area, creating further issues. The level of the car park could be raised to reduce the length of ramp needed, but this would require a substantial amount of fill and among other issues, this would result in depositing fill against the slab of the existing building which would require works to the slab of the existing building which would likely be complex and challenging (among other issues).

Therefore, it is considered that the lack of a rear access ramp is not sufficient grounds to refuse the application, given the lack of reasonable alternatives.

The second point regarding the “MECH boxes” has been clarified by the applicant. These boxes are raised to provide height clearance underneath to still allow vehicles and bicycles to sit underneath them.

The narrow width of the driveway was a concern noted early on in the process, given the potential issues with sight distance and two-way movements through a single-width access point. To this end, the applicant has nominated the car parking area as staff only (with the exception of the accessible space) to minimise the number of vehicle movements through this driveway.

While designating car parks as staff only can lead to issues with an underutilised car park while visitors struggle to find a park, in practice, a premises of this size is likely to have more than six staff driving to work, so the car parking utilisation is unlikely to suffer as a result of this being designated for staff. While it will force visitors to look for parking elsewhere, as outlined above there is ample parking available in the locality, and the improved safety is a preferable outcome overall.

## **Environmental Factors**

### **Waste Management**

The proposed development includes a bin enclosure of approximately 4.5m<sup>2</sup>, large enough for five (5) standard wheelie bins. The enclosure is on the northern side of the driveway, hidden from view from the public realm. These bins would then be wheeled down the driveway for presentation to the street. This is consistent with the existing arrangement, where bins are kept at the rear of the site, then wheeled to the street. The existing driveway is too narrow (and cannot be widened without demolishing the existing building) to allow for on-site collection, and this arrangement is proposed to continue.

In terms of waste generation, the Green Industries SA Guide estimates that offices/consulting rooms will produce 1.5L/m<sup>2</sup>/week of both landfill and recycling, with 0.25L/m<sup>2</sup>/week of organics. The guide does not clarify whether this is total floor area or GLFA, so it will be presumed for the purposes of this that it is total floor area (i.e. 467m<sup>2</sup>). In this development therefore, the estimated waste generation based on the Green Industries SA guide is 700L landfill, 700L recycling, and 117L of organics, per week.

With weekly landfill, and fortnightly recycling and organics collections, this would mean one 1100L landfill bin, two 1100L recycling bins, and one 240L organics bin. These bins all together would have a total length of 4.66m- approximately 1.2m longer than the proposed bin enclosures. Moreover, a non-standard waste agreement would need to be made with EastWaste given the larger sizes of bins.

Performance Outcome 11.1 of the Design in Urban Areas states the following:

*Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.*

Ultimately, the Green Industries Guide is only a guide and the actual waste generated is likely to be lower than this. Moreover, if a weekly recycling collection can be arranged through EastWaste, or through a private contractor, then the necessary bins would fit in the proposed enclosure, and there are alternative locations for an additional bin if required.

This being the case, an advisory note is recommended reflecting that either a private collection or a non-standard waste agreement with EastWaste may be needed, but ultimately, it is possible to achieve the standard sought by this PO on the site, and therefore this is not considered fatal to the application.

### **Levels and Stormwater**

It is noted that the site slopes away from the road meaning that the rear carpark is below the water table level. As a result, the applicant has proposed a "sump and pump" system including a detention tank.

The applicant has provided a Stormwater Management Plan with calculations for a series of scenarios. Council's standard is for development to detain the post-development 1% storm at the rate of the pre-development 20% storm, which is shown in the SMP as requiring 5180.8L of detention. The proposed plans provide 5500L of detention, which is sufficient, but does not specify an orifice diameter other than the 200mm pipe from the detention tank to the sump, with 2x20L/s pumps. Given that the pre-development 1% discharge rate as calculated in this report is 11.86L/s, this pumping rate is higher than what is expected (though this may simply be a case of what the pump is capable of which would come in standard sizes, and this could then be further limited).

With these missing details, a condition is recommended to ensure that the Development Approval plans reflect the calculated discharge rate.

With these gradients, the applicant intends to retain existing fencing along the southern boundary, with no new retaining walls here. There is a small portion of new fencing on the northern side, but this is no more than 2.1m above natural ground level and does not require approval.

### **Flooding**

Council's consultant Civil Engineer has reviewed the site and has confirmed that it is not flood affected despite the Hazards (Flooding- General) Overlay being applied to the site. The flooding shown appears to refer to a local low-point at 45 George St, Norwood, and does not flow onto 43 George St, Norwood. The proposed floor level for the ground floor addition is 190mm lower than the existing building, but this is 800mm higher than the existing ground level in the driveway and 500mm above top of kerb, so this is appropriate.

### **Landscaping**

The proposal provides only a limited amount of landscaping (24.4m<sup>2</sup> or 3.9%). This is roughly equivalent to the existing extent of landscaping on the site, noting that the two existing gardens at the front of the site would be removed in order to provide a DDA compliant access ramp.

