Council Assessment Panel
Agenda & Reports

16 December 2024

Our Vision

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

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

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

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

City of Norwood Payneham & St Peters

11 December 2024

To all Members of the Council Assessment Panel:

- Mr Stephen Smith (Presiding Member)
- Mr Julian Rutt
- Cr Christel Mex
- Mr Paul Mickan (Deputy Member)
- Mr Mark Adcock
- Mr Ross Bateup
- Cr Kester Moorhouse (Deputy Member)

NOTICE OF MEETING

I wish to advise that pursuant to Clause 1.5 of the Meeting Procedures, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 16 December 2024, commencing at 7.00pm.

Please advise Tala Aslat on 8366 4530 or email taslat@npsp.sa.gov.au if you are unable to attend this meeting or will be late.

Yours faithfully

Geoff Parsons
ASSESSMENT MANAGER

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

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
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City of Norwood Payneham & St Peters

Page No.

VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

Panel Members

Staff

APOLOGIES

ABSENT

1. COMMENCEMENT AND WELCOME

2. APOLOGIES

3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 18 NOVEMBER 2024

4. DECLARATION OF INTERESTS

5. DEVELOPMENT APPLICATIONS – PDI ACT

5.1 DEVELOPMENT NUMBER – ID 24026013 – STEVIE-ANN SPENCER – 16 FULLARTON ROAD NORWOOD

DEVELOPMENT NO.:	24026013
APPLICANT:	Stevie-Ann Spencer
ADDRESS:	16 FULLARTON RD NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Change of use to an indoor recreation centre (fitness centre)
ZONING INFORMATION:	**Zones:** • Suburban Business **Overlays:** • Airport Building Heights (Regulated) • Future Road Widening • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes **Technical Numeric Variations (TNVs):** • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	27 Aug 2024
RELEVANT AUTHORITY:	Assessment panel at City of Norwood, Payneham & St Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.15 15/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother, Senior Urban Planner
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Rebecca Van Der Pennen, Traffic Engineer

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development is to change the use of the building on the subject site to an indoor recreation facility, which is defined by the Planning & Design Code as *"a building designed or adapted primarily for recreation or fitness pursuits"*. No changes are proposed to the externality of the existing building or to the car parking areas in front of and behind the building. No signage is proposed either.

This facility intends to offer general fitness classes, pilates classes, yoga classes and open general gym use (during class times), with a maximum capacity of 22 participants plus 2 staff members. The proposed hours of operation range from 5:00am to 6:15pm on weekdays and include Saturday mornings, with no classes proposed on Sundays.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 16 FULLARTON RD NORWOOD SA 5067
Title ref.: CT 5093/368 **Plan Parcel:** F100211 AL1 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	regular
Frontage width:	approx. 10m
Area:	approx. 433m^2
Topography:	relatively flat
Existing Structures:	a two-storey building and associated car parking
Existing Vegetation:	nil

Locality

The locality selected for this assessment extends along Fullarton Road for approximately 100m in both directions and includes the first few properties on both Chapel Street (east) and King William Street (west), as well as the residential properties on Edmund Street (east) that share access over the rear lane with the subject site, as shown in **Attachment 2**.

The locality is predominantly characterised by a mix of single- and two-storey buildings of non-residential land uses fronting Fullarton Road, including offices, consulting rooms, a bulky goods outlet and a personal services establishment. The Chapel Street portion of this locality is characterised by two-storey non-residential buildings, whereas Edmund Street is located within an Historic Area Overlay, characterised by single-storey historic dwellings on smaller sites, and enjoys a decent level of amenity by virtue of consistent street tree plantings and the residential nature of the street (notwithstanding it backs on to properties that front a State-maintained road).

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  Indoor recreation facility: Code Assessed - Performance Assessed

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

- **REASON**
  P&D Code

PUBLIC NOTIFICATION

- **REASON**
  Indoor recreation facility is not exempt from public notification per Table 5 of the Zone unless the development site is not adjacent to a site used for residential purposes in a neighbourhood zone. The development site is adjacent a site used for residential purposes in a neighbourhood-type zone and therefore public notification is required.

- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Lui	Schipani	18 Fullarton Road NORWOOD	Opposed	No
Helen	Parker	5 Edmund St NORWOOD	Opposed	Yes
Malcolm	Hockley	7 Edmund St NORWOOD	Opposed	No
Dimitrios	Mitris	PO Box 3121 UNLEY	Opposed	No
Sandra	Ross	9 Edmund St NORWOOD	Support, with concerns	Yes
Car	Francis	1/6 Chapel St NORWOOD	Support, with concerns	No
Dale	Smith	3/6 Chapel St NORWOOD	Opposed	No

- **SUMMARY**

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

- The lack of on-site car parking compared to the maximum number of participants in a class;
- A general lack of on-street car parking availability in the local area won't be able to support this business;
- Concerns that attendees to this gym will park on other sites because they won't get a park on the subject land or in nearby streets;
- There will be increased traffic volumes because of the crossover of fitness classes, with participants arriving early before classes and staying late after classes;
- The increased traffic will detriment the amenity of the area;
- The need for vehicles to reverse out onto Fullarton Road represents a hazard;
- The increased traffic conflict between other businesses and dwellings who share use of the rear lane, including concerns about vehicles blocking access to other sites;
- Concerns regarding the noise generated from the fitness centre, which will detriment the amenity of nearby residences;
- The potential for gym activities to occur outside of the building and in the rear lane, causing amenity issues for nearby dwellings and traffic safety concerns.

AGENCY REFERRALS

- Commissioner of Highways

The Commissioner of Highways is supportive of the proposal, subject to several conditions.

INTERNAL REFERRALS

- Rebecca Van Der Pennen, Traffic Engineer

Council's Traffic Engineer is not supportive of the proposal, citing the safety concerns with the non-conformant (albeit existing) car park and the need for vehicles to reverse out of the site into Fullarton Road.

PLANNING ASSESSMENT

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

Land Use

Desired Outcome 1 of the Suburban Business Zone states:

> *"A business and innovation precinct that includes a range of emerging businesses which have low level off-site impacts. Residential development within the area is subordinate to employment uses and generally includes medium-density housing designed to complement and not prejudice the operation of existing businesses."*

Performance Outcome 1.1 of the Suburban Business Zone states:

> *"Shops, office, consulting room, low-impact industry and other non-residential uses are supported by a variety of compact, medium density housing and accommodation types."*

Performance Outcome 1.2 of the Suburban Business Zone states:

> *"Retail, business and commercial development is of a scale that provides a local convenience service without undermining the vibrancy and function of zones primarily intended to accommodate such development."*

Performance Outcome 1.1 of the Out of Activity Centre Development module of the general development policies states:

> *"Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres:*
> *(a) As primary locations for shopping, administrative, cultural, entertainment and community services*
> *(b) As a focus for regular social and business gatherings*
> *(c) In contributing to or maintain a pattern of development that supports equitable community access to services and facilities."*

Performance Outcome 1.1 of the Out of Activity Centre Development module of the general development policies states:

> *"Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities:*
> *(a) That support the needs of local residents and workers, particularly in underserviced locations*
> *(b) At the edge of Activity Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre."*

DPF 1.1 of the Suburban Business Zone provides a non-exhaustive list of land uses that might generally be envisaged in this Zone. While an indoor recreation facility is not a land use listed in DPF 1.1, it is useful to take note of some of the land uses listed therein for contextual consideration of the land use herein proposed. To this end, DPF 1.1 includes light industry, motor repair station and warehouse as some of the land uses envisaged within this Zone. An indoor recreation facility can have considerably lower off-site impacts that a motor repair station or light industry might, and is therefore, in principle, considered to satisfy Performance Outcome 1.1 of the Zone.

An indoor recreation facility is a type of 'emerging business' that provides a service to local residents and workers. The scale of the fitness centre is confined to the existing building, which has a total floor area of

approximately 300m^2 (less than the 500m^2 guidance provided by DPF 1.2 of the Zone for offices and the like). Accordingly, the proposed land use is considered to accord with Performance Outcome 1.1 above.

Indoor recreation facilities are abundant in Metropolitan Adelaide and are not necessarily confined to any particular zone. In other words, there are not particular zones within the Planning & Design Code that more readily envisage indoor recreation facilities than other zones, with the exception perhaps of the Community Facilities Zone. As such, the addition of this land use in this locality is not considered to undermine the function or vibrancy of other zones or activity centres, consistent with the abovementioned Performance Outcomes from the Out of Activity Centre Development module.

Noise Emissions / Amenity Impact

Whether or not this particular indoor recreation facility is appropriate for this site depends on consideration of the off-site impacts, consistent with Desired Outcome 1 and Performance Outcome 1.1 of the Zone, both of which state that non-residential uses should have low level off-site impacts.

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

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

Performance Outcome 4.1 of the Interface Between Land Uses module of the general development policies states:

> *"Development that emits noise (other than music) does not unreasonable impact the amenity of sensitive receivers (or lawfully approved sensitive receivers)."*

The corresponding Designated Performance Feature suggests that achieving compliance with the relevant *Environment Protection (Commercial and Industrial Noise) Policy* criteria will satisfy this Performance Outcome. Council administration agrees with this view.

Performance Outcome 4.6 of the Interface Between Land Uses module of the general development policies states:

> *"Development incorporating music achieves suitable acoustic amenity when measured at the boundary or an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers."*

The corresponding Designated Performance Feature suggests that this Performance Outcome may be satisfied if any amplified music achieves a noise level no more than 8 decibels above the level of background noise measured at the nearest sensitive receiver (with specific acoustic engineering criteria applied thereto).

The Applicant has supplemented their application with an Acoustic Report, prepared by National, Noise and Vibration (an acoustic engineering firm based in New South Wales) – see **Attachment 1**.

The Acoustic Report provides details of the acoustic modelling undertaken to determine whether the proposed indoor recreation facility will achieve the relevant Environment Protection Policy criteria, to therefore satisfy the abovementioned Performance Outcomes. This modelling assumed the following parameters:

- That all doors, windows and roller doors to the premises are closed;
- That the facility is operating at full capacity (24 people) with half emitting noise through raised voices;
- That two AC units are operating continuously;
- That 4 rower machines, 4 bicycles, 4 ski machines and 4 treadmills are being used simultaneously;
- That amplified music is playing continuously;
- That 7 vehicles enter and exit the site within the 15-minute assessment period, each idling for a few seconds;

- That, simultaneously, an 80kg barbell is dropped from knee height onto the floor, a barbell is dropped onto a squat rack, a 25kg dumbbell is dropped onto the floor and 25kg kettlebell is dropped onto the floor.

The modelling was based on a worst-case scenario with the facility operating at full capacity, half of the occupants raising their voices and four participants dropping heavy weights at the exact same time. In so doing, the modelling concluded that the operation of the proposed indoor recreation facility will achieve all relevant day time and nighttime noise criteria (as prescribed by the *Environment Protection Policy*) for the two closest sensitive receivers at 16 Chapel Street and 5 Edmund Street. Consequently, the proposed land use is considered to satisfy Performance Outcomes 4.1 and 4.6 of the Interface Between Land Uses module (above).

To ensure continued compliance with the relevant noise criteria is achieved, Condition No 4 reinforces the need to keep all building openings closed during the operation of the facility.

Performance Outcome 2.1 of the Interface Between Land Uses module of the general development policies states:

> *"Non-residential development does not unreasonable impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*
> *(a) The nature of the development*
> *(b) Measures to mitigate off-site impacts*
> *(c) The extent to which the development is desired in the zone…"*

In the context of the acoustic modelling undertaken, the proposed hours of operation are considered reasonable and reflect the typical hours of operation for such facilities. These hours are reflected in Condition No 3, which provides further scope for operations on Saturdays, with the applicant at liberty to apply to vary those hours.

Traffic Impact, Access and Parking

Performance Outcome 1.1 of the Urban Transport Routes Overlay states:

> *"Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads."*

Performance Outcome 1.4 of the Transport, Access and Parking module of the general development policies states:

> *"Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths."*

The application does not seek to alter the existing access arrangements for the site, or the car parking spaces within the site. Vehicle access is available via the existing Fullarton Road crossover or via the rear lane. The rear lane is a private road under private ownership, over which the subject land and other sites have rights of way.

Several representors raised concerns about the use of the lane for this development, suggesting that the increased traffic volumes through the lane would be a detriment to the residential amenity of the dwellings behind. It is prudent to note, firstly, that there are only three (3) car parking spaces at the rear of the subject building that can be accessed by this lane. Secondly, this site is one of more than a dozen sites that use this lane for access. Accordingly, the volume of traffic in the lane that is expected to be generated by this land use is not considered to be such that would cause a detrimental impact to the adjacent sensitive receivers.

Council's Traffic Engineer has concerns with the safety of movements associated with the Fullarton Road car park because it requires vehicles to reverse out of the site into traffic on Fullarton Road. However, these undesirable movements are not caused by this development – these conditions already exist (albeit it might

be that this development will experience an increase in such movements compared to the previous use, but that is unknown).

The Applicant's traffic engineer suggests that two (2) of the four (4) spaces in front of the building will be allocated for staff who will arrive and leave the premises outside of Fullarton Road's peak traffic times, thereby minimising the potential for conflict during egress movements. The other two (2) spaces would be available for clients and are anticipated to generate four (4) peak hour movements according to the Applicant's traffic engineer, which is akin to the traffic generation associated with the site's existing office use. Because the development involves a change of use of an existing building, with no building work or changes to parking proposed, the applicant cannot be expected to make good an existing undesirable situation where that undesirable situation is not expected to be aggravated by the proposal.[1] As such, and despite the valid concerns of Council's traffic engineer, the proposal is considered to accord with the abovementioned Performance Outcomes. This is reinforced by the Commissioner of Highways' support for the proposal.

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

> *"Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to [several] factors that may support a reduced on-site rate..."*

The corresponding Designated Performance Feature suggests that satisfaction of the rates in Table 1 or Table 2 of the module (as applicable) will generally satisfy this Performance Outcome. This is the generally adopted approach in planning assessments, unless special circumstances apply. No such circumstances are considered to apply in this instance. The subject land is located within a designated area for the purposes of car parking and accordingly Table 2 of this module prescribes the applicable car parking rate.

To this end, Table 2 prescribes a rate of 3 spaces per 100m^2 of gross leasable floor area for all non-residential development except tourist accommodation. It is well-established in planning law that any existing car parking shortfall can be carried over to any new land use where the total floor area to be used is not being altered. This principle is directly applicable to this application because the total floor area of the subject building is not changing because of the development. Accordingly, because the same car parking rate is prescribed to the existing office use as it is to the proposed indoor recreation facility use, the existing shortfall on site is the same shortfall that would exist in respect of the proposed use, and therefore the existing number of on-site car parks are considered sufficient for the proposed use. Thus, Performance Outcome 5.1 (above) is satisfied. Notwithstanding this, the proposed use has a gross leasable floor area of approximately 300m^2, which would require nine (9) spaces per Table 2 of this module. Accordingly, the existing shortfall is only 2 spaces when assessed against the P&D Code.

Both the Applicant's and Council's traffic engineers recognise that the land use is likely to generate a demand for up to 22 vehicles, all of which cannot be accommodated on site and will therefore need to utilise the on-street network or rely on visitors finding alternative transport methods. However, this is simply a consequence of the site being located in a designated area and it would be inconsistent with existing case law to not support the application on this basis.

Performance Outcome 9.1 of the Transport, Access and Parking module of the general development policies states:

> *"The provision of adequately sized on-site bicycle parking facilities encourage cycling as an active transport mode."*

The corresponding Designated Performance Feature suggests that the provision of bicycle parking spaces commensurate with the rates specified in Table 3 of the module is sufficient to satisfy this Performance Outcome. In this respect, Table 3 suggests that the development should provide two (2) bicycle parking spaces based on the number of staff and floor area of the building.

No bicycle parking areas have been provided for this development. Nonetheless, there is room available either next to the pedestrian door at the front of the building, or within the building, for two (2) bicycle parking spaces.

[1] *Wong v Metcash Trading Australasia Ltd* [2003] SASC 314; *City of Woodville v Horbelt* (1980) 42 LGRA 286.

Accordingly, a Reserved Matter has been recommended, requiring the Applicant to provide for two (2) bicycle parking spaces on the site.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.15, 15/08/2024), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The land use proposed is not at odds with the types of land uses envisaged within the Suburban Business Zone;
- The acoustic modelling provided demonstrates compliance with relevant industry standards;
- The site is in a designated area for car parking; and
- The traffic concerns associated with the use are pre-existing and cannot expect to be remedied by the subject proposal.

CONCLUSION

Indoor recreation facilities are an anticipated land use in the Suburban Business Zone providing they are of a scale appropriate for the locality and do not result in adverse impacts to any adjacent sensitive receivers. The acoustic assessment provided with the application demonstrates that the land use achieves the relevant *Environment Protection Policy* noise criteria providing the external openings of the building remain closed during operation. Conditions 4 and 5 recommended below ensure ongoing compliance with this, to protect the amenity of the adjacent sensitive receivers.

The subject land is located within a designated area for the purposes of car parking and consequently the development is not expected to provide any more on-site car parking spaces than what already exists. This will result in a reliance on on-street parking in the locality, or alternative transport methods, but this is a consequence that cannot be avoided in designated areas and is not considered to be a reason for non-support of the proposal. The Fullarton Road car park is an existing, non-compliant car park whose operation will result in vehicles needing to reverse onto Fullarton Road. However, the Applicant cannot be expected to remedy this existing deficiency, and this is recognised by the Commissioner of Highways in their support for the proposal.

Similarly, the site has a right to use the rear lane for access purposes and so while the representors have a right to not support the likely increase in vehicle movements along this lane, the increased movements are not considered to be such that any impact caused to these residences justifies the refusal of the application. Conversely, the impacts are considered to be acceptable.

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 24026013, by Stevie-Ann Spencer is granted Planning Consent subject to the following conditions:

RESERVED MATTER

Planning Consent

An amended site plan (or floor plan) shall be provided to the reasonable satisfaction of the Assessment Manager that includes at least two (2) bicycle parking spaces on the site (or within the building in a convenient location).

NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matters.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

Condition 1
The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2
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
The hours of operation of the premises shall be restricted to following times:

- Monday to Friday (excluding public holidays), 5:00am to 7:00pm
- Saturday, 7:00am to 5:00pm

Condition 4
All external openings to the building (including but not limited to roller doors, pedestrian doors and windows) shall remain closed while the facility is being used.

Condition 5
All classes and fitness-related activities shall be undertaken wholly within the building.

Condition 6
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.

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

Condition 7
All access to/from the development shall be gained in accordance with the Dimensioned Site Plan produced by CIRQA, Project No: 24399, Sheet No. 02_SH01, Version A, dated 11/09/2024.

Condition 8
All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 9
Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 10
Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

Planning Consent

Advisory Note 1
The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged

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

Advisory Note 2
The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

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

Advisory Note 3
The Applicant is advised that construction noise is not allowed:

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

Advisory Note 4
The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Advisory Note 5
The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 6
The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 7
Appeal Rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 8
Consents issued for this Development Application will remain valid for the following periods of time:

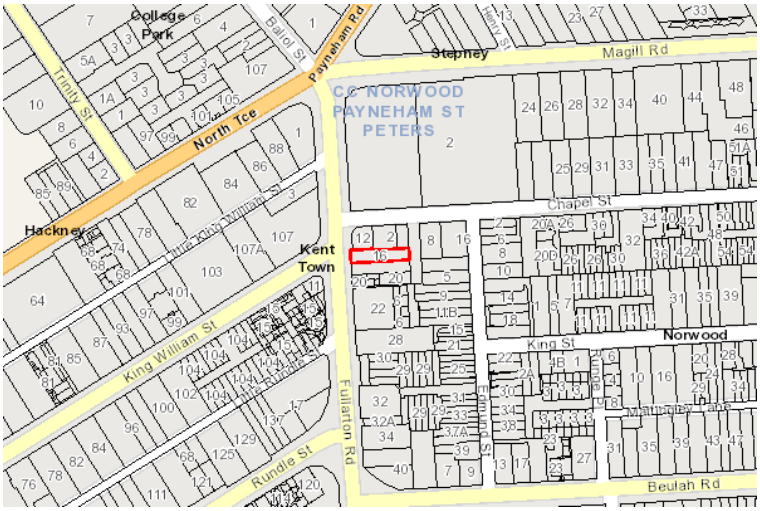
1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;
2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;
3. Works must be substantially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

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

Advisory Note 9
No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Address: **16 FULLARTON RD NORWOOD SA 5067**

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Zone

Suburban Business

Overlay

Airport Building Heights (Regulated) *(All structures over 45 metres)*
Future Road Widening
Prescribed Wells Area
Regulated and Significant Tree
Traffic Generating Development
Urban Transport Routes

Local Variation (TNV)

Maximum Building Height (Levels) *(Maximum building height is 3 levels)*

Development Pathways

- Suburban Business

1. Accepted Development
   Means that the development type does not require planning consent (planning approval). Please ensure compliance with relevant land use and development controls in the Code.
   - Brush fence
   - Building alterations
   - Building work on railway land
   - Partial demolition of a building or structure
   - Solar photovoltaic panels (roof mounted)
   - Water tank (above ground)
   - Water tank (underground)

2. Code Assessed - Deemed to Satisfy
   Means that the development type requires consent (planning approval). Please ensure compliance with relevant land use and development controls in the Code.
   - Advertisement
   - Ancillary accommodation
   - Carport
   - Consulting room
   - Deck

- Dwelling or residential flat building undertaken by:
  (a) the South Australian Housing Trust either individually or jointly with other persons or bodies
  or
  (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.
- Office
- Outbuilding
- Replacement building
- Shop
- Temporary accommodation in an area affected by bushfire
- Verandah

3. Code Assessed - Performance Assessed
   Performance Assessed development types listed below are those for which the Code identifies relevant policies.
   Additional development types that are not listed as Accepted, Deemed to Satisfy or Restricted default to a Performance assessed Pathway. Please contact your local council for more information.

   - Advertisement
   - Ancillary accommodation
   - Carport
   - Consulting room
   - Deck
   - Demolition
   - Detached dwelling
   - Dwelling addition
   - Dwelling or residential flat building undertaken by:
     (a) the South Australian Housing Trust either individually or jointly with other persons or bodies
     or
     (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.
   - Fence
   - Group dwelling
   - Land division
   - Light industry
   - Office
   - Outbuilding
   - Residential flat building
   - Retaining wall
   - Row dwelling
   - Semi-detached dwelling
   - Service trade premises
   - Shop
   - Store
   - Tree-damaging activity
   - Verandah
   - Warehouse

4. Impact Assessed - Restricted
   Means that the development type requires approval. Classes of development that are classified as Restricted are listed in Table 4 of the relevant Zones.

Part 2 - Zones and Sub Zones

Suburban Business Zone

Assessment Provisions (AP)

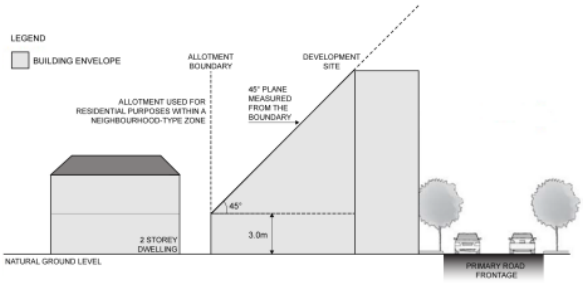
Desired Outcome (DO)

	Desired Outcome
DO 1	A business and innovation precinct that includes a range of emerging businesses which have low level off-site impacts. Residential development within the area is subordinate to employment uses and generally includes medium-density housing designed to complement and not prejudice the operation of existing businesses.
DO 2	A zone characterised by low-rise buildings with additional height in well serviced and accessible locations.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Shops, office, consulting room, low-impact industry and other non-residential uses are supported by a variety of compact, medium density housing and accommodation types.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Consulting room (b) Dwelling (c) Institutional facility (d) Light industry (e) Motor repair station (f) Office (g) Residential flat building (h) Retail fuel outlet (i) Service trade premises (j) Shop (k) Store (l) Warehouse
PO 1.2 Retail, business and commercial development is of a scale that provides a local convenience service without undermining the vibrancy and function of zones primarily intended to accommodate such development.	DTS/DPF 1.2 Shops, offices and consulting rooms do not exceed 500m^2 in gross leasable floor area.
PO 1.3 Compact, medium density residential development does not prejudice the operation of non-residential activity within the zone.	DTS/DPF 1.3 None are applicable.
PO 1.4 Changes in the use of land between similar businesses encourages the efficient reuse of commercial premises and supports continued local access to a range of services compatible to the locality.	DTS/DPF 1.4 A change of use to a shop, office or consulting room or any combination of these uses where all of the following are achieved: (a) the area to be occupied by the proposed development is in an existing building and is currently used as a shop, office, consulting room or any combination of these uses (b) if the proposed the change in use is for a shop: (i) the total gross leasable floor area of the shop will not exceed 500m^2 (ii) if primarily involving the handling and sale of foodstuffs, areas used for the storage and collection of refuse are sited at least 10m from the site of a dwelling (other than a dwelling directly associated with the proposed shop) (iii) if primarily involving heating and cooking of foodstuffs in a commercial kitchen and is within 30m of any residential allotment within a neighbourhood-type zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct

	and stack (chimney) exists or is capable of being installed for discharging exhaust emissions (c) off-street vehicular parking exists in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number, except where: (i) the required contribution will be made into a relevant car parking offset scheme (other than where a relevant contribution has previously been made) or (ii) the building is a local heritage place.
Built Form and Character	
PO 2.1 Building scale and design complement surrounding built form, streetscapes and local character.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development with high visual and environmental amenity, particularly along arterial roads and the boundaries of adjoining zones is primarily intended to accommodate sensitive receivers.	DTS/DPF 2.2 None are applicable.
Building height and setbacks	
PO 3.1 Buildings are generally of low-rise construction, with taller buildings positioned towards the centre of the zone and away from any adjoining neighbourhood-type zone to positively contribute to the built form character of a locality.	DTS/DPF 3.1 Building height (excluding garages, carports and outbuildings) is no greater than: (a) the following: **Maximum Building Height (Levels)** Maximum building height is 3 levels (b) in all other cases (ie there is a blank field for both values): (i) 2 building levels or 9m where the development is located adjoining a different zone that primarily envisages residential development (ii) 3 building levels or 12m in all other cases. In relation to DTS/DPF 3.1, in instances where: (c) more than one value is returned in the same field: (i) for the purpose of DTS/DPF 3.1(a), refer to the Maximum Building Height (Metres) Technical and Numeric Variation layer or Maximum Building Height (Levels) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development (ii) only one value is returned for DTS/DPF 3.1(a), (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
PO 3.2 Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.	DTS/DPF 3.2 Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary, or where this boundary is the street boundary):

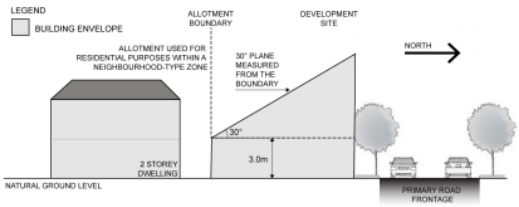


PO 3.3

Buildings mitigate overshadowing of residential development within a neighbourhood-type zone.

DTS/DPF 3.3

Buildings on sites with a southern boundary adjoining an allotment used for residential purposes within a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram (except where this boundary is a street boundary):



PO 3.4

Buildings are set back from primary street boundaries to contribute to a consistent streetscape.

DTS/DPF 3.4

Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings.
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site.	The setback of the existing building.
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.	(a) Where the existing building shares the same primary street frontage – the setback of the existing building (b) Where the existing building has a different primary street frontage - 6m
There is no existing building on either of the abutting sites sharing the same street	6m

	frontage as the site of the proposed building. For the purposes of **DTS/DPF 3.4:** (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table
PO 3.5 Buildings are set back from secondary street boundaries (other than rear laneways) to contribute to a consistent streetscape.	DTS/DPF 3.5 Building walls are set back from the secondary street frontage: (a) the average of any existing buildings on adjoining sites having frontage to the same street or (b) not less than 900mm where no building exists on an adjoining site.
PO 3.6 Buildings are set back from side boundaries to maintain adequate separation and ventilation.	DTS/DPF 3.6 Other than walls located on a side boundary, building walls are set back at least 900mm from side boundaries.
PO 3.7 Buildings are set back from rear boundaries to minimise adverse impacts on adjoining land uses.	DTS/DPF 3.7 Building walls are set back from the rear boundary at least 3m.
PO 3.8 Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.	DTS/DPF 3.8 None are applicable.
Land Division	
PO 4.1 Land division and / or site amalgamation create allotments that vary in size and are suitable for a variety of residential and commercial activities and improve the level of development integration.	DTS/DPF 4.1 None are applicable.
Advertisements	
PO 5.1 Freestanding advertisements identify the associated business without creating a visually dominant element within the streetscape.	DTS/DPF 5.1 Freestanding advertisements: (a) do not exceed 6m in height (b) do not have a sign face that exceeds $4m^2$ per side
Concept Plans	
PO 6.1 Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.	DTS/DPF 6.1 The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant: In relation to DTS/DPF 6.1, in instances where: (a) one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant. (b) in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 6.1 is met.

PO 7.1

Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.

DTS/DPF 7.1

Ancillary buildings and structures:

(a) are ancillary to a dwelling erected on the same site

(b) have a floor area not exceeding 60m^2

(c) are not constructed, added to or altered so that any part is situated

- (i) in front of any part of the building line of the dwelling to which it is ancillary
  or
- (ii) within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)

(d) in the case of a garage or carport, the garage or carport:

- (i) is set back at least 5.5m from the boundary of the primary street
- (ii) when facing a primary street or secondary street, has a total door / opening not exceeding:
  - A. for dwellings of single building level - 7m in width or 50% of the site frontage, whichever is the lesser
  - B. for dwellings comprising two or more building levels at the building line fronting the same public street - 7m in width

(e) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:

- (i) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and
- (ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent

(f) f situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary

(g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure

(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)

(i) have a roof height where no part of the roof is more than 5m above the natural ground level

(j) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour

(k) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:

(i) a total area as determined by the following table:

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m^2)	Minimum percentage of site
<150	10%
150-200	15%
201-450	20%
>450	25%

(ii) the amount of existing soft landscaping prior to the

	development occurring.
PO 7.2 Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.	DTS/DPF 7.2 Ancillary buildings and structures do not result in: (a) less private open space than specified in Design in Urban Areas Table 1 - Private Open Space (b) less on-site car parking than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
PO 7.3 Buildings and structures that are ancillary to an existing non-residential use do not detract from the streetscape character, appearance of buildings on the site of the development, or the amenity of neighbouring properties.	DTS/DPF 7.3 Non-residential ancillary buildings and structures: (a) are ancillary and subordinate to an existing non-residential use on the same site (b) have a floor area not exceeding the following: Allotment size / Floor area ≤500m2 / 60m2 >500m2 / 80m2 (c) are not constructed, added to or altered so that any part is situated: (i) in front of any part of the building line of the main building to which it is ancillary or (ii) within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads) (d) in the case of a garage or carport, the garage or carport: (i) is set back at least 5.5m from the boundary of the primary street (e) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless: (i) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary (ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent (f) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary (g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure (h) have a wall height (or post height) not exceeding 3m (and not including a gable end) (i) have a roof height where no part of the roof is more than 5m above the natural ground level (j) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding

exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is **not** adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
3. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) ancillary accommodation (c) community facility (d) dwelling (e) residential flat building (f) student accommodation.	Except development that exceeds the maximum building height specified in Suburban Business Zone DTS/DPF 3.1 or does not satisfy any of the following: 1. Suburban Business Zone DTS/DPF 3.2 2. Suburban Business Zone DTS/DPF 3.3.
4. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) office (c) shop.	Except development that exceeds the maximum building height specified in Suburban Business Zone DTS/DPF 3.1 or does not satisfy any of the following: 1. Suburban Business Zone DTS/DPF 1.2 2. Suburban Business Zone DTS/DPF 3.2 3. Suburban Business Zone DTS/DPF 3.3.
5. Any development involving any of the following (or of any combination of any of the following): (a) air handling unit, air conditioning system or exhaust fan (b) carport (c) deck (d) fence (e) internal building works (f) land division (g) outbuilding (h) pergola (i) private bushfire shelter (j) replacement building (k) retaining wall (l) shade sail (m) solar photovoltaic panels (roof mounted) (n) swimming pool or spa pool and associated swimming pool safety features	None specified.

(o) temporary accommodation in an area affected by bushfire. (p) tree damaging activity (q) verandah (r) water tank.	
6. Demolition.	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
7. Railway line.	Except where located outside of a rail corridor or rail reserve.

Placement of Notices - Exemptions for Performance Assessed Development
None specified.

Placement of Notices - Exemptions for Restricted Development
None specified.

Part 3 - Overlays

Airport Building Heights (Regulated) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.
PO 1.2 Exhaust stacks are designed and sited to minimise plume impacts on aircraft movements associated with a certified or registered aerodrome.	DTS/DPF 1.2 Development does not include exhaust stacks.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development: (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the *Airport Building Heights (Regulated) Overlay* (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the *Airport Building Heights (Regulated) Overlay*.	The airport-operator company for the relevant airport within the meaning of the *Airports Act 1996* of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the *Airports Act 1996* of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Future Road Widening Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development which is consistent with and will not compromise efficient delivery of future road widening requirements.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Future Road Widening	
PO 1.1 Development does not compromise or is located and designed to minimise its impact on future road widening requirements.	DTS/DPF 1.1 Development does not involve building work, or building work is located wholly outside the land subject to the 6m Consent Area, the C Type Requirement or the Strip Requirement of the Metropolitan Adelaide Road Widening Plan.

Procedural Matters (PM)

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Other than where all deemed-to-satisfy criteria for all policies relevant to this referral are met, development (including the division of land) that is within or may encroach within a Future Road Widening Area.	Commissioner of Highways.	To provide expert technical assessment and direction to the relevant authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the	Development of a class to which Schedule 9 clause 3 item 4 of the Planning,

		Planning and Design Code.	Development and Infrastructure (General) Regulations 2017 applies.

Prescribed Wells Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Sustainable water use in prescribed wells areas.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 All development, but in particular involving any of the following: (a) horticulture (b) activities requiring irrigation (c) aquaculture (d) industry (e) intensive animal husbandry (f) commercial forestry has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed wells areas.	DTS/DPF 1.1 Development satisfies either of the following: (a) the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use or (b) the proposal does not involve the taking of water for which a licence would be required under the *Landscape South Australia Act 2019*.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development that require or may require water to be taken in addition to any allocation that has already been granted under the *Landscape South Australia Act 2019:* (a) horticulture (b) activities requiring irrigation (c) aquaculture (d) industry (e) intensive animal husbandry (f) commerical forestry.	The Chief Executive of the Department of the Minister responsible for the administration of the *Landscape South Australia Act 2019*.	To provide expert technical assessment and direction to the relevant authority on the taking of water to ensure development is undertaken sustainably.	Development of a class to which Schedule 9 clause 3 item 13 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.
Commercial forestry that requires a forest water licence under Part 8 Division 6 of the *Landscape South Australia*			

Act 2019.			

Regulated and Significant Tree Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Tree Retention and Health	
PO 1.1 Regulated trees are retained where they: (a) make an important visual contribution to local character and amenity (b) are indigenous to the local area and listed under the *National Parks and Wildlife Act 1972* as a rare or endangered native species and / or (c) provide an important habitat for native fauna.	DTS/DPF 1.1 None are applicable.
PO 1.2 Significant trees are retained where they: (a) make an important contribution to the character or amenity of the local area (b) are indigenous to the local area and are listed under the *National Parks and Wildlife Act 1972* as a rare or endangered native species (c) represent an important habitat for native fauna (d) are part of a wildlife corridor of a remnant area of native vegetation (e) are important to the maintenance of biodiversity in the local environment and / or (f) form a notable visual element to the landscape of the local area.	DTS/DPF 1.2 None are applicable.
PO 1.3 A tree damaging activity not in connection with other development satisfies (a) and (b): (a) tree damaging activity is only undertaken to: (i) remove a diseased tree where its life expectancy is short (ii) mitigate an unacceptable risk to public or private safety due to limb drop or the like (iii) rectify or prevent extensive damage to a building of value as comprising any of the following: A. a Local Heritage Place B. a State Heritage Place C. a substantial building of value	DTS/DPF 1.3 None are applicable.

and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity (iv) reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire (v) treat disease or otherwise in the general interests of the health of the tree and / or (vi) maintain the aesthetic appearance and structural integrity of the tree (b) in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.	
PO 1.4 A tree-damaging activity in connection with other development satisfies all the following: (a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible (b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.	DTS/DPF 1.4 None are applicable.
Ground work affecting trees	
PO 2.1 Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.	DTS/DPF 2.1 None are applicable.
Land Division	
PO 3.1 Land division results in an allotment configuration that enables its subsequent development and the retention of regulated and significant trees as far as is reasonably practicable.	DTS/DPF 3.1 Land division where: (a) there are no regulated or significant trees located within or adjacent to the plan of division or (b) the application demonstrates that an area exists to accommodate subsequent development of proposed allotments after an allowance has been made for a tree protection zone around any regulated tree within and adjacent to the plan of division.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Traffic Generating Development Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Traffic Generating Development	
PO 1.1 Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.	DTS/DPF 1.1 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m2 or more (d) retail development with a gross floor area of 2,000m2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more (f) industry with a gross floor area of 20,000m2 or more (g) educational facilities with a capacity of 250 students or more.
PO 1.2 Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.	DTS/DPF 1.2 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m2 or more (d) retail development with a gross floor area of 2,000m2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more (f) industry with a gross floor area of 20,000m2 or more (g) educational facilities with a capacity of 250 students or more.
PO 1.3 Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.	DTS/DPF 1.3 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m2 or more (d) retail development with a gross floor area of 2,000m2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more (f) industry with a gross floor area of 20,000m2 or more (g) educational facilities with a capacity of 250 students or more.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road: (a) except where a proposed development has previously been referred under clause (b) - a building, or buildings, containing in excess of 50 dwellings (b) except where a proposed development has previously been referred under clause (a) - land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m^2 or more (d) retail development with a gross floor area of 2,000m^2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m^2 or more (f) industry with a gross floor area of 20,000m^2 or more (g) educational facilities with a capacity of 250 students or more.	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Urban Transport Routes Overlay

Assessment Provisions (AP)

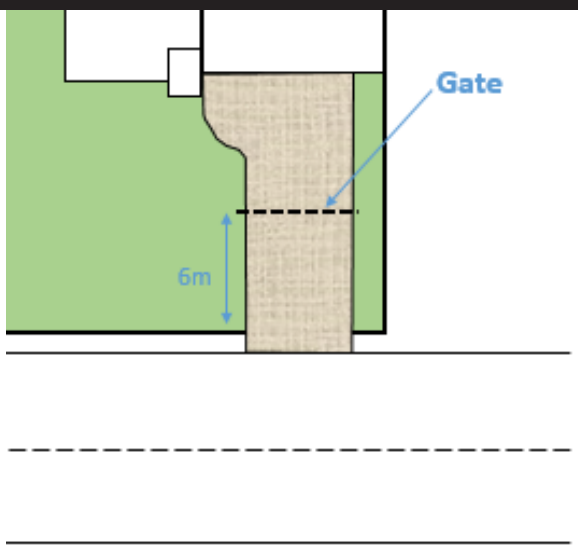
Desired Outcome (DO)

	Desired Outcome
DO 1	Safe and efficient operation of Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from Urban Transport Routes.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Access - Safe Entry and Exit (Traffic Flow)	
PO 1.1 Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.	DTS/DPF 1.1 An access point satisfies (a), (b) or (c): (a) where servicing a single (1) dwelling / residential allotment: (i) it will not result in more than one access point (ii) vehicles can enter and exit the site in a forward direction (iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road

	(v) it will have a width of between 3m and 4m (measured at the site boundary) (b) where the development will result in 2 and up to 6 dwellings: (i) it will not result in more than one access point servicing the development site (ii) vehicles can enter and exit the site in a forward direction (iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road (v) it will have a width of between 5.8m to 6m (measured at the site boundary) and an access depth of 6m (measured from the site boundary into the site) (c) where the development will result in 7 or more dwellings, or is a non-residential land use: (i) it will not result in more than one access point servicing the development site (ii) vehicles can enter and exit the site using left turn only movements (iii) vehicles can enter and exit the site in a forward direction (iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (v) it will have a width of between 6m and 7m (measured at the site boundary), where the development is expected to accommodate vehicles with a length of 6.4m or less (vi) it will have a width of between 6m and 9m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 6.4m to 8.8m (vii) it will have a width of between 9m and 12m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8m to 12.5m (viii) provides for simultaneous two-way vehicle movements at the access: A. with entry and exit movements for vehicles with a length up to 5.2m vehicles being fully within the kerbside lane of the road and B. with entry movements of 8.8m vehicles (where relevant) being fully within the kerbside lane of the road and the exit movements of 8.8m vehicles do not cross the centreline of the road.
Access - On-Site Queuing	
PO 2.1 Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.	DTS/DPF 2.1 An access point in accordance with one of the following: (a) will not service, or is not intended to service, more than 6 dwellings and there are no internal driveways, intersections, car parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) as shown in the following diagram:



(b) will service, or is intended to service, development that will generate less than 60 vehicle movements per day, and:

(i) is expected to be serviced by vehicles with a length no greater than 6.4m

(ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site)

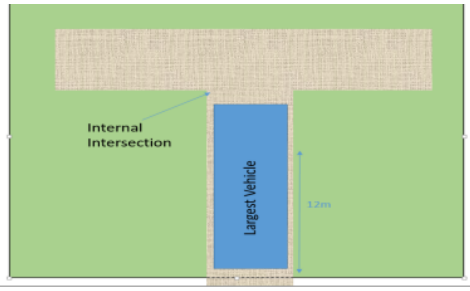
(c) will service, or is intended to service, development that will generate less than 60 vehicle movements per day, and:

(i) is expected to be serviced by vehicles with a length greater than a 6.4m small rigid vehicle

(ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site)

(iii) any termination of or change in priority of movement within the main car park aisle is located far enough into the site so that the largest vehicle expected on-site can store fully within the site before being required to stop

(iv) all parking or manoeuvring areas for commercial vehicles are located a minimum of 12m or the length of the longest vehicle expected on site from the access (measured from the site boundary into the site) as shown in the following diagram:



Access - (Location Spacing) - Existing Access Point

PO 3.1

Existing access points are designed to accommodate the type and volume of traffic likely to be generated by the development.

DTS/DPF 3.1

An existing access point satisfies (a), (b) or (c):

(a) it will not service, or is not intended to service, more than 6 dwellings

(b) it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected

to access the site using the existing access

(c) is not located on a Controlled Access Road and development constitutes:

(i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa

(ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment

(iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area

(iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area

(v) an office or consulting room with a <500m² gross leasable floor area

(vi) a change of use from a residential dwelling to a shop, office, consulting room or personal or domestic services establishment with <250m^2 gross leasable floor area.

Access – Location (Spacing) – New Access Points

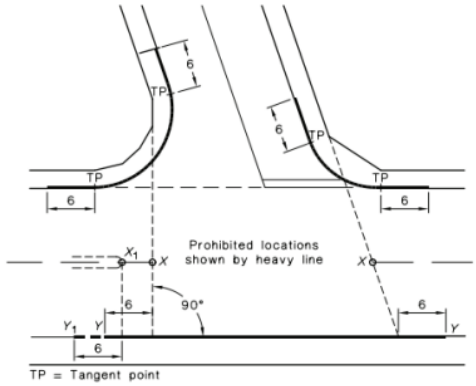
PO 4.1

New access points are spaced apart from any existing access point or public road junction to manage impediments to traffic flow and maintain safe and efficient operating conditions on the road.

DTS/DPF 4.1

A new access point satisfies (a), (b) or (c):

(a) where a development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network (not being a Controlled Access Road) and is located outside of the bold lines shown in the following diagram:



NOTE:
The points marked X_1 and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y extends to Point Y_1.

(b) where the development site is intended to serve between 1 and 6 dwellings, the new access:

(i) is not located on a Controlled Access Road

(ii) is not located on a section of road affected by double barrier lines

(iii) will be on a road with a speed environment of 70km/h or less

(iv) is located outside of the bold lines on the diagram shown in the diagram following part (a)

(v) is located a minimum of 6m from a median opening or pedestrian crossing

(c) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

Speed Limit	Separation between access points	Separation from public road junctions and

		merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	5m (for development intended to serve between 1 and 6 dwellings) and 10m for all other cases	73m
70 km/h	40m	92m
80 km/h	50m	114m
90 km/h	65m	139m
100 km/h	80m	165m
110 km/h	100m	193m

Access - Location (Sight Lines)

PO 5.1

Access points are located and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner.

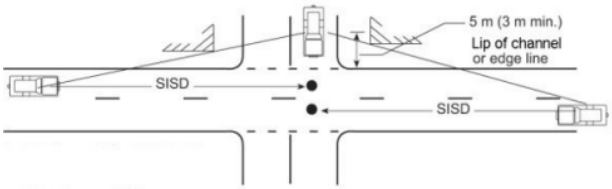
DTS/DPF 5.1

An access point satisfies (a) and (c) or (b) and (c):

(a) the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point
or

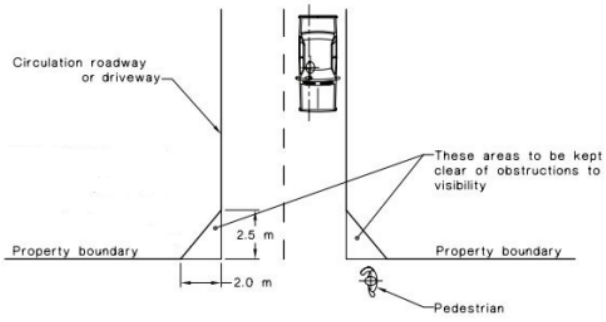
(b) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	47m	73m
50 km/h	63m	97m
60 km/h	81m	123m
70 km/h	100m	151m
80 km/h	121m	181m
90 km/h	144m	226m
100 km/h	169m	262m
110km/h	195m	300m

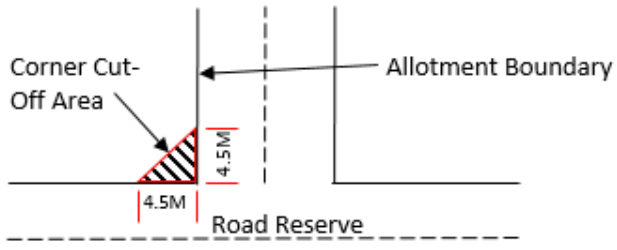


and

(c) pedestrian sightlines in accordance with the following diagram:



Access – Mud and Debris

PO 6.1 Access points constructed to minimise mud or other debris being carried or transferred onto the road to ensure safe road operating conditions.	DTS/DPF 6.1 Where the road has an unsealed shoulder and the road is not kerbed, the access way is sealed from the edge of seal on the road for a minimum of 10m or to the property boundary (whichever is closer).
Access - Stormwater	
PO 7.1 Access points are designed to minimise negative impact on roadside drainage of water.	DTS/DPF 7.1 Development does not: (a) decrease the capacity of an existing drainage point (b) restrict or prevent the flow of stormwater through an existing drainage point and system (c) result in access points becoming stormwater flow paths directly onto the road.
Building on Road Reserve	
PO 8.1 Buildings or structures that encroach onto, above or below road reserves are designed and sited to minimise impact on safe movements by all road users.	DTS/DPF 8.1 Buildings or structures are not located on, above or below the road reserve.
Public Road Junctions	
PO 9.1 New junctions with a public road (including the opening of unmade public road junctions) or modifications to existing road junctions are located and designed to ensure safe operating conditions are maintained on the State Maintained Road.	DTS/DPF 9.1 Development does not comprise any of the following: (a) creating a new junction with a public road (b) opening an unmade public road junction (c) modifying an existing public road junction.
Corner Cut-Offs	
PO 10.1 Development is located and designed to maintain sightlines for drivers turning into and out of public road junctions to contribute to driver safety.	DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram: 

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Except where all of the relevant deemed-to-satisfy criteria are met, development (including the division of land) that involves any of the following to/on a State Maintained Road or within 25 metres of an intersection with any such road:	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as	Development of a class to which Schedule 9 clause 3 item 7 of the

(a) creation of a new access or junction (b) alterations to an existing access or public road junction (except where deemed to be minor in the opinion of the relevant authority) (c) development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access (except where deemed to be minor in the opinion of the relevant authority).		described in the Planning and Design Code.	Planning, Development and Infrastructure (General) Regulations 2017 applies.

Part 4 - General Development Policies

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
External Appearance	
PO 1.1 Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).	DTS/DPF 1.1 None are applicable.
PO 1.2 Where zero or minor setbacks are desirable, development provides shelter over footpaths (in the form of verandahs, awnings, canopies and the like, with adequate lighting) to positively contribute to the walkability, comfort and safety of the public realm.	DTS/DPF 1.2 None are applicable.
PO 1.3 Building elevations facing the primary street (other than ancillary	DTS/DPF 1.3 None are applicable.

buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.	
PO 1.4 Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by: (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.	DTS/DPF 1.4 Development does not incorporate any structures that protrude beyond the roofline.
PO 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.	DTS/DPF 1.5 None are applicable.
Safety	
PO 2.1 Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is designed to differentiate public, communal and private areas.	DTS/DPF 2.2 None are applicable.
PO 2.3 Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.	DTS/DPF 2.3 None are applicable.
PO 2.4 Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.	DTS/DPF 2.4 None are applicable.
PO 2.5 Common areas and entry points of buildings (such as the foyer areas of residential buildings) and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.	DTS/DPF 2.5 None are applicable.
Landscaping	
PO 3.1 Soft landscaping and tree planting are incorporated to: (a) minimise heat absorption and reflection (b) maximise shade and shelter (c) maximise stormwater infiltration (d) enhance the appearance of land and streetscapes.	DTS/DPF 3.1 None are applicable.
Environmental Performance	
PO 4.1 Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.	DTS/DPF 4.1 None are applicable.

PO 4.2 Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.	DTS/DPF 4.2 None are applicable.
PO 4.3 Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.	DTS/DPF 4.3 None are applicable.
Water Sensitive Design	
PO 5.1 Development is sited and designed to maintain natural hydrological systems without negatively impacting: (a) the quantity and quality of surface water and groundwater (b) the depth and directional flow of surface water and groundwater (c) the quality and function of natural springs.	DTS/DPF 5.1 None are applicable.
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not: (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Car parking appearance	
PO 7.1 Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as: (a) limiting protrusion above finished ground level (b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure.	DTS/DPF 7.1 None are applicable.
PO 7.2 Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.	DTS/DPF 7.2 None are applicable.
PO 7.3 Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.	DTS/DPF 7.3 None are applicable.
PO 7.4 Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.	DTS/DPF 7.4 Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.
PO 7.5 Street level parking areas incorporate soft landscaping to improve visual	DTS/DPF 7.5 Vehicle parking areas comprising 10 or more car parking spaces include

appearance when viewed from within the site and from public places.	soft landscaping with a minimum dimension of: (a) 1m along all public road frontages and allotment boundaries (b) 1m between double rows of car parking spaces.
PO 7.6 Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DTS/DPF 7.6 None are applicable.
PO 7.7 Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DTS/DPF 7.7 None are applicable.
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
PO 8.2 Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.	DTS/DPF 8.2 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b): (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
PO 8.3 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8): (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land.	DTS/DPF 8.3 None are applicable.
PO 8.4 Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.	DTS/DPF 8.4 None are applicable.
PO 8.5 Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.	DTS/DPF 8.5 None are applicable.
Fences and walls	
PO 9.1 Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.	DTS/DPF 9.1 None are applicable.
PO 9.2 Landscaping is incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.	DTS/DPF 9.2 A vegetated landscaped strip 1m wide or more is provided against the low side of a retaining wall.

All non-residential development	
Water Sensitive Design	
PO 42.1 Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.	DTS/DPF 42.1 None are applicable.
PO 42.2 Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.	DTS/DPF 42.2 None are applicable.
PO 42.3 Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.	DTS/DPF 42.3 None are applicable.
Wash-down and Waste Loading and Unloading	
PO 43.1 Areas for activities including loading and unloading, storage of waste refuse bins in commercial and industrial development or wash-down areas used for the cleaning of vehicles, plant or equipment are: (a) designed to contain all wastewater likely to pollute stormwater within a bunded and roofed area to exclude the entry of external surface stormwater run-off (b) paved with an impervious material to facilitate wastewater collection (c) of sufficient size to prevent 'splash-out' or 'over-spray' of wastewater from the wash-down area (d) are designed to drain wastewater to either: (i) a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme or (ii) a holding tank and its subsequent removal off-site on a regular basis.	DTS/DPF 43.1 None are applicable.

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

<table>
<tr><th>Performance Outcome</th><th>Deemed-to-Satisfy Criteria / Designated Performance Feature</th></tr>
<tr><td colspan="2">General Land Use Compatibility</td></tr>
<tr><td>PO 1.1
Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.</td><td>DTS/DPF 1.1
None are applicable.</td></tr>
<tr><td>PO 1.2
Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</td><td>DTS/DPF 1.2
None are applicable.</td></tr>
<tr><td colspan="2">Hours of Operation</td></tr>
<tr><td>PO 2.1
Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:
(a) the nature of the development
(b) measures to mitigate off-site impacts
(c) the extent to which the development is desired in the zone
(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</td><td>DTS/DPF 2.1
Development operating within the following hours:
<table><tr><th>Class of Development</th><th>Hours of operation</th></tr><tr><td>Consulting room</td><td>7am to 9pm, Monday to Friday
8am to 5pm, Saturday</td></tr><tr><td>Office</td><td>7am to 9pm, Monday to Friday
8am to 5pm, Saturday</td></tr><tr><td>Shop, other than any one or combination of the following:
(a) restaurant
(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</td><td>7am to 9pm, Monday to Friday
8am to 5pm, Saturday and Sunday</td></tr></table></td></tr>
<tr><td colspan="2">Overshadowing</td></tr>
<tr><td>PO 3.1
Overshadowing of habitable room windows of adjacent residential land uses in:
a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight
b. other zones is managed to enable access to direct winter sunlight.</td><td>DTS/DPF 3.1
North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</td></tr>
<tr><td>PO 3.2</td><td>DTS/DPF 3.2</td></tr>
</table>

Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight.	Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: a. for ground level private open space, the smaller of the following: i. half the existing ground level open space or ii. 35m2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b. for ground level communal open space, at least half of the existing ground level open space.
PO 3.3 Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account: (a) the form of development contemplated in the zone (b) the orientation of the solar energy facilities (c) the extent to which the solar energy facilities are already overshadowed.	DTS/DPF 3.3 None are applicable.
PO 3.4 Development that incorporates moving parts, including windmills and wind farms, are located and operated to not cause unreasonable nuisance to nearby dwellings and tourist accommodation caused by shadow flicker.	DTS/DPF 3.4 None are applicable.
Activities Generating Noise or Vibration	
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria.
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: (a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers (b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers (c) housing plant and equipment within an enclosed structure or acoustic enclosure (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.	DTS/DPF 4.2 None are applicable.
PO 4.3 Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa are positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.3 The pump and/or filtration system ancillary to a dwelling erected on the same site is: (a) enclosed in a solid acoustic structure located at least 5m from the nearest habitable room located on an adjoining allotment or (b) located at least 12m from the nearest habitable room located on an adjoining allotment.

PO 4.4 External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.	DTS/DPF 4.4 Adjacent land is used for residential purposes.
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve the following noise levels: **Assessment location** / **Music noise level** Externally at the nearest existing or envisaged noise sensitive location / Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum (LOCT10,15 < LOCT90,15 + 8dB)
Air Quality	
PO 5.1 Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.	DTS/DPF 5.1 None are applicable.
PO 5.2 Development that includes chimneys or exhaust flues (including cafes, restaurants and fast food outlets) is designed to minimise nuisance or adverse health impacts to sensitive receivers (or lawfully approved sensitive receivers) by: (a) incorporating appropriate treatment technology before exhaust emissions are released (b) locating and designing chimneys or exhaust flues to maximise the dispersion of exhaust emissions, taking into account the location of sensitive receivers.	DTS/DPF 5.2 None are applicable.
Light Spill	
PO 6.1 External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 6.1 None are applicable.
PO 6.2 External lighting is not hazardous to motorists and cyclists.	DTS/DPF 6.2 None are applicable.
Solar Reflectivity / Glare	
PO 7.1 Development is designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare.	DTS/DPF 7.1 None are applicable.
Electrical Interference	
PO 8.1	DTS/DPF 8.1

Out of Activity Centre Development

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres: (a) as primary locations for shopping, administrative, cultural, entertainment and community services (b) as a focus for regular social and business gatherings (c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.	DTS/DPF 1.1 None are applicable.
PO 1.2 Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities: (a) that support the needs of local residents and workers, particularly in underserviced locations (b) at the edge of Activities Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre.	DTS/DPF 1.2 None are applicable.

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

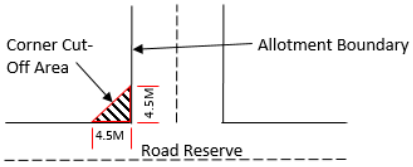
Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
PO 1.1 Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.	DTS/DPF 1.1 None are applicable.
PO 1.2 Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.	DTS/DPF 1.2 None are applicable.
PO 1.3 Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.	DTS/DPF 1.3 None are applicable.
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.
Sightlines	
PO 2.1 Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.	DTS/DPF 2.1 None are applicable.
PO 2.2 Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	DTS/DPF 2.2 None are applicable.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the	DTS/DPF 3.1 The access is:

operation of public roads.	(a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.2 Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.	DTS/DPF 3.2 None are applicable.
PO 3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	DTS/DPF 3.3 None are applicable.
PO 3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.	DTS/DPF 3.4 None are applicable.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
PO 3.6 Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	DTS/DPF 3.6 Driveways and access points: (a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided (b) for sites with a frontage to a public road greater than 20m: (i) a single access point no greater than 6m in width is provided or (ii) not more than two access points with a width of 3.5m each are provided.
PO 3.7 Access points are appropriately separated from level crossings to avoid interference and ensure their safe ongoing operation.	DTS/DPF 3.7 Development does not involve a new or modified access or cause an increase in traffic through an existing access that is located within the following distance from a railway crossing: (a) 80 km/h road - 110m (b) 70 km/h road - 90m (c) 60 km/h road - 70m (d) 50km/h or less road - 50m.
PO 3.8	DTS/DPF 3.8

Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.	None are applicable.
PO 3.9 Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.	DTS/DPF 3.9 None are applicable.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	DTS/DPF 6.1 Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DTS/DPF 6.2 None are applicable.
PO 6.3 Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.	DTS/DPF 6.3 None are applicable.
PO 6.4 Pedestrian linkages between parking areas and the development are provided and are safe and convenient.	DTS/DPF 6.4 None are applicable.
PO 6.5 Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	DTS/DPF 6.5 None are applicable.
PO 6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.	DTS/DPF 6.6 Loading areas and designated parking spaces are wholly located within the site.
PO 6.7 On-site visitor parking spaces are sited and designed to be accessible to	DTS/DPF 6.7 None are applicable.

all visitors at all times.	
Undercroft and Below Ground Garaging and Parking of Vehicles	
PO 7.1 Undercroft and below ground garaging of vehicles is designed to enable safe entry and exit from the site without compromising pedestrian or cyclist safety or causing conflict with other vehicles.	DTS/DPF 7.1 None are applicable.
Internal Roads and Parking Areas in Residential Parks and Caravan and Tourist Parks	
PO 8.1 Internal road and vehicle parking areas are surfaced to prevent dust becoming a nuisance to park residents and occupants.	DTS/DPF 8.1 None are applicable.
PO 8.2 Traffic circulation and movement within the park is pedestrian friendly and promotes low speed vehicle movement.	DTS/DPF 8.2 None are applicable.
Bicycle Parking in Designated Areas	
PO 9.1 The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.	DTS/DPF 9.1 Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.
PO 9.2 Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.	DTS/DPF 9.2 None are applicable.
PO 9.3 Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.	DTS/DPF 9.3 None are applicable.
Corner Cut-Offs	
PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.	DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram: 
Heavy Vehicle Parking	
PO 11.1 Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.	DTS/DPF 11.1 Heavy vehicle parking occurs in accordance with the following: (a) the site is not located within a Neighbourhood-type zone (except a Rural Living Zone) (b) the site is a minimum of 0.4 ha (c) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time (d) where the site is between 0.4 ha and 2 ha, only one vehicle

	exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time (e) the vehicle parking area achieves the following setbacks: (i) behind the building line or 30m, whichever is greater (ii) 20m from the secondary street if it is a State Maintained Road (iii) 10m from the secondary street if it is a local road (iv) 10m from side and rear boundaries (f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance (g) does not include refrigerated trailers or vehicles (h) vehicles only enter and exit the property in accordance with the following hours: (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (i) the handling or trans-shipment of freight is not carried out on the property.
PO 11.2 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.	DTS/DPF 11.2 Heavy vehicles: (a) can enter and exit the site in a forward direction; and (b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator).
PO 11.3 Heavy vehicle parking is screened through siting behind buildings, screening, landscaping or the like to obscure views from adjoining properties and public roads.	DTS/DPF 11.3 None are applicable.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column.

Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Development generally			

All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is: 1 space for each dwelling with a total floor area less than 75 square metres 2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres 3 spaces for each dwelling with a total floor area greater than 150 square metres. Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.	Capital City Zone City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide) The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m2 of gross leasable floor area.	5 spaces per 100m2 of gross leasable floor area.	City Living Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone (except for Bowden, Brompton or Hindmarsh)
Non-residential development excluding tourist accommodation	3 spaces per 100m2 of gross leasable floor area.	6 spaces per 100m2 of gross leasable floor area.	Strategic Innovation Zone in the City of Burnside, City of Marion or City of Mitcham Strategic Innovation Zone outside the City of Burnside, City of Marion or City of Mitcham when the site is also in a high frequency public transit area Suburban Activity Centre Zone when the site is also in a high frequency public transit area Suburban Business Zone when the site is also in a high frequency public transit area Business Neighbourhood Zone outside of the City of Adelaide when the site is also in a high frequency public transit area Suburban Main Street Zone when the site is also in a high frequency public transit area Urban Activity Centre Zone
Non-residential development excluding tourist accommodation	3 spaces per 100 square metres of gross leasable floor area 1.5 spaces per 100 square metres of gross leasable floor area above	3 spaces per 100 square metres of gross leasable floor area	Urban Neighbourhood Zone (in Bowden, Brompton or Hindmarsh)

	ground floor level other than for a shop		
Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	City Living Zone Urban Activity Centre Zone when the site is also in a high frequency public transit area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone (except for Bowden, Brompton or Hindmarsh)
Residential development			
Residential component of a multi-storey building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Strategic Innovation Zone in the City of Burnside, City of Marion or City of Mitcham Strategic Innovation Zone outside the City of Burnside, City of Marion or City of Mitcham when the site is also in a high frequency public transit area Urban Activity Centre Zone when the site is also in a high frequency public transit area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone (except for Bowden, Brompton or Hindmarsh)
Residential component of a multi-storey building	0.75 per dwelling	None specified	Urban Neighbourhood Zone (in Bowden, Brompton or Hindmarsh)
Residential flat building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Urban Activity Centre Zone when the site is also in a high frequency public transit area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood

			Zone (except for Bowden, Brompton or Hindmarsh)
Residential flat building	0.75 per dwelling	None specified	Urban Neighbourhood Zone (in Bowden, Brompton or Hindmarsh)
Detached dwelling	0.75 per dwelling	None specified	Urban Neighbourhood Zone (in Bowden, Brompton or Hindmarsh)
Row dwelling	0.75 per dwelling	None specified	Urban Neighbourhood Zone (in Bowden, Brompton or Hindmarsh)
Semi-detached dwelling	0.75 per dwelling	None specified	Urban Neighbourhood Zone (in Bowden, Brompton or Hindmarsh)

Table 3 - Off-Street Bicycle Parking Requirements

The bicycle parking rates apply within designated areas located within parts of the State identified in the Schedule to Table 3.

Class of Development	Bicycle Parking Rate Where a development comprises more than one development type, then the overall bicycle parking rate will be taken to be the sum of the bicycle parking rates for each development type.
Consulting room	1 space per 20 employees plus 1 space per 20 consulting rooms for customers.
Educational facility	For a secondary school - 1 space per 20 full-time time employees plus 10 percent of the total number of employee spaces for visitors. For tertiary education - 1 space per 20 employees plus 1 space per 10 full time students.
Hospital	1 space per 15 beds plus 1 space per 30 beds for visitors.
Indoor recreation facility	1 space per 4 employees plus 1 space per 200m2 of gross leasable floor area for visitors.
Licensed Premises	1 per 20 employees, plus 1 per 60 square metres total floor area, plus 1 per 40 square metres of bar floor area, plus 1 per 120 square metres lounge and beer garden floor area, plus 1 per 60 square metres dining floor area, plus 1 per 40 square metres gaming room floor area.
Office	1 space for every 200m2 of gross leasable floor area plus 2 spaces plus 1 space per 1000m2 of gross leasable floor area for visitors.
Child care facility	1 space per 20 full time employees plus 1 space per 40 full time children.
Recreation area	1 per 1500 spectator seats for employees plus 1 per 250 visitor and customers.
Residential flat building	Within the City of Adelaide 1 for every dwelling for residents with a total floor area less than 150 square metres, 2 for every dwelling for residents with a total floor area greater than 150 square metres, plus 1 for every 10 dwellings for visitors, and in all other cases 1 space for every 4 dwellings for residents plus 1 for every 10 dwellings for visitors.
Residential component of a multi-storey building	Within the City of Adelaide 1 for every dwelling for residents with a total floor area less than 150 square metres, 2 for every dwelling for residents with a total floor area greater than 150 square metres, plus 1 for every 10 dwellings for visitors, and in all other cases 1 space for every 4 dwellings for residents plus 1 space for every 10 dwellings for visitors.
Shop	1 space for every 300m2 of gross leasable floor area plus 1 space for every 600m2 of gross leasable floor area for customers.
Tourist accommodation	1 space for every 20 employees plus 2 for the first 40 rooms and 1 for every additional 40 rooms for visitors.
Schedule to Table 3	

Designated Area	Relevant part of the State The bicycle parking rate applies to a designated area located in a relevant part of the State described below.
All zones	City of Adelaide
Business Neighbourhood Zone Strategic Innovation Zone Suburban Activity Centre Zone Suburban Business Zone Suburban Main Street Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone	Metropolitan Adelaide

	Urban Corridor (Main Street) Zone Urban Neighbourhood Zone	

Attachment 1

19/8/2024
24-064

Assessment Manager
The City of Norwood,
Payneham and St Peters
PO Box 204
Kent Town SA 5071

New Development Application – Change of use from office to indoor recreation centre (fitness centre) at 16 Fullarton Road, Norwood

Dear Assessment Manager

I hope that you are well. I have been engaged by Ms Stevie-Ann Spencer to prepare a planning report for the proposed change of use from office to indoor recreation centre (fitness centre) at the above address.

Please find below an application summary of the key elements of the application followed by an initial review of the proposal.

Application summary

Development description	Change of use from office to indoor recreation centre (fitness centre)
Relevant Authority	Council
Zone	Suburban Business Zone
Subzone	N/A
Assessment Pathway	Code Assessed – Performance Assessed
Public notification (Table 5)	Yes, Table 5, 2 - site is adjacent to land used for residential purposes in a neighbourhood-type zone.
Overlay(s)	Yes
Referral(s)	Commissioner of Highways

Subject site and locality

The subject site is described in Certificate of Title Volume 5093 Folio 368 as being Allotment 1 in Filed Plan 100211.

The subject site is retangular in shape with a kink located approximately half way down the width. The site area is approximately 435 square metres.

The subject site has a dual frontage of approximately 10 metres to Fullarton Road and 9.1 metres to A rear private road. The site currently contains a previously used two storey office building and eight carpark spaces (five in front of the building and three behind).

The immediate locality comprises offices adjoining on the north, south and east. Residential properties are situated in a south-easterly direction.

Proposal

The application seeks to change the previous office use to an indoor recreation centre (fitness centre) maintain the existing on-site carpark.

The facility offers the following:

- Small group training classes,
- Open general gym use,
- Pilates,
- Yoga stretching, and
- A small ancillary creche for participants children only located on the second level.

The maximum number of participants to a class or the facility at any one time is 22, plus two staff.

The proposed hours of operation are:

- 5:00am-10:15am and 4:40pm-6:15pm Monday to Thursday,
- 5:00am-10:15am and 5:00pm-5:45pm on Friday,
- 7:00am-8:45am on Saturday, and
- Closed Sunday

No signage is proposed.

Public Notification

Table 5, 2 provides an exemption for any development with the exception of a site that is adjacent to a site used for residential purposes in a neighbourhood-type zone. A residential property is situated approximately 14m to the south-east which contains a dwelling and is located in the Established Neighbourhood Zone, meaning that public notification is required for the application.

Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO (i.e. the outcome can be met in another way):

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy **includes a standard outcome which will generally meet the corresponding performance outcome** (a designated performance feature or DPF). **A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome** and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies (emphasis added).

It is with the above approach in mind that I have assessed this development.

Suburban Business Zone

The proposed indoor recreation facility is not specifically listed in Designated Performance Feature (DPF) 1.1 however, is a land use type that is not dissimilar to other listed desired uses. The proposal is considered to have less external impacts than a motor repair station, retail fuel outlet and service trade premises. It is also noted that Performance Outcome (PO) 1.1 seeks 'other non-residential uses supported by a variety of compact, medium density housing and accommodation types'. The proposed change of use is non-residential in nature and will service the surrounding residential population and is therefore consistent with PO 1.1.

The proposed scale of the development confined within the footprint of an existing building is not considered to be excessive and will not present additional external impacts that currently exist and on this basis is not envisaged to adversely impact on the existing vibrancy and function of the existing and surrounding zones. The proposed gross leasable floor area is approximately 200m2, well below the 500m2 listed in DPF 1.2. On this basis the application is considered to satisfy PO 1.2.

The existing built form is not changing and therefore the 'Built Form and Character' and 'Building height and setbacks' policies are not relevant to the assessment.

The proposed indoor recreation centre is considered to be a reasonable form of development in the context of the site, locality and Suburban Business Zone.

Overlays (relevant)

- Traffic Generating Development Overlay – The proposal is not changing the access point or proposing an increase in volume that exceeds any of the listed development forms in the Overlay.

- Urban Transport Routes Overlay – The volume change of traffic accessing the site triggers a formal referral to the Commissioner of Highways. The application incudes a traffic report from

CIRQA Traffic Engineers which justifies the traffic impact and carparking provision of the proposal in relation to the Overlay policy.

General Development Policies (relevant)

- Interface between Land Uses – The applicant has engaged the services of National Noise & Vibration Acoustic Engineers who have provided a report assessing the acoustic impacts of the proposed change of use. The closest sensitive receiver (dwelling adjacent the site located to the south-east) will not be impacted upon negatively by the development as the use will be contained within the confines of the building. The acoustic engineer has recommended several conditions that will ensure that the Environment Protection Authority (EPA) in the *Environment Protection (Noise) Policy 2007* will be satisfied. This ensures that the application satisfies PO 1.2, DPF 4.1 and DPF 4.6.
- Transport, Access and Parking – The subject site is located within the Suburban Business Zone and is within 200m of Magill Road where high-frequency public transport services operate and is therefore within a 'Designated Area' for the purpose of carpark calculation. The submitted CIRQA traffic report provides justification for the existing access and carparking ratio for the proposal which in a 'Designated Area' seeks that non-residential development (of any form) provide a minimum of 3 spaces per 100m2 of gross leasable floor area; and a maximum of 6 spaces per 100m2 of gross leasable floor area. Given the existing building floor area is not being changed the existing carparking provision is acceptable and satisfies Table 2 and DPF 5.1(a).

Summary

Overall, the proposed change of use from office to indoor recreation centre (fitness centre) is a reasonable form of development in the context of the site, locality and Zone.

The submitted acoustic report demonstrates that the proposal will not have an adverse impact on sensitive receivers consistent with the EPA requirements. The CIRQA traffic report also demonstrates that the existing carparking provision satisfies Table 2 and the Code policy.

In my professional opinion the proposal demonstrates adequate merit to warrant the granting of planning consent.

We look forward to Council's favourable consideration of the application.

Yours sincerely,

Steve Tilbrook
Principal

ABN: 17 606 952 309 | PO Box 144, Glenside SA 5065 | E: info@cirqa.com.au

DRAWING AMENDMENTS

VER	DATE	DESCRIPTION	DWN	CHK
A	11/09/2024	PROPOSED SITE PLAN	RNM	CGB

C24399_02.DWG 11/9/2024 4:47 PM

N
1:100
@ A3

FITNESS CENTRE

16 FULLARTON ROAD, NORWOOD
DIMENSIONED SITE PLAN

PROJECT # 24399 SHEET # 02_SH01

ABN: 17 606 952 309 | PO Box 144, Glenside SA 5065 | E: info@cirqa.com.au

DRAWING AMENDMENTS

VER	DATE	DESCRIPTION	DWN	CHK
A	11/09/2024	TURN PATH ASSESSMENT	RNM	CGB

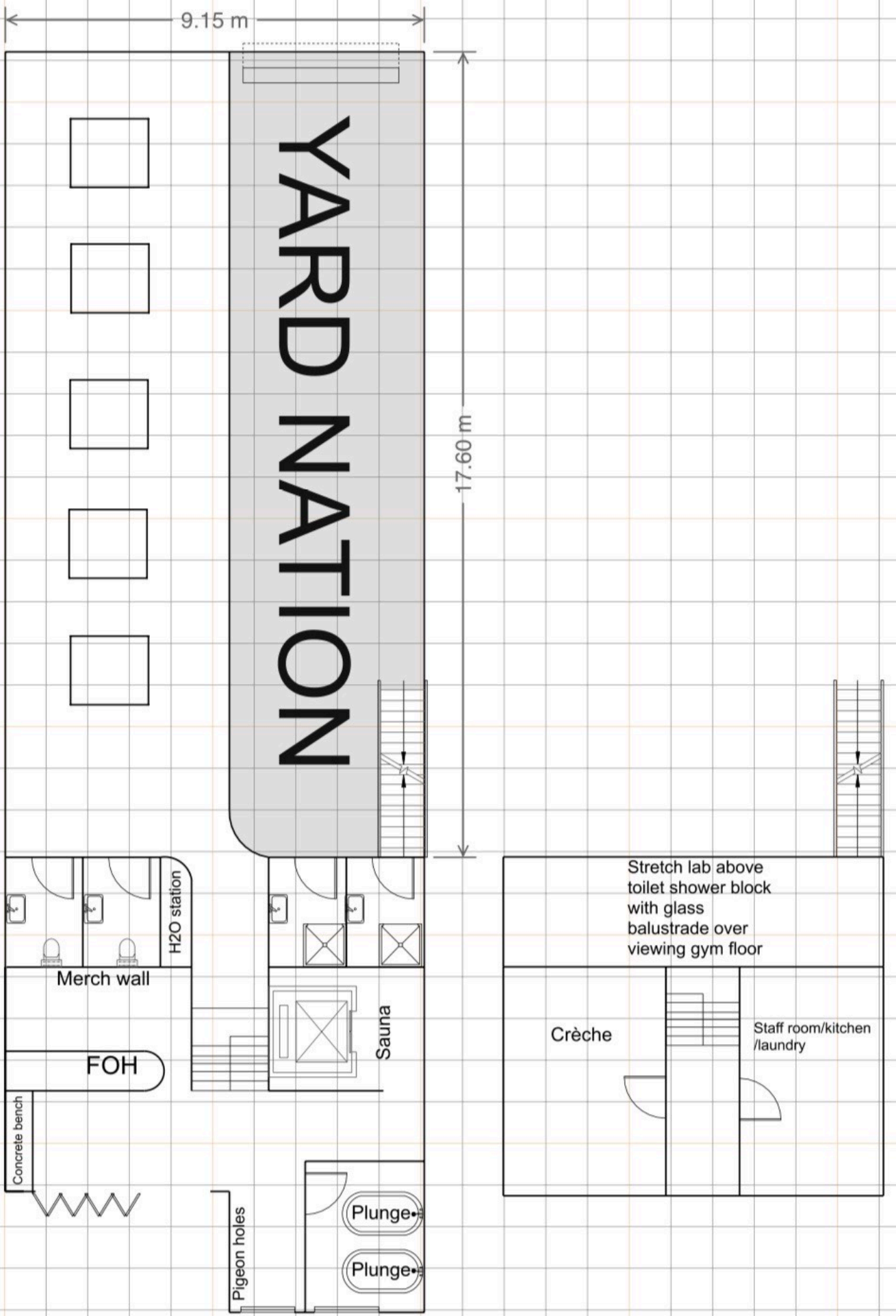
C24399_02.DWG 11/9/2024 4:48 PM

N
1:100
@ A3

FITNESS CENTRE

16 FULLARTON ROAD, NORWOOD
TURN PATH ASSESSMENT - EGRESS

PROJECT # 24399 SHEET # 02_SH03


9.15 m
17.60 m
YARD NATION
H2O station
Merch wall
FOH
Concrete bench
Sauna
Pigeon holes
Plunge
Plunge
Stretch lab above
toilet shower block
with glass
balustrade over
viewing gym floor
Crèche
Staff room/kitchen
/laundry

Ref: 24399|CGB

6 August 2024

Ms Stevie-Ann Spencer

By email: stevieannspencer@gmail.com

Dear Stevie-Ann,

PROPOSED FITNESS CENTRE
16 FULLARTON ROAD, NORWOOD

I refer to the proposed change-in-use from office to indoor recreation facility (fitness centre) of the site at 16 Fullarton Road, Norwood. As requested, I have undertaken a review of the traffic and parking aspects of the proposal. This letter summarises the assessment undertaken.

1. BACKGROUND

The subject site is located approximately 25 m south of the intersection Chapel Street and Fullarton Road, Norwood. The site is bounded by Fullarton Road to the west and commercial development on all other sides.

The site's current use is an office with a floor area of 350 m^2. Vehicle access to the site is currently provided via an existing two-way crossover on Fullarton Road (at which access is restricted to left-in/left-out movements only) and a common two-way crossover on Chapel Street (at which all movements are permitted). The site's Fullarton Road access point provides access to four off-street parking spaces (located in front of the site), whilst the Chapel Street access point provides access to a further three off-street parking spaces (located at the rear of the site). The Planning and Design Code identifies that the site is located within a Suburban Business Zone.

Fullarton Road is an arterial road under the care and control of the Department for Infrastructure and Transport (DIT). Adjacent the site, Fullarton Road comprises two traffic lanes and a bicycle lane in a northbound direction and a single traffic lane and a bicycle lane in a southbound direction. Northbound and southbound lanes on Fullarton Road are separated by raised median islands, with separated turn lanes provided at side-street intersections. Bicycle lane restrictions apply on both sides of the road at all times. Paved footpaths are provided on both sides of Fullarton Road, facilitating both pedestrian and

cyclist movements (cyclists are also able to ride within the bicycle lanes provided). A pedestrian refuge facility is located in front of the subject site on Fullarton Road. Traffic data obtained from DIT indicates that this section of Fullarton Road has an Annual Average Daily Traffic (AADT) volume in the order of 24,000 vehicles per day (vpd), of which approximately 1.5% are commercial vehicles. Adjacent the site, a 60 km/h speed limit applies on Fullarton Road.

Chapel Street is a local road under the care and control of the City of Norwood Payneham St Peters Adjacent the site, Chapel Street comprises an 8.5 m wide carriageway (approximate) with a single traffic lane in each direction. On-street parking is prohibited on the northern side of Chapel Street via 'No Stopping' line marking, whilst unrestricted on-street parallel parking is provided on the southern side. Paved footpaths are provided on both sides of Chapel Street, facilitating both pedestrian and cyclist movements. Cyclists are also able to ride on-road, sharing the carriageway with motor vehicles. A 40 km/h Area speed limit applies on Chapel Street.

Fullarton Road and Chapel Street form a priority-controlled (Give Way) T-intersection, with priority assigned to Fullarton Road. Movements at the intersection are restricted to left-in/left-out and right-in only by the median island on Fullarton Road.

Figure 1 illustrates the location of the subject site with respect to the adjacent road network.

Figure 1 – Location of the subject site with respect to the adjacent road network

2. PROPOSAL

The proposal seeks a change-in-use of the site use from office to indoor recreation facility (fitness centre). It should be noted that the proposal includes no amendments to existing access points or parking areas, nor does it propose any significant amendments to the site's existing building structures (i.e., only minor amendments are proposed to internal fixtures, cladding, signage and landscaping).

The Client advises that the proposed fitness centre will operate six days per week, with the proposed weekly class timetable shown in Table 1.

Table 1 – Proposed class timetable

	Monday to Thursday	Friday	Saturday
AM	5:00-5:45 am	5:00-5:45 am	7:00-7:45 am
	6:00-6:45 am	6:00-6:45 am	8:00-8:45 am
	7:00-7:45 am	7:00-7:45 am	
	9:30-10:15 am	9:30-10:15 am	
PM	4:30-5:15 pm	5:00-5.45 pm	
	5:30-6:15 pm		

CIRQA has been advised that classes will accommodate a maximum of 22 clients, with up to two (2) staff members on-site at any time (for the entire duration of the morning and afternoon sessions, respectively). It should be noted that class session start/finish times are proposed to be staggered by 15 minutes to limit on-site attendance to one class group at a time.

3. PARKING ASSESSMENT

The site is located within a Suburban Business Zone and within 200 metres of a road along which high-frequency public transport services operate (i.e. the Magill Road 'Go Zone' corridor is located approximately 130 m north of the site). Accordingly, as identified by the Planning and Design Code, the subject site is located within a Designated Area and the following (Deemed-to-Satisfy/Designated Performance Feature) parking rates apply to the proposal:

- non-residential development (excluding tourist accommodation):
  - minimum of 3 spaces per 100 m^2 of gross leasable floor area; and
  - maximum of 6 spaces per 100 m^2 of gross leasable floor area.

Given that the development proposes no change to the site's floor area, there is no change to parking requirements and therefore the status quo is retained.

4. TRAFFIC ASSESSMENT

The NSW RTA' "Guide to Traffic Generating Developments" (the RTA Guide), identifies peak period trip generation rates of 1.6 am and 1.2 pm peak hour trips per 100 m^2 of floor area for the site's existing office land use. Based on this rate, the site's existing use is forecast to generate in the order of 6 am peak hour and 5 pm peak hour trips. Given that the site comprises four (4) spaces accessed via Fullarton Road and three (3) spaces accessed via Chapel Street, it is estimated that at least 4 peak hour movements would typically occur via the site's Fullarton Road access point, and that (given that these movements would typically be associated with commuter activity) these movements would typically coincide with the network peak hour.

With regard to traffic generation associated with the proposed use, given that the types of indoor recreation facilities are many and varied, assessment of the traffic generation associated with such facilities is typically based on a 'first principles' assessment. Considering the number of clients and staff on site for each class (which are held at 60-minute intervals), it is estimated that the proposal would generate in the order of 44 peak hour movements by clients, assuming conservatively that each client accesses the site in a separate vehicle, and two (2) peak hour movements by staff, assuming that both staff members attending the site each generate a single ingress movement during the am peak hour and a single egress movement during the pm peak hour at the site. It is therefore forecast that the development has the potential to generate up to 46 movements in the site's am and pm peak hours on both weekdays and weekends.

Traffic data obtained from DIT indicates that this section of Fullarton Road has an am peak hour between 8:00 am and 9:00 am and a pm peak hour between 3:00 pm and 4:00 pm on weekdays. Given that the proposed class schedule does not include classes during these times, the site's peak hour would not coincide with the peak hour of Fullarton Road (and, based on the schedule, the development is forecast to generate negligible network peak hour movements).

Furthermore, it is proposed to designate two of the spaces accessed via Fullarton Road as 'staff only' spaces. Staff accessing these spaces will typically arrive before 7:00 am and leave after 10:15 am for morning classes and will typically arrive after 4:00 pm and leave after 6:00 pm for afternoon classes. Therefore, access to staff spaces (via the Fullarton Road access) would not occur during the network peak hours. The remaining two spaces within the parking area at the front of the site would be available to clients are forecast to generate in the order of four (4) peak hour movements (i.e. two ingress and two egress movements). Therefore, the development's forecast traffic generation at the Fullarton Road access point would be akin to the traffic generation associated with the site's existing office use.

The balance of client parking demand (conservatively forecast as demand for a further 20 vehicle spaces) would be accommodated within the parking area to the rear of the site (3 spaces) and on-street within the local street network in the vicinity of the site. However,

given the site's location in proximity to relatively densely populated residential areas in St Peters, College Park, Norwood and Stepney, it is likely that a proportion of clients would walk or cycle to and from the development.

The development's (conservative) forecast 46 peak hour movements would be distributed across the site's two access points and adjoining road network and are therefore expected to be adequately accommodated at the access points and adjacent intersections.

Notably, the designation of two staff spaces within the parking area accessed via Fullarton Road leaves only two spaces within this parking area for client use. This reduced parking capacity is likely to result in the Fullarton Road parking area being the least preferred parking area for clients, thereby minimising the number of movements that the development generates via Fullarton Road (and the Fullarton Road access point).

Based on the above discussion, it is considered that vehicle movements generated by the proposal will be readily accommodated on the adjacent road network with minimal impact upon its operation.

5. SUMMARY

The proposal comprises the change-of-use of the site at 16 Fullarton Road, Norwood, from office to indoor recreation facility (fitness centre). The proposal includes retention of existing building structures, access points and parking areas.

Given the site's location within a Designated Area and given that no changes are proposed to the site's floor area, the proposal results in no additional parking requirements.

With regard to the site's traffic generation, the proposed change-in-use will generate in the order of 46 movements during the site's peak hour (including up to 6 trips via the Fullarton Road access point). However, due to class scheduling, the development's peak hour will not coincide with the peak hour on the adjacent road network. Outside of the network peak hour, the development is forecast to generate in the order of 44 peak hour client movements, (including up to 4 movements via the Fullarton Road access point which is akin to the level of traffic associated with the site's existing office use). The level of traffic forecast to be generated by the development will be distributed across two access points and the adjacent local road network and is therefore expected to be adequately accommodated with minimal impact on adjacent roads and intersections.

Please feel free to contact me on (08) 7078 1801 should you require any additional information.

Yours sincerely,

CHRIS BENTICK
Senior Transport Planner | CIRQA Pty Ltd

NATIONAL NOISE & VIBRATION

16 FULLARTON RD, KENT TOWN SA 5067

GYM NOISE EMISSIONS ASSESSMENT

AUGUST 12, 2024

National Noise & Vibration
1300 617 439
engineering@nationalnoise.com.au
ABN 99 665 265 814

Project Information

Details	
Report Title:	GYM NOISE EMISSIONS ASSESSMENT
Address:	16 Fullarton Rd, Kent Town SA 5067
Client:	The Yard Gym
Attention:	Stevie Ann Spencer

Document Control

Reference	Issue Date	Revision	Prepared	Reviewed	Authorised
J0876	August 12, 2024	00	MS	MP	MP

TABLE OF CONTENTS

1 INTRODUCTION

National Noise & Vibration has been engaged by The Yard Gym to conduct an Gym Noise Emissions Assessment for the proposed gym located at 16 Fullarton Rd, Kent Town SA 5067.

The nearest noise sensitive receivers that may be impacted by noise emissions from the gym have been identified. This report also sets out recommendations (where deemed feasible and reasonable) to reduce any impact on the amenity of the adjacent noise sensitive receivers.

The potential noise emissions from the gym have been assessed against the requirements of:

- **South Australia Department of Planning**
  - Plan SA Planning and Design Code 2024.7
  - The Environment Protection (Commercial and Industrial Noise) Policy 2023
- **Association of Australasia Acoustical Consultants (AAAC)**
  - Guideline for Acoustic Assessment of Gymnasium and Exercise Facilities v.1.0

2 SITE DESCRIPTION

2.1 Project Description

The Yard Gym offers small group training classes. There is no open access to the gym outside of class hours. There are mainly two types of classes divided into two gym areas:

- Turf → Mixture of cardiovascular movements. The aim is to be working on the ability to sustain physical and mental stamina for an extended period of time.
- Rig → RIG sessions help build strength. They are focused on power, strength and endurance, spending a lot of time on "The Rig" focusing on a range of movement, functional and hypertrophy training.

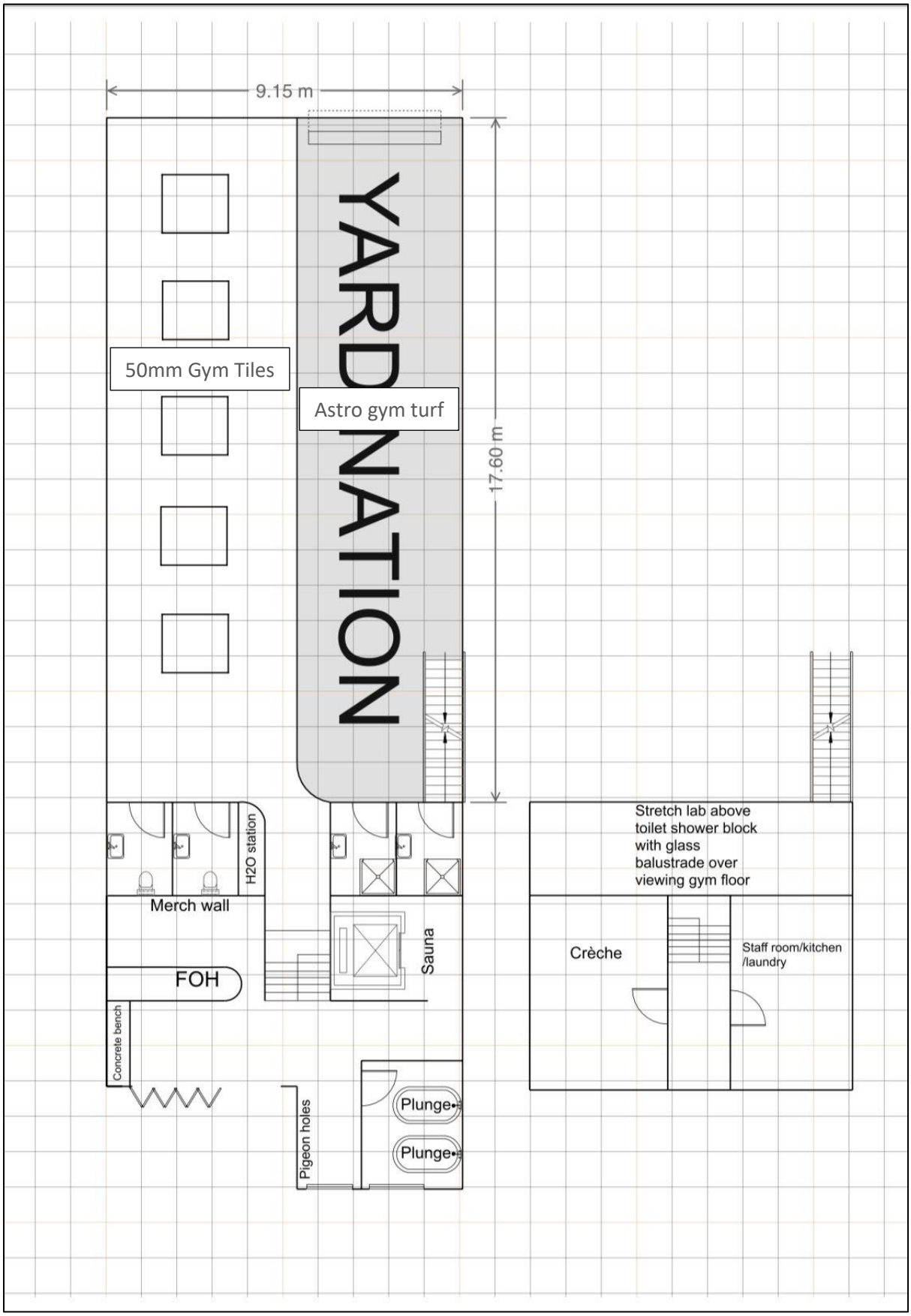
For two days a week there is also a Pilates and Yoga Stretching class which are not considered in the assessment since they're not expected to generate noise compared to the other classes.