There are a series of relevant Performance Outcomes:

- Business Neighbourhood Zone PO 2.3:
  - *Site coverage is limited to provide space for landscaping, open space and pervious areas.*
  - Associated DPF of 60% site coverage
- Design in Urban Areas PO 3.1:
  - *Soft landscaping and tree planting are incorporated to:*
    - *Minimise heat absorption and reflection*
    - *Maximise shade and shelter*
    - *Maximise stormwater infiltration*
    - *Enhance the appearance of land and streetscapes*
- Design in Urban Areas PO 7.6:
  - *Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity*

Regarding site coverage firstly, the site coverage is 414.2 or 66%, but even this is somewhat misleading, given the upper floor sits above the car park to maximise the use of space. In short, the site coverage is relatively limited; it is the extent of car parking, and the space required for the DDA compliant ramp, which limits the extent of landscaping.

PO 3.1 generally speaks in terms of minimising / maximising. Given that there is no way that additional landscaping could be incorporated without either reducing the car parking provision or reducing the size of the building (noting as above that the building is broadly consistent with a reasonably expected footprint), the landscaping is suitably maximised. To accord with this outcome.

PO 7.6 seeks for shading of parking areas, generally through landscaping. In this case, it is more practical to shade the car parking using the building, rather than landscaping. This is also an improvement in amenity from the existing situation where the parking area is unsealed and completely open.

Overall, while far from ideal, the limited amount of landscaping does not warrant refusal of the application based on the policies above.



## CONCLUSION

The proposed development seeks to build an addition at the rear of an existing consulting rooms premises. The intensity of the use is broadly consistent with the character of the locality, being on the periphery of the district centre as is the overall built form, despite concerns regarding the size of boundary walls.

The proposed carparking area is suitably functional, and provides seven car parks, with six of these being provided for staff to minimise traffic movements through the existing, non-standard driveway. The locality has sufficient parking in a variety of off-street parking areas to accommodate the needs of the development. The accessible space at the rear of the site is of some concern given the difficult path that is needed to reach the accessible entrance to the building, but the applicant has demonstrated that there are no reasonable alternatives, and ultimately this is not considered sufficient to refuse the application.

There remain some details regarding waste management and stormwater disposal, but the development is able to achieve compliance with these matters, and these can be managed through conditions and notes.

The limited extent of landscaping is also concerning, but with limited policy and limited alternatives, noting also that the building footprint is generally reasonable, the lack of landscaping is broadly acceptable.

On balance, the development is considered to sufficiently accord with the provisions of the 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 24038142, by Luke Minicozi is granted Planning Consent subject to the following reasons/conditions/reserved matters:

## 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 car parking spaces shall be line marked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.

### Condition 3

Wheel stopping devices shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Assessment Manager or its delegate.

### Condition 4

Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

### Condition 5

The approved stormwater pump shall discharge at a rate of no more than 11.86L/s, and shall be fitted with an alarm in case of pump or power failure, with a flashing light. The owner is to take all reasonable steps to ensure that the pump is functional at all times.

#### Condition 6

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

#### Condition 7

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](mailto: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 shall note that per the Council's *Waste Management Policy*, this development falls outside

the scope of the Council's standard waste collection service entitlement. Consequently, the Council provides no guarantee that it or its contractors can service waste collection from this site.

The Applicant may apply to the Council for a Non-Standard Waste Agreement, in accordance with the Council's *Waste Management Policy*, for the collection of waste from the site. The Council, in consultation with its contractor, retains absolute discretion in determining the merits of any application and does not provide any guarantee of any such agreement being endorsed. Alternatively, the Applicant may arrange for the collection of waste with a third-party contractor.

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*Ms Asser, Mr Minicozzi and Mr Stevenson addressed the Council Assessment Panel from 7:21pm until 7:31pm*

***Moved by Mr Rutt***

*It is recommended that the Council Assessment Panel resolve that:*

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*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.*

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

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

*Advisory Note 10*

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*provide any guarantee of any such agreement being endorsed. Alternatively, the Applicant may arrange for the collection of waste with a third-party contractor.*

**Seconded by Mr Adcock  
CARRIED**

**6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT**

**7. REVIEW OF ASSESSMENT MANAGER DECISIONS**

**8. ERD COURT APPEALS**

Mr Parsons advised the Council Assessment Panel of an appeal that has been lodged in the ERD Court against the Panels decision for ID 24017924, 114 Sydenham Road Norwood.

## 9. OTHER BUSINESS

### 9.1 COUNCIL ASSESSMENT PANEL UPDATED MEETING PROCEDURES

#### COUNCIL ASSESSMENT PANEL – UPDATED MEETING PROCEDURES

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**REPORT AUTHOR:** Manager, Development & Regulatory Services / Assessment Manager  
**CONTACT NUMBER:** 83664567  
**FILE REFERENCE:** qA131059  
**ATTACHMENTS:** 1

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#### PURPOSE OF REPORT

This report seeks the endorsement of revised and updated Meeting Procedures for the Council Assessment Panel.

#### BACKGROUND

The Council Assessment Panel previously considered and endorsed updated Meeting Procedures at its meeting held on 19 June 2023.