It is understood that there is a maximum of 22 participants and 2 staff members at any given time. The operating hours of the gym are provided in Table 1 and a floor plan is provided in Figure 1.

Table 1 - Operational hours

Activity	Day of Week	Operating Hours
Rig & Turf	Monday - Thursday	5:00am – 5:45am
		6:00am – 6:45am
		7:00am – 7:45am
		9:30am – 10:15am
		4:30pm – 5:15pm
		5:30pm – 6:15pm
	Friday	5:00am – 5:45am
		6:00am – 6:45am
		7:00am – 7:45am
		9:30am – 10:15am
		5:00pm – 5:45pm
	Saturday	7:00am – 7:45am
		8:00am – 8:45am

Figure 1 – The Yard Gym Floor Plan



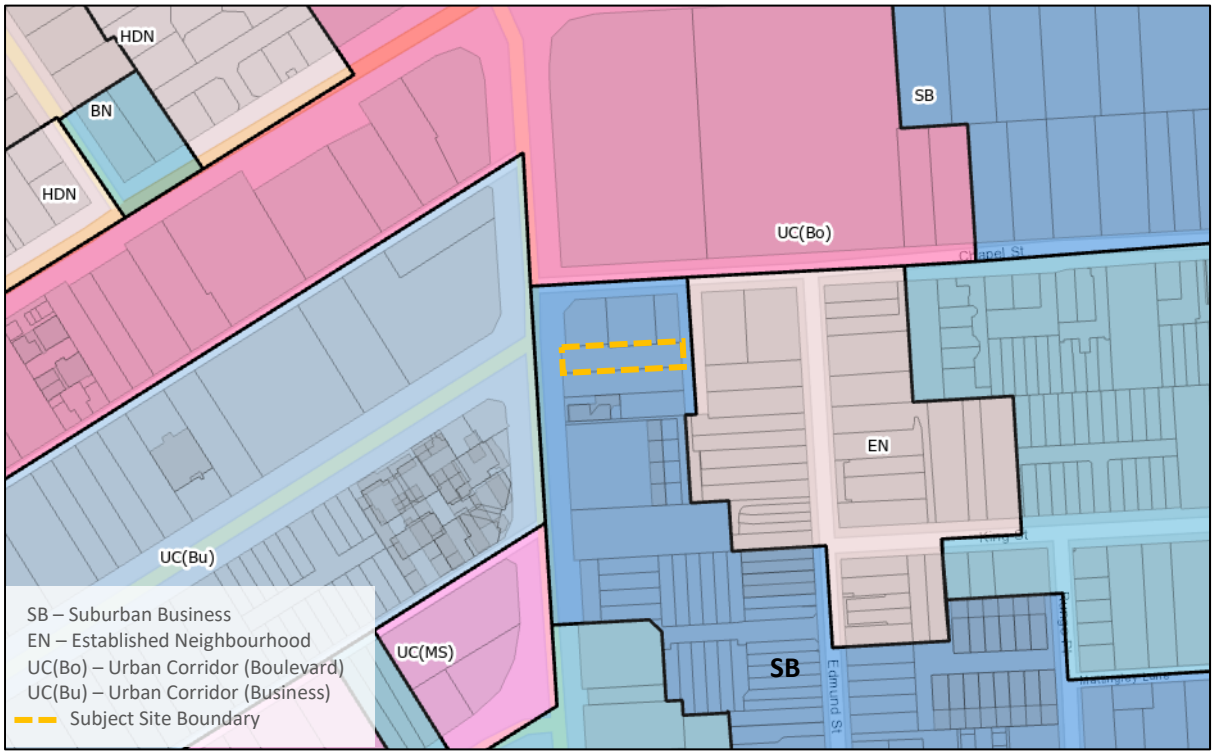
2.2 Project Locality

The gym is located on land zoned SB – Suburban Business. The subject site is bound:

- to the North and South by land designated as SB – Suburban Business.
- to the East by land designated as EN – Established Neighbourhood.
- Ti the West by land designated as UC(Bu) – Urbanc Corridor (Business).

The surrounding zoning areas have been presented within Figure 2.

Figure 2 – Zoning of surrounding areas (Sappa)



2.3 Nearest Noise Sensitive Receivers

The nearest noise sensitive receivers are summarised in Table 2 and presented in Figure 3.

Figure 3 - Aerial imagery of 16 Fullarton Rd, Kent Town SA 5067 (NationalMap)

Table 2 - Noise Sensitive Receivers Locations

ID	Type	Receiver Address
R1	Residential	12-16 Chapel St, Norwood SA 5067
R2		5 Edmund St, Norwood SA 5067
C1	Commercial	117 King William St, Kent Town SA 5067 (Offices)
C2		2-6 Chapel St, Norwood SA 5067 (Offices)
C3		18 Fullarton Rd, Norwood SA 5067 (Offices)
C4		11 Fullarton Rd, Kent Town SA 5067 (Massage centre)
C5		10 Chapel St, Norwood SA 5067 (Warehouse)

3 EXISTING AMBIENT NOISE LEVELS

3.1 Sound level Descriptors

Noise level descriptors used in the assessment are explained below. For analysing noise, the following descriptors are used:

- L_{90} is known as background noise. L_{90} is a statistical sound level which describes the percentage of times a sound level is exceeded. This parameter is used to set up the allowable noise levels for intrusive noise sources since the level of disturbance of the intrusive noise source will be dependent on how audible it is above the existing noise environment.
- L_{eq} is the equivalent sound level which represents the average noise level during a measurement period. L_{eq} describes a receiver's cumulative noise exposure from all events over a specified period of time for compliance assessment purposes.
- L_{01} is the noise level exceeded for 1% of the measurement period. During the measurement period, the noise level is below the L_{01} level for 99% of the time.

- L_{10} is the noise level exceeded for 10% of the measurement period. During the measurement period, the noise level is below the L_{10} level for 90% of the time. The L_{A10} is a common noise descriptor for environmental noise and road traffic noise.
- L_{Amax} is the maximum instantaneous noise level during a measurement period.
- A-weighted Sound Level (instantaneous) is the most common weighting used in noise measurements and it represents the frequency range detectable by the human ear. A-weighted is used for noise measurements and prediction purposes.

3.2 Representative Background Noise Levels

Background noise for the project locality is taken from Appendix A of AS1055-3 (Description and Measurement of Environmental Noise – Part 3: Acquisition of Data Pertinent to Land Use). This standard outlines estimated average background levels for different localities around Australia. Applicable Estimated Background Noise Levels are presented in Table 3.

Table 3: Background Noise levels (AS1055-3)

Location	Date	Estimated Background Noise Level, L_{90} dB(A)		
		Daytime (7am – 6pm)	Evening (6pm – 10pm)	Night-time (10pm – 7am)
Areas with dense transportation or with some commerce or industry	Monday to Saturday	55	50	45
	Sundays and Public Holidays	55	50	45

4 NOISE EMISSION CRITERIA

4.1 Planning and Design Code 2024.7

The gym is located within a Suburban Activity Centre. According to the Planning and Design Code 2024.7, in a Suburban Activity Centre Zone, developments such as indoor recreation facilities are allowed as long as they do not produce emissions that would detrimentally affect local amenity. The planning and Design Code refers to Part 4 – General Development Policies for the Deemed-to-satisfy Criteria relating to noise emissions:

Part 4 - General Development Policies

Interface Between Land Uses - Activities Generating Noise and Vibration:

Performance Outcome:

- *PO 4.1*
  - *Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).*
- *PO 4.6*
  - *Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.*

Deemed-to-Satisfy Criteria / Designated Performance Feature:

- *DTS/DPF 4.1*
  - Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria.
- *DTS/DPF 4.6*

- *Development incorporating music includes noise attenuation measures that will achieve the following noise levels.*

Assessment Location	***Music Noise Level***
Externally at the nearest existing or envisaged noise sensitive location	*Less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum (LOCT10,15 < LOCT90,15 + 8dB)*

4.2 Environment Protection (Commercial and Industrial) Noise Policy (EPP) 2023

4.2.1 Continuous Noise Sources Emission Criteria

According to DTS/DPF 4.1 of the SA Planning and Design Code 2023, noise affecting sensitive receivers (Except music noise) should achieve the noise limit criteria outlined in the EPP. The EPP uses land zoning to determine indicative noise levels that are used establish noise limit criteria.

Each land zone has principal land uses which determines the land use category of the zone. The proposed gym and nearest commercial receivers (C2, C3) are located in a Suburban Business Zone. Receivers C1 and C4 are located in a Urban Corridor (Business) Zone while receiver R1 and R2 are located within an Established Neighbourhood Zone.

According to the *Indicative noise factor guidelines for the Environment Protection (Commercial and industrial Noise) Policy 2023, the zones' land use categories are the following:*

- Suburban Business Zone → Residential, Light Industrial and Commercial Land Use Category
- Urban Corridor (Business) Zone → Light Industrial and Commercial Land Use Category
- Established Neighbourhood Zone → Residential Land Use Category

The noise source and commercial receivers C2 and C3 fall into the same land use category while residential receivers R1 and R2 and commercial receivers C1, C4 and C5 fall into a different category compared to the noise source.

According to Section 5 - *Indicative Noise Levels* of the EPP, the indicative noise level for a source is to be determined as follows:

4) *If the principal land uses under the relevant Planning and Design Code provisions for the noise source and the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises all fall within a single land use category, the indicative noise level for the noise source is the indicative noise factor for that land use category.*
5) *Subject to subclause (6), if the principal land uses under the relevant Planning and Design Code provisions for the noise source and the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises do not all fall within a single land use category, the indicative noise level is the average of the indicative noise factors for the land use categories within which those land uses fall.*
6) *Subclause (5) does not apply if the noise designated area in which the noise source is situated is separated from the noise designated area in which the noise-affected premises are situated by another noise designated area that is (on an imaginary straight line joining the noise source and the noise-affected premises) at least 100 metres wide, but instead subclause (4) applies as if the principal land uses under the relevant Planning and Design Code provisions for the noise source were the same as the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises.*

Table 4 - Indicative Noise Factors for Land Use Categories (Table 2 – EPP)

Land Use Category	Indicative Noise Factor dB(A)	
	Day (7:00AM – 10:00PM)	Night (10:00PM – 7:00AM)
Commercial	62	55
Residential	52	45
Light Industrial	57	50

Clause 19(3) of Part 5 of the EPP states that a predicted source noise level (continuous) for the development should not exceed the relevant indicative noise level less 5 dB(A).

Based on this, the noise emission criteria have been outlined in Table 5.

Table 5 – Established Noise Emission Criteria

Receiver	Receiver Land Use Category	Source Land Use Category	Predicted Source Noise Level Criteria = Indicative Noise Factor dB(A) – 5dB	
			Day (7:00AM – 10:00PM)	Night (10:00PM – 7:00AM)
C2 & C3	Residential, Light Industrial and Commercial	Residential, Light Industrial and Commercial	57 – 5 = **52**	50 – 5 = **45**
R1, R2, C5	Residential		(57 + 52)/2 = 54 54 – 5 = **49**	(50 + 45)/2 = 47 47 – 5 = **42**
C1 & C4	Light Industrial and Commercial		(57 + 60)/2 = 58 58 – 5 = **53**	(50 + 53)/2 = 51 51 – 5 = **46**

4.2.2 Music Noise Emission Criteria

Music Noise Emission Criteria presented in Section 4.1 is summarised in Table 6 below. The octave band spectrum for background noise has been taken from a different measurement conducted in a similar location and adjusted so that the overall noise level matched the overall levels presented in Table 3.

Table 6 – Music Noise Criteria for Nearest Receivers

Period	Parameter	Octave Band Frequency, Hz								
		31.5	63	125	250	500	1000	2000	4000	8000
Day	Background Noise Level L_{90}	24	34	39	45	48	51	49	44	37
	Criteria L_{10} = BG L_{90} + 8dB	32	42	47	53	56	59	57	52	45
Night	Background Noise Level L_{90}	14	24	29	35	38	41	39	34	27
	Criteria L_{10} = BG L_{90} + 8dB	22	32	37	43	46	49	47	42	35

4.3 AAAC Guideline for Acoustic Assessment of Gymnasium and Exercise Facilities v.1.0

For the purpose of this assessment, the L_{max} impulsive noise criteria have been taken from the AAAC guideline. These noise limits are assessed internally, not at the façade of the receiver.

4.3.1 Impulsive Noise Emissions to Residential Receivers

The following criteria applies to impulsive noise from weight-drops or other similar sources. Overall contributed L_{AFmax} within octave bands of interest (octave bands containing the impulse energy,

generally, 31.5 Hz to 250 Hz, as determined by the acoustic consultant) should not exceed the following levels:

L_{AFmax}(ΣOct,31.5-250Hz) ≤ 35 dB for daytime[1]
L_{AFmax}(ΣOct,31.5-250Hz) ≤ 30 dB for evening[2]
L_{AFmax}(ΣOct,31.5-250Hz) ≤ 25 dB for night-time[3]

Notes:

1. Daytime is 7am to 6pm
2. Evening is 6pm to 10pm
3. Night-time is 10pm to 7am* (*8am on Sundays and public holidays)
4. Justification would be required of the acoustician to vary any of the above

4.3.2 Impulsive Noise Emissions to Non-Residential Receivers

The following criteria applies to impulsive noise from weight-drops or other similar sources. Overall contributed LAFmax within octave bands of interest (octave bands containing the impulse energy, generally 31.5 Hz to 250 Hz, as determined by the acoustic consultant) should not exceed the following levels:

L_{AFmax}(ΣOct,31.5-250Hz) ≤ 40 dB for general uses[1]
L_{AFmax}(ΣOct,31.5-250Hz) ≤ 35 dB for sensitive uses[2]
L_{AFmax}(ΣOct,31.5-250Hz) ≤ 30 dB for critically sensitive uses[3]

Notes:

5. General uses may include office spaces and general working areas.
6. Sensitive uses may include private offices, classrooms, childcare and movie cinemas.
7. Critically sensitive uses may include noise sensitive laboratories and board rooms.
8. Justification would be required of the acoustician for the objective criteria adopted.

5 NOISE EMISSION ASSESSMENT

This section presents an analysis of noise emissions associated with the use of the gym to the nearest noise sensitive receivers based on the criteria established above.

5.1 Noise Modelling

Noise emissions levels at the nearest noise sensitive receivers have been calculated using computer-based 3D acoustic noise modelling software iNoise version 2023.1.1. iNoise utilizes ISO 9613 calculation algorithms to determine noise emission levels at the nearest affected noise sensitive receivers. The following assumptions have been included within the noise model:

- Distance attenuation.
- Atmospheric attenuation.
- Directivity.
- Ground absorption (G = 0)
- Barrier effects/screening.
- Ground Elevation Contours.

Noise contours have been generated to clearly identify the resulting noise level impacts at adjacent noise sensitive receivers at a height where the receiver is most impacted. Noise contours generated with iNoise can be found in Appendix A – iNoise Noise Contours.

Strutt acoustics has been used for calculations of noise transfer from the gym into the adjacent commercial units and from external noise level predictions to resultant internal noise levels at the receivers.

5.2 Operational Scenarios

In order to assess the worst-case operation of the gym, the following assumptions have been considered in the noise emission assessment:

- Noise emitted from the gym includes members, instructors, amplified music, equipment/machines and noise from mechanical units. All sources used in the assessment are presented in Table 7.
- All doors/windows and roller doors are closed.
- **Continuous Noise Emissions**
  - As a conservative approach, a total of 24 people (22 members and 2 instructors) are emitting noise, half with a normal and half with a raised voice.
  - Mechanical units running continuously. Two AC units mounted on the roof.
  - 4 rower machines being used, 4 bicycles being used, 4 ski machines being used, 4 treadmills being used all at the same time.
  - 7 vehicles are driving into site and leaving in the 15 min assessment period. Cars are idling in each car space for a few seconds.
- **Music Noise Emissions**
  - Music is continuously playing with a resultant internal sound pressure level as shown in Table 7.
- **Impulsive Noise Emissions**
  - 4 weight drops for each of these occurrences happening at the same time: Dead lift 80kg dropping onto gym tiles from knee height, Barbell dropping onto squat rack, 25kg dumbbell dropping on floor and 25kg kettlebell dropping on floor.

The noise modelling scenarios used for the noise emission assessment are outlined in Table 7. Scenarios are based on hours of operation of the gym and day and night period definitions as defined in the criteria in Section 4.

Table 7 - Gym Operational Scenarios

Criteria / Assessment	Scenario	Day of the Week	Operating Hours Day/Night	Noise Sources
Continuous Noise Emissions to Residential/Commercial Receivers	1	Monday to Saturday	Day	Members/Instructors Noise, Equipment/Machines, Mechanical Units, Vehicles
			Night	
Music Noise Emissions to Residential/Commercial Receivers	2		Day	Amplified Music
			Night	
Impulsive Noises to Residential Receivers	3		Day	Weight drops and other impulsive noises
			Night	
Impulsive Noises to Commercial Receivers	4		Day	

5.3 Noise Sources

The sound power levels of the AC unit servicing the gym has been taken from AC unit measurements conducted in the past. Sound power levels of human voices have been taken from AAAC – Licenced Premises Guideline v2. Amplified music, weight drops and machines reverberant sound pressure levels have been previously measured at other gyms of a similar size and layout. Octave band sound power levels and reverberant sound pressure levels used within the assessment are provided in Table

8. Octave band sound power levels and sound pressure levels are reported in A-weighting (Noise level perception of human ear).

Table 8 – Sources Sound Power Levels and Reverberant Sound Pressure Level

Noise Source	Total Sound Power Level, L_{Aw} dB(A)	Octave Band Frequency (Hz) Sound Power Levels dB(A)								
		31.5	63	125	250	500	1k	2k	4k	8k
Multi Split System AC Outdoor Unit	70	41	52	57	61	63	65	62	56	49
Car Running (10km/h)	81	45	61	65	66	70	76	74	74	69
Car Idling	73	33	48	53	59	62	65	70	65	57
Raised Voice 1 person	74	14	36	48	62	70	70	66	61	53
Normal Voice 1 person	66	9	27	38	56	62	60	57	53	46
Noise Source	**Total Reverberant Sound Pressure Level $L_{p\text{-}rev}$, dB(A)**	**Octave Band Frequency (Hz) Sound Pressure Levels dB(A)**								
		31.5	**63**	**125**	**250**	**500**	**1k**	**2k**	**4k**	**8k**
Amplified Music (L_{A10})	80	14	29	62	74	76	72	67	64	56
Ski Machine (L_{Aeq})	68	34	33	42	52	57	59	56	54	52
Rower Machine (L_{Aeq})	63	34	32	43	58	58	55	67	54	55
Bicycle (L_{Aeq})	63	36	42	50	55	61	60	58	54	46
Treadmill (L_{Aeq})	70	40	46	54	59	65	64	62	58	50
Dead lift 80kg dropping onto gym tiles from knee height (L_{Amax})	87	38	40	60	70	75	80	81	83	75
Barbell dropping onto squat rack (L_{Amax})	82	26	42	64	67	77	78	74	68	67
25kg dumbbell dropping on floor (L_{Amax})	83	53	73	77	73	77	76	75	67	61
25kg kettlebell dropping on floor (L_{Amax})	83	53	73	77	73	77	76	75	67	61

5.4 Predicted Noise Levels

Predicted noise levels at the façade of the nearest residential receivers are presented in this section. Each table corresponds to one of the scenarios established in Table 7, as it can be seen in the tables' titles.

Table 9 - Predicted Noise Levels at the Nearest Receivers (Scenario 1)

Receiver	Predicted External Noise Level, $L_{eq,t}$ dB(A)	Day Time Noise Criteria, $L_{eq,t}$ dB(A)	Night Time Noise Criteria, $L_{eq,t}$ dB(A)	Complies?	
				Day	Night
R1	31	49	42	✓	✓

R2	33			✓	✓
C5	44		(Commercial receiver not operational)	✓	
C1	35	53		✓	
C4	35			✓	
C2	49	52		✓	
C3	51			✓	

Table 10 - Predicted Noise Levels at the Nearest Receivers (Scenario 2)

Period	Parameter		Octave Band Frequency, Hz								
			31.5	63	125	250	500	1000	2000	4000	8000
Day	Predicted Music Noise Level L_{10}	R1	0	0	13	17	11	0	0	0	0
		R2	0	0	25	29	25	16	6	0	0
		C1	0	0	23	29	25	16	8	1	0
		C2	0	5	37	43	40	31	21	14	5
		C3	0	8	40	47	44	35	27	20	11
		C4	0	0	23	29	26	17	10	3	0
		C5	0	0	30	35	31	22	12	5	0
	Criteria L_{10} = BG L_{90} + 8dB		**32**	**42**	**47**	**53**	**56**	**59**	**57**	**52**	**45**
Noise Level Compliant?	R1		✓	✓	✓	✓	✓	✓	✓	✓	✓
	R2		✓	✓	✓	✓	✓	✓	✓	✓	✓
	C1		✓	✓	✓	✓	✓	✓	✓	✓	✓
	C2		✓	✓	✓	✓	✓	✓	✓	✓	✓
	C3		✓	✓	✓	✓	✓	✓	✓	✓	✓
	C4		✓	✓	✓	✓	✓	✓	✓	✓	✓
	C5		✓	✓	✓	✓	✓	✓	✓	✓	✓
Night	Predicted Music Noise Level L_{10}	R1	0	0	13	17	11	0	0	0	0
		R2	0	0	25	29	25	16	6	0	0
	Criteria L_{10} = BG L_{90} + 8dB		**22**	**32**	**37**	**43**	**46**	**49**	**47**	**42**	**35**
Noise Level Compliant?	R1		✓	✓	✓	✓	✓	✓	✓	✓	✓
	R2		✓	✓	✓	✓	✓	✓	✓	✓	✓

Table 11 - Predicted Noise Levels at the Nearest Receivers (Scenario 3)

Parameter		Octave Band Frequency, Hz			
		31.5	63	125	250
Predicted Impulse Noise Level L_{max}	R1 (External)	15 (Internal <25)	27 (Internal <25)	27 (Internal <25)	19 (Internal <25)
	R2 (External)	22 (Internal <25)	36 (Internal <25)	39 (Internal <25)	31 (Internal <25)
Day Criterion L_{AFmax} ≤ 35 dB		**35**	**35**	**35**	**35**
Evening Criterion L_{AFmax} ≤ 30 dB		**30**	**30**	**30**	**30**
Evening Criterion L_{AFmax} ≤ 25 dB		**25**	**25**	**25**	**25**
Compliant with Day Criterion?	R1	✓	✓	✓	✓
	R2	✓	✓	✓	✓
Compliant with Evening Criterion?	R1	✓	✓	✓	✓
	R2	✓	✓	✓	✓
	R1	✓	✓	✓	✓

Compliant with Night Criterion?	R2	✓	✓	✓	✓

Table 12 - Predicted Noise Levels at the Nearest Receivers (Scenario 4)

Parameter		Octave Band Frequency, Hz			
		31.5	**63**	**125**	**250**
Predicted Impulse Noise Level L_{max}	C1 (External)	21 (Internal <40)	35 (Internal <40)	37 (Internal <40)	31 (Internal <40)
	C2 (Internal)	13	23	29	21
	C3 (Internal)	13	23	29	21
	C4 (External)	22 (Internal <40)	35 (Internal <40)	37 (Internal <40)	31 (Internal <40)
	C5 (External)	28 (Internal <40)	42 (Internal <40)	45 (Internal <40)	37 (Internal <40)
Day Criterion L_{AFmax} ≤ 40 dB		**40**	**40**	**40**	**40**
Compliant with Day Criterion?	C1	✓	✓	✓	✓
	C2	✓	✓	✓	✓
	C3	✓	✓	✓	✓
	C4	✓	✓	✓	✓
	C5	✓	✓	✓	✓

6 DISCUSSION/RECOMMENDATIONS

The results of the noise emission assessment presented in Section 4.3 are indicative that noise emissions from the gym achieve compliance with the criteria at all times.

6.1 Management Plan

The AAAC guideline for gymnasiums facilities includes a section containing suggestions on mitigations and managements measures which may be incorporated into exercise facilities. To ensure noise impacts are kept at a minimum, the following recommendations are suggested to be, if not already, incorporated into the gym's noise management plan.

The key measures to be implemented are as follows:

1. A management plan incorporating measures to protect the acoustic amenity of the surrounding area should be implemented by the proprietor. Such a management plan should outline policies and procedures to ensure noise emission from patrons/members are kept to a minimum.
2. Ensuring the glass windows/doors are kept closed at all times (other than when patrons/members enter and exit the premises.
3. The erection of clear signage at all entries and exits advising patrons/members that they must not generate excessive noise when entering and leaving the premises.
4. Staff monitoring the behaviour of patrons/members within the subject premises and as they enter/exit to ensure noise emission of patrons/members is kept to a minimum
5. Restricting the use of low frequency speakers (sub-woofers) and ensuring any full range speakers are isolated from building structure.
6. The noise level of background music should be kept to an appropriate level, to enable speech intelligibility, and to ensure patrons/members are not required to raise their voices.
7. For pin & plate loaded weights equipment it is recommended to incorporate springs into equipment where feasible. Although unlikely to offer such treatments without prompting or specific request, most manufacturers/suppliers of pin and plate loaded weights equipment

are now able to fit springs and/or soft rubber supports/mounts to the pin and plate loaded weights equipment they supply.

8. It is recommended that any free weights equipment is positioned as close as practical to the most rigid part of the subject tenancy. Such locations are likely to be next to load bearing walls or as close as practically possible to structural columns. Further, weights areas should be located away from residences located directly above, below or adjacent
9. Where possible cardio equipment should also be placed as close as practical to the most rigid locations within the tenancy, however this is less critical than the location of the free weights and pin and plate loaded weights equipment.
10. The use of weights (dumbbells, barbell, kettlebells, plates and medicine balls) and pin/plate loaded machines is to be restricted to specific areas where appropriate impact isolating flooring has been installed.
11. Any frames and equipment fasteners should be decoupled from the building structure via the use of a resilient pads or sleeves.
12. The facility's Plan of Management should also include a procedure for handling complaints. This procedure should involve recording and promptly addressing all complaints. Timely discussions between the complainant and operator are encouraged, as cooperation often leads to swifter resolution. Minimum information to be recorded includes the complainant's location, typical intrusion time, and nature of the offending noise. The operator should investigate potential sources of complaints through representative testing and measurements where feasible and reasonable. Additional noise mitigation and management measures may be necessary to reduce and manage the disturbance effectively.

7 CONCLUSION

National Noise & Vibration has conducted a noise emission assessment for noise associated with The Yard Gym to be located at 16 Fullarton Rd, Kent Town SA 5067.

Noise emissions from the gym have been assessed and are expected to be compliant with the noise emission criteria outlined in Section 4.

Please contact us if you have any further queries.

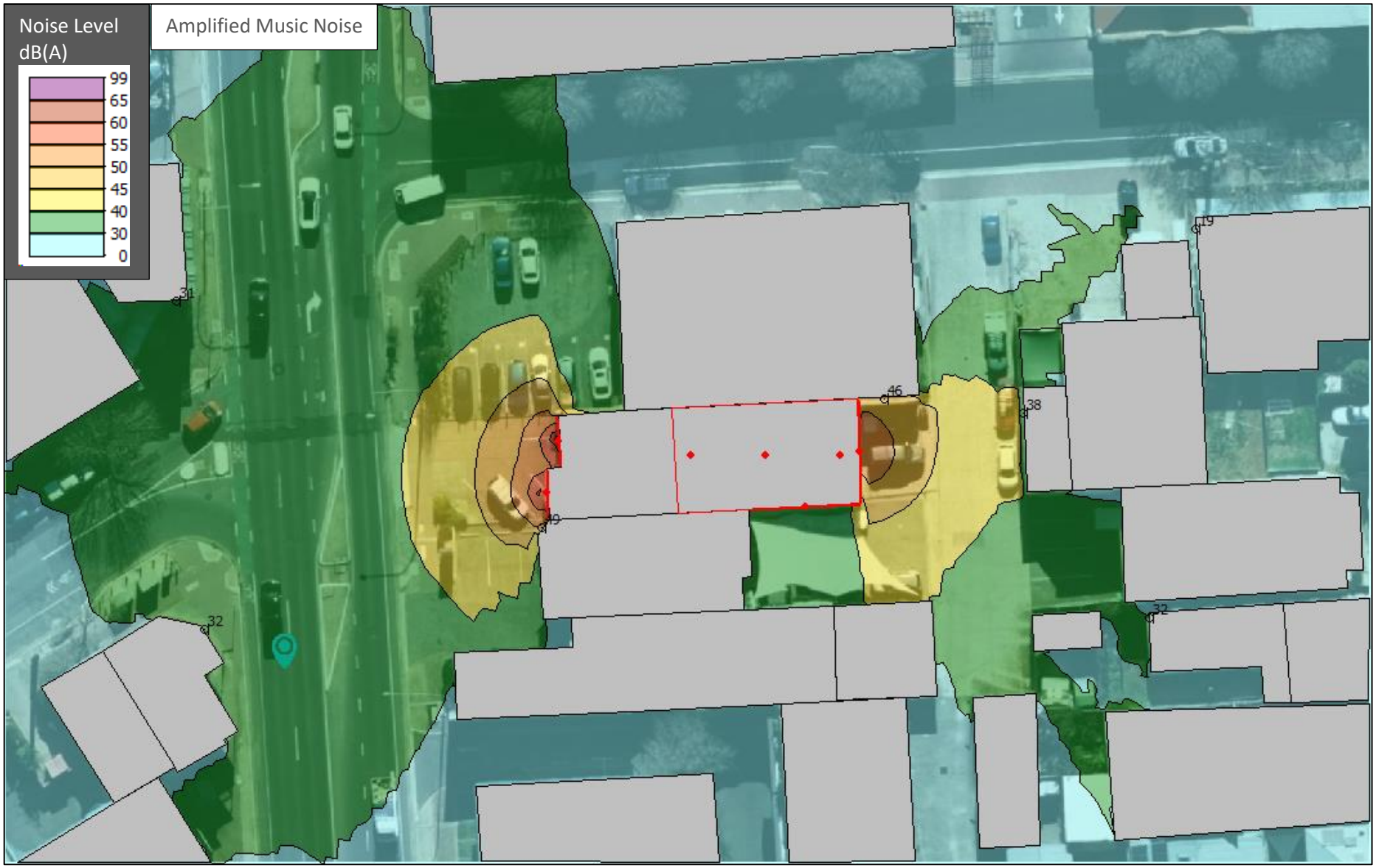
Sincerely,

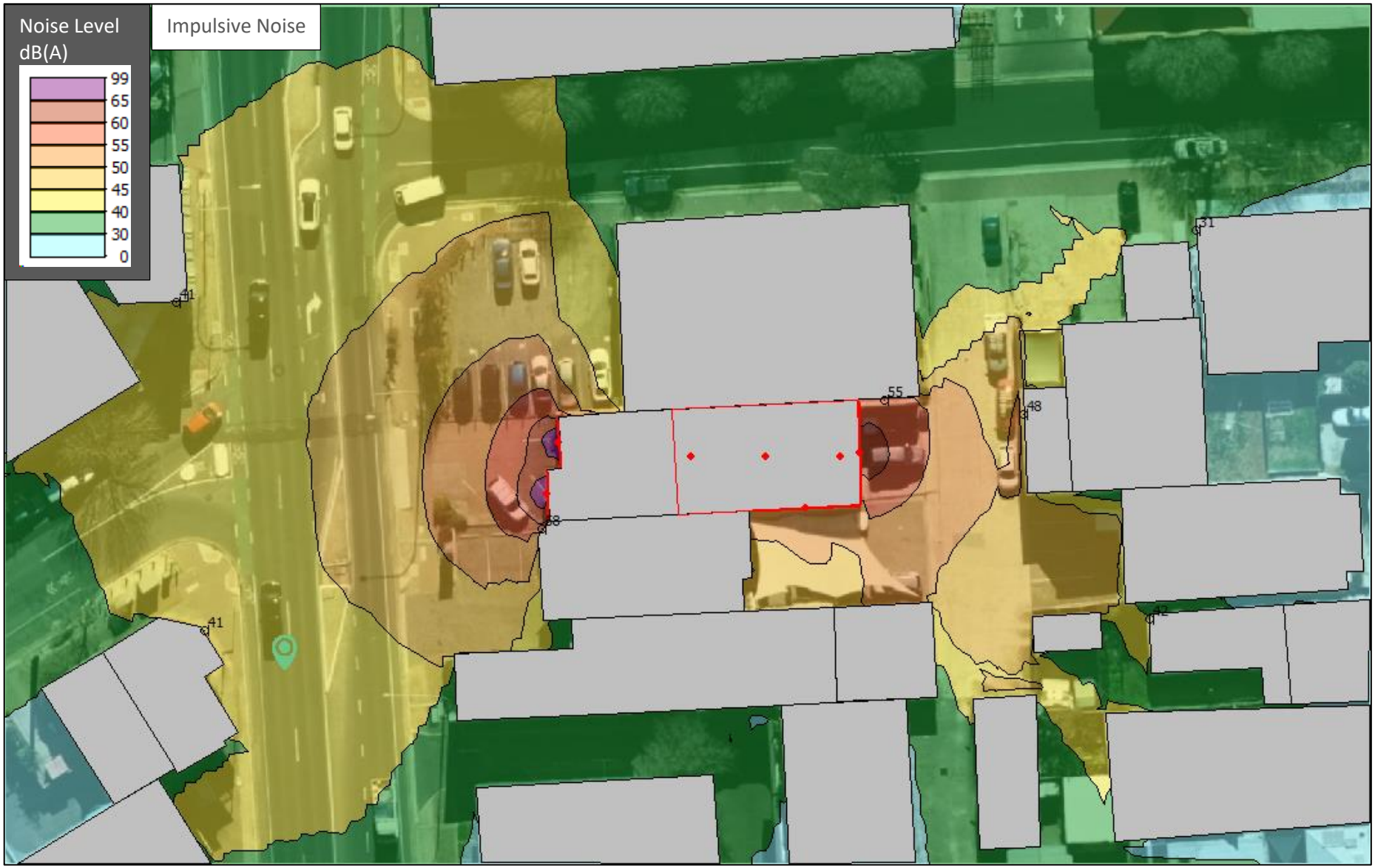
Michael Phillips

Head of Engineering
M.A.A.S.
MArchSc (Audio & Acoustics), AssocDeg (Audio Eng.)

P (02) 9199 9689
E hello@nationalnoise.com.au
W www.nationalnoise.com.au

Appendix A – iNoise Noise Contours

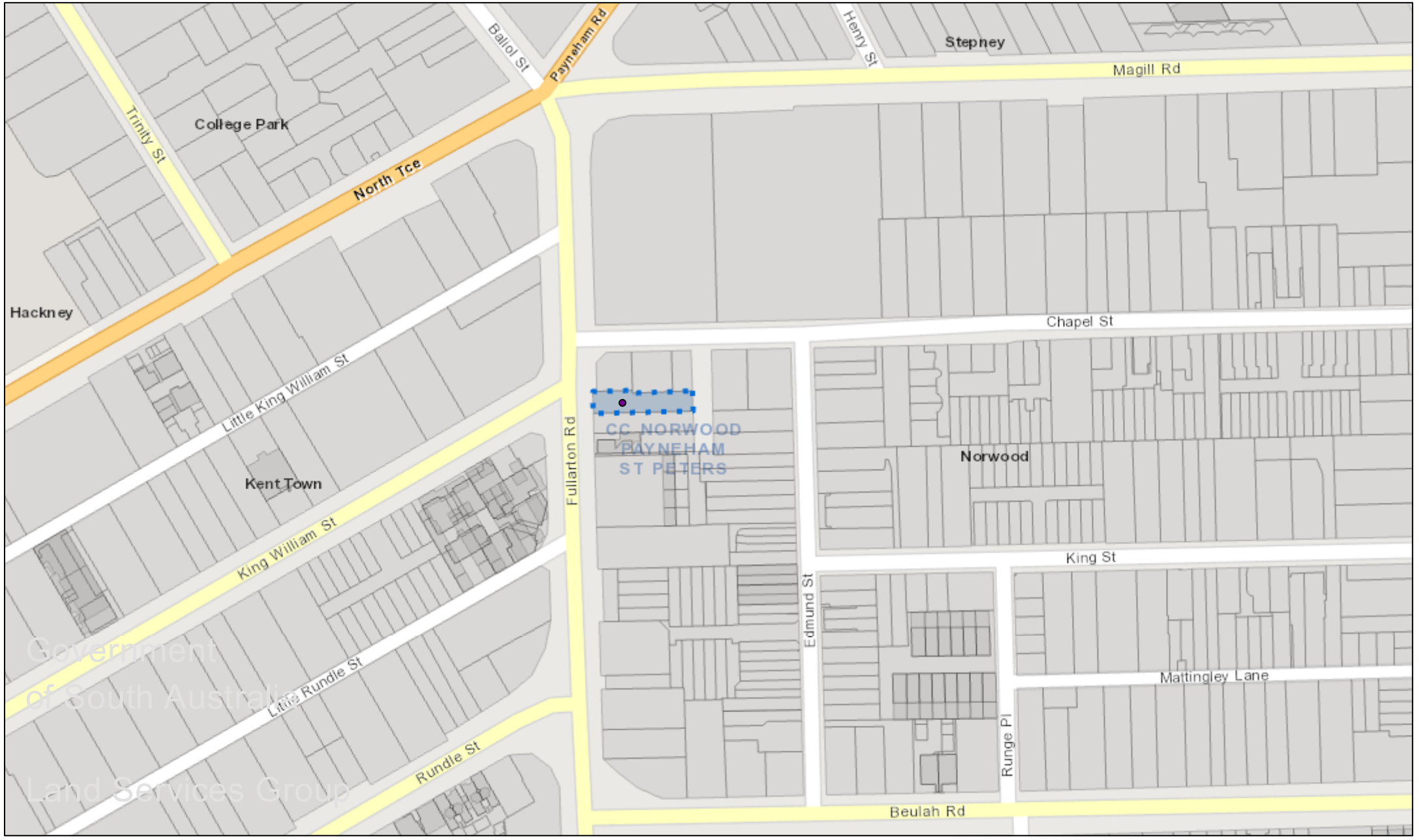

Noise Level dB(A)
99
65
60
55
50
45
40
30
0
Amplified Music Noise
31
32
49
46
38
19
32


Noise Level dB(A)
99
65
60
55
50
45
40
30
0
Impulsive Noise
41
55
48
31
58
41
42

SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

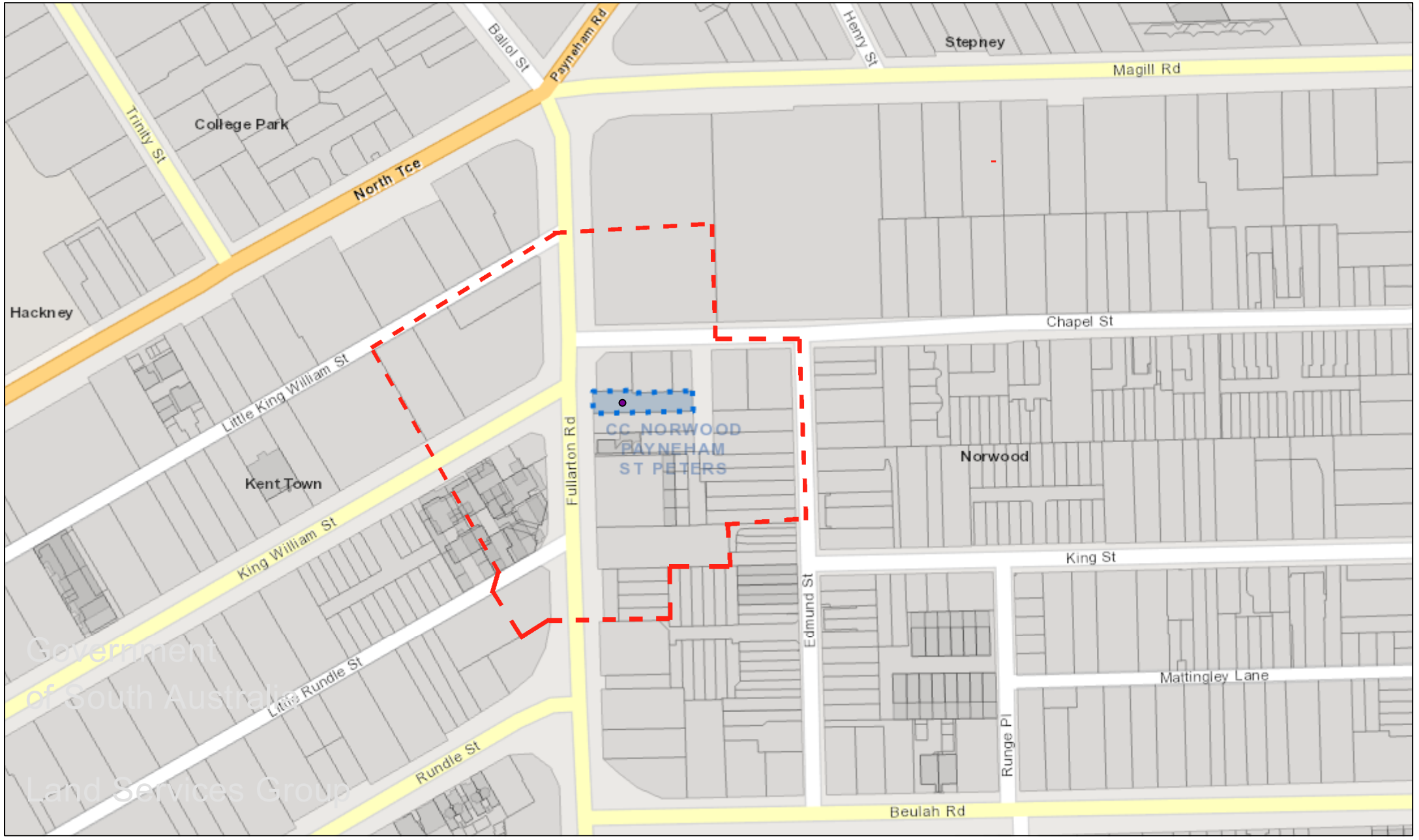
Subject Land Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

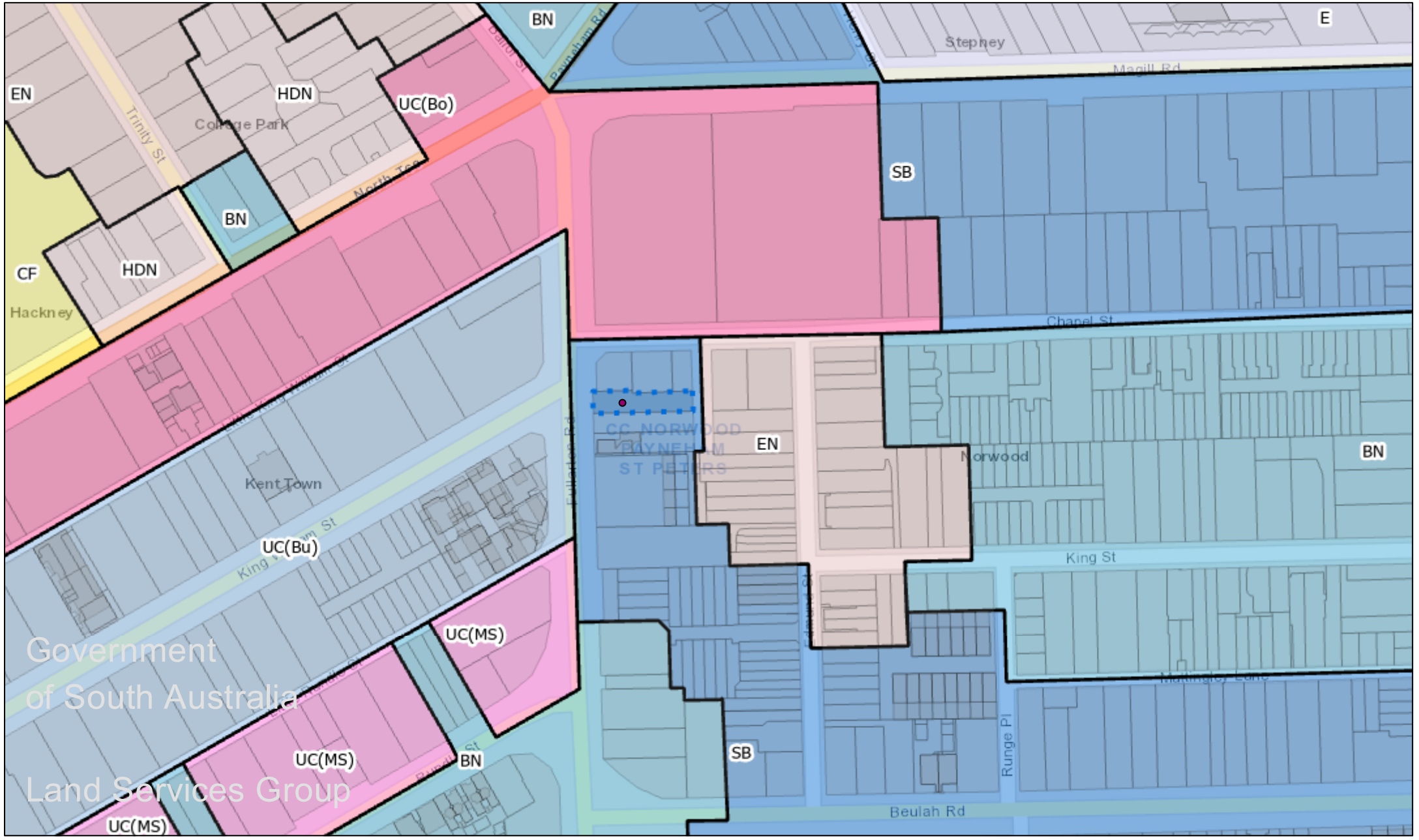
Locality Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Zoning Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Representation Map

Details of Representations

Application Summary

Application ID	24026013
Proposal	Change of use to an indoor recreation centre (fitness centre)
Location	16 FULLARTON RD NORWOOD SA 5067

Representations

Representor 1 - Lui Schipani

Name	Lui Schipani
Address	Ground Floor: 18 Fullarton Rd NORWOOD SA, 5067 Australia
Submission Date	01/10/2024 08:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

To whom it may concern, My concern around this Change of Use, is the traffic management. The report states, 'The maximum number of participants to a class or the facility at any one time is 22, plus two staff.' Page 2 The report then proceeds to summarize, 'Sites' traffic generation, the proposed change-in-use will generate in the order of 46 movements during the site's peak hour (including up to 6 trips via the Fullarton Road access point).' Page 5 The reasoning that 5 customer car parks can service 22 customers does not match the commercial reality. If we were to assume that 50% walk or ride, please note that I am been generous, the reasoning is that 5 customer car parks can service 11 customers, still does not match the commercial reality. It does not take into consideration human behaviour. You have five car parks available for customers. The report does not take into consideration Exit, Crossover times and existing business occupancies (within the adjoining buildings). Exit: Via Fullarton Road – the driver must reverse out onto Fullarton Road, to be able to exit, which is dramatically different from a forward motion. Via the rear lane – during the peak times for the Gym, also represents the peak times for surrounding businesses which are mainly occupied by companies in the building industry, whose employees (tradespeople) are preparing for the days' work, unloading/ loading tools/equipment etc… The report does not take into consideration crossover times for classes, that attendees will often turn up ten minutes early, stay ten minutes later after class or perhaps stay on to use the other gym facilities. The On-street car parking is congested by local residents who leave their cars on the street because they have no garaging or the garages are too small for their vehicles combined with the staff of nearby businesses. This is supported by councils' actions to limit On-street car parking by installing timed zones and residential permits zones. It is a monthly occurrence for to me to ask random people who have parked in our staff or customer parks to move, so that our staff and clients have somewhere to park. The report does not take 'real world use' into consideration or management thereof, the commercial reality is that many of the Gym customers will occupy the car parks of adjoining properties. If council is going to support the Change of Use, I would ask that they can demonstrate the management of the issues raised, reflective of commercial reality, here in Norwood, South Australia for a Gym. Applying average statistics using the 'NSW RTA' "Guide to Traffic Generating Developments" for existing office land use, page 4, is substantially different to that of a Gym.

Representations

Representor 2 - Helen Parker

Name	Helen Parker
Address	5 Edmund Street NORWOOD SA, 5067 Australia
Submission Date	30/09/2024 10:53 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

Good Morning, I have serious concerns about change of use to a fitness studio. My main concern is parking and the use of the private lane way. The application shows that the building has 8 car parks yet the premises may have up to 24 people on site. The lane way is a private lane way and when there has been issues in the past regarding access and parking, the Council has advised that they have no jurisdiction over the lane way and therefore cannot help with any issues, similarly the Police adopt the same approach and say it is a civil matter. Previously the Burnside Calisthenics Studio operated in the lane way with non stop problems of access to our property blocked and considerable noise from mainly parents standing out the back. Secondly the 5.00am start will impact our household as there is fitness centre on Chapel Street that operates with excessively loud music and participants running up and down the streets carrying equipment. PLEASE do not approve this application. Regards, Helen Parker

Attached Documents

Representations

Representor 3 - Malcolm Hockley

Name	Malcolm Hockley
Address	7 Edmund St NORWOOD SA, 5067 Australia
Submission Date	21/10/2024 07:25 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The building in this application is a Besser concrete block box which become massive "boom-boxes' when amplified music/loud noise is emitted. The suggestion that noise stops at a boundary is highly fanciful! Parking is a joke in this area, there is not enough available parking for existing tenants/businesses & over the years I have lived here have experienced not being able to exit my own property due to those people who believe that inconveniencing others is their rightful place in life. Since the first class commences at 5.00 a.m. may I suggest the person who thinks that bus services operate at this time of day needs to learn a little bit about the subject before making such a ludicrous statement. The rear parking abuts a private laneway which is an unrestricted right-of way meaning there is no free parking in that area. If this development is approved there needs to be ENFORCEABLE conditions placed upon the use of the building, not just council okaying a change of time or noise.

Attached Documents

Representations

Representor 4 - Dimitrios Mitris

Name	Dimitrios Mitris
Address	PO Box 3121 UNLEY SA, 5061 Australia
Submission Date	22/10/2024 08:01 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Dear Sir/Madam, RE: OBJECTION TO DEVELOPMENT APPLICATION FOR GYMNASIUM ON FULLARTON ROAD I am writing to formally oppose the development application for a proposed gymnasium on 16 Fullarton Road, Norwood. As the landlord of the property at 2-20 Magill Road, which runs through to Chapel Street, I have significant concerns regarding the impact this business will have on both my premises and the surrounding area. Below are my primary objections: 1. %%Inadequate Parking Provision%%: The proposed gymnasium is slated to provide only six parking spaces, which is grossly insufficient for a facility of this nature. Off-street parking along Chapel Street is also usually full at all times from residents. Presumably, the trainers/ owners will require two spaces – leaving only four spaces for customers (and a maximum class size of 22). As a result, I anticipate significant overflow of vehicles onto my property, as we are already dealing with an ongoing issue of unauthorized parking by patrons of neighboring businesses. We have had to repeatedly evict vehicles from our premises, and allowing this gym to open will only exacerbate this problem. 2. %%Existing Parking Conflicts%%: The development directly behind the proposed gymnasium and next door to it has consistently caused parking issues, with vehicles intruding on our car parks. The addition of a gymnasium with insufficient parking capacity will undoubtedly worsen the situation, placing an undue burden on our tenants and the lawful use of our property. 3. %%Saturation of the Market%%: There is already an existing gymnasium approximately 200 meters away from the proposed site. Given the proximity of this competitor, it raises questions about the viability and necessity of another gym in such close quarters. Oversaturation of gyms in this area could lead to business failures, leaving behind vacant and neglected properties, which could further degrade the local environment. 4. %%Traffic Disruption%%: The influx of cars during peak morning hours will create traffic congestion, particularly with vehicles turning into this property from Fullarton Road Street. This is likely to cause further disruption to the flow of traffic on a busy thoroughfare, posing a safety risk to both pedestrians and drivers. This will impact not just our premises but the broader neighborhood, resulting in a diminished quality of life for residents and businesses alike. Given the overwhelming evidence that this development will negatively affect parking availability, traffic flow, business viability, and local amenity, I urge the Council to reject this application in the interest of protecting the quality of life and business operations in the area. I appreciate your attention to this matter and trust that the concerns raised will be given due consideration. Yours faithfully, Jim Mitris Mitrac Pty Ltd

Attached Documents

Representations

Representor 5 - Sandra Ross

Name	Sandra Ross
Address	9 Edmund Street NORWOOD SA, 5067 Australia
Submission Date	22/10/2024 09:49 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

Reasons

The noise assessment doesn't seem to take into consideration the roller door/rear door being opened during gym sessions. Can the applicant please clarify the noise that will be emitted when the door is open? Specifically, the impact on residents on Edmund Street (numbers 7-13 Edmund Street) and all four units at 6 Chapel Street? My concern is that the doors at the back will be opened during operation, especially if it's a hot day and if this is the case, the noise will obviously become more of a nuisance than stated in the assessment. I have lived at 9 Edmund Street for over 20 years and have witnessed many different types of tenants at this location. Whilst the types of operations have varied, we have always experienced issues with cars blocking access in some way to our garages. My access to my garage is the same for all of the units at 6 Chapel Street and 11a, 11b, and 13 Edmund Street. I would like the owner to have a mechanism ensuring that their attendees do not block access to our properties's garages. We have experienced loitering from people going to these premises, sometimes spilling into our garage area. Again, it would be preferable if the gym owner has a way of managing their attendees, ensuring they give due consideration to the private residences, ensuring that they don't spill into the area where our garages are to, for example, have conversations or utilise it for exercising (ie running into the garage area as part of a circuit). The application states that it assumes that most of the attendees will be taking the bus or walking to the gym and for those that don't, they will take advantage of the parking on Chapel and Edmund Streets. The parking on Edmund Street is well utilised by not only residents on Edmund Street, but visitors to Edmund Street, and people who work on Fullarton Road, Chapel Street and the businesses adjacent to Mitre 10/House & Garden. Without a doubt, there will be increased utilisation of the parking on Edmund Street. Whilst I understand that the assumptions made in the application are from a recognised "standard", the reality is that it will have an impact on those of us who live here. From a practical, realistic perspective, the owner will need to understand that parking will be an issue.

Attached Documents

Representations

Representor 6 - Car Francis

Name	Car Francis
Address	Unit 1 6 Chapel Street NORWOOD SA, 5067 Australia
Submission Date	07/10/2024 04:30 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

As the owner of Unit 1/6 Chapel Street, Norwood (located directly behind the 22 Fullarton Road commercial property), my home is accessed via the common driveway which runs behind the proposed development. The common driveway is shared by 5 commercial properties and 10 residential properties - it is an extremely busy thoroughfare. As the 16 Fullarton Road property only has 8 designated car parks (5 at the front and 3 at the rear), I am concerned that the car parking provision is insufficient for a business of the nature proposed. I am supportive of the development if, as the proponent claims, there will not be any noise level or carparking issues which impact the amenity of my family home. If, however, there are issues I will expect appropriate action to be taken to remedy this.

Attached Documents

Representations

Representor 7 - Dale Smith

Name	Dale Smith
Address	UNIT 3 6 CHAPEL STREET NORWOOD SA, 5067 Australia
Submission Date	16/10/2024 05:40 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Please see attached submission	

Attached Documents

RepresentationFromDaleSmith-9511323.pdf

Tala Aslat

From: Dale Smith
Sent: Wednesday, 16 October 2024 1:58 PM
To: Development Assessment
Subject: Fwd: Application 24026013 (Change of use)
Attachments: Image 1.jpeg; Image 2.jpeg; Image 3.jpeg; Image.jpeg; IMG_4716.jpg

Apologies please see the edited image.
Image number 3 was marked in the wrong location.
The yellow circle now indicates correctly where our homes are located.

Apologies

---------- Forwarded message ---------
From: **Dale Smith**
Date: Wed, 16 Oct 2024 at 10:27
Subject: Application 24026013 (Change of use)
To: <developmentassessment@npsp.sa.gov.au>

To whom it may concern,

I have tried submitting my - Disagreeance to the above application of a change of use but the page will not allow me to submit it.

In relations to 16 FULLARTON RD NORWOOD SA 5067

This is the attached email to the document so I am sending it here.

I will also submit a short version of this in the document to tick the box in the submission form.

To whom it may concern

I am writing to formally express the concerns and what I believe to be unconsidered to the proposed gym operations at 6 Chapel Street. I and my fellow neighbours believe we have not adequately considered the impact on the surrounding residential area, particularly the ten households located nearby 30-40 mtrs away from the main gym. Highlighted on supporting documents to this application.

1. **Impact on Local Residents**: The current plans do not account for the proximity of our homes to the gym. Our homes 1,2,3,4,of 6 Chapel street (Mixed housing and commercial zone) that are located less than 30 -40 mtrs away from the main operations and working gym space and none of these or the surrounding houses across from us that face Edmund street (Residential zone) whose living space is also only 30 - 40 mtrs from this space have been considered. The noise generated from heavy equipment, music, and trainers' voices will significantly disrupt our homes. We are already able to hear noise from the gym at crossfit east adl (100mtrs away) which operates similarly, and this new facility will only exacerbate the situation. The sound and DB evaluations are not fair or true to the actual sounds received in these areas and the impact on DB around these areas.

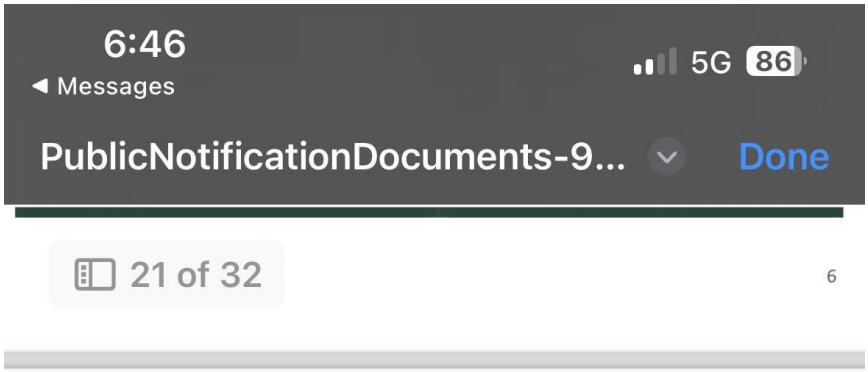
Estimated DB is 55-50 db at different times of the day according to your evaluations.However , I have run a sound meter and found that these estimations are out by 5 DB on both. The actual on site DB is 45-50 at various times. This has a great impact on how loud the radio and gym noise can be and needs a major re evaluation.

2. **Access Issues**: Access to our homes is already problematic, and the addition of this gym will worsen the situation. The influx of gym-goers, especially during peak class times, will result in inadequate parking and potential blockage of driveways, as evidenced by previous instances with other facilities in the area. This space is a shared space and driveway to our properties.
3. **Parking Concerns**: There is no adequate assessment of parking for this gym. With 25-30 patrons likely arriving by car, the existing street parking is already insufficient. During peak hours, our streets are fully occupied, and the gym's seven designated parking spaces will not accommodate the expected volume of traffic. I do not believe the 'Assumption' by council that people will arrive on foot , public transport or bike is a fair or thought out assumption. This is an international gym that people travel across town for and with the way of life these days people are to busy to take the time before or after work to travel any other way than by car and I do not think council has taken into account the possibility of 180 + cars a day entering this street or in the rear of the gym (Shared access space/driveway) or around this gym. Implications like this are already happening at Norwood green with the issue of parking for Aldi with the cafes and the gym on Magill road REVL training where people are crossing the road in droves disrupting traffic and risking injury to get to their cars in Aldis already loaded car park.
4. **Outdoor Equipment and Activities**: This gym is a CrossFit style gym that often leads to equipment being taken outside, especially on warm days. This not only increases noise levels but also raises further concerns about access (as well as above point 3) and safety in the surrounding area. I do not believe the council has considered or even researched what type of gym this is or what impacts these gyms have to surrounding zones.
5. **Historical Context**: In the past, the council permitted a dance class in a nearby (or the exact same) warehouse, which resulted in significant access issues and noise complaints, as noted in all points above. With the proposed gym expecting up to 180 participants over three classes twice a day, the potential for similar disturbances is substantial and has not been considered by council which can be seen in any of the documentation none of these homes mentioned have even been documented or evaluated.

   I have attached Photos showing the disregard of our homes and showing that these have not been considered in regards to the noise in your evaluations.

Given these concerns, I urge the council to re-evaluate the plans for a gym in this building, to better consider the impact on local residents. A thorough assessment of noise, access, and parking is essential before any further approval of this gym be considered.

Thank you for your attention to this matter. I look forward to your prompt response.



- L_{10} is the noise level exceeded for 10% of the measurement period. During the measurement period, the noise level is below the L_{10} level for 90% of the time. The L_{A10} is a common noise descriptor for environmental noise and road traffic noise.
- L_{Amax} is the maximum instantaneous noise level during a measurement period.
- A-weighted Sound Level (instantaneous) is the most common weighting used in noise measurements and it represents the frequency range detectable by the human ear. A-weighted is used for noise measurements and prediction purposes.

3.2 Representative Background Noise Levels

Background noise for the project locality is taken from Appendix A of AS1055-3 (Description and Measurement of Environmental Noise – Part 3: Acquisition of Data Pertinent to Land Use). This standard outlines estimated average background levels for different localities around Australia. Applicable Estimated Background Noise Levels are presented in Table 3.

Table 3: Background Noise levels (AS1055-3)

Location	Date	Estimated Background Noise Level, L_{90} dB(A)		
		Daytime (7am – 6pm)	Evening (6pm – 10pm)	Night-time (10pm – 7am)
Areas with dense transportation or with some commerce or industry	Monday to Saturday	55	50	45
	Sundays and Public Holidays	55	50	45

4 NOISE EMISSION CRITERIA

4.1 Planning and Design Code 2024.7

The gym is located within a Suburban Activity Centre. According to the Planning and Design Code 2024.7, in a Suburban Activity Centre Zone, developments such as indoor recreation facilities are allowed as long as they do not produce emissions that would detrimentally affect local amenity. The planning and Design Code refers to Part 4 – General Development Policies for the Deemed-to-satisfy Criteria relating to noise emissions:

Part 4 - General Development Policies

Interface Between Land Uses - Activities Generating Noise and Vibration:

Performance Outcome:

- *PO 4.1*
  - *Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).*
- *PO 4.6*
  - *Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.*

Deemed-to-Satisfy Criteria / Designated Performance Feature:

- *DTS/DPF 4.1*
  - Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria

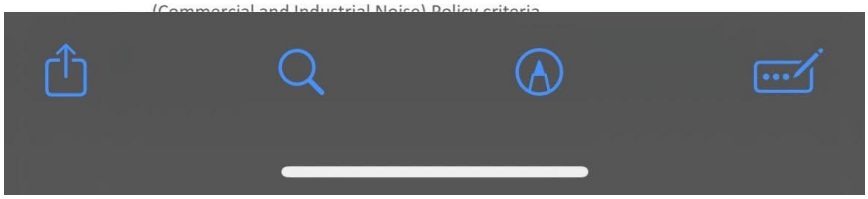
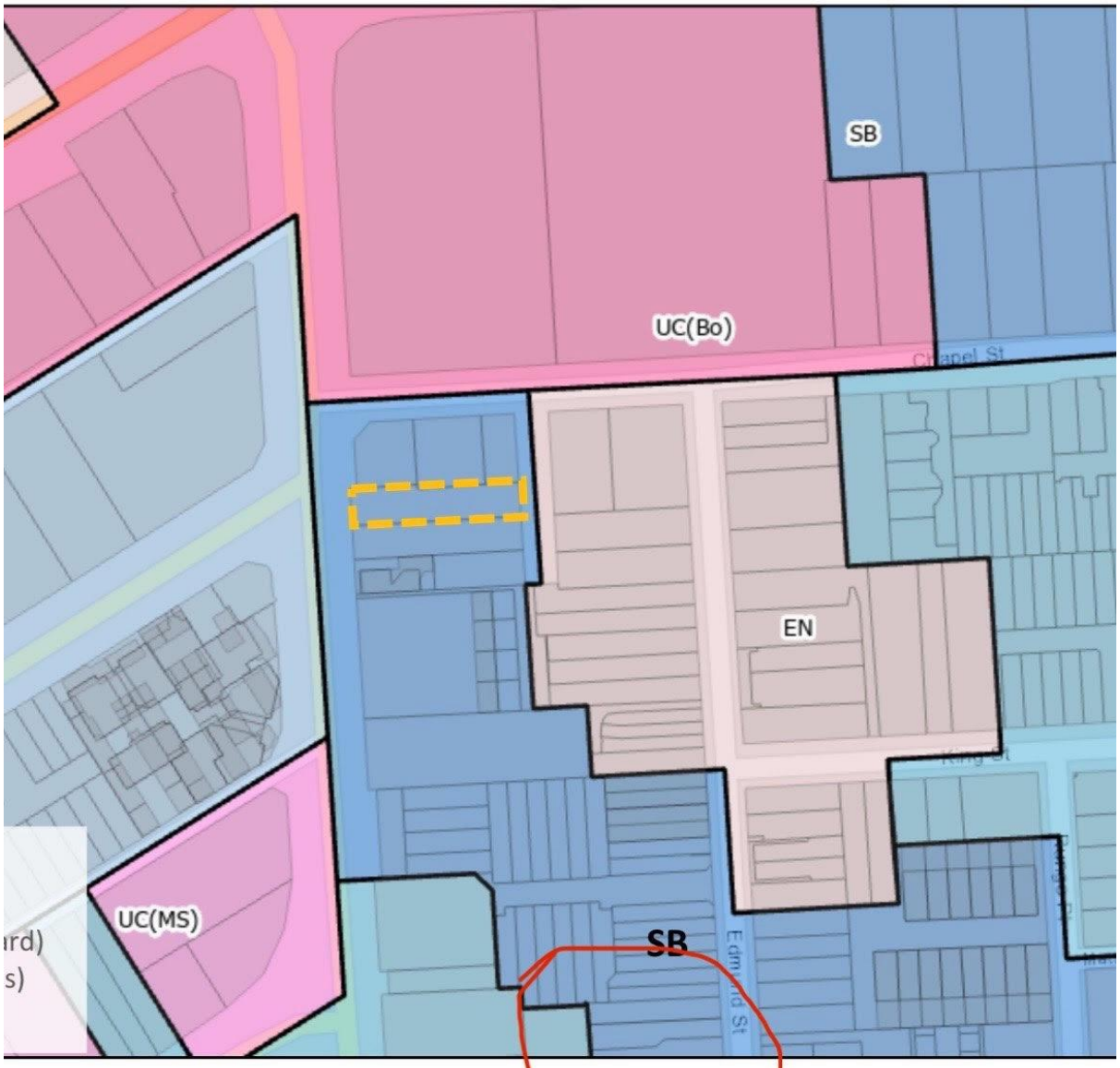


Figure 3 - Aerial imagery of 16 Fullarton Rd, Kent Town SA 5067 (NationalMap)

d designated as UC(Bu) – Urbanc Corridor (Business).

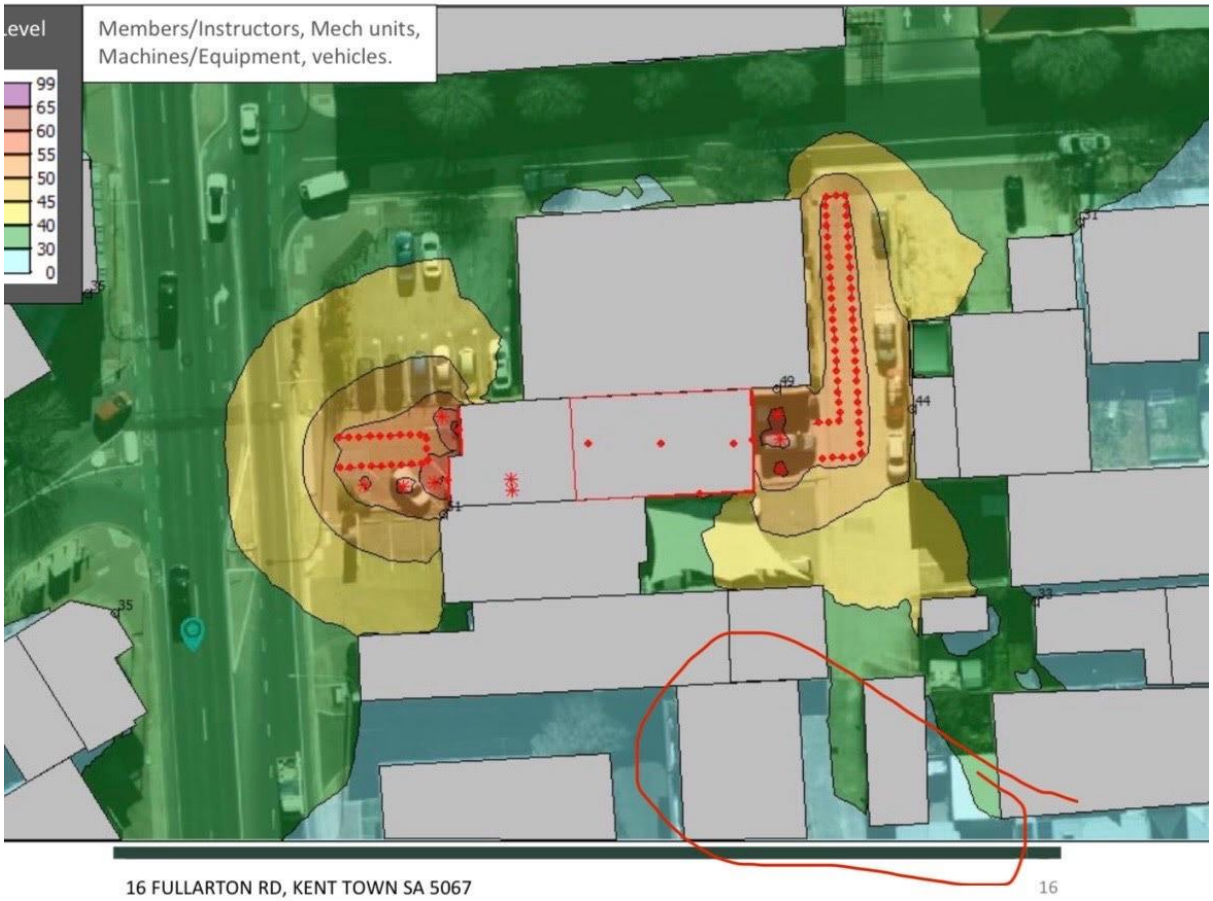
eas have been presented within Figure 2.

Figure 2 – Zoning of surrounding areas (Sappa)



tive Receivers

e receivers are summarised in Table 2 and presented in Figure 3.

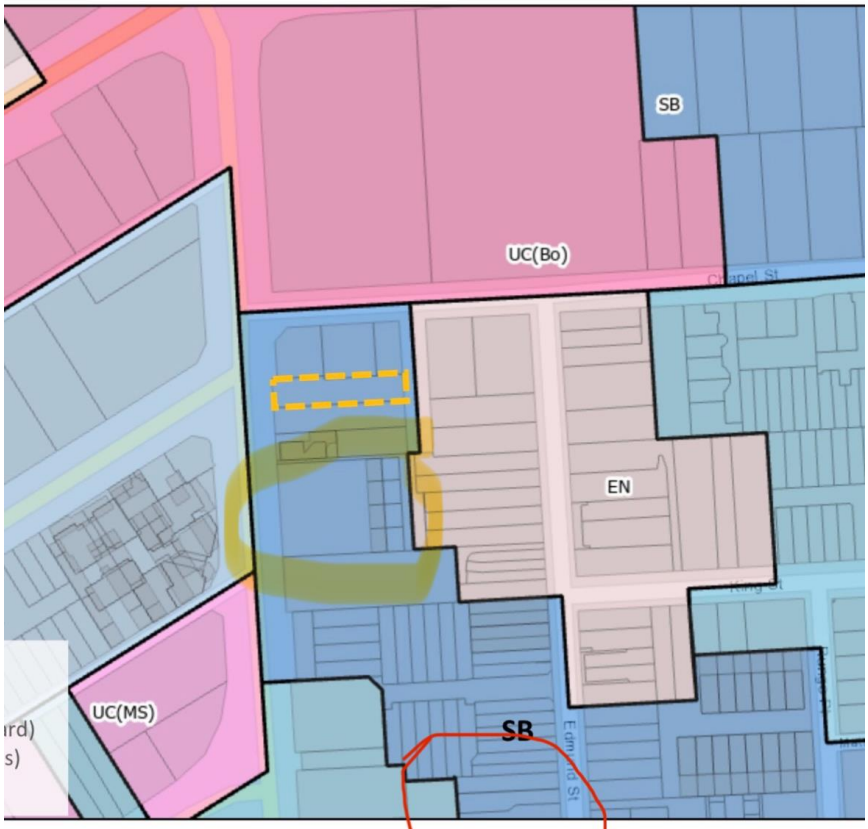

Level
99
65
60
55
50
45
40
30
0
Members/Instructors, Mech units,
Machines/Equipment, vehicles.
16 FULLARTON RD, KENT TOWN SA 5067
16

[redacted]

d designated as UC(Bu) – Urbanc Corridor (Business).

eas have been presented within Figure 2.

Figure 2 – Zoning of surrounding areas (Sappa)



tive Receivers

e receivers are summarised in Table 2 and presented in Figure 3.

[redacted]

28/10/2024
24-064

Mr Kieran Fairbrother
Senior Planning Officer
City of Norwood, Payneham and St Peters Council

Response to Representation – Development application 24026013 – Change of use to an indoor recreation facility (fitness centre) at 16 Fullarton Road, Norwood

Dear Kieran

I hope that you are well. Please find below a response to each of the issues raised in the seven representations received following public notification of the above application.

A summary of each representation and the issues raised follows:

1. **Representor – Lui Schipani** – Oppose the development, does not wish to be heard by the Panel. Address – 18 Fullarton Road, Norwood.

    - Traffic management concerns relating to the provision of five on site carpark spaces not being adequate for 22 customers and two staff.
    - Concern with the exit of vehicles reversing onto Fullarton road.
    - Customers will park on adjoining properties, in particular during change over of classes.

2. **Representor – Helen Parker** – Oppose the development, wishes to be heard by the Panel. Address – 5 Edmund Street, Norwood.

    - Main concern of parking and the impact on the rear laneway and five carparks for 24 people on site at one time.
    - Past issues with management of traffic on rear laneway which is a civil issue, not a police or Council managed issue.
    - 5:00am start time will impact on household based on another fitness centre on Chapel Street causing acoustic impacts.

3. **Representor – Malcolm Hockley** – Oppose the development, does not wish to be heard by the Panel. Address – 7 Edmund Street, Norwood.

    - Besser concrete block building construction will become a boom-box with amplified music played inside.

- Car parking concerns currently occur in the area, issues with property being blocked by parked cars.
- Bus times do not operate at 5:00am.
- No free parking available on the rear laneway.

4. **Representor – Dimitrios Mitris** – Oppose the development, does not wish to be heard by the Panel. Address – PO Box 3121 Unley, SA, 5061 and landlord of 2-20 Magill Road, Norwood.

    - Inappropriate parking provision on site with off-street parking on Chapel Street usually full creating additional flow on parking (unauthorised) on 2-20 Magill Road which is already an issue.
    - Saturation of gyms in the local market.
    - Traffic distribution and congestion during class change over times.

5. **Representor – Sandra Ross** – Support the development with some concerns, wishes to be heard by the Panel. Address – 9 Edmund Street, Norwood.

    - Noise impacts resulting from the roller door being left open during hot weather.
    - Car impacts parking on the rear laneway blocking residents access to their properties.
    - The rear laneway should not to be used by staff and gym attendees to congregate or run gym sessions.
    - Inadequate parking on surrounding streets will lead to parking issues.

6. **Representor – Car Francis** – Support the development with some concerns, does not wish to be heard by the Panel. Address – Unit 1 6 Chapel Street, Norwood.

    - The rear laneway provides access to 5 commercial and 10 residential properties.
    - Eight designated on-site carpark spaces are unlikely to be sufficient for the development and if this, or noise impacts, occurs the operator will need to address.

7. **Representor – Dale Smith** – Oppose the development, does not wish to be heard by the Panel. Address – 7 Edmund Street, Norwood.

    - Impact on local residents through noise from heavy equipment, music and trainers voices will significantly disrupt homes in close proximity. The DB evaluations are not fair or true to the actual sounds received by homes close by. The DB ratings are not 55-50 as stated in the acoustic report, these are actually 45-50 and therefore the proposed acoustic impact from the gym needs a major revaluation.
    - Access issues to existing homes is already an issue which the proposed gym will worsen. The rear laneway will become more busy.
    - On site parking is inadequate for the proposal. The existing street parking is already insufficient. Gym goers will not attend the site by walking, public transport or by bike. Attendees will come from across town resulting in congestion and carparking issues.

- Outdoor equipment and activities will increase noise impacts on the locality. Council should investigate the type of gym and the activities further.
- In a historical context a dance class was permitted in this building , or an adjoining building, which resulted in significant access issues and noise complaints. The true impact of this development on surrounding homes has not been evaluated as yet by Council.

The concerns raised by representors can be grouped into the following key issue headings:

- Carparking/traffic impacts
- Acoustic impacts
- Hours of operation
- Impact on rear laneway
- Saturation of gyms in the area

Following is a response to each of the issues raised:

Carparking/traffic impacts

The applicant has engaged the services of CIRQA Traffic Engineers to review the proposed development. CIRQA are an experienced traffic consultancy who often provide specialised traffic advice for developments and act as expert witness' in the Environment, Resources and Development Court.

In terms of carparking rate the location of the site within the Suburban Business Zone, and Designated Area, seeks carparking rates for non-residential development (excluding tourist accommodation) at a rate of minimum 3 spaces and maximum 6 spaces per 100m2 of gross leasable floor area. The proposed change of use from an office to indoor recreation facility (gym) does not change the non-residential floor area of the building and therefore the required rate of on-site carparking provision does not change, resulting in no additional carparking spaces required.

Many of the representors raised concern with lack of carparking available on surrounding streets which has been reviewed. King William Street contains 2 hour on street carparking on both sides of the road. Chapel Street contains on street carparking opportunities on the southern side of the road. Edmund Street contains on street carprking opportunities on the eastern side of the road. King Street contains 2 hour parking on the northern side of the road.

An assessment of the traffic impact has also been undertaken by CIRQA. Traffic data obtained from the Department of Infrastructure and Transport (DIT) reveals that the peak hour traffic movements for Fullarton Road occurs Monday to Friday between 8:00am and 9:00am and 3:00pm and 4:00pm, times when the gym is not in operation.

The development is expected to generate up to 46 traffic movements per hour which will be split up between the front Fullarton Road access, the rear laneway access and within the surrounding local

street network. Walking, cycling and public transport modes of travel are all viable for this site given its Fullarton Road frontage (a major public transport route) and proximity to surrounding high density residential areas. The proposed carparking and traffic movements will be readily accommodated with minimal impact upon the operation of the existing street network.

The Department of Infrastructure and Transport (DIT) have provided a formal referral response in relation to the application. The referral provides direction and requires four conditions be applied to the decision which relate to the CIRQA traffic report and standard traffic requirements. If DIT thought the application was inappropriate and would cause traffic and carparking issues they would direct refusal.

Acoustic impacts

The submitted acoustic report from National Noise & Vibration has thoroughly assessed the proposal in accordance with the Environment Protection Authority (EPA) criteria. The building is being fitted with additional internal sound proofing which will result in the application satisfying the required EPA standards subject to conditions.

Some concerns have been raised about noise emanating from the facility when the roller door at the rear of the building is raised during warmer weather. This will not occur as one of the acoustic report conditions requires the roller door to be closed when the business is operating.

A further condition of the acoustic report also requires gym attendees to arrive and leave the site in a quiet manner.

Hours of operation

Concern has been raised about the 5:00am start time for the gym. As previously mentioned, a condition of the acoustic report requires gym attendees to arrive and leave the site in a quiet manner. The internal operation of the gym at 5:00am will not result in adverse acoustic impacts on sensitive receivers as per the EPA standards.

Impact on rear laneway

Many representors have raised concern with the existing rear laneway congestion and that this proposal will make the situation worse. The management of the laneway is also a civil issue as it involves rights of way, which has resulted in heightened fears that the development will have an adverse impact.

The application does not seek to undertake gym activities/congregation on the rear laneway or have the roller door raised during gym operation on warmer days and therefore there will be no additional adverse impact on the laneway.

Saturation of gyms in the area

This concern is an economic decision for the applicant to consider and is not a valid planning issue.

I am of the opinion that the concerns raised by the representors have been adequately addressed.

In my professional view the application demonstrates adequate merit to warrant the granting of planning consent.

Please advise the day and time of the Council Assessment Panel meeting.

Yours sincerely

Steve Tilbrook
Principal

Referral Snapshot

Development Application number:
24026013

Consent:
Planning Consent

Relevant authority:
City of Norwood, Payneham and St. Peters

Consent type for distribution:

Referral body:
Commissioner of Highways

Response type:
Schedule 9 (3)(7) Development Affecting Transport Routes and Corridors

Referral type:
Direction

Response date:
17 Sept 2024

Advice:
With comments, conditions and/or notes

Condition 1
All access to/from the development shall be gained in accordance with the Dimensioned Site Plan produced by CIRQA, Project No: 24399, Sheet No. 02_SH01, Version A, dated 11/09/2024.

Condition 2
All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 3

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 4

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Internal Referrals

Requested By	Referral Type	Requested Date	Respondee	Response Date	Status	Actions
Kieran Fairbrother	Traffic	27/08/2024	Rebecca Van Der Pennen	04/09/2024	Responded	View

Response Details

Request:
Hi Bec,
This proposal is for a change of use to a fitness centre, utilising an existing car park both in front of and behind the premises. The site is within a designated area for car parking and the proposal seeks to make only one change in respect of access/parking - to include 2 parallel parks adjacent the northern boundary in lieu of one existing car park that is closer to the building (you can see on Streetview). I am not supportive of this change, and I assume you are not either, but nonetheless your views would be appreciated.
The application is being referred to DIT because it is on an arterial road, but can you also please review the traffic report and advise if you have any concerns.
I am not sure that there is anything we can do about maintaining the existing parking arrangement given it is a designated area, but your comments nonetheless would be helpful.
Thanks in advance
Kieran

Response:
Hi Kieran,

From a traffic perspective I am not supportive of the proposal. The car park does not meet the Australian Standard 2890.1 in relation to car park dimensions and aisle widths. The car park arrangement also requires vehicles to reverse out of the site into traffic on Fullarton Road which raises safety concerns.

I am not sure how they plan to manage the customer parking at the rear of the property either as it may not be clear whether the car parks are full from Chapel Street and vehicles will need to turn around within the private laneway to exit.

It is also unknown how the surrounding road network will accommodate the additional 20 car park demand, as on-street car parking demand is high in the area.

Any questions let me know.

Thanks,
Bec

×Close

5.2 DEVELOPMENT NUMBER – ID 24017924 – TEODORA JANKUNAS – 114 SYDENHAM ROAD NORWOOD

DEVELOPMENT NO.:	24017924
APPLICANT:	Teodora Jankunas
ADDRESS:	114 SYDENHAM RD NORWOOD SA 5067
NATURE OF DEVELOPMENT:	Partial Demolition of a single storey detached dwelling, and construction of a two-storey detached dwelling with retention of an existing boundary wall and garage
ZONING INFORMATION:	**Zones:** • Established Neighbourhood **Overlays:** • Airport Building Heights (Regulated) • Character Area • Heritage Adjacency • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy **Technical Numeric Variations (TNVs):** • Minimum Frontage (Minimum frontage is 8m) • Minimum Site Area (Minimum site area is 300 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	20 Jun 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.11 20/06/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Edmund Feary - Senior Urban Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	City Arborist and Traffic Engineer

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL:

The site contains an existing single-storey, double-front cottage, which would be almost entirely demolished, with only the existing garage at the rear and boundary wall remaining. A new, two-storey detached dwelling would then be built, incorporating the retained elements.

Despite the retention of these parts of the existing dwelling, it is nonetheless considered to be a proposal for a new dwelling, given that the vast majority of the existing dwelling is to be demolished, and a new, distinct built form is to replace it.

The proposed dwelling would be two storeys in nature but with a mostly single-storey streetscape appearance. It would also include a new garage accessed via a new crossover to Sydenham Road, in addition to the retained garage which is accessed via the private lane to the rear.

BACKGROUND:

Under the Council's former *Development Plan*, the site was in the Residential Character (Norwood) Zone and was in a "character pocket". These were areas of more intact buildings where:

> *"the redevelopment of sites ... will provide continuity with regard to the form, height and siting (in terms of front, side and rear set-backs) of the surrounding pre-1940's dwellings. Building heights will generally be limited to maintain a single-storey streetscape appearance, however in some locations where a single storey built form character is particularly intact, may be further limited to single storey. The design of new dwellings may be traditional or contemporary but in all cases will make reference to the architectural detail of the surrounding pre-1940's dwellings, in particular the roof forms, front verandah treatments, window proportions and the use of different materials and finishes. Flat roof pitches, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties."*

When this Zone was transitioned into the *Planning and Design Code*, some of the nuances of this policy were lost, with a Maximum Building Height (Levels) TNV providing that development should be single storey, and a Character Area Overlay applied.

The applicant sought advice regarding a proposal for a two-storey detached dwelling in May of this year, with an application submitted in June. A lengthy process of exploration and negotiation has followed.

The application underwent public notification from 29 October-18 November 2024. Eleven representations were received, but of these, one was submitted four times, and another twice, meaning that there are seven representors.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 114 Sydenham Road NORWOOD SA 5067

Title ref.: CT 5850/377 **Plan Parcel:** F100052 AL50 **Council:** The City of Norwood Payneham & St Peters

Shape:	Regular
Frontage width:	11.15m
Area:	307.5m^2
Topography:	Mostly flat
Existing structures:	Single storey double fronted cottage constructed circa 1890, with later additions at the rear along with verandah, garage and shed
Existing vegetation:	Limited vegetation in the front yard

Locality

The locality for the site is defined in **Attachment 2**. It extends:

- 120m north along Sydenham Road;
- 90m south along Sydenham Road; and,
- 90m east along Rosemont Street.

The sites to the south and east are generally also in the Character Area Overlay, while the sites to the north are in the Established Neighbourhood Zone but neither the Character, nor Historic Area Overlays. Uses are almost wholly residential, with the exception being a longstanding crash repair business at 126 Sydenham Road.

The locality's built form character is somewhat mixed, having single and double-fronted cottages, but also a variety of newer development both in the form of more recent dwellings, including group dwellings and residential flat buildings developed around 1960-2000.

While the majority of dwellings are single storey, there are a number of two storey dwellings, often presenting as outwardly two-storey to the street.

There are a broad range of site areas, ranging from around 200-1600 m^2.

Sydenham Road in particular has an avenue of street trees, with London Plane Trees on the eastern side and oak trees on the western side.

The locality generally exhibits a high degree of amenity.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  New housing
  Detached dwelling: Code Assessed - Performance Assessed

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

- **REASON**
  P&D Code

PUBLIC NOTIFICATION

- **REASON**
  Exceeds maximum building height TNV

- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Chris	Zotti	1 Rosemont Street NORWOOD	Opposed	No
Steve	Mackie	112b Sydenham Road NORWOOD	Support, with concerns	No
Violet	Mackie*	112b Sydenham Road NORWOOD	Support, with concerns	No
Elisa	Star	N/A	Opposed	No
Thomas	Wanner	120 Sydenham Road NORWOOD	Opposed	No

Deborah	Heysen	122 Sydenham Road NORWOOD	Opposed	No
Thyme	Burdon**	Unit 1/28 Lamrock Avenue BONDI NSW	Opposed	Yes

* Ms Mackie submitted four representations due to technical issues
** Ms Burdon also submitted her representation twice due to technical issues. She is the owner of 116 Sydenham Road, Norwood

- **SUMMARY**
  Representors raised a variety of concerns, including:

  - The two-storey nature of the proposal;
  - Overshadowing;
  - Visual amenity and design;
  - Overlooking and visual privacy;
  - Construction disturbance;
  - The demolition of the existing dwelling;
  - Fencing;
  - Streetscape appearance;
  - Stormwater management;
  - Roof and gutter access; and
  - The feasibility of retaining the existing boundary wall.

These matters are addressed in the response to representations provided by the applicant. It is noted that:

1. Fencing below 2.1m does not require approval and no such fencing is included in this application;
2. No Planning and Design Code policies relate to construction disturbance, roof/gutter access or the method by which stormwater is disposed;
    a. Nonetheless the stormwater matter has been addressed by the applicant by amending the gutter form on the existing wall to ensure it can be disposed of appropriately;
3. Structural engineering matters relating the boundary wall are also not a matter reflected in any Planning and Design Code policies;
    a. If the applicant concludes that it is not feasible to retain the existing boundary wall, a variation will need to be lodged and considered;
    b. It is taken at face value that the wall is to be retained.

These matters will not be discussed further below, as they are not considered material to the assessment of the Planning Consent. Other matters raised by representors are discussed in turn.

AGENCY REFERRALS

None

INTERNAL REFERRALS

- Rebecca Van Der Pennen, Traffic Engineer

Council's Traffic Engineer provided advice and support relating to the useability of the rear lane. She advised that she could not make a turning manoeuvre work either for a reverse or forward movement, using swept path turning diagrams.

- Matthew Cole, City Arborist

Advice was sought from Council's City Arborist in relation to impacts on the street tree in front of the property.