Since that time the composition of the Panel has changed, and it is considered consistent with the practices of good governance to conduct a periodic review of the Meeting Procedures.

Prior to the last review of the Meeting Procedures, the Meeting Procedures and Terms of Reference for the Council Assessment Panel were combined in one (1) document. Based on legal advice, the documents were split. The Terms of Reference for the Council Assessment Panel were considered and endorsed by the Council (on 1 May 2023), while the Meeting Procedures were considered and endorsed by the Council Assessment Panel.

During the last review, over twenty (20) changes were made to the Meeting Procedures to ensure they are up-to-date and reflect best practice.

#### DISCUSSION

The applicable legislation (in this case the *Planning, Development & Infrastructure (General) Regulations 2017*), clearly anticipates that the Council Assessment Panel itself will be responsible for setting its own procedures where those procedures are not specified in the legislation:

##### **18 – Other Matters**

*Except insofar as a procedure is prescribed by the Act or these regulations, the procedures of an assessment panel in relation to the conduct of its business will be as determined by the assessment panel (and an assessment panel is accordingly a specified body for the purposes of section 246(6)(d) of the Act).*

In late 2024, Members were provided with a copy of Meeting Procedures and were asked to consider any changes that may be appropriate. Council's Assessment Manager has also reviewed the Meeting Procedures.

Attached to this report is a "tracked change" version of the Meeting Procedures. Only two (2) changes are proposed, as follows:

- A change to the date of endorsement (to reflect the fact that the Panel will consider (and potentially endorse) the Meeting Procedures at the meeting to be held on 17 February 2025; and
- A change to Clause 5.6.5 to note that, where a person is nominated to speak on behalf of a group of people, a maximum time of 10 minutes will be permitted (instead of 15 minutes which is noted in the current Procedures). However, this does not fetter the discretion of the Presiding Member to grant



additional time should that be required or appropriate in the circumstances (and words to this effect remain within the clause).

Other changes are not suggested at this time, but in the course of conducting the review of the Meeting Procedures, several others matters arose and I have outlined those below together with advice about why the corresponding changes are not being suggested to the Meeting Procedures.

- Meeting Commencement Time – The Meeting Procedures do not typically specify meeting start times. The Panel determines the meeting dates and start times for the following year at the December meeting.
- Acknowledgement of Country – The Council’s position is that an Acknowledgement of Country is only performed at Council Meetings and significant civic events. Accordingly, the Council does not suggest the Meeting Procedures reflect the requirement for an Acknowledgement of Country. There is however no reason why the Presiding Member cannot continue to perform an Acknowledgement of Country at the commencement of Panel meetings.
- Development Act clauses – Perhaps surprisingly, the Council still has several Development Act files which are active. Accordingly, it is suggested the clauses in the Meeting Procedures related to the Development Act remain.
- Casting Vote – Clause 7.3.10 in the Meeting Procedures notes:

*Where a decision is by the casting vote of the Presiding Member, it shall be recorded as “Carried on the casting vote of the Presiding Member”.*

The *Planning Development & Infrastructure (General) Regulations 2017* do not specify that the use of a casting vote has to be recorded and it is therefore up to the Council Assessment Panel to determine whether it is appropriate to do so.

The advice from Council’s Governance Team is that it is good practice to record the use of a casting vote from a decision-making transparency perspective. At this stage, the clause remains within the Meeting Procedures pending the Panel’s consideration.

- Minutes – The minutes for the Council Assessment Panel currently contain a full record of the meeting, inclusive of the complete agenda item, the original recommendation, and the resolution. This does mean the minutes are often a document of some length.

The inclusion of the original agenda item in the minutes is done so deliberately on the advice of Council’s Governance Team as it provides for an easier approach than having to review both the original agenda and the minutes. By including all information, a person can open only the minutes document, and easily understand the context, matter that was considered, recommendation and resolution.

The Meeting Procedures do not currently specify this level of detail, but it is suggested as appropriate in the interests of transparency and consistency.

## CONCLUSION

The suggested changes to the Meeting Procedures minor in nature.

As the Panel is responsible for adopting its own Meeting Procedures, a recommendation is listed which allows for endorsement and finalisation of the updated Meeting Procedures.

If the recommendation is adopted, the administration will arrange for an updated version of the Meeting Procedures to be uploaded to the Council website.

**RECOMMENDATION**

1. That the Council Assessment Panel endorses and adopts the updated Council Assessment Panel Meeting Procedures as noted in Attachment 1.
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***Moved by Mr Adcock***

1. *That the Council Assessment Panel endorses and adopts the updated Council Assessment Panel Meeting Procedures as noted in Attachment 1.*

***Seconded by Cr Mex***  
**CARRIED**

- 10. CONFIDENTIAL REPORTS
- 11. CLOSURE

The Presiding Member declared the meeting closed at 7:49pm

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Stephen Smith  
**PRESIDING MEMBER**

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Geoff Parsons  
**MANAGER, DEVELOPMENT & REGULATORY SERVICES**