PLANNING ASSESSMENT

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

Land Use

The proposed development is residential in nature. Established Neighbourhood Zone PO 1.1 expects, "Predominantly residential development". The proposed development of a detached dwelling is consistent with this.

Building Height

As noted under the background section, some policy nuance regarding building height was lost in the transition from the *Development Plan* to the *Planning and Design Code*. While the site has a single storey TNV, it was not the original intent of this policy to reflect any kind of "blanket ban" on two-storey development. Rather, the appropriateness of two-storey development needed to be assessed based on the characteristics of the locality.

As outlined in the locality section, with particular examples identified in the applicant's response to representations, this locality does not have an intact single storey character.

While the single storey TNV is Established Neighbourhood Zone DPF 4.1, the associated Performance Outcome, PO 4.1, states:

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

Given that the prevailing character and the heights of nearby buildings are mixed, the fundamental two storey nature of the proposal is not at odds with this policy.

There are also two relevant policies in the Character Area Overlay, the first being PO 1.1:

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

The Character Area Statement outlines that one of these valued attributes is that dwellings have a "generally single storey streetscape appearance".

The plans provided by the applicant demonstrate that, given the high roof pitch of the ground floor component, from directly in front, the upper floor would be relatively difficult to see. However, oblique views would be possible, particularly when coming down Sydenham Road from the north, because of the width of the driveway servicing the group dwelling at 112A-D Sydenham Road.

This is a similar situation to the view of 1 Rosemont Street's two-storey addition, while looking down the laneway at the rear.

Image: view of the existing dwelling at 114 Sydenham Road looking down the driveway to the north (left) and (right) the view of the existing two storey dwelling addition at 1 Rosemont Street looking down the laneway to the west.

Nonetheless, the driveway in this case is a greater width, which will result in a greater visual prominence from the street than this comparison scenario.

On the whole however, it is considered that the streetscape appearance of the proposed dwelling would be generally single storey.

The other key policy in this respect is Character Area Overlay PO 2.2:

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

To aid in interpretation of this policy, it may be helpful to consider the Overlay's Desired Outcome. While not a policy in its own right, DO1 may provide a lens through which to understand the intent of these policies:

Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.

While "development pattern" could possibly be interpreted more broadly, it is considered that this Overlay is therefore generally focused on streetscape outcomes, more so than on the impacts of development on neighbouring land.

While it is difficult to suggest that there is a "prevailing building and wall height" in the Character Area, the

existing dwelling and the row of dwellings to the south maintain a fairly consistent wall height. In this case, with the existing side wall being retained, this height would be matched by the lower floor component.

Therefore, the street perception of the building height would be consistent with that prevailing height.

Streetscape Appearance

Consideration of the impact of the building height on the streetscape is outlined above, being generally single storey, consistent with the Character Area Statement.

The front setback of the proposed development is 3.2m, with the verandah projecting forward of this by 1.8m. Visually, the wide driveway to the north breaks up the streetscape pattern, and the visual reference for the site is more aligned with the row of dwellings to the south. These have a consistent setback of approximately 2m. The existing building on this site is set behind this at 3.8m, but again the verandah projects forward of this such that it aligns with the dwellings to the south.

The new dwelling's setback is more consistent with the dwellings to the south than is the existing dwelling. With the visual impact of the verandah factored in, the overall appearance is generally consistent with the pattern of the streetscape as sought by Established Neighbourhood Zone PO 5.1.

The Character Area Statement outlined a series of valued streetscape characteristics which will be considered in turn. In general, the facade design presents as a contemporary interpretation of traditional forms, which is a contextual design approach in line with the Desired Outcome of the Character Area Overlay.

Roof Form and Pitch

The Character Area has predominantly pitched roofs, with these sometimes being hipped, and sometimes gabled. The proposed hipped roof is consistent with this.

While the 45-degree pitch of the roof is unusually steep for a traditional roof, the row of single fronted cottages to the south also has unusually steep roofs of approximately this pitch, leading to a gable end. While the proposed roof does not have a gable end, its pitch is consistent with these, leading to a sufficiently consistent outcome. This higher pitch also aids in hiding the upper floor.

Eave Form

The Character Area Statement also says that buildings in the Character Area generally have "traditional pre-1940s ... eaves" and indeed buildings in the Area do generally have eaves (though usually relatively small eaves).

The proposed upper floor would have eaves, but given the boundary wall on the southern side, it would not be possible to have eaves here. The existing wall does have a gutter overhang but this (presumed encroachment) would be resolved by the development. The northern side maintains this boundary gutter form in order to preserve symmetry in the design.

The gutter profile is relatively reflective of the appearance of the traditional eave form, which is considered sufficient.

Verandah Treatment

The verandah provided is a contemporary blade canopy which is a modern take on the traditional verandah forms. This is generally appropriate and provides for a cohesive streetscape.

Window Proportions

While the windows are somewhat larger in the proposed facade than is traditional, the stone pillars being set forward of these windows breaks up the overall appearance so that this is less visually prominent.

Materials

The proposed stonework is reflective of (but does not replicate) the traditional bluestone used in the Character Area.

Garage Prominence

The design provides a single garage with a door that makes up 22.5% of the site's frontage. This is less than the 30% guideline outlined in Established Neighbourhood Zone DPF 10.1 (c). The garage is also set back 500mm from the building line consistent with part (a) of this DPF. However, it is not set back 5.5m as sought by part (b).

Setting the garage back so far would negatively impact the overall cohesion of the facade, and given the limited front setback of the dwelling, the garage does not dominate the appearance of the dwelling and is consistent with Established Neighbourhood Zone PO 10.1.

Impact on Neighbours

This section will consider the proposed site coverage, boundary setbacks, overshadowing and privacy impacts.

The site coverage is calculated at 70%, equating to 215m^2 out of a total site area of 307.5m^2 (measurements based on scaled plans to preserve proportionality rather than achieving an exact square meterage). Although this represents a high site coverage, particularly in comparison to the 50% sought by Established Neighbourhood Zone DPF 3.1, such site coverages are commonplace within the locality. Furthermore, this proposal results in a reduction in site coverage compared to the existing dwelling.

In terms of the proposed works and the relevant setbacks, the following table compares the relevant DPFs with the proposed setbacks:

Setback	DPF	Proposed
Ground floor northern side	0.9m	1m
Ground floor southern side	0.9m	N/A- wall is existing and would be retained for this development
Ground floor rear	4m	8m to rear wall 5m to terrace, but the DPF generally intends for this to refer to the wall, rather than a projecting element such as a verandah or balcony.
Upper floor northern side	0.9m + 1/3rd the wall height above 3m i.e. 1.9m	1m
Upper floor southern side	1.9m + 1/3rd the wall height above 3m i.e. 2.9m	1.9m
Upper floor rear	6m	8m to rear wall 5m to balcony, but, as above, but the DPF generally intends for this to refer to the wall, rather than a projecting element such as a verandah or balcony.

Therefore, the ground floor setbacks comply with Established Neighbourhood Zone DPFs 8.1 and 9.1, however the upper floor side setbacks do have shortfalls compared to these DPFs. To this end, the relevant Zone policy is PO 8.1:

Buildings are set back from side boundaries to provide:

a) separation between buildings in a way that complements the established character of the locality

b) access to natural light and ventilation for neighbours.

Visual Impact

The PO above frames this in terms of "complementing the established character of the locality". This

may be interpreted as referring to this character as it may be perceived from both the street and from neighbouring properties.

Unfortunately, the only somewhat comparable example (i.e. a two-storey dwelling with a single storey streetscape appearance) is 1 Rosemont Street. This site oriented differently, and the laneway to the side of it forms part of its site as it is under the ownership of 1 Rosemont Street. The upper floor addition here has a setback from this lane of only 350mm, but from the neighbouring allotments this equates to a setback of 4.2m. On the other side, which does adjoin another residence, the upper floor setback is 1.9m.

While the orientation is different, and the character and ownership of the laneway/driveway which the site abuts is different, both of these sites have an upper floor with a limited setback to a common driveway, and a 1.9m setback on the side which abuts a residence.

Most other examples of two storey development around the locality have a limited setback differential between upper and lower floors- though this is less so the case with the semi-detached dwellings at 4A&4B, and 5A&5B Rosemont Street, where there is space for a single car carport/garage in the setback area.

Therefore, it is generally considered that the upper floor setbacks are not uncomplimentary to the established character of the locality.

Overshadowing

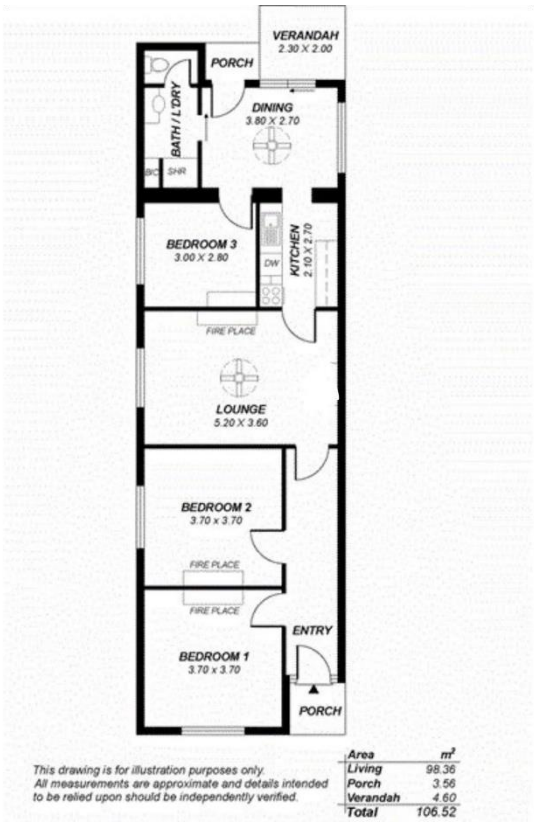
Naturally, the shadowing of the dwelling to the south, 116 Sydenham Rd, will be an important consideration. Consideration of shadowing is one part of Zone PO 8.1 above, but there are other, more detailed overshadowing policies in the Interface Between Land Uses module, which are outlined in the following table:

PO 3.1 Overshadowing of habitable room windows of adjacent residential land uses in: a) A neighbourhood-type zone is minimised to maintain direct winter sunlight b) Other zones is managed to enable access to direct winter sunlight	DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
PO 3.2 Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: a) A neighbourhood-type zone is minimised to maintain direct winter sunlight b) Other zones is managed to enable access to direct winter sunlight	DTS/DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: a) for ground level private open space, the smaller of the following: i) half the existing ground level open space or ii) 35m^2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b) for ground level communal open space, at least half of the existing ground level open space.

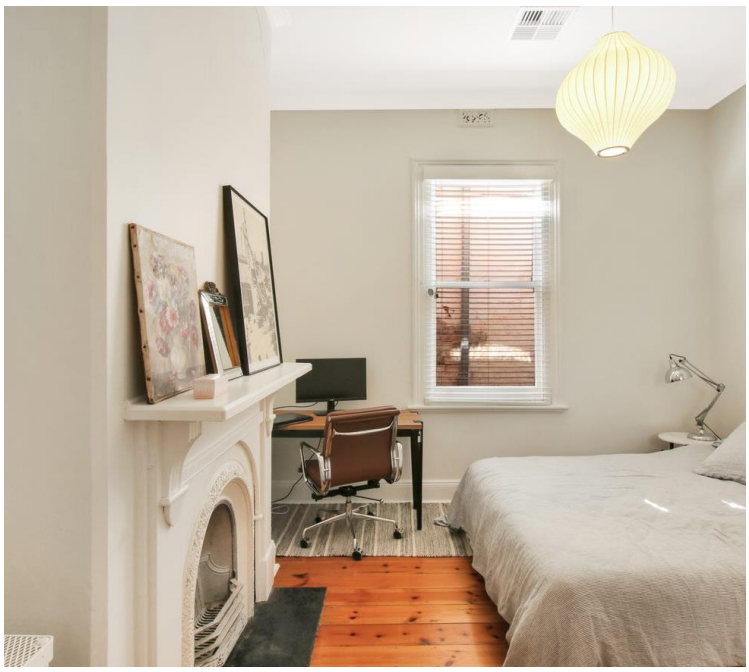
PO 3.3 of this module relates to overshadowing of solar panels, however, of the dwellings to the

south of the site, only 1 Rosemont Street has solar panels, and given that these are on an upper storey, they would not be affected by the proposed development.

Regarding overshadowing of windows, 116 Sydenham Road has three windows to habitable rooms along the northern side wall as shown in the floor plan below sourced from realestate.com.au:



The owner of 116 has noted that they presently receive northern light through the north facing windows, and has supplied photos which show this in their representation (which are also available on realestate.com.au). There is a 1m setback along this northern side.



Considering the shadow diagrams provided, these windows would be unlikely to receive any direct light between 9am and 3pm on 21 June, either pre or post development, so consideration of the DPF is somewhat redundant in this case. The windows would, however, receive sun in other seasons where the sun's angle would be higher.

The Performance Outcome seeks to "minimise" overshadowing- a concept which is difficult to assess when it does not specify what is to be maintained while minimising the overshadowing.

For reference, on the equinox (March 20th) at 12pm, a 6m tall wall (representing the proposed upper floor) would cast a shadow of 5m length. A 3.45m tall wall, representing the existing boundary wall, would cast a shadow of 2.88m. When considering the upper floor's additional setback of 1.9m, this would result in only 200mm of additional shadow length. Therefore, it is likely that the windows will continue to receive direct sunlight at other times of year.

On the whole, the difference between the pre and post development shadowing extent is not considered to be so dramatic as to be unacceptable.

Considering DPF and PO 3.2 regarding private open space, in the morning, it is the existing boundary wall which causes the shadow in the backyard. Therefore, before about 12pm, this extent of overshadowing will remain largely unchanged.

The open area of the adjoining backyard appears to be approximately 50m^2. As the DPF refers to the smaller of the two areas it outlines, this would therefore be half of this area, or 25m^2 receiving at least two hours of direct sunlight between 9am and 3pm on 21 June.

The shadow diagrams provided show that at 9am, there is 33.6m^2 of private open space receiving direct sunlight post-development, and at noon, 22.1m^2. This interval, of course, is three hours, and it is therefore highly likely that at 11am, there would be an additional 3m^2 that receives direct sunlight.

As a result, it is considered that the proposed development complies with Interface Between Land Uses DPF 3.2.

Overlooking/Visual Privacy

The proposed upper floor balcony includes screening up to a height of 1.7m, consistent with Design in Urban Areas DPF 10.2 (b). The upper floor windows also have a sill height of 1.7m above floor level, though only 1.5m is required by DPF 10.1. As a result, any privacy implications from the development are considered to be within the bounds of what is considered reasonable by the Code.

Landscaping & Private Open Space

The site at present has virtually no soft landscaping, with a strip of approximately 2m in the front yard being the sum total of landscaping on the site.

With the proposed development, soft landscaping would cover 11.7m^2 of the 35.3m^2 between the building line and primary street boundary, or 33%. This is consistent with the 30% sought by DPF 22.1 of the Design in Urban Areas module.

Across the site as a whole, there are 53.8m^2 of soft landscaping on an area of 308m^2 or 17.5%(measurements are not exact as this was measured using a scaled plan to preserve proportionality). This is 2.5% short of the 20% sought by the same DPF for a site of this size. This represents a variance of 8%.

The corresponding PO 22.1 seeks for landscaping to contribute to a series of outcomes, namely minimising the urban heat island effect, stormwater infiltration, biodiversity, shade, shelter, and enhanced appearance. Given that an area of a particular size does not necessarily contribute much to these outcomes, high quality landscaping may often make up for shortfalls in quantity. To this end, the applicant has indicated a series of trees and shrubs on the plan which, given the limited quantum of the shortfall, can be considered sufficient.

As the proposed development is a new dwelling, and the site is in the Urban Tree Canopy Overlay, a small tree must be planted with a minimum soil area of 10m^2. An area which complies with these requirements is provided at the rear of the site, with a tree shown on the plans accordingly. This

requirement will be reinforced by the application of the mandatory condition required by Practice Direction 12.

The ground level private open space of 55.6m^2 is slightly short of the 60m^2 sought by Design in Urban Areas Table 1, but there is an additional 18.8m^2 for the balcony for a total of 74.4 m^2. Given

this overall number is sufficient to meet the 60m^2 sought, it is considered sufficient to meet the needs of occupants consistent with Design in Urban Areas PO 21.1

Traffic and Parking

Transport, Access and Parking module Table 1 states that for a dwelling with three or more bedrooms (as is the case here) two off-street parking spaces should be provided. The site currently has one off-street parking space, accessed via the private lane at the rear of the site. The lane is quite narrow (~3.9m) and relatively long for lanes of this type (~33m). The lack of width means that vehicles have to reverse the length of the laneway (whether entering or exiting).

Swept path turning diagrams have been unable to demonstrate that it is possible to safely and conveniently manoeuvre in and out of this garage, but the owner has provided videos to demonstrate that it is practically possible. However, they do have to reverse the length of the laneway to do this.

This being the case, the existing parking space is not considered to facilitate safe and convenient access to the site. Redesigning to allow for a vehicle to be able to turn around generally seems impractical- a solution involving a turntable was considered but determined not to be reasonable.

As a result, this parking space at the rear is not considered a formal parking space which should be counted towards the number of parking spaces sought by the Code.

In addressing this, the applicant has sought to provide vehicle access from Sydenham Road via a new crossover. This crossover provides 500mm separation from the stobie pole and 2m separation from the street tree consistent with Design in Urban Areas DPF 23.4, but it does conflict with the tree's root zone. Further consideration of the impact of the development on the street tree is provided below.

To work around the inconveniently located stobie pole, the driveway is not completely straight, however the turn required to access the garage is not generally unreasonable. The applicant has only provided a single garage here as the appearance of a double garage would generally be inconsistent with the character of the area.

As a result of the limited front setback, there is not space for another vehicle to park uncovered in the driveway as may usually be the case in arrangements such as this. Pushing the garage back further would compromise the design substantially (noting that the garage setback would likely need to be more than 5.5m given the angle of the driveway), again compromising the streetscape appearance.

Transport, Access and Parking PO 5.1 allows for the consideration of reduced car parking rates:

> *Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:*
>
> *(a) availability of on-street car parking*
>
> *(b) shared use of other parking areas*
>
> *(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
>
> *(d) the adaptive reuse of a State or Local Heritage Place.*

This list of reasons is not exhaustive, and the Relevant Authority may consider that there may be other reasons to justify a reduced rate.

On balance, it is considered that what would be necessary to provide two compliant parking spaces would so

compromise the design that a shortfall of one compliant space (noting that an additional non-compliant space is retained) is warranted.

It is also noted that the dimensions of the garage door and parking space comply with Design in Urban Areas DPF 23.1.

Representations also raised concerns about the loss of an on-street parking space. The southern edge of the proposed crossover is approximately 5.5m from the northern boundary of the site, so it would indeed

result in the loss of one space. It is, however, noted that Design in Urban Areas DPF 23.6 only seeks the retention of 0.33 spaces per dwelling on the site (rounded up to the nearest whole number), and one space is retained to the south of the crossover.

Given that it is generally reasonable for a site to have street access for safe and convenient on-site parking (noting that existing arrangements are not safe and convenient), it is considered that this reduction in on-street parking is not unreasonable.

Impact on Street Tree

In front of the site on the Sydenham Road verge is a large London Plane Tree. The tree has a Structural Root Zone (SRZ) of radius 2.8m, but there is a gap of only 5.6m from the tree to the stobie pole on the northern side. With a minimum crossover width of 3m, and a minimum separation from the stobie pole of 500mm, the crossover will conflict with the SRZ of the tree. This means that there is the potential for the presence of large, structural roots which may be cut during excavations for the proposed crossover, which may then cause a structural failure of the tree.

The tree itself is a large, mature and healthy tree, which forms part of an important avenue of trees along Sydenham Road, providing a high degree of amenity. The tree is very much considered worthy of retention.

The applicant made enquiries with SA Power Networks regarding moving the stobie pole. SAPN quoted $80,000 to do this, which is not considered a reasonable alternative. This being the case, and noting that access via the rear lane is not safe and convenient, it is considered that there are no reasonable alternatives to the proposed crossover location (that is to say, the proposed crossover location minimises potential damage to the tree).

The applicant was asked to conduct hydrovac investigations to determine whether any structural roots would be present, and therefore whether the tree could survive the crossover being located here. Due to time constraints, the applicant was unable to provide this hydrovac investigation, but a report from an arborist, David Mably, has been provided which suggests that the crossover and the tree may be able to co-exist, subject to conditions.

Council's City Arborist remains concerned, and believes that the hydrovac investigations are necessary to know convincingly whether the tree can survive this work.

In essence, there are three options to resolve this conflict:

1. The development does not have a crossover from Sydenham Road;
2. A crossover can be created, with retention of the tree; or,
3. A crossover can be created, with removal of the tree.

The Code generally allows for the provision of a vehicle crossover, and indeed it considers 2m to be a reasonable separation from a street tree (which is provided in this case), and in this case there are no other ways that a vehicle crossover could be provided. If it is the case that a driveway must be permitted, because otherwise the development would no longer comply with the Code in respect of vehicle parking etc, then option 1 is no longer an option.

Therefore, if the proposed crossover location must be accepted, whether the tree can or cannot survive is not necessarily fundamental to the application. If it is the case that tree could not survive the excavations for the crossover, then Council would support the tree's removal in order to allow this crossover. However, it may be that the removal of the tree is not necessary, and this would be the preferred scenario.

As a result, it is considered reasonable to apply a Reserved Matter to provide for the hydrovac investigations to determine whether the tree could survive or not. The findings from this would then allow for appropriate conditions to be applied to either ensure the tree's survival, or require payment of an appropriate fee to cover Council's cost of removing the tree and planting a replacement.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.11), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The development is a detached dwelling, consistent with the residential forms of development envisaged by the Established Neighbourhood Zone;
- The development has a mostly single storey streetscape appearance.

CONCLUSION

The proposed development does "push the envelope" in a number of different areas of Code policy, including building height, vehicle parking, streetscape impact, street tree impact and overshadowing. However, when considering the context of the locality and constraints on the site, the proposed development is considered to sufficiently mitigate these impacts within the bounds of what the Code considers reasonable.

Therefore, the proposed development is considered to sufficiently comply with the Planning and Design Code to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP 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 24017924, by Teodora Jankunas is granted Planning Consent subject to the following reasons/conditions/reserved matters:

RESERVED MATTERS

Planning Consent
The Authority notes that the proposed crossover from Sydenham Road conflicts with the Structural Root Zone (SRZ) of the mature London Plane street tree. The construction of the crossover is hereby approved, subject to investigations and potential further conditions relating to either protection or removal of the street tree.

The SRZ has been measured as 2.8m from the centre of the trunk of the tree. Non-intrusive excavations (e.g. hydrovac) shall be undertaken to confirm whether any structural roots extend through the area of the SRZ which would be affected by excavation for the crossover.

NOTE: Further conditions may be imposed on the Planning Consent in respect of the above matters.

Pursuant to Section 127(1) of the Planning, Development and Infrastructure Act 2016, the power to impose further conditions of consent in respect of the reserved matter(s) above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

Condition 1
The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2
Either:

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

2. Where provided for by any relevant off-set scheme established under section 197 of the Planning, Development and Infrastructure Act 2016 (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval.

Condition 3
The approved development must include rainwater tank storage which is:

1. connected to at least 60% of the roof area;
2. connected to one toilet and either the laundry cold water outlets or hot water service;
3. with a minimum retention capacity of 2000 litres;
4. if the site perviousness is less than 30%, with a minimum detention capacity of 1000 litres; and
5. where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank

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

Condition 4
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.

Condition 5
The balustrade of the balcony located at the rear of the proposed dwelling shall be treated to a height of 1700mm above floor level, prior to occupation of the building, in a manner that restricts views being obtained by a person occupying the balcony, to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

Condition 6
The upper floor windows to the side and rear elevations 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.

NOTE: this does not apply to the sliding door of the upper floor lounge room, as the balcony screening sufficiently restricts any view that may be obtained through this door.

Condition 7
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.

ADVISORY NOTES

Planning Consent

Advisory Note 1
No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2
Consents issued for this Development Application will remain valid for the following periods of time:

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

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

Advisory Note 3
Appeal Rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 4
The Applicant is reminded of its responsibilities under the *Environment Protection Act 1993*, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Advisory Note 5
The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

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

Advisory Note 6
The Applicant is advised that construction noise is not allowed:

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

Advisory Note 7
The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that

require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the *Local Government Act 1999* prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Advisory Note 8
The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

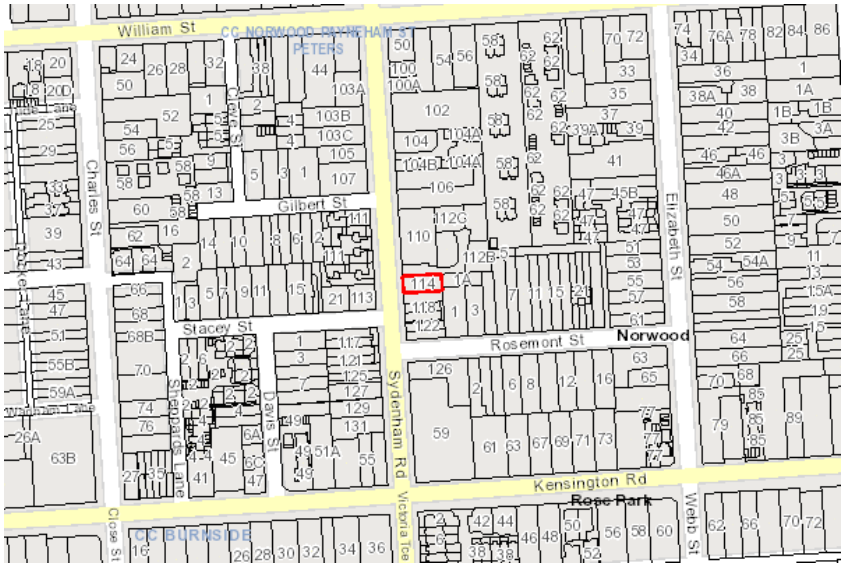
Advisory Note 9
The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 10
The Authority wishes to note that the parking space in the retained garage at the rear is not compliant with contemporary access standards, and cannot be relied upon for the purposes of vehicle parking.

It is also noted that the space between the garage and the front boundary of the property is generally insufficient to park a vehicle. Any vehicles parked in this space and overhanging the footpath may receive a parking ticket as a result.

Address: 114 SYDENHAM RD NORWOOD SA 5067

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Zone

Established Neighbourhood

Overlay

Airport Building Heights (Regulated) *(All structures over 45 metres)*
Character Area *(NPSPC6)*
Heritage Adjacency
Prescribed Wells Area
Regulated and Significant Tree
Stormwater Management
Traffic Generating Development
Urban Tree Canopy

Local Variation (TNV)

Minimum Frontage *(Minimum frontage is 8m)*
Minimum Site Area *(Minimum site area is 300 sqm)*
Maximum Building Height (Levels) *(Maximum building height is 1 level)*

Selected Development(s)

Detached dwelling

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.
If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Detached dwelling - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Established Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
DO 2	Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Office (f) Recreation area (g) Shop.
Site Dimensions and Land Division	
PO 2.1 Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.	DTS/DPF 2.1 Development will not result in more than 1 dwelling on an existing allotment or Development involves the conversion of an existing dwelling into two or more dwellings and the existing dwelling retains its original external appearance to the public road or Allotments/sites for residential purposes accord with the following: (a) site areas (or allotment areas in the case of land division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building): **Minimum Site Area** Minimum site area is 300 sqm and

	(b) site frontages (or allotment frontages in the case of land division) are not less than: **Minimum Frontage** Minimum frontage is 8m In relation to DTS/DPF 2.1, in instances where: (c) more than one value is returned in the same field, refer to the *Minimum Frontage Technical and Numeric Variation* layer or *Minimum Site Area Technical and Numeric Variation* layer in the SA planning database to determine the applicable value relevant to the site of the proposed development (d) no value is returned in (a) or (b) (i.e. there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.
PO 2.2 Development creating new allotments/sites in conjunction with retention of an existing dwelling ensures the site of the existing dwelling remains fit for purpose.	DTS/DPF 2.2 Where the site of a dwelling does not comprise an entire allotment: (a) the balance of the allotment accords with the requirements specified in Established Neighbourhood Zone DTS/DPF 2.1, with 10% reduction in minimum site area where located in a Character Area Overlay or Historic Area Overlay (b) if there is an existing dwelling on the allotment that will remain on the allotment after completion of the development it will not contravene: (i) private open space requirements specified in Design in Urban Areas Table 1 - Private Open Space (ii) car parking requirements specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.
Site coverage	
PO 3.1 Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1 Development does not result in site coverage exceeding: In instances where: (a) no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies (b) more than one value is returned in the same field, refer to the Site Coverage Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.
Building Height	
PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby	DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) is no greater than:

buildings.	(a) the following: **Maximum Building Height (Levels)** Maximum building height is 1 level (b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m. In relation to DTS/DPF 4.1, in instances where: (c) more than one value is returned in the same field, refer to the *Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation* layer in the SA planning database to determine the applicable value relevant to the site of the proposed development. (d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
Primary Street Setback	
PO 5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.	DTS/DPF 5.1 Buildings setback from the primary street boundary in accordance with the following table: **Development Context** / **Minimum setback** There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building. — The average setback of the existing buildings. There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site. — The setback of the existing building. There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site. — (a) Where the existing building shares the same primary street frontage – the setback of the existing building (b) Where the existing building has a different primary street frontage - no DTS/DPF is applicable There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building. — No DTS/DPF is applicable. For the purposes of **DTS/DPF 5.1:**

	(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table
Secondary Street Setback	
PO 6.1 Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.	DTS/DPF 6.1 Building walls are set back from the secondary street boundary (other than a rear laneway): (a) no less than: or (b) 900mm, whichever is greater or (c) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street. In instances where no value is returned in DTS/DPF 6.1(a) (i.e. there is a blank field), then it is taken that the value for DTS/DPF 6.1(a) is zero.
Boundary Walls	
PO 7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.	DTS/DPF 7.1 Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below: (a) or (b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below: (i) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (ii) side boundary walls do not: A. exceed 3.2m in wall height from the lower of the natural or finished ground level B. exceed 8m in length

	C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary D. encroach within 3m of any other existing or proposed boundary walls on the subject land.
Side Boundary Setback	
PO 8.1 Buildings are set back from side boundaries to provide: (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours.	DTS/DPF 8.1 Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary: (a) no less than: (b) in all other cases (i.e., there is a blank field), then: (i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm (ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level (iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.
Rear Boundary Setback	
PO 9.1 Buildings are set back from rear boundaries to provide: (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation.	DTS/DPF 9.1 Other than in relation to an access lane way, buildings are set back from the rear boundary at least: (a) 4m for the first building level (b) 6m for any second building level.
Appearance	
PO 10.1 Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.	DTS/DPF 10.1 Garages and carports facing a street (other than an access lane way): (a) are set back at least 0.5m behind the building line of the associated dwelling (b) are set back at least 5.5m from the boundary of the primary street

	(c) have a total garage door / opening width not exceeding 30% of the allotment or site frontage, to a maximum width of 7m.
PO 10.2 The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.	DTS/DPF 10.2 None are applicable.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.	Except development involving any of the following: 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
3. Any development involving any of the following (or of any combination of any of the following):	Except development that:

(a) ancillary accommodation (b) dwelling (c) dwelling addition (d) residential flat building.	1. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
4. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) office (c) shop.	Except development that: 1. does not satisfy Established Neighbourhood Zone DTS/DPF 1.2 or 2. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
5. Any of the following (or of any combination of any of the following): (a) air handling unit, air conditioning system or exhaust fan (b) carport (c) deck (d) fence (e) internal building works (f) land division (g) outbuilding (h) pergola (i) private bushfire shelter (j) recreation area (k) replacement building (l) retaining wall (m) shade sail	None specified.

(n) solar photovoltaic panels (roof mounted) (o) swimming pool or spa pool and associated swimming pool safety features (p) temporary accommodation in an area affected by bushfire (q) tree damaging activity (r) verandah (s) water tank.	
6. Demolition.	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
7. Railway line.	Except where located outside of a rail corridor or rail reserve.

Placement of Notices - Exemptions for Performance Assessed Development
None specified.

Placement of Notices - Exemptions for Restricted Development
None specified.

Part 3 - Overlays

Airport Building Heights (Regulated) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development: (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the *Airport Building Heights (Regulated) Overlay* (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the *Airport Building Heights (Regulated) Overlay.*	The airport-operator company for the relevant airport within the meaning of the *Airports Act 1996* of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the *Airports Act 1996* of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Character Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
DO 1	Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
PO 1.1 All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is consistent with the prevailing building and wall heights in the character area.	DTS/DPF 2.2 None are applicable.

PO 2.3 Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.	DTS/DPF 2.3 None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the character area.	DTS/DPF 2.4 None are applicable.
PO 2.5 Materials are either consistent with or complement those within the character area.	DTS/DPF 2.5 None are applicable.
Context and Streetscape Amenity	
PO 6.1 The width of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways in the character area.	DTS/DPF 6.1 None are applicable.
PO 6.2 Development maintains the valued landscape pattern and characteristics that contribute to the character area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.	DTS/DPF 6.2 None are applicable.

Character Area Statements

Statement#	Statement
Character Areas affecting City of Norwood, Payneham and St Peters	
	Residential Character (Norwood) Area Statement (NPSP-C6) The Character Area Overlay identifies localities that comprise valued character attributes. They can be characterised by a consistent rhythm of allotment patterns, building setting and spacing, landscape or natural features and the scale, proportion and form of buildings and their key elements. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of a Character Area. The preparation of a Contextual Analysis can assist in determining potential additional attributes of a Character Area where these are not identified in the below table.

Eras, themes and context	Residential. Detached (including battleaxe), semi-detached, row and group dwellings. Residential flat buildings. Although the built form character throughout Norwood is relatively varied, there remains a strong theme associated with the original built form, which includes a significant number of Local Heritage Places and buildings constructed before 1940.
Allotments, subdivision and built form patterns	Rectilinear pattern of wide tree-lined major streets, intersected by narrow minor streets, with various eras of development overlaid. Broad mix of allotment sizes and a diversity of residential accommodation options.

Statement#	Statement	
NPSPC6		The regular street grid pattern and the high level of vegetation, including mature street trees and landscaped gardens, are elements that assist in unifying the various eras of built form development in Norwood.
	Architectural styles, detailing and built form features	Traditional pre-1940s roof forms, eaves, front verandah treatments, window proportions. A mix of housing styles, including workers cottages, bungalows and villas and a variety of post war dwellings, including walk-up flats, townhouses and a range of contemporary detached, attached and group housing styles. This has, over the years, established a broad mix of allotment sizes and provided a diversity of residential accommodation options, including affordable housing. Some undercroft or underground garages along western side of Osmond Terrace. Semi-detached dwellings often presenting as single dwellings.
	Building height	Generally single storey streetscape appearance.
	Materials	Varied, traditional materials.
	Fencing	Low, open-style fencing that allows connectivity to the street. Front fencing and side fencing (between the front of a dwelling and the street) and landscaping are important components of streetscape character. Some more solid forms of fencing along arterial roads.
	Setting, landscaping, streetscape and public realm features	Distinct rectilinear pattern of wide tree-lined major streets, intersected by narrow minor streets. Some limited advertising and signage which complements scale and architecture of associated buildings.
	Representative Buildings	*[Not identified]*

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Heritage Adjacency Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.	DTS/DPF 1.1 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development which in the opinion of the relevant authority materially affects the context within which the **State Heritage Place** is situated.	Minister responsible for the administration of the *Heritage Places Act 1993.*	To provide expert assessment and direction to the relevant authority on the potential impacts of development adjacent State Heritage Places.	Development of a class to which Schedule 9 clause 3 item 17 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Stormwater Management Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Residential development is designed to capture and re-use stormwater to:	DTS/DPF 1.1 Residential development comprising detached, semi-detached or row dwellings, or less than 5 group dwellings or dwellings

(a) maximise conservation of water resources (b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded (c) manage stormwater runoff quality.	within a residential flat building: (a) includes rainwater tank storage: (i) connected to at least: A. in relation to a detached dwelling (not in a battle-axe arrangement), semi-detached dwelling or row dwelling, 60% of the roof area B. in all other cases, 80% of the roof area (ii) connected to either a toilet, laundry cold water outlets or hot water service for sites less than 200m^2 (iii) connected to one toilet and either the laundry cold water outlets or hot water service for sites of 200m^2 or greater (iv) with a minimum total capacity in accordance with Table 1 (v) where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank (b) incorporates dwelling roof area comprising at least 80% of the site's impervious area Table 1: Rainwater Tank

Site size (m^2)	Minimum retention volume (Litres)	Minimum detention volume (Litres)
<200	1000	1000
200-400	2000	Site perviousness <30%: 1000 Site perviousness ≥30%: N/A
>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Traffic Generating Development Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Traffic Generating Development	
PO 1.1 Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.	DTS/DPF 1.1 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m2 or more (d) retail development with a gross floor area of 2,000m2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more (f) industry with a gross floor area of 20,000m2 or more (g) educational facilities with a capacity of 250 students or more.
PO 1.2 Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.	DTS/DPF 1.2 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: (a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m2 or more (d) retail development with a gross floor area of 2,000m2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more (f) industry with a gross floor area of 20,000m2 or more (g) educational facilities with a capacity of 250 students or more.
PO 1.3 Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the	DTS/DPF 1.3 Access is obtained directly from a State Maintained Road where it involves any of the following types of development:

State Maintained Road network.	(a) building, or buildings, containing in excess of 50 dwellings (b) land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m2 or more (d) retail development with a gross floor area of 2,000m2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more (f) industry with a gross floor area of 20,000m2 or more (g) educational facilities with a capacity of 250 students or more.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road: (a) except where a proposed development has previously been referred under clause (b) - a building, or buildings, containing in excess of 50 dwellings (b) except where a proposed development has previously been referred under clause (a) - land division creating 50 or more additional allotments (c) commercial development with a gross floor area of 10,000m^2 or more (d) retail development with a gross floor area of 2,000m^2 or more (e) a warehouse or transport depot with a gross leasable floor area of 8,000m^2 or more (f) industry with a gross floor area of 20,000m^2 or more (g) educational facilities with a capacity of 250 students or more.	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Urban Tree Canopy Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Trees are planted or retained to contribute to an urban tree canopy.	DTS/DPF 1.1 Tree planting is provided in accordance with the following:

Site size per dwelling (m^2)	Tree size* and number required per dwelling
<450	1 small tree
450-800	1 medium tree or 2 small trees
>800	1 large tree or 2 medium trees or 4 small trees

*refer Table 1 Tree Size

Table 1 Tree Size			
Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)
Small	4 m	2m	10m^2 and min. dimension of 1.5m
Medium	6 m	4 m	30m^2 and min. dimension of 2m
Large	12 m	8m	60m^2 and min. dimension of 4m

The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017.

Table 2 Tree Discounts			
Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)

4-6m	2-4m	10m^2 and min. dimension of 1.5m	2 small trees (or 1 medium tree)
6-12m	4-8m	30m^2 and min. dimension of 3m	2 medium trees (or 4 small trees)
>12m	>8m	60m^2 and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)

Note: In order to satisfy DTS/DPF 1.1, payment may be made in accordance with a relevant off-set scheme established by the Minister under section 197 of the Planning, Development and Infrastructure Act 2016, provided the provisions and requirements of that scheme are satisfied. For the purposes of section 102(4) of the Planning, Development and Infrastructure Act 2016, an applicant may elect for any of the matters in DTS/DPF 1.1 to be reserved.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1	DTS/DPF 1.1

Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996* (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

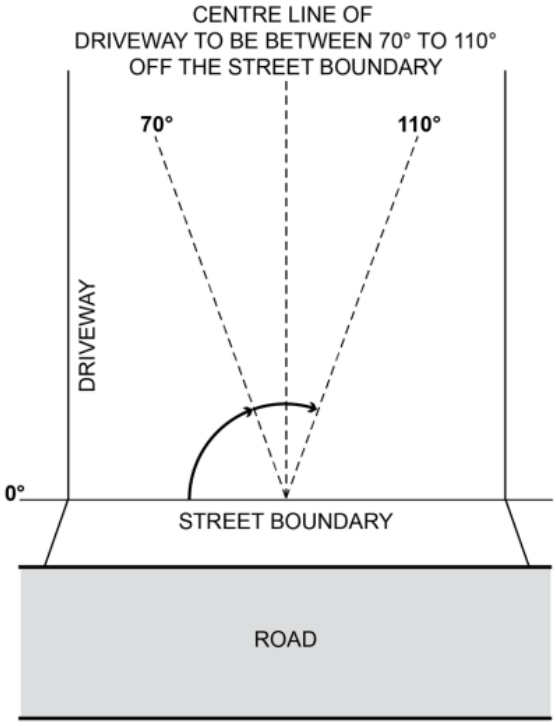
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not: (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Car parking appearance	
PO 7.1 Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as: (a) limiting protrusion above finished ground level	DTS/DPF 7.1 None are applicable.

(b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure.	
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
PO 8.2 Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.	DTS/DPF 8.2 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b): (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
PO 8.3 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8): (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land.	DTS/DPF 8.3 None are applicable.
PO 8.4 Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.	DTS/DPF 8.4 None are applicable.
PO 8.5 Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.	DTS/DPF 8.5 None are applicable.
Overlooking / Visual Privacy (low rise buildings)	
PO 10.1 Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.	DTS/DPF 10.1 Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.

PO 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.	DTS/DPF 10.2 One of the following is satisfied: (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace or (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: (i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land or (ii) 1.7m above finished floor level in all other cases
All residential development	
Front elevations and passive surveillance	
PO 17.1 Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.	DTS/DPF 17.1 Each dwelling with a frontage to a public street: (a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m (b) has an aggregate window area of at least $2m^2$ facing the primary street.
PO 17.2 Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.	DTS/DPF 17.2 Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.
Outlook and Amenity	
PO 18.1 Living rooms have an external outlook to provide a high standard of amenity for occupants.	DTS/DPF 18.1 A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.
Residential Development - Low Rise	
External appearance	
PO 20.2 Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.	DTS/DPF 20.2 Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway: (a) a minimum of 30% of the building wall is set back an additional 300mm from the building line (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall

	(e) eaves of a minimum 400mm width extend along the width of the front elevation (f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm (g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.
PO 20.3 The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.	DTS/DPF 20.3 None are applicable
Private Open Space	
PO 21.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	DTS/DPF 21.1 Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.
PO 21.2 Private open space is positioned to provide convenient access from internal living areas.	DTS/DPF 21.2 Private open space is directly accessible from a habitable room.
Landscaping	
PO 22.1 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.	DTS/DPF 22.1 Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b): (a) a total area for the entire development site, including any common property, as determined by the following table: **Site area (or in the case of residential flat building or group dwelling(s), average site area) (m^2)** / **Minimum percentage of site** <150 / 10% 150-200 / 15% >200-450 / 20% >450 / 25% (b) at least 30% of any land between the primary street boundary and the primary building line.
Car parking, access and manoeuvrability	
PO 23.1	DTS/DPF 23.1

Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.	Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area): (a) single width car parking spaces: (i) a minimum length of 5.4m per space (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m (b) double width car parking spaces (side by side): (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m per space.
PO 23.2 Uncovered car parking space are of dimensions to be functional, accessible and convenient.	DTS/DPF 23.2 Uncovered car parking spaces have: (a) a minimum length of 5.4m (b) a minimum width of 2.4m (c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m.
PO 23.3 Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, pedestrian movement, domestic waste collection, landscaped street frontages and on-street parking.	DTS/DPF 23.3 Driveways and access points satisfy (a) or (b): (a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site (b) sites with a frontage to a public road greater than 10m: (i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site; (ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.
PO 23.4 Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.	DTS/DPF 23.4 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads

	(iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
PO 23.5 Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.	DTS/DPF 23.5 Driveways are designed and sited so that: (a) the gradient of the driveway does not exceed a grade of 1 in 4 and includes transitions to ensure a maximum grade change of 12.5% (1 in 8) for summit changes, and 15% (1 in 6.7) for sag changes, in accordance with AS 2890.1:2004 to prevent vehicles bottoming or scraping (b) the centreline of the driveway has an angle of no less than 70 degrees and no more than 110 degrees from the street boundary to which it takes its access as shown in the following diagram:  (c) if located to provide access from an alley, lane or right of way - the alley, land or right or way is at least 6.2m wide along the boundary of the allotment / site.
PO 23.6 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.	DTS/DPF 23.6 Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements: (a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number) (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
Waste storage	
PO 24.1 Provision is made for the convenient storage of waste bins in a	DTS/DPF 24.1 Where dwellings abut both side boundaries a waste bin storage

location screened from public view.	area is provided behind the building line of each dwelling that: (a) has a minimum area of $2m^2$ with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and (b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street.
Design of Transportable Buildings	
PO 25.1 The sub-floor space beneath transportable buildings is enclosed to give the appearance of a permanent structure.	DTS/DPF 25.1 Buildings satisfy (a) or (b): (a) are not transportable (b) the sub-floor space between the building and ground level is clad in a material and finish consistent with the building.
Group Dwellings, Residential Flat Buildings and Battle axe Development	
Amenity	
PO 31.2 The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.	DTS/DPF 31.2 None are applicable.
PO 31.3 Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.	DTS/DPF 31.3 None are applicable.
PO 31.4 Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.	DTS/DPF 31.4 Dwelling sites/allotments are not in the form of a battle-axe arrangement.
Car parking, access and manoeuvrability	
PO 33.1 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.	DTS/DPF 33.1 Where on-street parking is available directly adjacent the site, on-street parking is retained adjacent the subject site in accordance with the following requirements: (a) minimum 0.33 on-street car parks per proposed dwelling (rounded up to the nearest whole number) (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
PO 33.4 Residential driveways that service more than one dwelling or a dwelling on a battle-axe site are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.	DTS/DPF 33.4 Driveways providing access to more than one dwelling, or a dwelling on a battle-axe site, allow a B85 passenger vehicle to enter and exit the garages or parking spaces in no more than a three-point turn manoeuvre.
PO 33.5 Dwellings are adequately separated from common driveways and manoeuvring areas.	DTS/DPF 33.5 Dwelling walls with entry doors or ground level habitable room windows are set back at least 1.5m from any driveway or area

	designated for the movement and manoeuvring of vehicles.
Soft landscaping	
PO 34.2 Battle-axe or common driveways incorporate landscaping and permeability to improve appearance and assist in stormwater management.	DTS/DPF 34.2 Battle-axe or common driveways satisfy (a) and (b): (a) are constructed of a minimum of 50% permeable or porous material (b) where the driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point).
Laneway Development	
Infrastructure and Access	
PO 44.1 Development with a primary street comprising a laneway, alley, lane, right of way or similar minor thoroughfare only occurs where: (a) existing utility infrastructure and services are capable of accommodating the development (b) the primary street can support access by emergency and regular service vehicles (such as waste collection) (c) it does not require the provision or upgrading of infrastructure on public land (such as footpaths and stormwater management systems) (d) safety of pedestrians or vehicle movement is maintained (e) any necessary grade transition is accommodated within the site of the development to support an appropriate development intensity and orderly development of land fronting minor thoroughfares.	DTS/DPF 44.1 Development with a primary street frontage that is not an alley, lane, right of way or similar public thoroughfare.

Table 1 - Private Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		Total private open space area: (a) Site area <301m^2: 24m^2 located behind the building line. (b) Site area ≥ 301m^2: 60m^2 located behind the building line. Minimum directly accessible from a living room: 16m^2 / with a minimum dimension 3m.
Cabin or caravan (permanently fixed to the ground) in a residential park or caravan and tourist park		Total area: 16m^2, which may be uses as second car parking space, provided on each site intended for residential occupation.

Dwelling in a residential flat building or mixed use building which incorporate above ground level dwellings	Dwellings at ground level:	15m^2 / minimum dimension 3m
	Dwellings above ground level:	
	Studio (no separate bedroom)	4m^2 / minimum dimension 1.8m
	One bedroom dwelling	8m^2 / minimum dimension 2.1m
	Two bedroom dwelling	11m^2 / minimum dimension 2.4m
	Three + bedroom dwelling	15 m^2 / minimum dimension 2.6m

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
PO 11.2 Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.	DTS/DPF 11.2 A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is: (a) exclusively for domestic use (b) connected to the roof drainage system of the dwelling.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) it is wholly located and contained within the allotment of the development it will service	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) the system is wholly located and contained within the allotment of development it will service; and

(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.	(b) the system will comply with the requirements of the South Australian Public Health Act 2011.
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Overshadowing	
PO 3.1 Overshadowing of habitable room windows of adjacent residential land uses in: a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight.	DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
PO 3.2 Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight.	DTS/DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: a. for ground level private open space, the smaller of the following: i. half the existing ground level open space or ii. 35m2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b. for ground level communal open space, at least half of the existing ground level open space.

PO 3.3 Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account: (a) the form of development contemplated in the zone (b) the orientation of the solar energy facilities (c) the extent to which the solar energy facilities are already overshadowed.	DTS/DPF 3.3 None are applicable.

Site Contamination

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DTS/DPF 1.1 Development satisfies (a), (b), (c) or (d): (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: (i) a site contamination audit report has been prepared under Part 10A of the *Environment Protection Act 1993* in relation to the land within the previous 5 years which states that- A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation)

	or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and (ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Corner Cut-Offs	
PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.	DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:

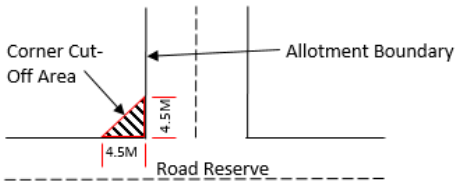
	

Table 1 - General Off-Street Car Parking Requirements

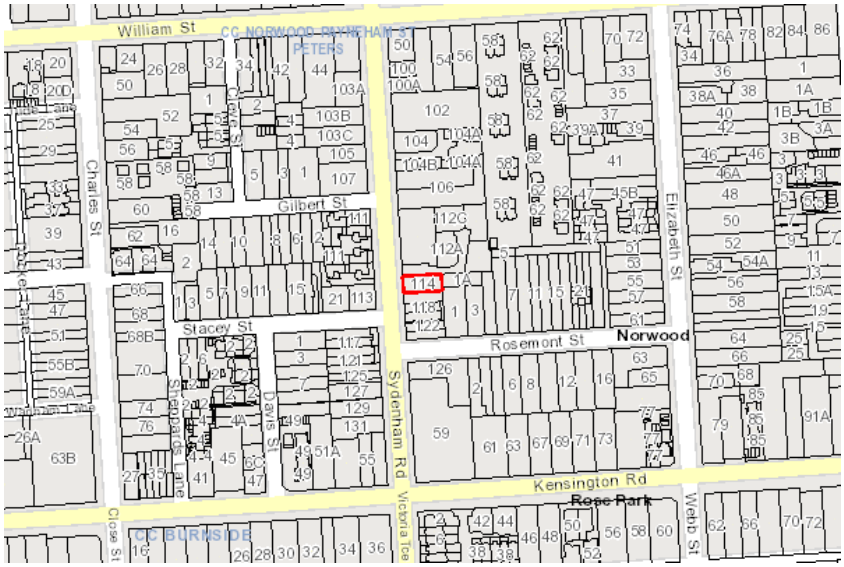
Class of Development	Car Parking Rate (unless varied by Table 2 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
Residential Development	
Detached Dwelling	Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling. Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Development generally			
All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is: 1 space for each dwelling with a total floor area less than 75 square metres 2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres 3 spaces for each dwelling with a total floor area greater than 150 square metres. Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.	Capital City Zone City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide) The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone

Address: 114 SYDENHAM RD NORWOOD SA 5067

To view a detailed interactive property map in SAPPA click on the map below



Please note that this policy snapshot is from a later version of the Code than the applicable version due to a technical error. The applicable policies do, however, remain the same

Property Zoning Details

Zone

Established Neighbourhood

Overlay

Airport Building Heights (Regulated) *(All structures over 45 metres)*
Character Area *(NPSPC6)*
Heritage Adjacency
Prescribed Wells Area
Regulated and Significant Tree
Stormwater Management
Traffic Generating Development
Urban Tree Canopy

Local Variation (TNV)

Minimum Frontage *(Minimum frontage is 8m)*
Minimum Site Area *(Minimum site area is 300 sqm)*
Maximum Building Height (Levels) *(Maximum building height is 1 level)*

Partial demolition of a building or structure - Accepted Development

Part 2 - Zones and Sub Zones

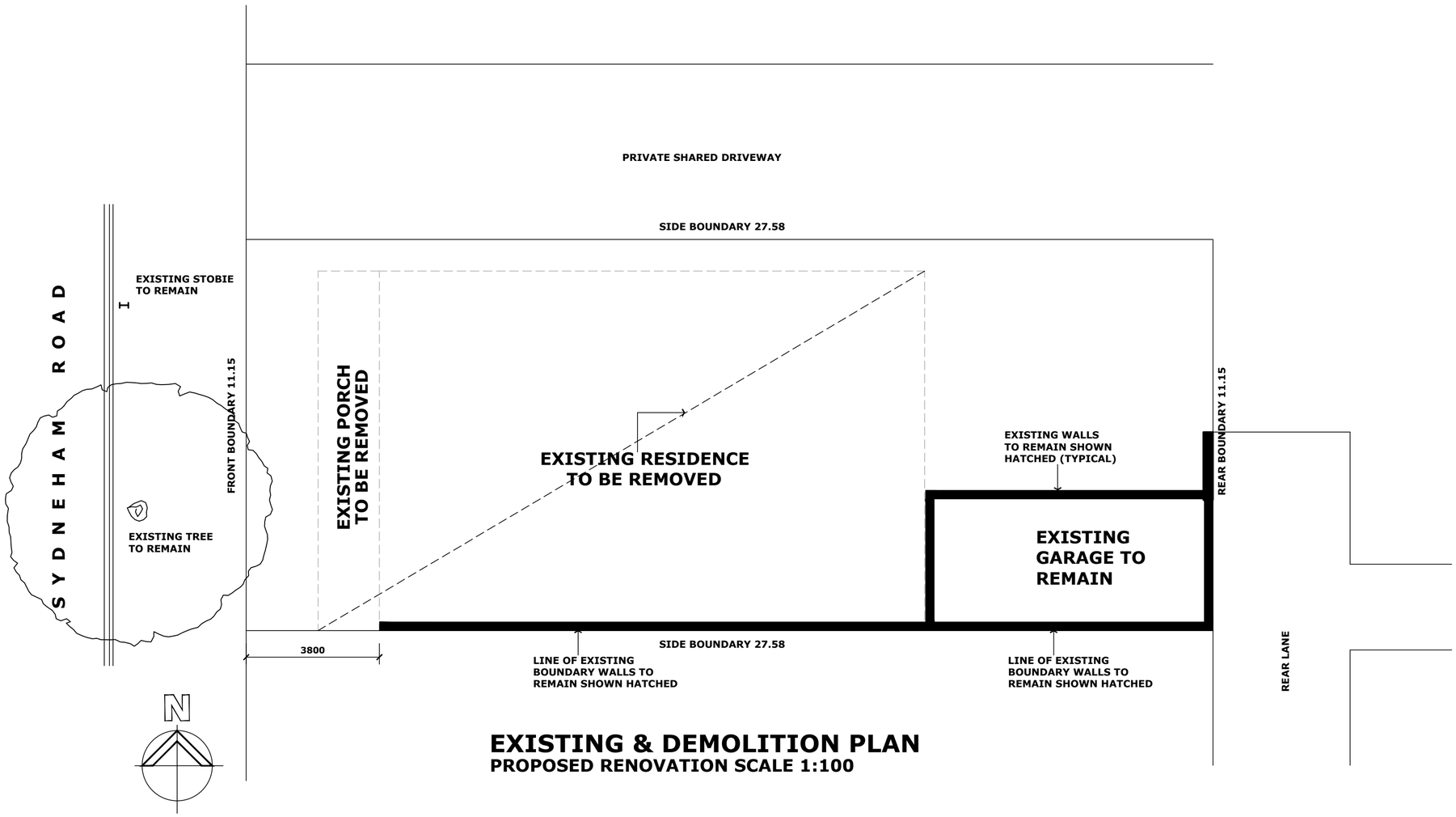
Established Neighbourhood Zone

Table 1 - Accepted Development Classification

Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).

The following table identifies Classes of Development that are classified as Accepted Development subject to meeting the Accepted Development Classification Criteria

Class of Development	Accepted Development Classification Criteria
Partial demolition of a building or structure Except where any of the following apply: • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay	None



EXISTING & DEMOLITION PLAN
PROPOSED RENOVATION SCALE 1:100

0m 1m 5m 10m
SCALE 1:100

PLANNING APPLICATION

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	1 OF 8
SCALE	1:100
PAGE SIZE	A2

REV.		DATE
A	PLANNING	03-06-24

NOTES

VERIFY DIMENSIONS AND LEVELS BEFORE COMMENCING ON SITE

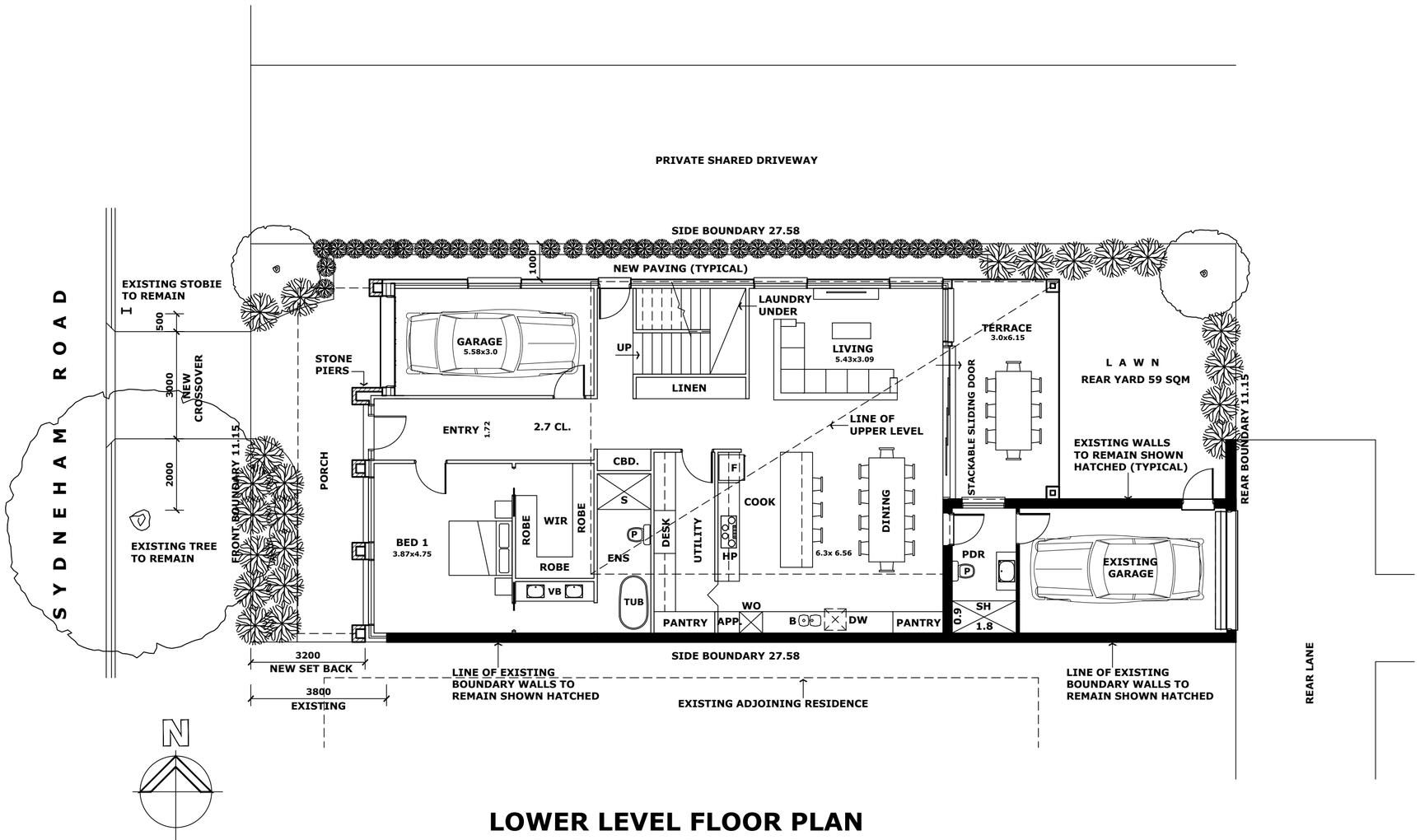
ANY DISCREPANCY TO BE REPORTED TO THE DESIGNER IMMEDIATELY.

FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWING REFER ENGINEERS REPORT

Attachment 1

TOTAL SITE	**307.51 SQM**
SOFT LANDSCAPING = 17% OF SITE	**53 SQM**
SITE COVERAGE	**74 %**

AREAS	SQM
L/LIVING	140.88
U/LIVING	82.31
GARAGE	19.27
TERRACE	18.45
PORCH	19.04
BALCONY	18.27
STORE	21.42
TOTAL	319.64
EXISTING GARAGE	31.80



LOWER LEVEL FLOOR PLAN
PROPOSED RENOVATION SCALE 1:100

0m 1m 5m 10m
SCALE 1:100

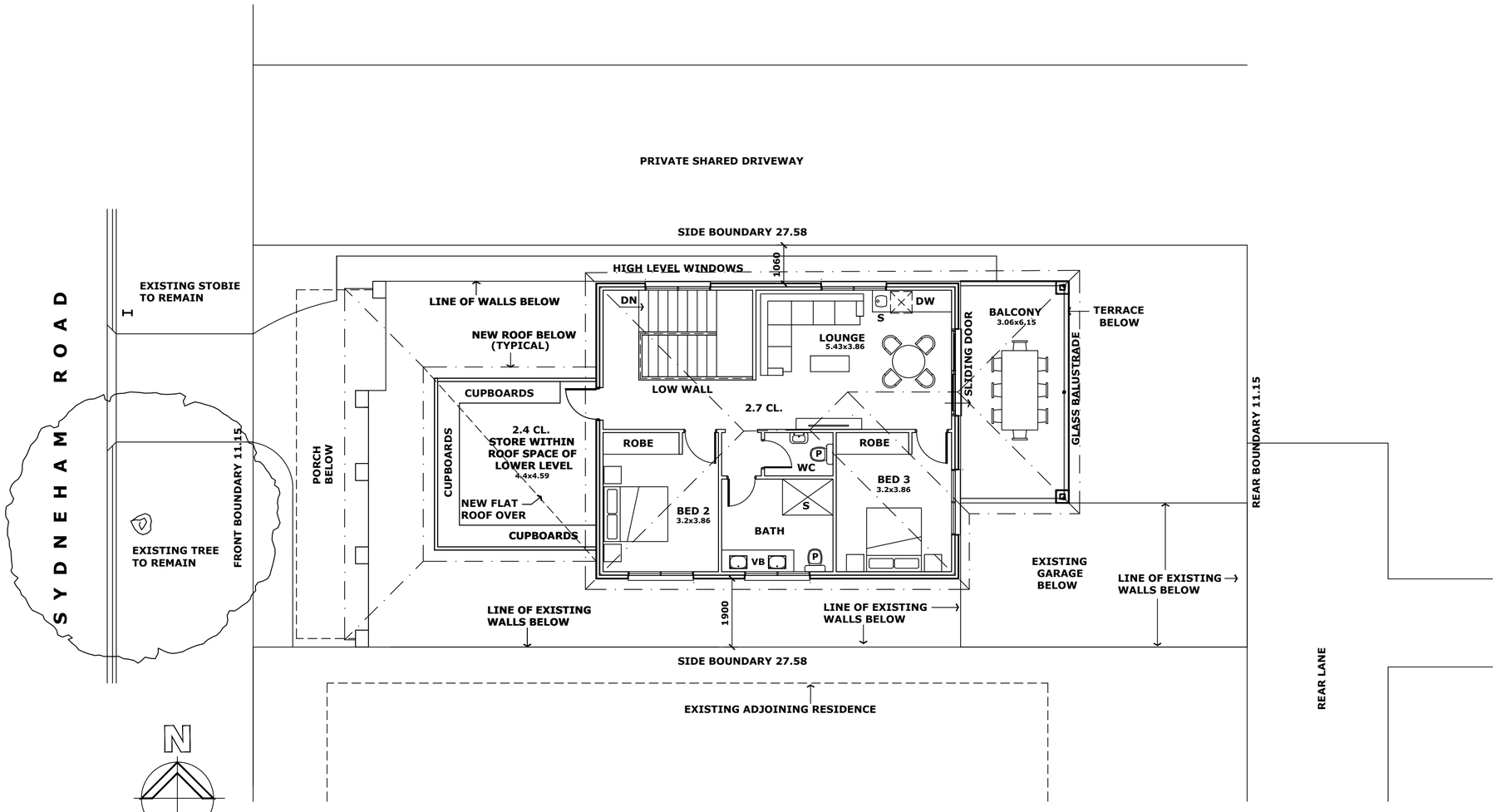
PLANNING APPLICATION

PROPOSED	**ADDITION & ALTERATIONS**
FOR	**PANDORA JANKUNAS**
AT	**No. 114 SYDNEHAM ROAD NORWOOD**
SHEET	**2 OF 8**
SCALE	**1:100**
PAGE SIZE	**A2**

REV.		DATE
A	PLANNING	03-06-24

NOTES

VERIFY DIMENSIONS AND LEVELS BEFORE COMMENCING ON SITE
ANY DISCREPANCY TO BE REPORTED TO THE DESIGNER IMMEDIATELY.
FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWING
REFER ENGINEERS REPORT



UPPER LEVEL FLOOR PLAN
PROPOSED RENOVATION SCALE 1:100

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	3 OF 8
SCALE	1:100
PAGE SIZE	A2

REV.		DATE
A	PLANNING	03-06-24

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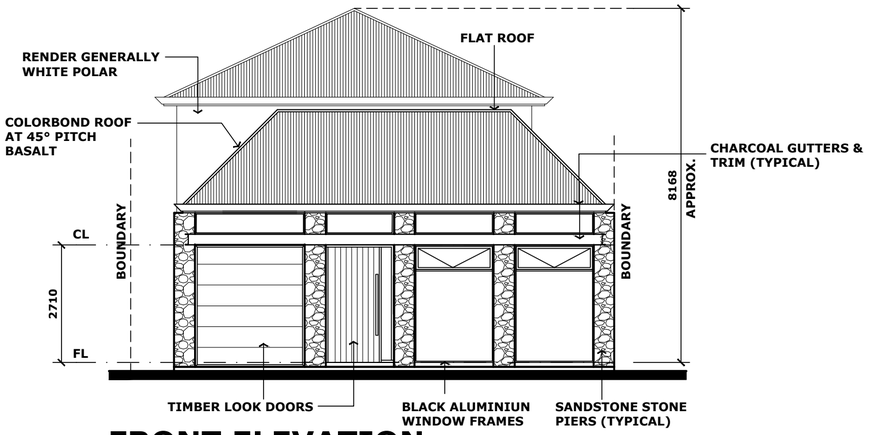
REFER ENGINEERS REPORT

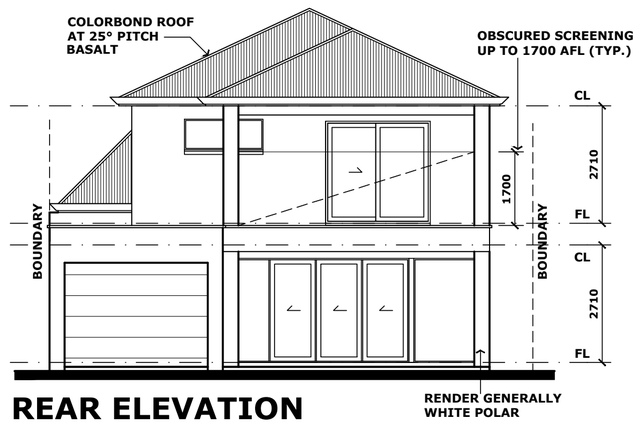
0m 1m 5m 10m
SCALE 1:100

PLANNING APPLICATION

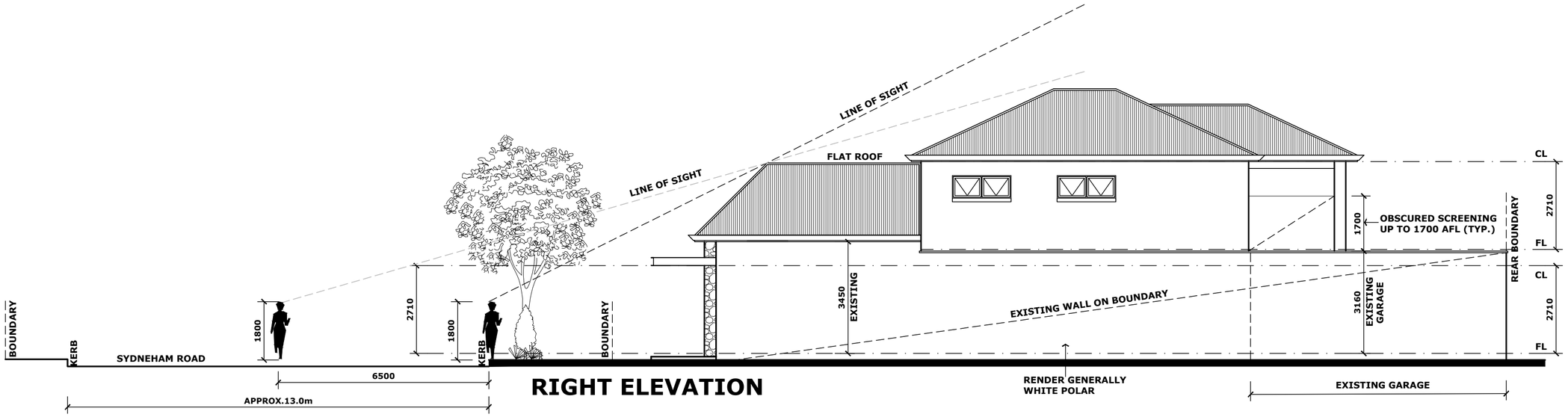
0m 1m 5m 10m
SCALE 1:100



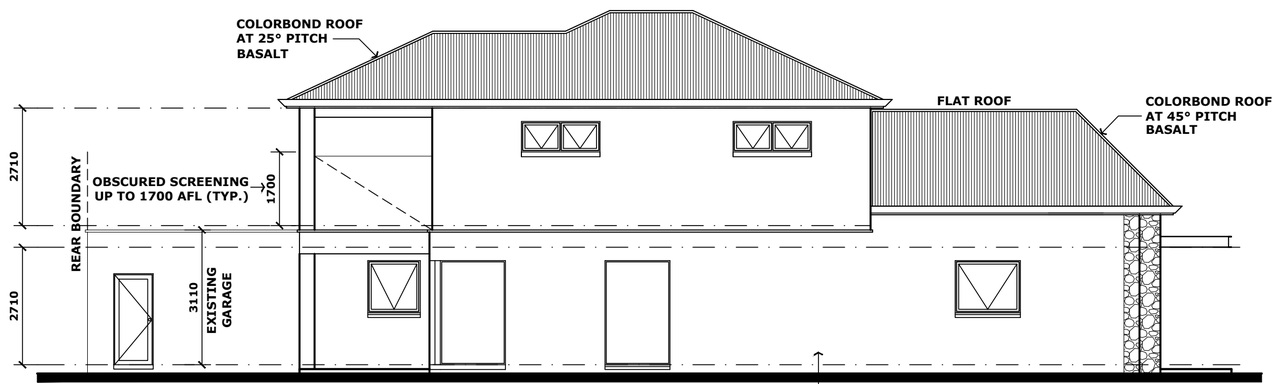
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

ELEVATIONS
PROPOSED RENOVATION SCALE 1:100

PLANNING APPLICATION

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	4 OF 8
SCALE	1:100
PAGE SIZE	A2

REV.		DATE
A	PLANNING	03-06-24

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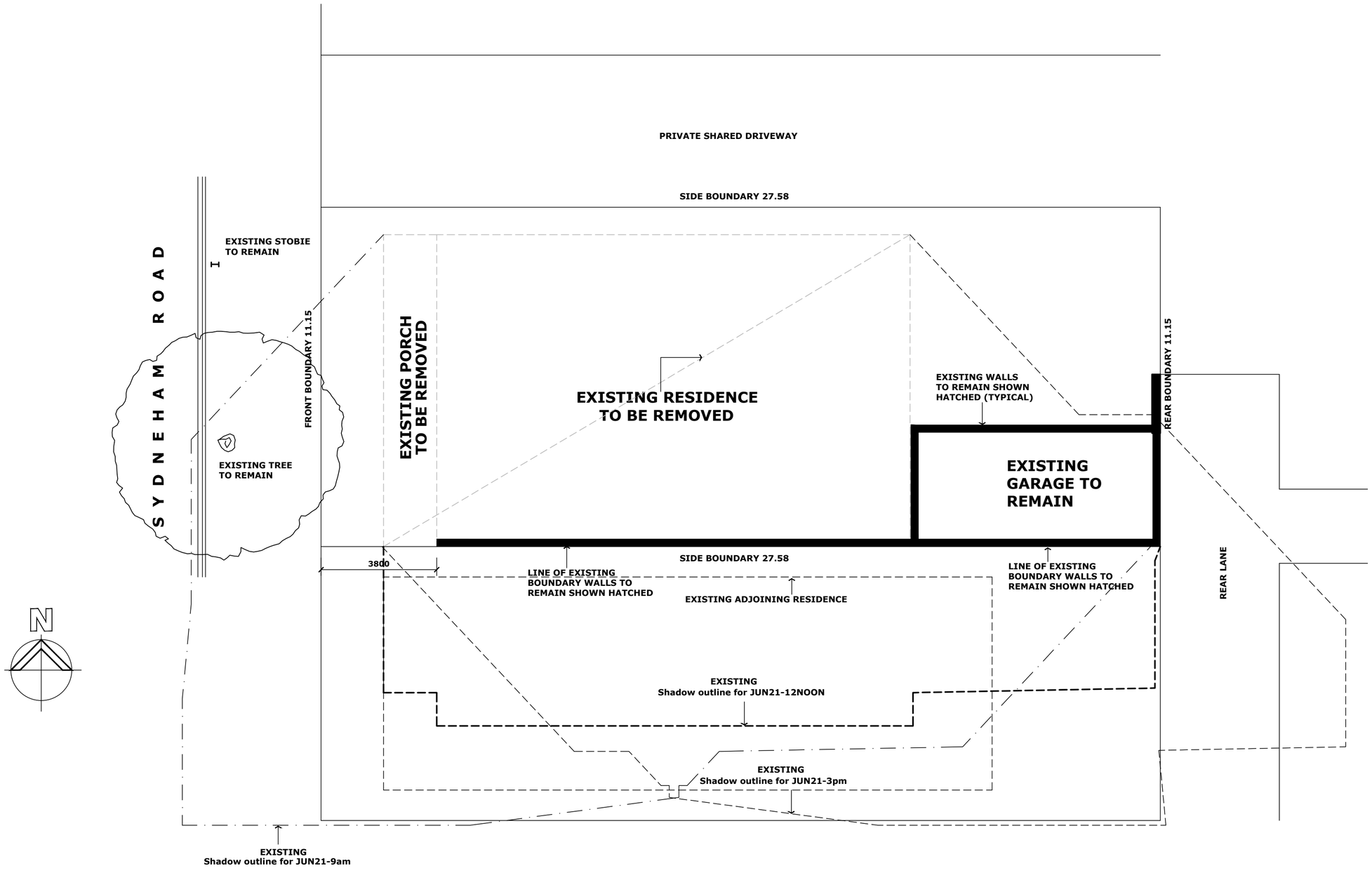

SHADOW DIAGRAMS FOR EXISTING
PROPOSED RENOVATION SCALE 1:100

0m 1m 5m 10m
SCALE 1:100

PLANNING APPLICATION

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	5 OF 8
SCALE	1:100
PAGE SIZE	A2

REV.		DATE
A	PLANNING	03-06-24

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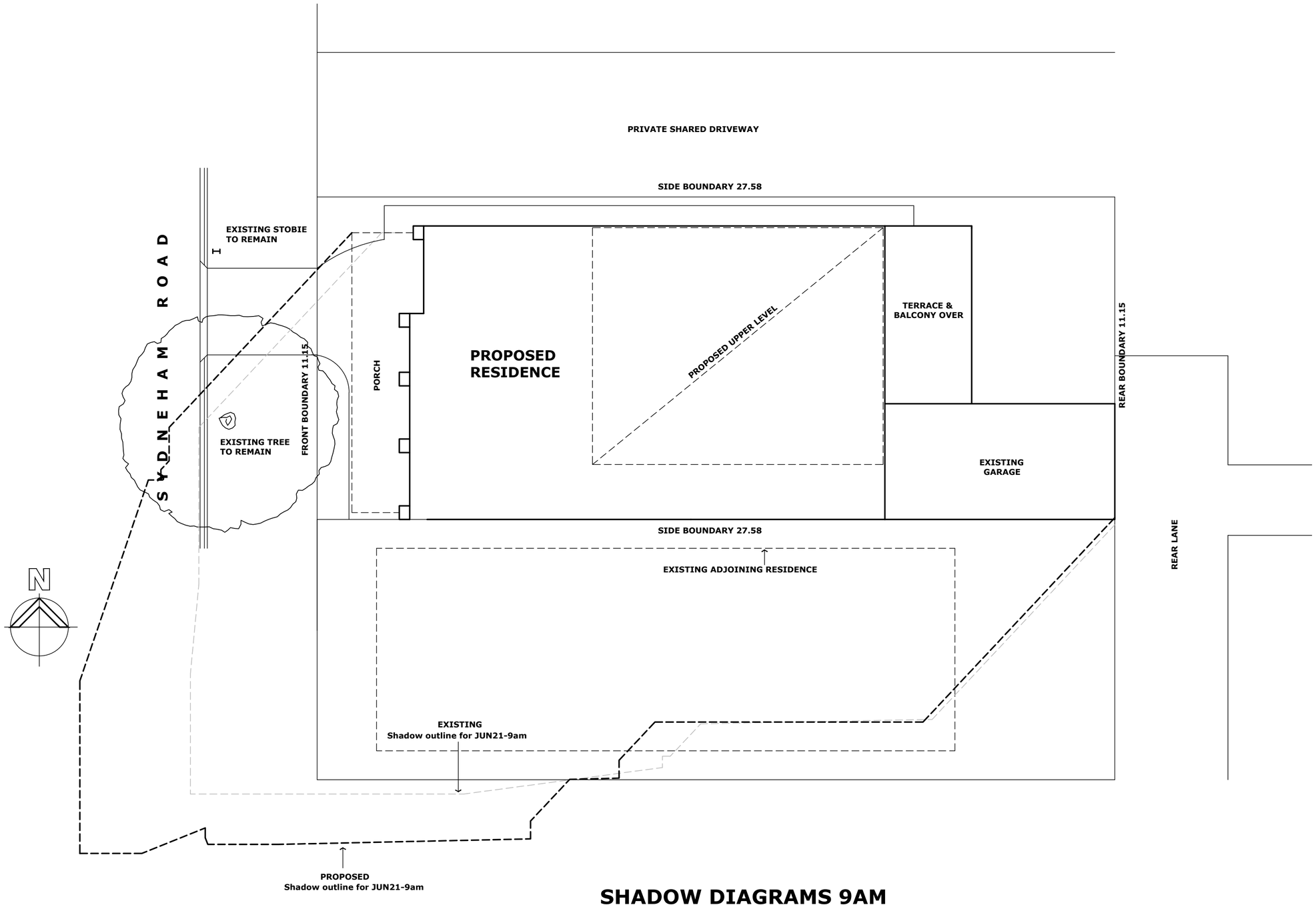

SHADOW DIAGRAMS 9AM
PROPOSED RENOVATION SCALE 1:100

0m 1m 5m 10m
SCALE 1:100

PLANNING APPLICATION

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	6 OF 8
SCALE	1:100
PAGE SIZE	A2

REV.		DATE
A	PLANNING	03-06-24

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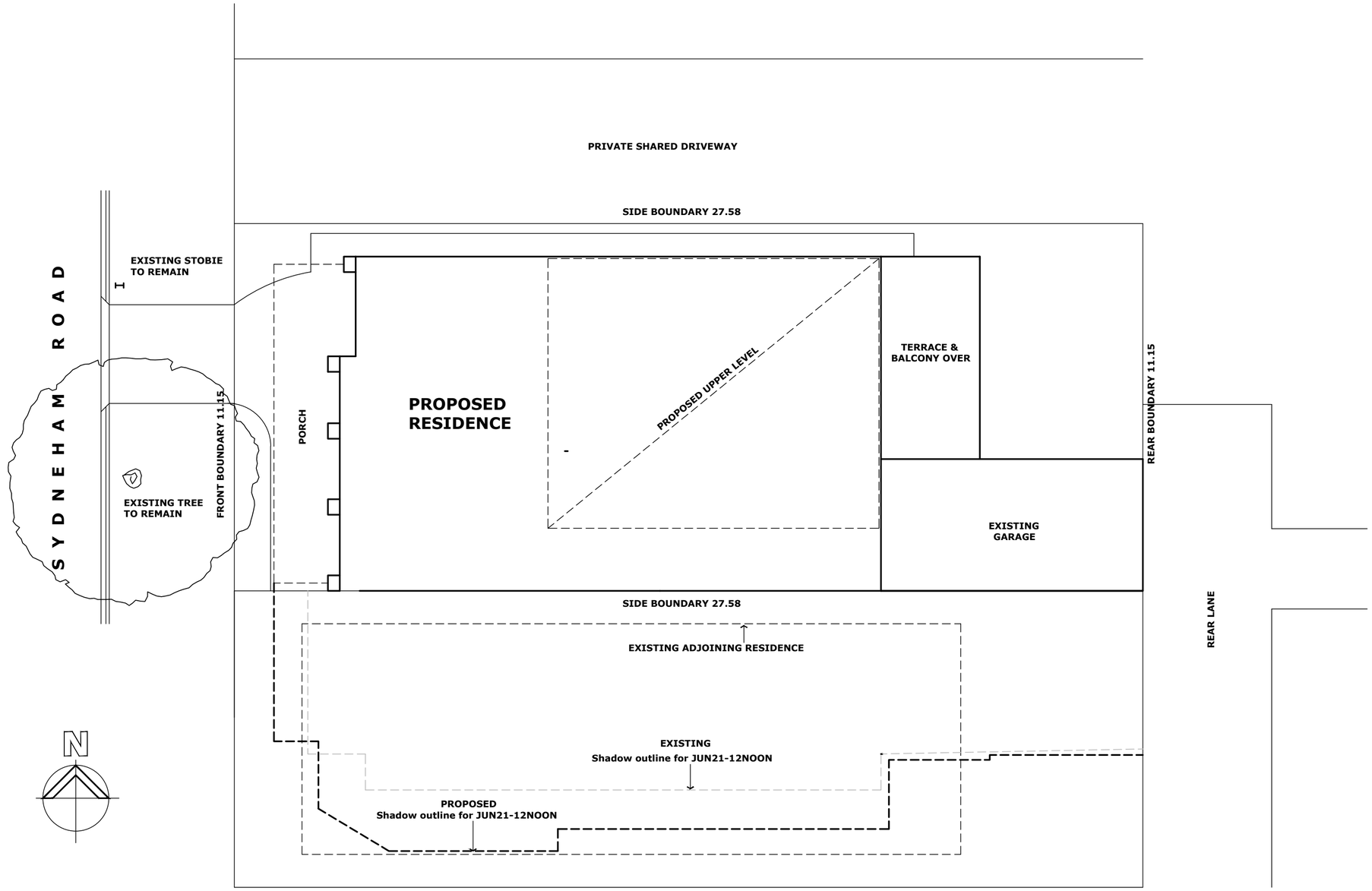

SHADOW DIAGRAMS 12 NOON
PROPOSED RENOVATION SCALE 1:100

0m 1m 5m 10m
SCALE 1:100

PLANNING APPLICATION

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	7 OF 8
SCALE	1:100
PAGE SIZE	A2

REV.		DATE
A	PLANNING	03-06-24

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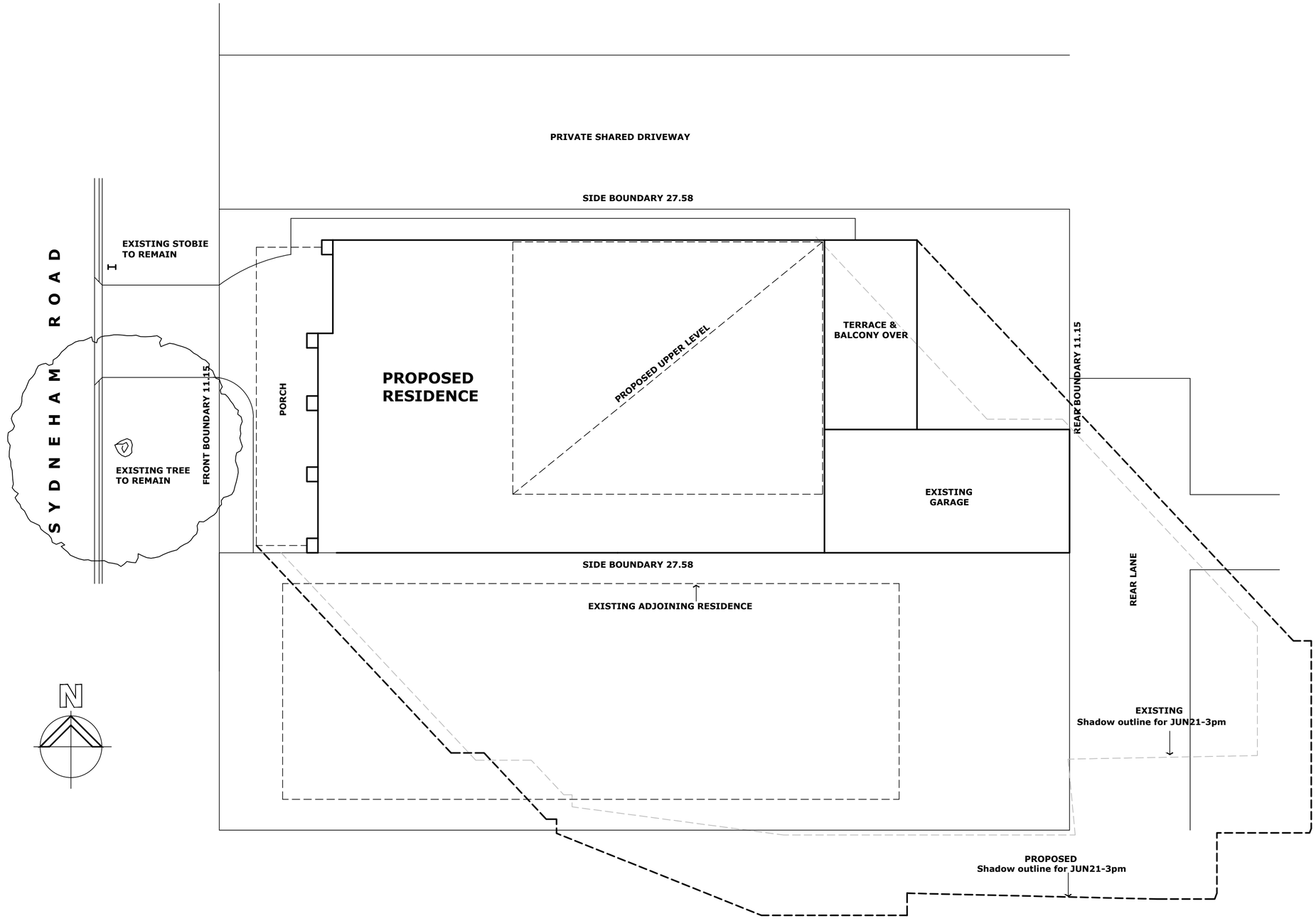
Attachment 1



SHADOW DIAGRAMS 3PM
PROPOSED RENOVATION SCALE 1:100

0m 1m 5m 10m
SCALE 1:100

PLANNING APPLICATION

PROPOSED	ADDITION & ALTERATIONS
FOR	PANDORA JANKUNAS
AT	No. 114 SYDNEHAM ROAD NORWOOD
SHEET	8 OF 8
SCALE	1:100
PAGE SIZE	A2

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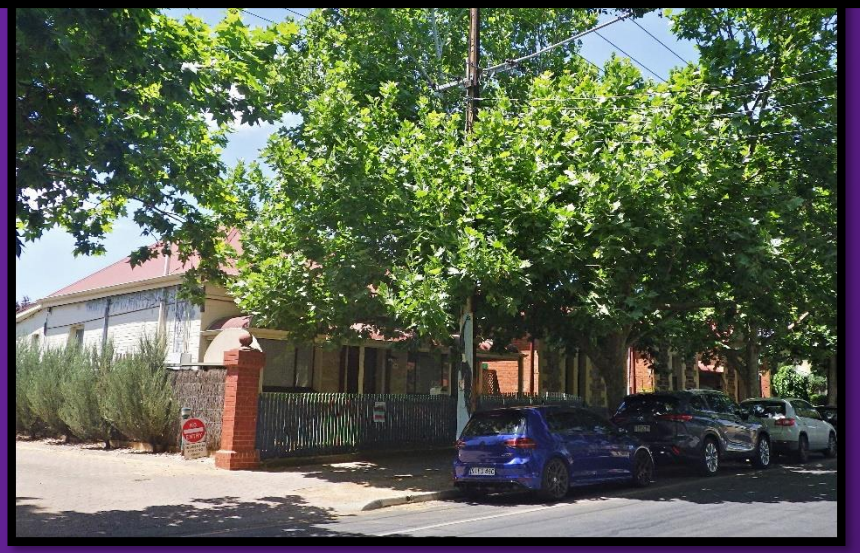
Arborcare Tree
and
Garden Solutions

Tree Assessment for 114 Sydenham Road Norwood



David M.G. Mably

Ad Diploma Hort (Arboriculture) Aust.

Associate Diploma Applied Science (Park Management) Aust.

Cert Tree Surgery U.K.

Index

Click/tap on the headings to go to the section you require, then to return to the Index, click/tap on the section headings.

Site Inspection: 14th November 2024 **Tree Report 3741**

Tree Report: 28 and 29th November 2024

Applicant: Pandora Jankunas

114 Sydenham Road Norwood SA 5067

Ph:

E:

Development Application: 24017924

Subject Land: 114 Sydenham Road Norwood SA 5067

Council: City of Norwood Payneham & St Peters

Re: Demolish existing dwelling and construct a 2 Storey detached dwelling at 114 Sydenham Road Norwood SA 5067

Dear Pandora,

I have been asked to assess and inspect the Council tree situated on the verge at the front of 114 Sydenham Road Norwood and to give my opinion regarding the proposed new development and in particular the intended crossover near the existing street tree; and if the proposed porous paving for the crossover will have an impact upon the tree. Also to identify the tree species and whether the tree is classified as a non-regulated, ***exempt tree species,*** regulated or significant tree as described within the *Planning, Development and Infrastructure Act 2016; and the Planning, Development and Infrastructure Regulations 2017*, *amended 2024* and the planning policy prescribed within the Planning and Design Code**;** relating to the conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss where possible.

Background Information

The street tree has provided amenity, aesthetics, shade, shelter, screening, providing a cooling effect and habitat for insects and birds. This tree is one of many London Plane trees planted within the street (verge) to create aesthetic and amenity appeal within the whole street and is to be retained outside the property on the council verge, providing shade and screening for the existing dwelling.

Regulated trees: **Tree 1 Platanus x acerifolia hybrid (London Plane tree) (1570mm Circumference) Council wish to retain and preserve. (Regulated tree verge)**

Exempt Tree Species: **Yes; Listed as an *exempt tree species under Part 1.* 3F Regulated and Significant trees**

- **(4) Subregulations (1) and (2) do not apply— part b. Platanus x acerifolia (London Plane)**

Endemic to South Australia **No**
Native to Australia: **No**

The property is in the process of being developed and is located within an Excluded Bush Fire Zone **(GBFZ)** area.

I was asked to inspect and assess the trees in respect to their overall: -

- Condition and Structure
- Form and vigour
- Health and vitality, tree structure
- Structural defects and anomalies within the trees to Previous (SLF)[10]
- Bird damage to branches
- Resin, sap, (kino) exuding above, over on trunks and branches
- Safer Useful Life Expectancy (S.U.L.E.) of the tree
- Pest, diseases, and insects (Termites)
- Past and current pruning practices
- Increased Sudden Limb Failure (S.L.F.) of substantial branches onto your property including the built environs.
- Changes within the surrounding environment from drought, extreme temperatures and changes in the water table below the tree; the quality and quantity of underground water and Impact on the existing built environs
- Previous tree failures and fatal failures, injuries, and deaths within Adelaide.
- Structural damage to property, and or
- Proposed development and or
- New crossover near a regulated tree.

Tree Management Options

1. What is the tree species, approximate age, health and condition of the tree caused by a/biotic influences and whether the tree is impacting upon the existing built environs and causing damage to a structure of value? What are the alternative remedial treatments that can be implemented to avoid damage to the tree and or if the proposed dwelling(s) will have an impact upon the tree in allowing reasonable development?
   Whether pruning and or complete removal of the tree is recommended to avoid further damage to a structure of value and or injury/death could be caused to persons below the tree.

2. Whether there are any alternative measures that could be implemented to retain the tree and the appropriate solutions of implementing each of those non-tree damaging activities (should any be available).

3. In order to determine the reasonableness of alternative measures:
   - Look at the structural integrity and or defects of the tree
   - Past pruning strategies including lopping and pollarding to semi mature/mature trees (woodlots)
   - Determine the extent and long-term effect of damage associated with the tree remaining
   - Impacts upon the tree caused by development and or inappropriate pruning
   - Identified and define the appropriate
     - Structural Root Zone (SRZ)
     - Tree Protection Zone (TPZ) for the tree
   - Suggest appropriate treatments (if any are applicable and effective to be used within the Tree Protection Zones that will assist in the longer-term preservation of the tree AS4970-2009. E.g., Limit built environs at the base of tree
   - Determined any encroachments within the tree protection zones and suitable engineering techniques that can be used to reduce impacts on the built environs caused by the tree

4. ***Council tree management plan*** Prune the trees to reduce potential failure from within the tree onto persons and or property in accordance with AS4373-2007 “Pruning of Amenity Trees” (If applicable); to
   - Past pruning strategies including lopping and pollarding to semi mature/mature trees (woodlots)
   - Crown thinning, lifting, reduction, shaping and balancing of the overall canopy
   - Pruning/reducing long lateral bias end weighted branches (some are starting to split)
   - Removing dead, diseased, damaged, crossing, broken and unwanted branches
   - Minimising further stress on the tree, retaining a balanced canopy
   - Retain bird hollows where appropriate.
5. Veteran tree management (VTM) to semi mature /mature trees that may have been lopped/pollarded, to severe sudden limb failure within trees and the remedial options if appropriate, from a pruning methodology in accordance with AS4373-2007 “Pruning of Amenity Trees” (If applicable); to…

6. Removal of the tree and stump.

Statutory or Legal Status

The property is located within a Exempt Bush Fire Zone **(GBFZ)** area; allowing for reasonable development as described within the *Planning, Development and Infrastructure Act 2016 and amended 2024*, *Planning, Development, and Infrastructure Regulations (General) 2017* ***(PD&IR 2017)*** *published 2002 and amended 2024;* relating to the conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss where possible, retaining healthy long lived trees.

Part 1. **3F Regulated and Significant trees** *Planning, Development, and Infrastructure Regulations (General) 2017 published 2002 and 2024.* Also considering the planning policy prescribed within the Planning and Design Code**,** relating to the conservation of regulated and significant trees.

(1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of regulated tree in section 3(1) of the Act, namely trees within a designated regulated tree overlay that have a trunk with a circumference of 1 m or more or, in the case of trees that have multiple trunks, that have trunks with a total circumference of 1 m or more and an average circumference of 625 mm or more, measured at a point 1 m above natural ground level.

(2) Subject to this regulation—

(a) a prescribed criterion for the purposes of paragraph

(b) of the definition of significant tree in section 3(1) of the Act is that a regulated tree under subregulation (1) has a trunk with a circumference of 2 m or more or, in the case of a tree with multiple trunks, has trunks with a total circumference of 2 m or more and an average circumference of 625 mm or more, measured at a point 1 m above natural ground level: and

(b) regulated trees under subregulation (1) that are within the prescribed criterion under paragraph (a) are to be taken to be significant trees for the purposes of the Act.

Exempt Tree Species: **Yes; Listed as an *exempt tree species under Part 1.* 3F Regulated and Significant trees**

- **(4) Subregulations (1) and (2) do not apply— part b. Platanus x acerifolia (London Plane)**

(3) For the purposes of subregulations (1) and (2), the measurement of the circumference of the trunks of a tree with multiple trunks is to be undertaken on the basis of the actual circumference of each trunk and without taking into account any space between the trunks.

(4) Subregulations (1) and (2) do not apply -(6) For the purposes of the definition of tree damaging activity in section 3(1) of the Act, pruning—

(a) that does not remove more than 30% of the crown of the tree; and

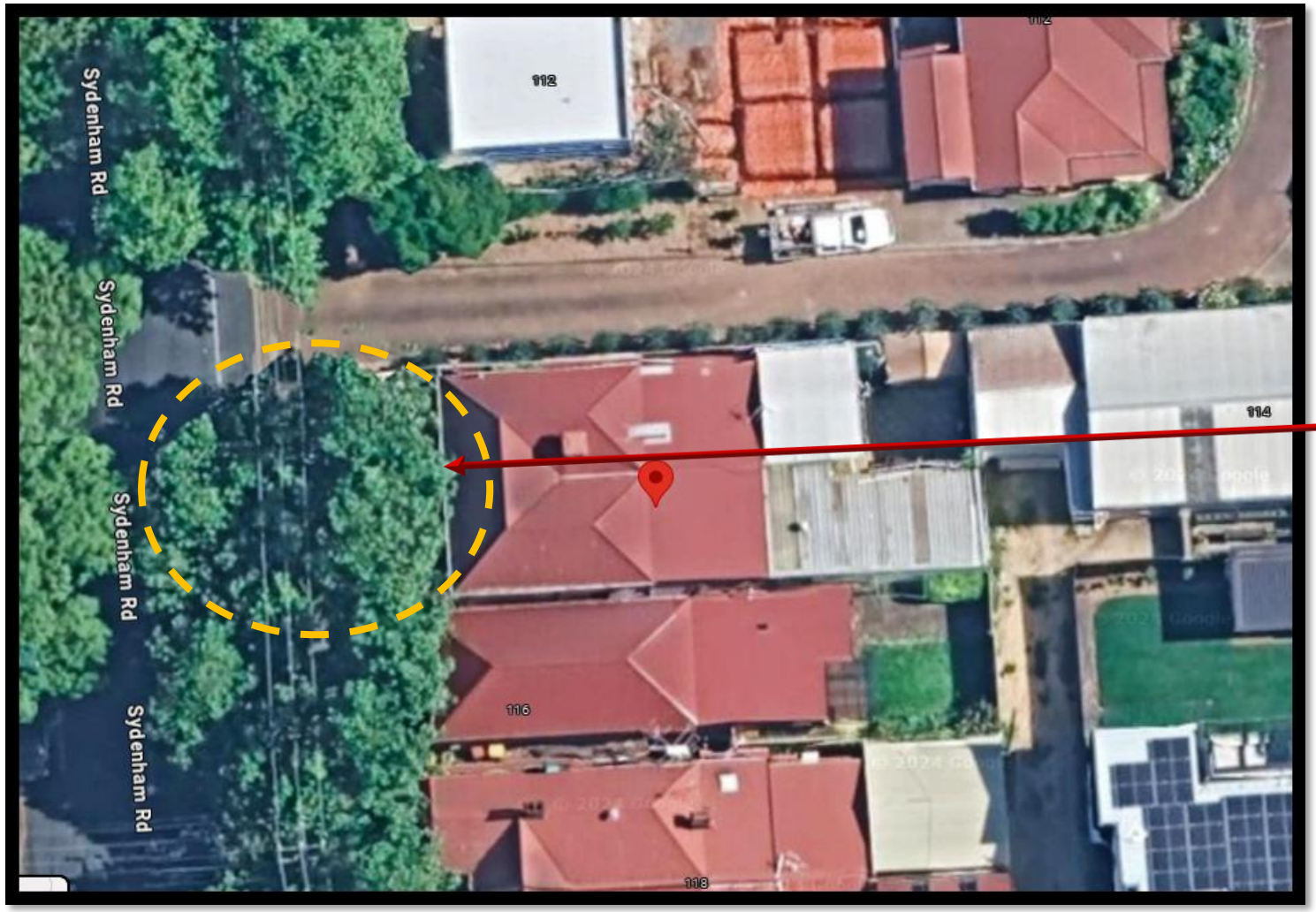
(b) that is required to remove—

(i) dead or diseased wood; or

(ii) branches that pose a material risk to a building; or

(iii) branches of a tree that are located in an area frequently used by people and the branches pose a material risk to such people, are excluded from the ambit of that definition.

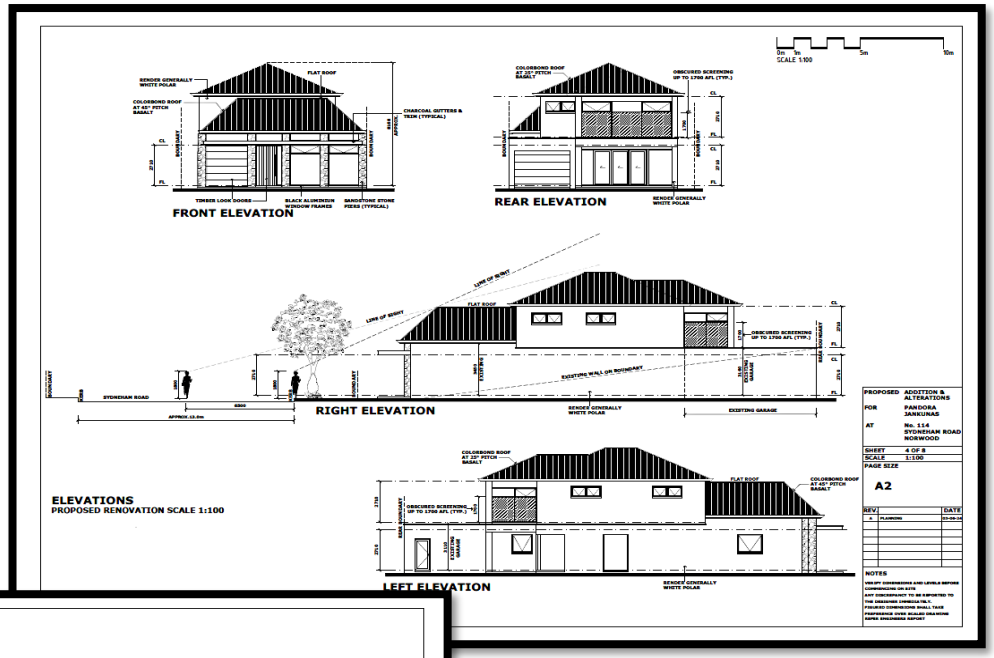
Google Maps - **114 Sydenham Road Norwood SA 5067**



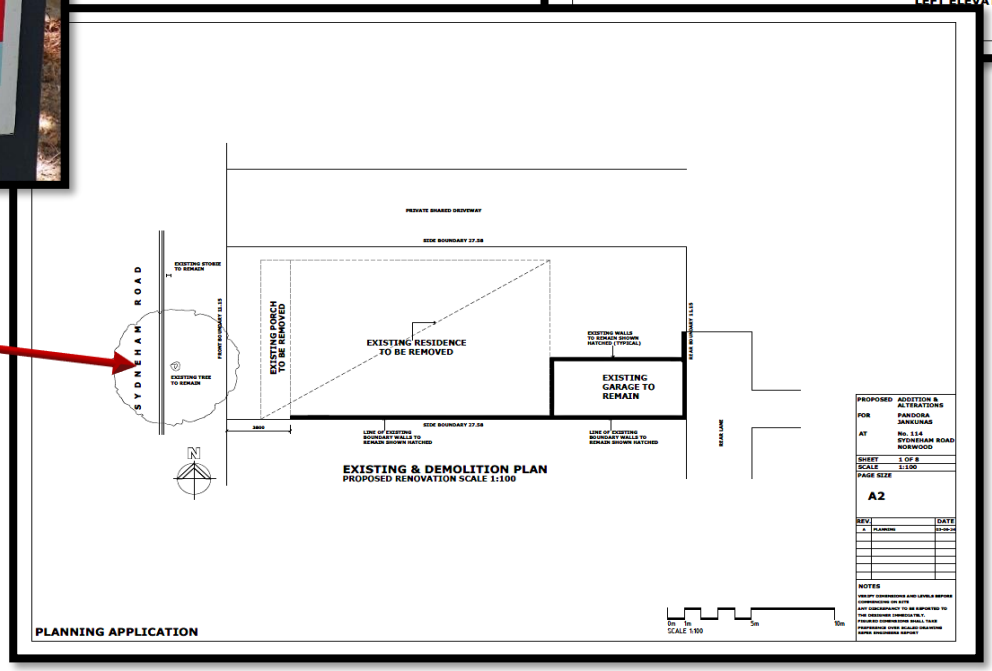
Tree 1 Platanus x acerifolia hybrid (London Plane tree) located on the council verge approximately 4.8 metres from the front veranda and 6.55 metres to the foundations of the existing dwelling.

Low and High voltage utility wires are also located on the council verge above the trees which are continually pruned as per the "ETSA Act" by SA Power Networks, forming a 'vase shaped tree'.

Site Plans



Tree 1.



Executive Summary

After further discussion, consultation with council and the developer with a revised development plan to be implemented, the tree assessment has identified the retention of **Tree 1** identified as **Platanus x acerifolia hybrid (London Plane tree)** a Regulated Tree, located on the council verge.

As an exempt tree species, the tree could have been removed. However, Council wish to retain the tree, therefore, the tree falls into a "Duty of Care" where reasonable arboricultural precautions are undertaken to minimise any short and or long-term issues with the tree and it's root system; being on council land (verge) as to the installation of the proposed porous paved driveway and dwelling.

Exempt Tree Species: **Yes; Listed as an *exempt tree species under Part 1.* 3F Regulated and Significant trees**

- **(4) Subregulations (1) and (2) do not apply— part b. Platanus x acerifolia (London Plane)**

Endemic to South Australia **No**
Native to Australia: **No**

Tree 1: Platanus x acerifolia hybrid (London Plane tree) is located on the council verge, approximately 4.8 metres from the front veranda and 6.55 metres to the foundations of the existing dwelling. Low and High voltage utility wires are also located on the council verge above the trees which are continually pruned as per the "ETSA Act" by SA Power Networks, forming a 'vase shaped tree' to clear all utility wires as per specifications on a yearly basis.

The property is within a neighbourhood with numerous plants, exempt tree species and other trees as non-regulated, regulated and significant trees.

The proposed re-development of the new dwelling at 114 Sydenham Road Norwood has considered the preservation of the street tree. This tree has a distinct trunk buttress near the kerb and water table (KWT). There are limited surface roots with the following noted: -

- Surface tree roots are disturbing the pavers, marked with yellow paint -trip hazard (Elderly lady tripped on while walking her dog).
  - A Customer Action Report System (CARS 107729) lodged 28/11/2024 for repairs under the local government Act (LGA)
- Another tree root, a 2-metre surface root heading in a northerly direction towards the proposed porous paving within the verge, and
- The edge of the paving near base of tree is raised (typical to proximity of tree to pavers).

The proposed cross over near Tree 1: Platanus x acerifolia hybrid (London Plane tree) has allowed for the preservation of the tree as identified within the "*Protection of Trees on Development sites*" AS4970-2009[2]. Develop a tree management plan in preserving the trees structural root zone (SRZ) and the tree protection zone (TPZ) that may be affected by the new driveway/ crossover as identified within the information below (***See site map***) which can be completed once all the new dwelling has been constructed, then the cross over can be installed.

Protection of Trees on Development Site

The largest mature Platanus x acerifolia hybrid (London Plane tree) will not be impacted upon by the proposed development as asphalt and pavers already exist within the structural root zone (SRZ). However, the proposed porous paved driveway will be laid in the outer part of the structural root zone (SRZ) at 2.2 metres and into the tree protection zone (TPZ) with careful removal of the KWT, concrete, and verge debris including excess soil using either limited machinery, by hand-manual labour, a Hydrovac and or Air spade. The existing pavers can be lifted and removed by hand.

If any minor tree roots are found, they can be cut cleanly up to 30mm in diametre as per "*Protection of Trees on Development sites*" AS4970-2009[2.] When the proposed driveway is being constructed; the arborist should be on site to assist with site works.

The proposed dwelling final floor level (FFL) will be slightly elevated (See site plan); therefore, the final levels will need to be adjusted for the proposed driveway, using large gravel particles across the driveway with no fines and porous paving. The existing pavers will also need to be adjusted to suit the 'Final Floor Level' (FFL) as per the proposed plans. In this way the tree roots will not be impacted upon using careful design and implementation of the new porous paving crossover, the tree root plate can and will be preserved.

This will allow oxygen and water to naturally filter through into the soil as water run-off from the roadway down to the tree as the surface is porous, naturally aerating the soil thus creating a better growing environment for the tree. Encroachments within the tpz are permissible from the centre of the tree, minimizing tree damaging activity. Variations must be considered and made; allowing for design and installation by the project designers and engineers to be sent to the project arborist considering all the relevant factors listed in Clause 3.3.4 of the Australian Standard AS4970-2009 Protection of Trees on Development sites.

The proposed redevelopment is within alignment with the Plan SA request as identified within the *Planning, Development and Infrastructure Act 2016*, *Planning, Development, and Infrastructure Regulations (General) 2017* ***(PD&IR 2017)*** *published 2002*, and the planning policy prescribed within the Planning and Design Code**;** relating to the conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss where possible.

Conclusions

The street trees along Sydenham Road Norwood have provided shade, shelter, and providing a cooling effect and habitat for insects and birds.
The tree in question is located within the council verge and is classed as a Regulated tree as per the *Planning, Development and Infrastructure Act 2016 and amended 2024*.

Exempt Tree Species: **Yes; Listed as an *exempt tree species under Part 1.* 3F Regulated and Significant trees**

- **(4) Subregulations (1) and (2) do not apply— part b. Platanus x acerifolia (London Plane) Council wish to retain and preserve.**

Endemic to South Australia **No**
Native to Australia: **No**

From the main trunk heading north within the verge is a surface tree root that goes for 2.2 metres. Secondly, there is a tree root at 45 degrees (lifting pavers) trip hazard from the trunk across the footpath pavers into the centre of the proposed driveway which council will rectify as per the Local Government Act. Customer Action Report System (CARS 107729) was lodged on 28/11/2024 for repairs under the local government Act (LGA).

There are three criteria we must consider when assessed against the relevant *Planning, Development and Infrastructure Act 2016 amended May 2024; and the Planning, Development and Infrastructure Regulations 2017*.

- 'Desired Outcomes',
- 'Performance Outcomes' and
- 'Designated Performance Features'

Therefore, the following information needs to be considered as part of the development that can proceed: -

The retention of **Tree 1** Platanus x acerifolia hybrid (London Plane tree) which does not have an existing driveway within the tree protection zone and has survived even though the footpath paving is within the structural root zone (SRZ) **2.8 metres** and is within the tree protection zone (TPZ) **5.832 metres** . The tree will not be impacted upon when using careful design, implementation and by using porous paving with large gravel particles across the driveway with no fines (***See Methodology***).

This is the same methodology Dr Tim Johnson (Tree Net) used in his thesis and within the City of Mitcham using porous paving near street trees.

This will allow oxygen and water to naturally filter through into the soil as water run-off from the roadway down to the tree as the surface is pours with natural aerating the soil, creating a better growing environment for the tree. Encroachments within the tpz are permissible from the centre of the tree, with no tree damaging activity. Variations must be considered and made; allowing for design and installation by the project designers and engineers in planning, to the project arborist considering all the relevant factors listed in Clause 3.3.4 of the Australian Standard AS4970-2009 Protection of Trees on Development sites.

Tree Protection Zone

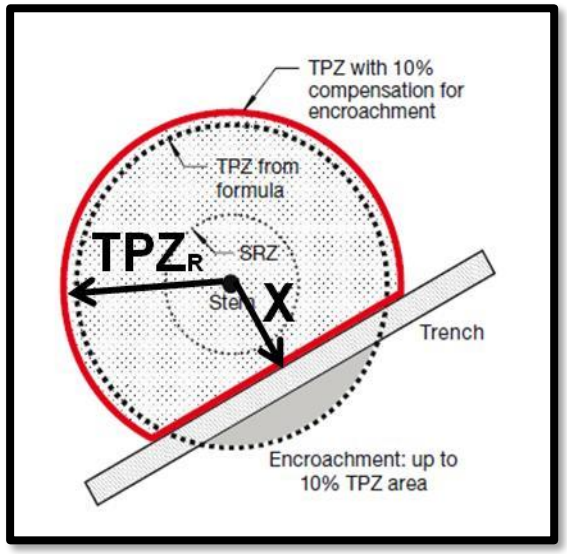
Under section 3.3 of AS4970-2009 it is recommended that encroachment into the TPZ of any tree is 10% or less provided the encroachment does not extend into the SRZ. If greater than 10% or within the SRZ, this would be considered a *Major encroachment,* and a project arborist would have to demonstrate that the tree/s could remain viable. This may require root investigation by non-destructive methods by a qualified arborist level 5 and or above on site; considerations of relevant factors including:

- the soil characteristics, topography, and drainage.
- the tree species and tolerance to root disturbance.
- the age and vigour of the tree.
- the preservation and protection of the root system resulting from higher watering and mulching.

TPZ control measures:

Where practical, trench outside the TPZ. Impacting more than 10% of the TPZ can affect the long-term health of the tree.
Where cables must be laid within the TPZ, minimise the extent impacted and for significant encroachments, under bore using a directional drill bit at least 600-1000 mm beneath the ground surface, or if excavating, hand dig or use an air spade/knife.

Where possible, establish and work outside the TPZ. Fence off the TPZ to avoid physical damage to trees.
Where the control measures cannot be met, contact Environmental Services or an arborist to carry out a health and/or stability assessment of the tree.



Tree Protection Management Plan

The following tree protective measures should be completed prior to any civil work. I agree that the following measures should be adhered to within the designated TPZ of the regulated and significant trees to be retained on all three allotments at all times:

Preconstruction stage

- Establish a TPZ consisting of a solid wire barrier fence with concrete blocks to support and stabilise the two (2) metre high fences (If required).
- Install signage on all four (4) sides of the fence with the words **"Tree Protection Zone"** Do not enter without the appropriate consent from the Council officer/site supervisor/arborist.
- All works within the designated TPZ should be carried out under the guidance of a qualified arborist.
- All works encroaching into the TPZ of the subject tree must be undertaken carefully and completed with hand-tools, no machinery unless specified.
- No servicing and/or refuelling of equipment and/or vehicles should occur within the TPZ.
- No mechanical activity involving or using fuel, oil or chemicals should be conducted within the TPZ.
- No storage of materials, building rubble, construction materials, equipment or temporary buildings/structures should be allowed within the TPZ.
- No additional excavating or digging of any form, unless specified, should occur within the TPZ.
- No placement of additional soil within or removal of soil from, the TZP should occur, unless specified.
- Scaffold supports required within the TPZ are to be placed on planks or boards of a suitable thickness.
- No changes to natural ground level within the TPZ should be made (except those specified).
- Water and mulch the tree to preserve the tree root system.

Root Zone Management

The following should be adhered to for proper management of the root zones of the tree (s):

- All structural roots, (roots with a diameter greater than 30 millimetres), encountered within or outside of the recommended TPZ, should be retained if possible.
- If root pruning is required, the root should be uncovered by hand digging and severed by a pruning saw and or secateurs. Roots encountered outside of the TPZ by a bobcat; backhoe or other machinery should also be uncovered by hand digging. Backhoes, other machinery or blunt instruments should not be used for this purpose.
- If roots are to be cut to a lateral root where possible. All root pruning should be undertaken by a qualified arborist.
- Backfill the excavation as soon as possible, and water the soil around the roots, to avoid leaving air pockets.
- Run-off from construction activities must be directed away from the entire TPZ area.
- Water the tree before, during and after development

Post Construction

- The following should be adhered to after the development is complete:
- Take all reasonable measures and precautions to protect the regulated/significant tree once development of the site has been completed.
- All new boundary fences, if required within the subject tree TPZ, should be of 'post and rail' construction. Post holes required will present some minor disturbance to the tree's root system.
- Therefore, post holes should be dug by hand if they are required within the designated TPZ area.
- They should be relocated if structural roots (roots with a diameter greater than 30 mm) are encountered.

Methodology

This is the same methodology Dr Tim Johnson used in his thesis and within the City of Mitcham using porous paving near street trees.

The pavement system is the same for your tree. Have a look at the project 10 years on from the presentation given by Alex Game and Dr Dean Nicole.

1. Alex game, Fig Plazza Adelaide Oval, presentation 3 https://www.youtube.com/watch?v=ujZ1uSfYf0U

2. Dean Nicole https://www.google.com/url?sa=i&url=https%3A%2F%2Ftreenet.org%2Fresource%2Fadelaide-oval-fig-tree-plaza-thinking-outside-the-square%2F&psig=AOvVaw0H9vFy5GLOB2n8XoDdjzy3&ust=1689733353691000&source=images&cd=vfe&opi=89978449&ved=0CBEQjhxqFwoTCMib7OSZl4ADFQAAAAAdAAAAABAE

This is "TREENET18D2S07" by "Wallfly" on Vimeo.

3. Moreton Bay Fig trees at Adelaide Oval face the axe
https://www.adelaidenow.com.au/ipad/moreton-bay-figs-at-adelaide-oval-face-the-axe/news-story/da9fe06fcb09ac34a68fbb7b4e20c792

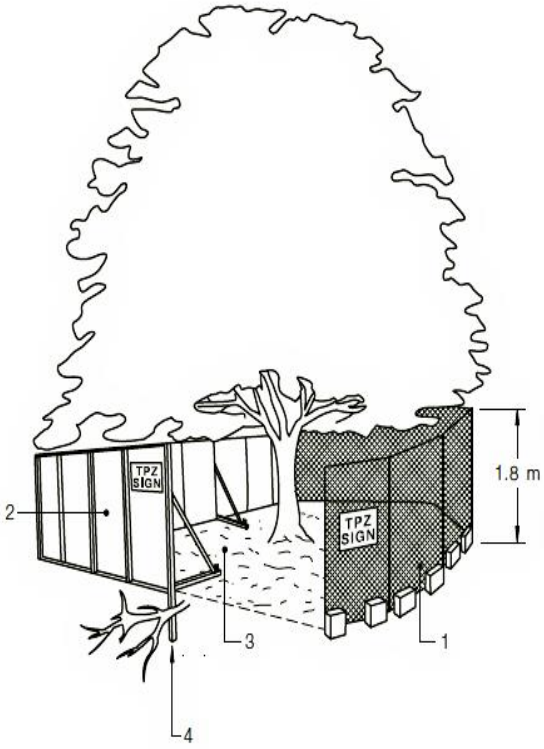
Previous engineered sensitive sites with significant trees

	Tree Species	Location	Consulting Arborists	When	Sited
1.	Moreton Bay Fig trees at	Adelaide Oval	(Alex Game and Dean Nicholle)	10 years ago	Appendix 1
2.	River red gum installations	Blackwood CFS	David Lawry	14 years ago	Appendix 2
3.	River Red gum	Holden Hill	David Mably	7 years ago	Appendix 3

The more the existing tree protection zone (TPZ) is de-compacted removing asphalt, concrete and compacted rubble into a more aerated rubble with no fines; will improve the space in which the tree roots will be able to grow uninterrupted in as natural an open soil space can be engineered for expanding tree roots and porous paving which creates a more abundant growing areas for the trees. The garden beds will all be mulch with water running off the porous paving and seeping into the gravel below.

4.4 SIGNS

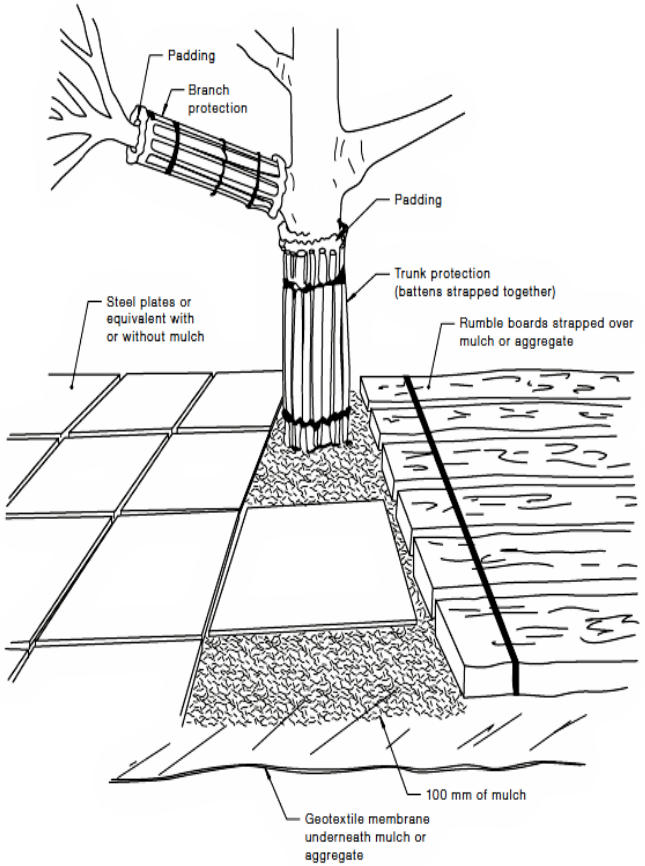
Signs identifying the TPZ should be placed around the edge of the TPZ and be visible from within the development site (refer Figure 3). The lettering on the sign should comply with AS 1319. Appendix C provides an example of a suitable TPZ sign.



LEGEND:

1 Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
2 Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
3 Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
4 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

FIGURE 3 PROTECTIVE FENCING



NOTES:

1 For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
2 Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.

FIGURE 4 EXAMPLES OF TRUNK, BRANCH AND GROUND PROTECTION

Tree Information Table & Description

Criteria / Tree No	Tree 1
Tree Species	Platanus x acerifolia hybrid London Plane tree
Height x width Age & Useful Life Expectancy	Approx. 18M High Width: N 8m, E8m, W8m, S8m Approx 45years old with a ULE of Approx 50 years
SRZ	Diameter =0.65 m^d = SRZ = 2.8 m^r Actual SRZ 2.2 metres
Circumference (Circ.)	1570mm
Tree Status	Listed as an *exempt tree species under Part 1.* 3F Regulated and Significant trees (4) Subregulations (1) and (2) do not apply— part b. Platanus x acerifolia (London Plane) Council wish to retain and preserve. Regulated (council verge)
DBH	0.486mm
Tree Protection Zone =DBH x 12 Note: Maximum TPZ is 15 metres	0.486mm x 12= 5.832m 5.832m
Total Tree protection Zone (TTPZ) area	106.86m^2
Allowable encroachment m^2 into TPZ	10.68m^2
Distance of the tree to the front boundary fence	2.97m
Impact upon tree by the proposed development	New driveway and crossover and replacement of dwelling
Existing infrastructure around the tree	Paved footpath, bitumen, KWT and overhead and underground services
Risk Level	Low
Recommendations	Installation of the proposed dwelling and new crossover with large aggregate and porous paving using W.S.U.D. Minimal tree root disturbance, prune if necessary <30mm, use of hydrovac/Airspade to remove soil to allow reasonable development across the council verge.

Tree 1 is a Platanus x acerifolia hybrid, Common name: London Plane tree.

The tree is situated on the council verge in front of 114 Sydenham Road Norwood.

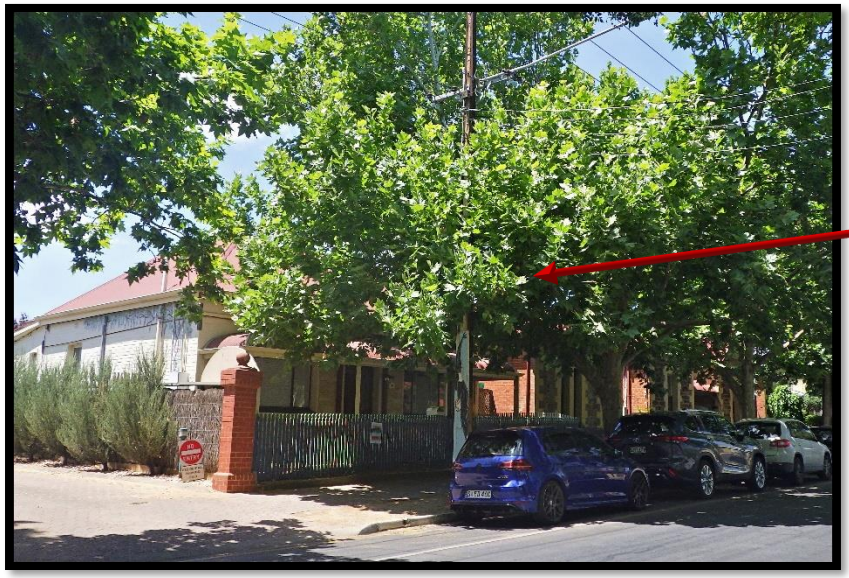
It has a single stemmed erect trunk with 1st – 3rd Order branches radiating out from the main trunk (typical to the species).

The tree has long laterals, multiple leaders and one dominant leader. SA Power Networks have pollarded the top of the tree, 1-1.5m below low voltage power lines into a 'wine glass' shape to allow for clearance of the high voltage power lines.

The tree has raised roots, causing damage to the footpath (uneven pavers- trip hazards) typical to most trees in the street and then damage to the dwelling at 114 Sydenham Road, which was built in the late 1890's with a stone and limestone footing which is deteriorating. Tree roots are possibly growing underneath the footing, causing cracking in the walls of the house (See images).

Tree Photographs

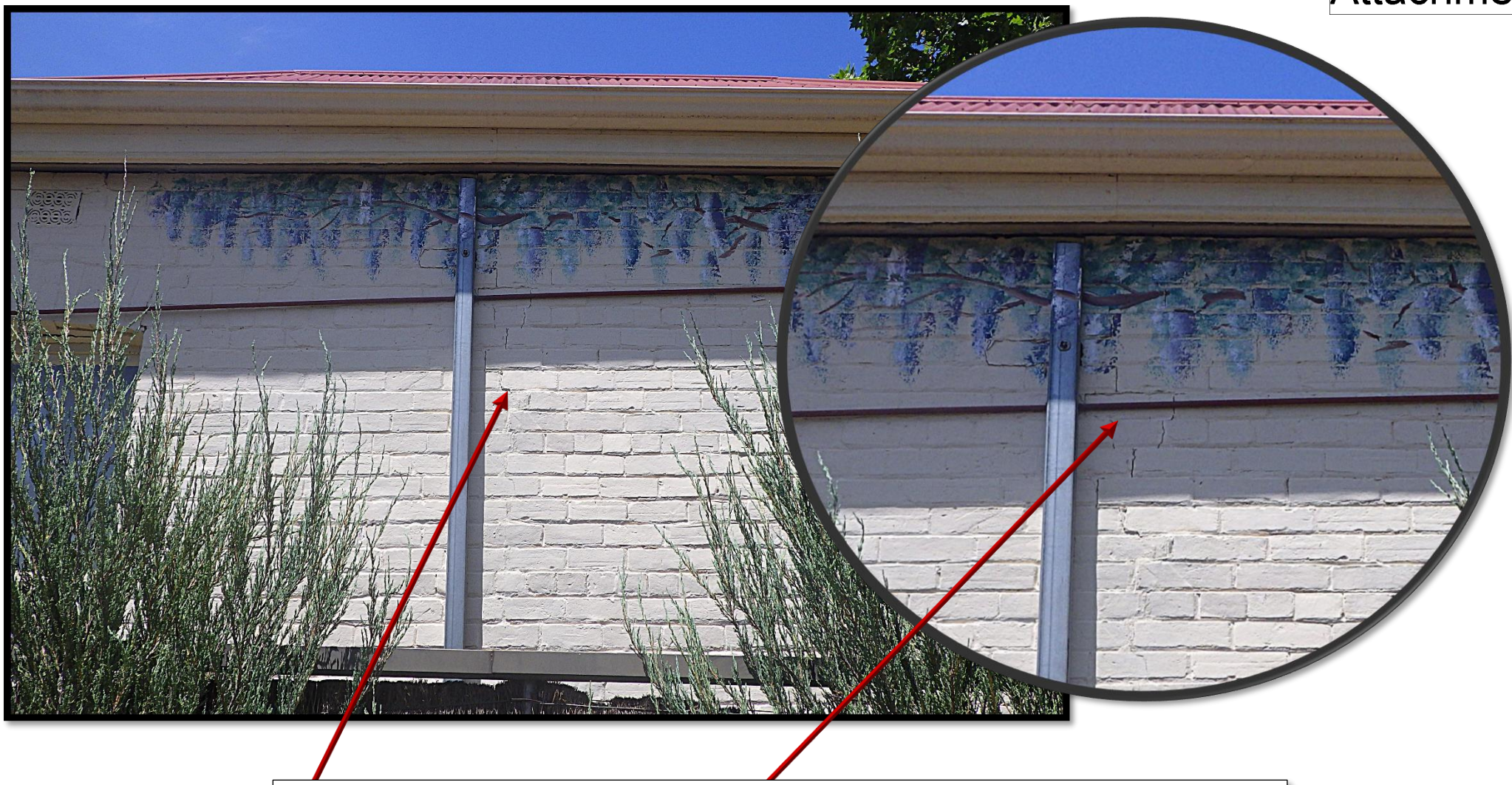
Tree 1



These photographs show how Tree 1 is growing laterally over the dwelling. SA Power Net works utility line clearance as per the "ETSA Act" "Vase and or wine cup pruning".

Leaving lateral growth for council to manage as part of their tree management implementation plan

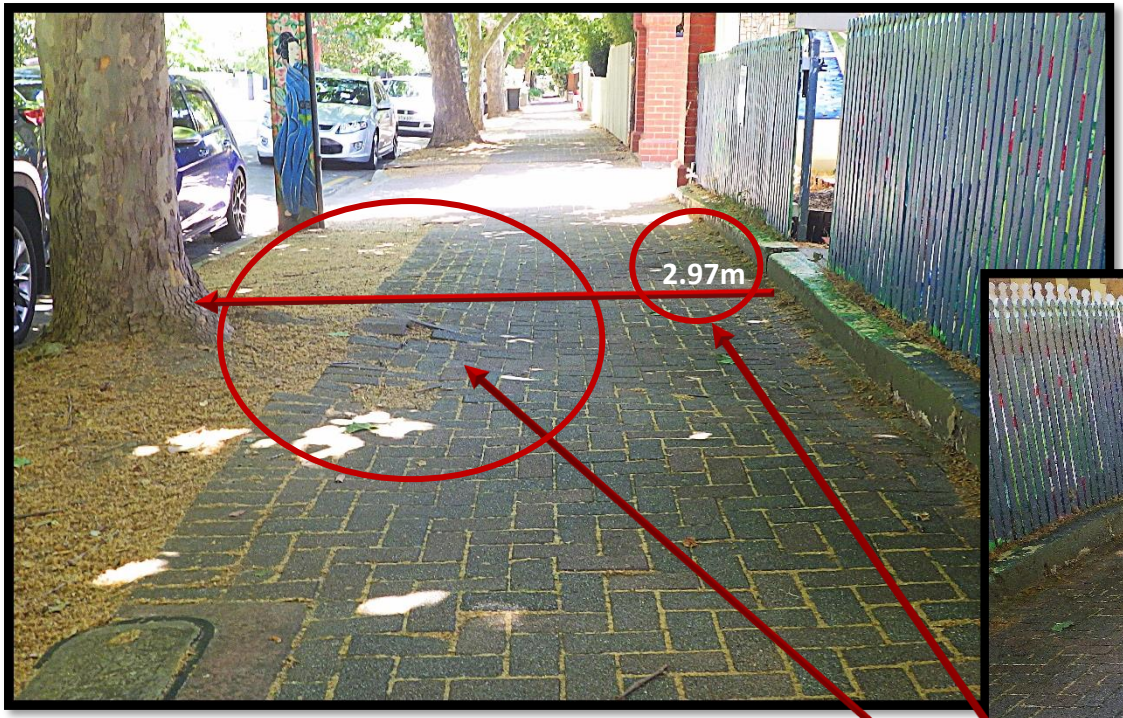
These photographs show the canopy of Tree I and the proximity of the tree canopy to the high voltage utility lines.



Cracking in the side wall of the house probably caused by the roots of Tree 1. The house was built in the late 1890's with a stone and limestone footing which is deteriorating.

Tree roots are possibly growing underneath the footing, causing cracking in the walls of the house (See images). Root pruning at the boundary would reduce further potential damage to the residential dwelling.

This is the window on the same wall as the photographs on the previous page. Note the cracking here too.

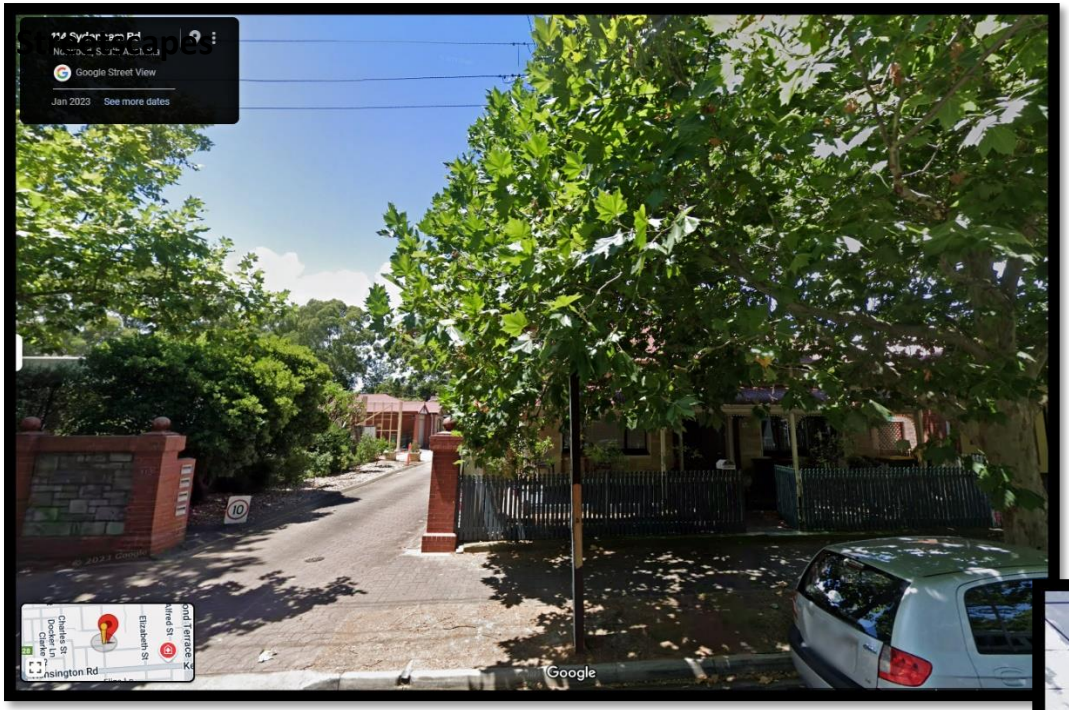


These photographs show where the roots of Tree 1 have caused damage to the footpath and verge.

Council to manage under the Local Government Act (LGA). The distance from Tree 1 to the front boundary fence of 114 Sydenham Road is 2.97m.

From the main trunk heading north within the verge is a surface tree root that goes for 2.2 metres

Photographic Diagrams of Proposed New Driveway/Crossover



Streetscape photographs from Google Maps.

The image on the left was taken in January 2023 and the image below was taken in February 2018.

These images show how much the tree has grown in 5 years.

Performance Outcomes

1.1: Trees listed below on the land division identified as 114 Sydenham Road Norwood

After further consideration and a revised plan (not submitted to date) to be implemented, the tree assessment has identified the retention of **Tree 1** identified as a **Platanus x acerifolia hybrid (London Plane tree)** a Regulate Tree situated in the council verge near the existing dwelling as defined in the Planning Development and Infrastructure Act 2016 amended 2024 and the Planning and Design Code (Regulated and Significant Tree Overlay). Significant and Regulated Trees should be preserved if they structurally sound, healthy and meet aesthetic and/or environmental criteria as described in the Planning and Design Code (Regulated and Significant Tree Overlay).

Regulated trees: **Tree 1 Platanus x acerifolia hybrid (London Plane tree) (1570mm) (Retain) Council Prune to AS4373-2007 "Pruning of Amenity Trees".**

Exempt Tree Species: **Yes** ***Part 1.*** **3F Regulated and Significant trees (4)**

- **Subregulations (1) and (2) do not apply— part b. Platanus x acerifolia (London Plane)**

Endemic to South Australia **No**

Native to Australia: **No**

Therefore, Council will retain the **Platanus x acerifolia hybrid (London Plane tree)**

Performance Outcome 1.1: Significant and Regulated trees **(Tree 1) -** are retained where they:

a) make an important visual contribution to local character and amenity **Yes**
b) Moderate visual amenity to the surrounding neighbours as council trees and building hide the trees from the street from immediate neighbours and vehicles passing the residential properties. **Yes**
c) are indigenous to the local area **No** and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species **No**
and / or
d) provide an important habitat for native fauna.

No

Performance Outcome 1.2: Significant and Regulated trees

Significant trees are retained where they:

a) make an important contribution to the character or amenity of the local area **Yes**
b) are indigenous to the local area **No** and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species **No**
c) represent an important habitat for native fauna **No**
d) are part of a wildlife corridor of a remnant area of native vegetation **No, planted**
e) are important to the maintenance of biodiversity in the local environment and / or **No**
f) form a notable visual element to the landscape of the local area. **Yes Moderate**

Performance Outcome 1.3: Removal of Trees have varying degrees of structurally instability as sudden limb failure (SLF).

A tree damaging activity not in connection with other development satisfies (a) and (b):

a) tree damaging activity is only undertaken to:

(i)	remove a diseased tree where its life expectancy is short	**No**
(ii)	mitigate an unacceptable risk to public or private safety due to limb drop or	**No**
(iii)	rectify or prevent extensive damage to a building of value as comprising any of the following:	
	A) a Local Heritage Place	**N/A**
	B) a State Heritage Place	**N/A**
	C) a substantial building of value	**N/A**

and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity. **Yes,**

The semi mature Platanus x acerifolia hybrid (London Plane tree) will not be impacted upon by the proposed development as asphalt and pavers already exist within the structural root zone (SRZ). However, the proposed porous paved driveway (***See page 20***) will be laid in the outer part of the structural root zone (SRZ) at 2.2 metres and into the tree protection zone (TPZ) with careful removal of the KWT, concrete, and verge debris including excess soil using limited machinery, by hand, a Hydrovac and or Air spade. The existing pavers can be lifted and removed by hand.

If any minor tree roots are found, they can be cut cleanly up to 30mm in diametre as per "*Protection of Trees on Development sites*" AS4970-2009[2]; and secondly when the proposed driveway is being constructed the arborist should be on site to assist with site works.

Levels adjusted for the proposed driveway using large gravel particles across the driveway with no fines and porous paving; and the existing pavers adjusted to suit the 'Final Floor Level' (FFL) as per the proposed plans. In this way the tree roots will not be impacted upon using careful design and implementation of the new porous paving crossover, the tree root plate can and will be preserved.

(iv)	reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire	**No**
(v)	treat disease or otherwise in the general interests of the health of the tree and or	**No**
(vi)	maintain the aesthetic appearance and structural integrity of the tree	**Yes**

b) in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.

Yes

Performance Outcome 1.4:

A tree-damaging activity in connection with other development satisfies all the following:

a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible **Yes**

This allows oxygen and water to naturally filter through into the soil as water run-off from the porous paving roadway down to the tree as the surface is pours with natural aerating the soil, creating a better growing environment for the tree. Encroachments within the tpz are permissible from the centre of the tree, with no tree damaging activity. Variations must be considered and made; allowing for design and installation by the project designers and engineers in planning, to the project arborist considering all the relevant factors listed in Clause 3.3.4 of the Australian Standard AS4970-2009 Protection of Trees on Development sites.

b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring in conjunction with the Protection of Trees on Development site AS4970. **Yes**

The more the existing tree protection zone (TPZ) is de-compacted, removing compacted rubble and non-porous pavers into a more aerated rubble with no fines; will improve the space in which the tree roots will be able to grow uninterrupted in as natural an open soil space can be engineered for expanding tree roots and porous paving which creating more abundant growing areas for the tree roots.

This will allow oxygen and water to naturally filter through into the soil as water run-off from the porous paving roadway down to the tree as the surface is pours with natural aerating the soil, creating a better growing environment for the tree. Encroachments within the tpz are permissible from the centre of the tree, with no tree damaging activity. Variations must be considered and made; allowing for design and installation by the project designers and engineers in planning to the project arborist considering all the relevant factors listed in Clause 3.3.4 of the Australian Standard AS4970-2009 Protection of Trees on Development sites.

Therefore, as discussed, all Non-Regulated trees can be removed as required that are not regulated and or protected as described within the *Planning, Development and Infrastructure Act 2016 and Planning, Development, and Infrastructure Regulations (General) 2017* ***(PD&IR 2017)*** *published 2002, amended 2024*, and the planning policy prescribed within the Planning and Design Code.

Please contact me if you require more information on 0430 432 007.

Yours sincerely,

David M. G. Mably (29th November 2024) (Electronic signature)

David M. G. Mably
Ad Diploma Hort (Arboriculture) Aust.
Associate Diploma Applied Science (Park Management) Aust.
Cert Tree Surgery U.K.

Arborcare Tree and Garden Solutions
ABN: 98 473 285 873
PO Box 1061
PASADENA 5042
M: 0430 432 007
E: david@arborcaresolutions.com.au
W: www.arborcaresolutions.com.au

Bibliography:

Martin Ely **School of Architecture, Landscape Architecture and Urban Design Green Infrastructure**
Brian Shackel, *University of New South Wales, Australia*
Simon Beecham, *University of South Australia, Australia*
David Pezzaniti, *University of South Australia, Australia*
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Definitions: - As to the effects of coppicing/Epicormic shoots/ Lopped trees/Sudden limb Failure and crown definition.
Within the *"Dictionary for Managing Trees in Urban Environments Danny B Draper and Peter A Richards*

Coppicing: Cutting a tree near to ground level to encourage the development of *Epicormic shoots* to produce multiple first order branches in response to the wounding stimulus.

Pollarding: A pruning technique to establish branches that terminate with a pollarded head, from which arise multiple vigorous shoots (Australian Standard 2007,p.7)

Epicormic: "Shoots arising from latent buds or adventitious buds.... borne on old wood, usually applied to shoots arising after injury. "

Epicormic shoots: "Juvenile shoots/sprouts produced from dormant or latent buds concealed beneath the bark" ... **Epicormic Stem:** "Branch derived from an epicormic shoot." Where epicormic growth occurs, it is a response from lopping/pollarding/topping/felling. Any epicormic growth is weaker than that of a normal growth pattern. The competing shoots forming branch stems which prevent the development of sound structures and would require specialised Arboricultural management over an extended period to improve the structure of the tree minimising the risk of failure, which is not a viable option. Most trees typically grow away from each other towards the light rather than staying upright by means of tension-wood formation, then their growth in thickness acts like a set of wedges to drive them apart at the base of the stem cluster. This means that the cluster is suicidally programmed to fall apart (Mattheck and Breloer 03).At the base of some of the epicormic growth are areas of included bark[9]. Low included bark crotches may be more serious than those higher in the tree. Due to the tree having co-dominant leaders at the base (Shigo 86) has stated "that a fork comprising of co-dominant leaders is somewhat weaker than a junction between a main stem and subsidiary branches".

Lopped trees are more likely to succumb to the effects of environmental stresses such as drought and soil compaction. Crown regeneration brought about as a result of tree lopping practices gives rise to safety issues **Sudden Limb Failure** (SLF) that can have substantial legal implications for residents, neighbours, Councils or tree managers.

Sudden Limb Failure (SLF) is a common problem for many species of trees including exotic trees. It almost always affects limbs held in a horizontal or near horizontal plane, though more upright limbs have also failed due to SLF. Predisposing factors include a low angle of attachment, reduced limb taper, relative branch exposure, limb over-extension and in particular, a concentration of weight towards the end of the limb. Defects do not have to be present, though when wounds or decay are present, they exacerbate the risk of SLF. The mechanisms involved in SLF are complex and relate to the production of Phenols and Turpenes produced as part of the CODIT process (Compartmentalization of Decay in Trees) in Wall 4 by the trees internal chemical protection system. Trigger factors include prior strong winds and usually, though not always, the likelihood of failure is influenced by increased temperature and moisture stress. SLF remains one of the highest risk elements in tree management and is certainly the least well understood. Expert advice and careful crown management can significantly reduce the risk of SLF where tree structure is suitable for well-targeted pruning.

Crown: Of an individual tree all the parts arising above the trunk where it terminates by its division forming branches.

Windthrow Tree failure and collapse when a force exerted by wind against the crown and trunk overcomes resistance to that force in the root plate, such that the root plate is lifted from the soil on one side as the tree tips over.

Endnotes

Part 1. **3F Regulated and Significant trees**

Planning, Development, and Infrastructure Regulations (General) 2017 published 2002 and 2024. Also considering the planning policy prescribed within the Planning and Design Code**,** relating to the conservation of regulated and significant trees.

(1) Subject to this regulation, the following are declared to constitute classes of regulated trees for the purposes of paragraph (a) of the definition of regulated tree in section 3(1) of the Act, namely trees within a designated regulated tree overlay that have a trunk with a circumference of 1 m or more or, in the case of trees that have multiple trunks, that have trunks with a total circumference of 1 m or more and an average circumference of 625 mm or more, measured at a point 1 m above natural ground level.

(2) Subject to this regulation—

(a) a prescribed criterion for the purposes of paragraph

(b) of the definition of significant tree in section 3(1) of the Act is that a regulated tree under subregulation (1) has a trunk with a circumference of 2 m or more or, in the case of a tree with multiple trunks, has trunks with a total circumference of 2 m or more and an average circumference of 625 mm or more, measured at a point 1 m above natural ground level: and

(b) regulated trees under subregulation (1) that are within the prescribed criterion under paragraph (a) are to be taken to be significant trees for the purposes of the Act.

(3) For the purposes of subregulations (1) and (2), the measurement of the circumference of the trunks of a tree with multiple trunks is to be undertaken on the basis of the actual circumference of each trunk and without taking into account any space between the trunks.

(4) Subregulations (1) and (2) do not apply—

(a) to a tree located within 3 m of an existing dwelling or an existing in-ground swimming pool, other than a tree within 1 of the following species (or genus) of trees:

- Agonis flexuosa (Willow Myrtle)
- Eucalyptus Angophora and Corymbia (any tree of the genus); or

(b) to a tree within 1 of the following species of trees:

- Acer negundo (Box Elder)
- Acer saccharinum (Silver Maple)
- Ailanthus altissima (Tree of Heaven)
- Alnus acuminate subsp. Glabrata (Evergreen Alder)
- Celtis australis (European Nettle Tree)

- Celtis sinensis (Chinese Nettle Tree)
- Cinnamomum camphora (Camphor Laurel)
- Cupressus macrocarpa (Monterey Cypress)
- Ficus spp. (Figs), other than Ficus macrophylla (Morton Bay Fig) located more than 15 m from a dwelling
- Fraxinus angustifolia (Narrow-leaved Ash)
- Fraxinus angustifolia ssp. Oxycarpa (Desert Ash)
- Pinus radiata (Radiata Pine/Monterey Pine)
- Platanus x acerifolia (London Plane)
- Populus alba (White Poplar)
- Populus nigra var. italica (Lombardy Poplar)
- Robinia pseudoacacia (Black Locust)
- Salix babylonica (Weeping Willow)
- Salix chilensis 'Fastigiata' (Chilean Willow, Evergreen Willow, Pencil Willow)
- Salix fragilis (Crack Willow)
- Salix x rubens (White Crack Willow, Basket Willow)
- Salix x sepulcralis var. chrysocoma (Golden Weeping Willow)
- Schinus areira (Peppercorn Tree); or

(c) to a tree belonging to a class of plants to which a declaration by the Minister under Part 9 Division 1 of the Landscape South Australia Act 2019 applies: or

(d) to a tree that may not be cleared without the consent of the Native Vegetation Council under the Native Vegetation Act 1991; or

(e) to a tree planted as part of a woodlot, orchard or other form of plantation created for the purpose of growing and then harvesting trees or any produce.

(5) For the purposes of subregulation (4), the distance between a dwelling or swimming pool and a tree will be measured from the base of the trunk of the tree (or the nearest trunk of the tree to the dwelling or swimming pool) to the nearest part of the dwelling or swimming pool at natural ground level.

Note— The scheme set out in subregulations (1) to (5) relates to the declaration of trees to be regulated trees or significant trees by regulations under the Act. A tree may also be declared to be a significant tree by the Planning and Design Code, and such a declaration has effect independently from those subregulations

(6) For the purposes of the definition of tree damaging activity in section 3(1) of the Act, pruning—

(a) that does not remove more than 30% of the crown of the tree; and

(b) that is required to remove—

(i) dead or diseased wood; or

(ii) branches that pose a material risk to a building; or

(iii) branches to a tree that is located in an area frequently used by people and the branches pose a material risk to such people, is excluded from the ambit of that definition.

Part 7 Section 37—Regulated and significant trees

For the purposes of subsections (7) and (8) of section 119 of the Act, the qualifications of a person providing an expert or technical report within the contemplation of either subsection is a Diploma in Arboriculture recognised in the Australian tertiary training system, or a comparable or higher qualification.

Division 5 Conditions

59 — Regulated and significant trees

(1) For the purposes of section 127(4) of the Act, the prescribed number of trees is—

(a) if the development authorisation relates to a regulated tree—2 trees to replace the regulated tree; or

(b) if the development authorisation relates to a significant tree—3 trees to replace the significant tree.

(2) For the purposes of section 127(5), the following criteria are prescribed:

(a) the tree cannot be a tree within a species specified under regulation 3F(4)(b).

(b) the tree cannot be planted within 10 m of an existing dwelling or an existing in-ground swimming pool

Schedule 4: Exclusions from definition of development-general

18—Removal of trees in certain cases

(1) A tree-damaging activity in relation to a regulated tree (including a tree that also constitutes a significant tree) if—

(a) the tree is within 1 of the following species of trees:

- Melaleuca styphelioides (Prickly-leaved Paperbark)
- Lagunaria patersonia (Norfolk Island Hibiscus); or

(b) the tree is within 20 m of a dwelling in a Medium or High Bushfire Risk area within a Hazards (Bushfire Protection) Overlay under the Planning and Design Code; or

(c) the tree is on land under the care and control of the Minister who has primary responsibility for the environment and conservation in the State; or

(d) the tree is on land under the care and control of the Board of the Botanic Gardens and State Herbarium; or

(e) the tree is dead.

(2) For the purposes of subclause (1)(b), the distance between a dwelling and a tree will be measured from the base of the trunk of the tree (or the nearest trunk of the tree to the dwelling) to the nearest part of the dwelling at natural ground level

Published under the Legislation Revision and Publication Act 2002.

Disclaimer and Limitations

This report only covers identifiable defects and issues present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defects or unforeseen event/weather conditions that may occur after the time of the inspection and assessment, unless clearly specified within timescales detailed within the report.

The author cannot guarantee trees contained within the report will be structurally sound under all circumstances and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned, this report will only be concerned with issues above ground and are undertaken visually. It is suggested that trees are living entities and as such are subject to forces and influences out of the control of the author. The recommendations are made on the basis of what can be reasonably identified at the time of the inspection; therefore, the author accepts no liability for any recommendations made.

Care has been taken to provide information that is based on sound arboriculture practices and standards. The author accepts no liability for actions undertaken by third parties in undertaking any of the arboriculture work as recommended. All data has been verified and based on sound arboriculture standards; however, the author cannot guarantee nor is responsible for the accuracy of information supplied by third parties.

Achievement of objectives set out in such reports will depend among other things on the actions of the client, contractor(s), environment, and the tree(s), over which the consultant has no control before, during and after the audit has been conducted.

Note: This report is valid for three months from the report date.

Appendix 1

Photographs showing how a Hydrovac exposes tree roots.

Appendix 2

Moreton Bay Fig trees at Adelaide Oval Dean Nicole and Alex Game.

The pavement system is the same for the verge portion of the new driveway. Go have a look at the project 10 years on from the presentation. Alex Game, Fig Plazza Adelaide Oval, presentation 3

1. https://www.youtube.com/watch?v=ujZ1uSfYf0U

Moreton Bay Fig trees at Adelaide Oval Dean Nicole

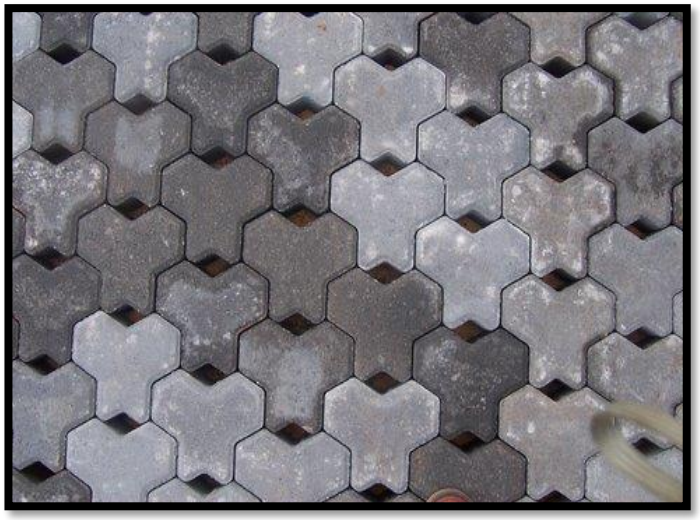
2. https://www.google.com/url?sa=i&url=https%3A%2F%2Ftreenet.org%2Fresource%2Fadelaide-oval-fig-tree-plaza-thinking-outside-the-square%2F&psig=AOvVaw0H9vFy5GLOB2n8XoDdjzy3&ust=1689733353691000&source=images&cd=vfe&opi=89978449&ved=0CBEQjhxqFwoTCMib7OSZl4ADFQAAAAAdAAAAABAE

This is "TREENET18D2S07" by "Wallfly" on Vimeo, the home for high quality videos and the people who love them.

Moreton Bay Fig trees at Adelaide Oval face the axe

https://www.adelaidenow.com.au/ipad/moreton-bay-figs-at-adelaide-oval-face-the-axe/news-story/da9fe06fcb09ac34a68fbb7b4e20c792

Photographs showing Porous Paving around a River Red gum (Arborist David Mably)



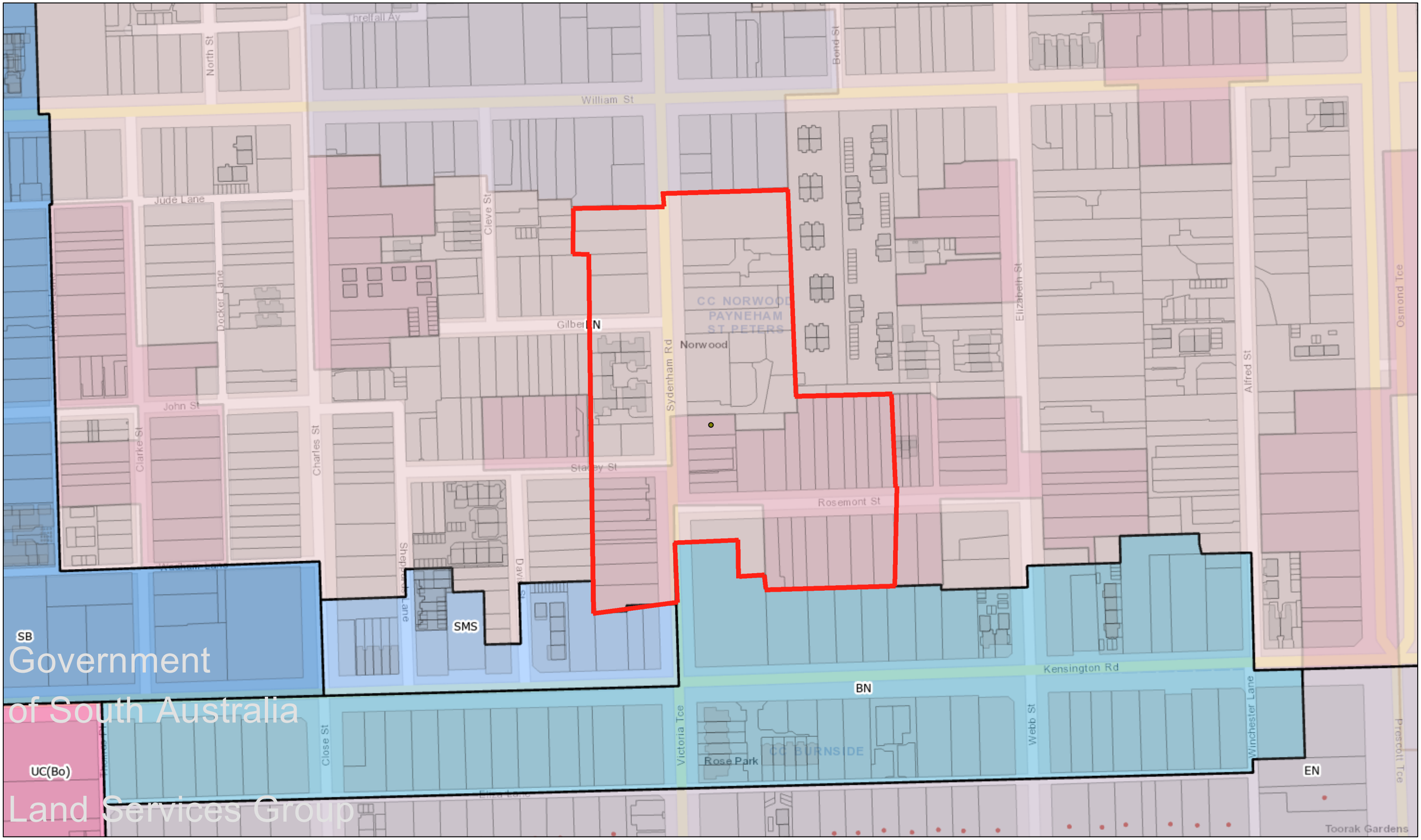
SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Date created:
December 3, 2024

Purple- Historic Area Overlay
Pink- Character Area Overlay

Locality, Zoning and Character/Historic Area Overlays Map



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

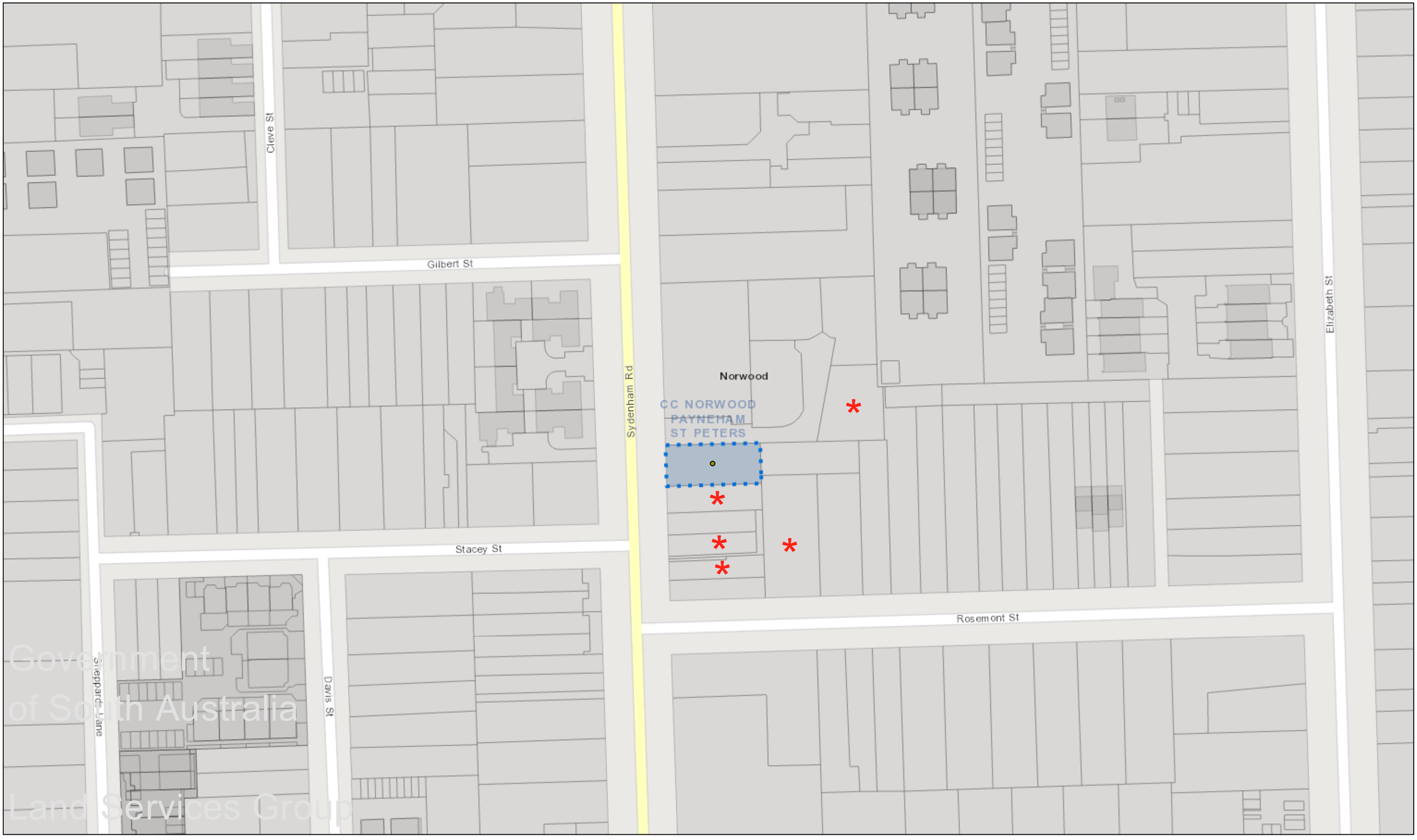
Attachment 3

SAPPA Report

Date created:
December 6, 2024

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Representation Map



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

Attachment 4

Details of Representations

Application Summary

Application ID	24017924
Proposal	Construction of a two story detached dwelling
Location	114 SYDENHAM RD NORWOOD SA 5067

Representations

Representor 1 - Chris Zotti

Name	Chris Zotti
Address	1 Rosemont Street NORWOOD SA, 5067 Australia
Submission Date	04/11/2024 05:12 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Although we support a development in general, we do not support the current detached dwelling plans, for the following reasons: 1. Upper level southern side setback: The current dwelling plans propose a 1.9m upper level side setback on the Southern side, which fails to meet the requirements outlined in PO 8.1 and more specifically DTS/DPF 8.1(b)(iii). Based on the proposed wall height (approx. 5.87m) the Southern side setback should be approx. 2.85m (1.9m plus 1/3 of the wall height over 3m). Although we understand a reduction in this setback can be contemplated, based on the overshadowing diagrams provided, we believe the upper level southern side setback should be no less than 2.5m. We contend that the proposed development increases overshadowing, which has a significant impact on the adjoining southern allotment (116 Sydenham Rd), considering the limited Private Open Space available to that allotment. 2. Dwelling Height/Pitched roof to upper level: The current dwelling plans propose the overall dwelling height to be approx. 8.16m, which is significant given the existing dwelling heights in the immediate locality. We believe the current dwelling plans fail to meet PO 4.1, as it does not complement the height of nearby buildings, which are either single storey or have a reduced double storey dwelling height. We understand a 'line of sight' has been provided, however the overall height of the dwelling, due to the upper level roof pitch, increases the likelihood of its double storey appearance from other angles on Sydenham Road and this seems at odds with the Character Area Statement, which seeks single storey streetscape appearances. Furthermore, the upper level roof pitch is not sympathetic to the predominant housing stock in the locality (PO 10.2). The proposed 25 degree roof pitch is unnecessary from a design and functionality purpose and it negatively impacts neighbouring allotment, such as our allotment and contributes to the visual mass of the dwelling, which is in opposition to PO 20.3, as well as increasing overshadowing on neighbouring allotments. We believe the Council should request an alteration to the current design to reduced the upper level roof pitch (e.g a flat roof or a minimal 5-10 degree roof pitch), which in turn would reduce the overall dwelling height. Regards, Chris Zotti and Francesco Zotti

Attached Documents

Representations

Attachment 4

Representor 2 - Steve Mackie

Name	Steve Mackie
Address	112b Sydenham Rd NORWOOD SA, 5067 Australia
Submission Date	29/10/2024 07:57 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns
Reasons The current northern boundary fence is a brush fence and the new building is 1 metre from the fence. Is the fence to remain?	

Attached Documents

Representations

Attachment 4

Representor 3 - Violet Mackie

Name	Violet Mackie
Address	112b Sydenham Rd NORWOOD SA, 5067 Australia
Submission Date	29/10/2024 12:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

On the plans for the development, the driveway north of the 114 Sydenham Rd boundary is termed "shared driveway." It is actually private property of 112 Sydenham Rd and is exclusively shared by the four lot holders of 112 Sydenham Rd. It is NOT shared with 114 Sydenham Rd. Please note there is a sign at the entrance that designes it for "residents only" (referring to 112 Sydenham Rd). Please make sure that any development approval clearly indicates that this driveway is NEVER to be blocked by contractors of others invovled in the development.

Attached Documents

Representations

Representor 7 - Elisa Star

Name	Elisa Star
Address	N/A NA SA, 5000 Australia
Submission Date	31/10/2024 04:18 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Is the existing home a heritage listing? It's recent listing makes it look like it is and it looks like it's in good condition.	

Attached Documents

Representations

Attachment 4

Representor 8 - Thomas Wanner

Name	Thomas Wanner
Address	120 Sydenham Road NORWOOD SA, 5067 Australia
Submission Date	17/11/2024 11:54 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The proposed development does not fit with the line of historic 1900 blue stone cottages which are part of the row of which 114 Sydenham Rd is part of. The front is far too modern and would be suitable for a street with similar houses. The front of the house should reflect the historic look of the cottages on the road. This would also mean no garage to the front of the street (Sydenham road). The double storey is also far too large with a too large cast shadow over adjoining houses. I can understand that the proprietor likes to renovate and upgrade the property and am sympathetic about new development but not the currently proposed one which I strongly oppose on these grounds.

Attached Documents

Representations

Representor 9 - Deborah Heysen

Name	Deborah Heysen
Address	122 Sydenham Road NORWOOD SA, 5067 Australia
Submission Date	17/11/2024 03:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The planned new building does not blend with surrounding houses. The property on northerly side of driveway is heritage listed so the facade needed to be retained to preserve the character. Norwood has a great deal of history which when possible should be maintained. The house on corner of William Street and Sydenham Rd opposite hairdresser is also historic. I believe the site in question, where the existing house stands, requires a great deal of work so will be demolished. The new building can be built in a sympathetic fashion that blends in with other houses. The style, colours and garden can all be attractive and not jar! I feel very strongly about this as my ex husband's grandfather was a famous artist and I have a number of family members who are architects. Many people have loved the Norwood environment because of the history and beautiful, charming architecture. Please appreciate these concerns as we don't want it becoming unattractive and too modern with little consideration of its past. Many other suburbs eg North Adelaide, have strict control over the built environment. Australian architecture that suits our climate needs to be recalled eg wide eves, double brick, verandahs. The owner occupiers are concerned about our investments!

Attached Documents

Representations

Representor 10 - Thyme Burdon

Name	Thyme Burdon
Address	Unit 1/28 Lamrock Avene BONDI NSW, 2026 Australia
Submission Date	18/11/2024 07:55 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons
I strongly believe the development should be rejected. I have outlined my concerns in detail in the attached representation filed under 'supporting documents'.

Attached Documents

114-Sydenham-Rd-Proposed-Development-T-Burdon-submission-1431869.pdf

18 November 2024

City of Norwood, Payneham & St Peters

175 The Parade, Norwood

South Australia 5067

Dear Council Planning Staff & Council Assessment Panel,

RE: Development proposal (Application ID 24017924) at 114 Sydenham Road Norwood SA 5067 – My submission supporting refusal of planning consent

I am grateful for the opportunity to make a submission on development proposal Application ID 24017924 at 114 Sydenham Road Norwood SA 5067 (**Proposed Development**).

I strongly believe that planning consent should be **refused** for the Proposed Development as currently submitted due to the serious loss of amenity and harm to my adjoining property.

I am the owner of 116 Sydenham Road Norwood 5067, the direct adjoining neighbour on the right-hand side of 114 Sydenham Road when viewed from the street. My property is an 1880s bluestone cottage that I have recently made significant repairs to so that it can be preserved for years to come.

I have recently relocated interstate for work reasons, but I intend to live back in the property when I move back to South Australia in the longer term. I am currently renting my home to two wonderful tenants and I visit regularly. I am not a disinterested investor, but rather see my property as an immediate past and future home. Norwood is a vibrant and diverse community with a strong sense of history that I've loved being part of since I purchased my home in 2018. I really look forward to rejoining the community in the future.

In my representation I group my concerns about the Proposed Development around three broad themes – appearance, overshadowing & privacy, and access.

Appearance

Significantly increased size of neighbour's house in close proximity to my cottage

The size of the Proposed Development and close proximity to my cottage (approx. 1m) is a huge concern for me due to the negative visual impact it will have on my property if our homes are to look so different, and with one significantly larger than the other.

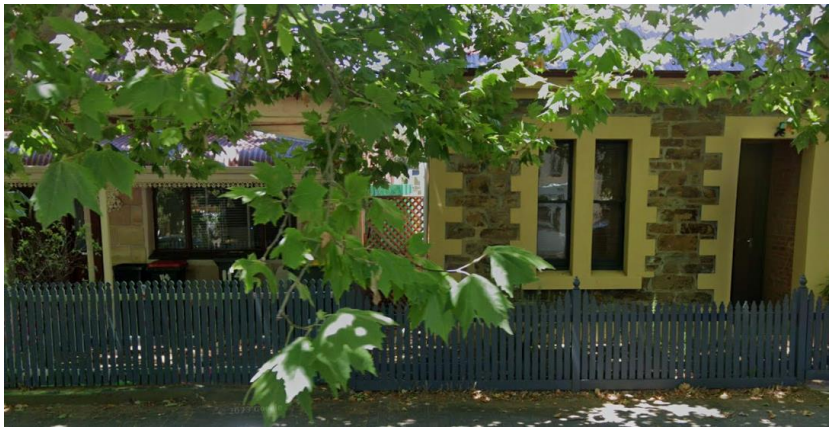
- The Proposed Development will take up a much larger footprint than the existing 1880s bluestone house at 114 Sydenham Rd, leaving little free space for garden and occupying most of what is a relatively small block of land.
- The Proposed Development will also be significantly higher than the existing house at 114 Sydenham by adding a second storey for almost the entire length of the proposed new footprint. The second storey will be significantly visible from

Sydenham Road as well as from my own property both inside the house looking out and from my rear garden and patio.

Whilst larger and much higher than the existing house at 114 Sydenham, the Proposed Development is also proposed to be rebuilt with its right side wall along the entire length of the boundary between 114 and 116 Sydenham Rd. This leaves little space to accommodate the considerable extra bulk of the Proposed Development and leaving it to dwarf my 1880s character cottage.

Distinctly modern look out of character with the adjoining properties & streetscape

The distinctly modern appearance of the Proposed Development is also of concern to me given its footprint is proposed to be so close to my cottage. The Proposed Development should have a look that complements the adjoining series of bluestone 1880s character cottages from 116 to 122 Sydenham Road. It is increasingly rare in Norwood to have a series of character homes in a row like this. The existing house at 114 Sydenham Road is also from this era, but the Proposed Development would look markedly different to it and the neighbouring properties, including my own. One of the lovely things about the homes from 114 to 122 Sydenham Road is that they are all visually complementing each other from the same era and they are of significant value to this pocket of Norwood's architectural heritage.



114 Sydenham Rd & 116 Sydenham Rd currently from the street

Overshadowing and privacy

The size of the Proposed Development, it's height and bulk, as well as its very close proximity to my cottage is of serious concern to me for the negative aesthetic impacts just mentioned, but also because it will block light and ventilation to my cottage and reduce my privacy.

Reduction of sunlight and ventilation to my home

Based on the plans currently submitted by the applicant, the second storey of the Proposed Development will significantly reduce sunlight and ventilation to my second bedroom, loungeroom, third bedroom and bathroom windows along the left wall of my cottage. The bulk of the second storey at the rear of the Proposed Development will also significantly reduce sunlight to my rear garden which will be a huge detriment to my property.

Significant loss of privacy to my home

In addition to blocking sunlight and ventilation, the close proximity of the second storey and upstairs terrace of the Proposed Development will significantly reduce my cottage's privacy. The windows of my second bedroom, loungeroom, third bedroom and bathroom will all be

visible from the second storey of the Proposed Development as well as my entire small backyard. Occupants of the Proposed Development will be able to see into my windows and it won't feel secluded and relaxed when in the backyard or the patio with the rear terrace, side and back windows of the Proposed Development looking directly down on my property.

To provide a better idea of these impacts, I provide a high-level floor plan of my home below as well as recent photographs of currently light-filled windows in my cottage looking onto the existing house at 114 Sydenham.

Floorplan showing location of windows (bathroom window incorrectly not featured – see photo below)

Left – Bed 2 window

Right – Lounge window

Left – Bed 3 window **Right – Bathroom window (above head & runs length of room)**

Access

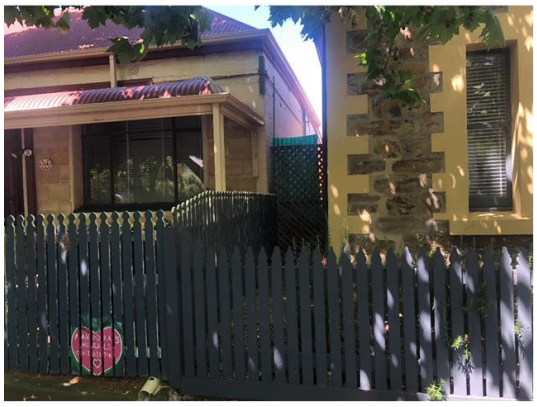
There are also several concerns I have regarding access issues relating to the Proposed Development.

Proposed front garage will reduce street parking & is inconsistent with streetscape

There is currently no front garage for the existing house at 114 Sydenham and the front garage included in the Proposed Development will be something completely new. This front garage, which is in addition to a rear garage already set to be maintained in the Proposed Development, will reduce street parking in front of the homes from 114-122 Sydenham Rd due to the need to install a front driveway. This will be an issue for neighbours with the availability of street parking already a significant problem in the area. The front garage is also a very modern visual element and completely out of character with the look of the homes currently at 114 to 122 Sydenham Rd, none of which have front off-street parking.

Construction on border between our properties presents significant detriment to me & ongoing maintenance challenges

The right-hand side wall of the existing house at 114 Sydenham Rd lies on the boundary between our two properties. The left-hand side wall of my home, an 1880s bluestone cottage, lies a mere 1 metre (approx.) from my neighbour's right-hand wall. As such, I am very worried in regard to the cracking and structural disturbance that the demolition and construction at 114 Sydenham Rd could cause to my cottage. The photos below show just how close the properties are.



Photos at footpath and front garden showing 1m proximity between 114 and 116 Sydenham Rd

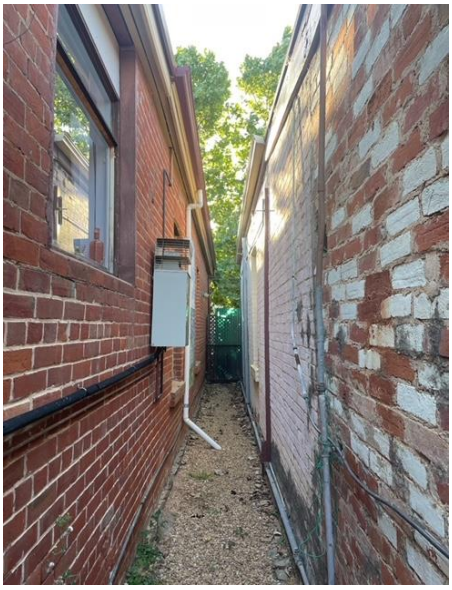


Photo of rear of properties looking towards the street (116 is on the left & 114 on the right). The clear gravel space between the houses is value side access on my property & connects to my backyard.

Access to the roof is already an issue for my neighbour with her guttering impinging across the border onto my property. She has had to ask me for access to my property in order to have her gutters properly cleaned on a number of occasions. With the addition of a second storey and a more complicated roof scape on the Proposed Development, I can only assume that these access and maintenance issues will be more complicated going forward without adequate access on the neighbour's side of the border between our properties. In my view this is an unfair imposition on my property when there are alternative designs available.

I am also concerned regarding future potential drainage problems that may be caused to my property having such a very large new home built right on the border between our properties. The Proposed Development will undoubtedly require downpipes and other drainage for that very long length of roof on the right-hand side (having just done this for the right-hand side of my own property which is shorter than the Proposed Development). These downpipes, guttering and drainage would need to be placed on my property or overhang into it if the Proposed Development is to be rebuilt on the borderline. With the bathroom and kitchen of the Proposed Development on the right-hand side wall, I also envisage that there may also be a need for access points for exhaust fans etc. along the right-hand side wall that my windows would look onto. I find it unacceptable that my property should have to carry the long-term burden of infrastructure and access for maintenance required for my neighbour's Proposed Development.

In addition, the beautiful but very large plane trees at the front of our properties unfortunately do shed a lot of leaves requiring gutter cleaning multiple times per year. If my neighbour doesn't maintain the gutter cleaning regularly then any overflow will negatively impact my property with water damage. I don't believe I should have to shoulder that risk or the need to monitor my neighbour's maintenance of their own gutters in order to protect my own home.

I also note that the existing right-hand boundary wall of the existing house at 114 Sydenham would need to be demolished along with the rest of the home to support a new build given that it is in a very poor state of repair. I am happy to organise photographs or a site visit.

There are very good reasons why the applicable building code provides that side boundary walls should be limited in height and length to manage the visual and overshadowing impacts on adjoining properties, and not exceed 8m in length or exceed a maximum of 45% of the total length of the boundary or otherwise be set back from the boundary by at least 900mm. In my view, for all the reasons outlined above, these requirements should apply given that the Proposed Development involves a complete demolition and rebuild.

Potential design changes to alleviate some concerns in any future proposal

I strongly believe the current Development Proposal should be rejected for the reasons outlined previously. Whilst I'm not able to assess the potential impact of any further development proposals on my property without seeing alternative designs, one thing I would wish to see in any future proposal for 114 Sydenham Rd would be changes to the building footprint and no building on the boundary between our properties.

Any new house at 114 Sydenham should be set back from the boundary between our properties by an appropriate amount of space (at least 900mm as recommended in the Code) for at least the length of the new building's side wall from the front footpath to past my bathroom window to where the existing garage starts. This would allow a permanent side fence to be erected between our two properties on most of the boundary and would allow additional light and ventilation to my second bedroom, lounge room, third bedroom and bathroom windows to better accommodate any proposed second storey addition at 114 Sydenham, as well as better protecting privacy to my home. The side access on 114 Sydenham's side of the boundary between our properties would also allow sufficient side access for my neighbour to install required drainage and downpipes to support the new home on their land (not mine!) and the ability to access their roof and maintain their gutters in future without the need to access my property.

Also, of significant importance, having a modern build located further from my cottage would lessen some of the negative aesthetic impacts that I've outlined above. In addition, some valuable 'breathing room' between the properties would also reduce some of the negative impact to my property during any construction phase, which would no doubt be extensive given the current difficulties with construction timeframes. This additional space would also hopefully limit any need for my neighbour's tradespeople to access my property at any time in future.

I have no doubt that the noise, dust and disturbance during construction would have a significant impact on my current tenants who very much enjoy the house and are intending to renew their lease in April 2025. Having the new build a little further from my house would lessen this impact on them. My tenants also have two dogs and so erection of a fence is very much a necessity for them.

I would also wish to see improvements to the aesthetic design of the home and a reduction in size to better fit into the look of the street as outlined above.

Next steps

I again reiterate my strong view that the planning consent for development proposal Application ID 24017924 should be refused and I thank you for considering my representation.

I would be very happy to provide any further information to the Council assessment team or facilitate a site visit if it would assist your consideration. I look forward to participating in the assessment process, including by attending any meetings in person if need be.

Best regards,

Thyme Burdon

Owner of 116 Sydenham Road

(Please see my current contact details in webform submission)

Ned Feary

From: Thyme Burdon
Sent: Thursday, 5 December 2024 9:23 AM
To: Ned Feary
Subject: RE: 114 Sydenham Rd Norwood Development Proposal - Photos of southern boundary wall
Attachments: 114 Sydenham development proposal - southern boundary wall photos.docx

Dear Ned,

Hope you're doing well. I was just wanting to check whether you need any further information from me regarding my neighbour's southern wall that borders my property in addition to what I sent through on Tuesday?

I am quite worried that my neighbour is attempting to circumvent the planning rules around the extent of boundary walls.

Looking at the submitted plans again, I note that they state that the 'line of existing boundary walls to remain'. This indicates nothing about the southern side wall remaining intact as my neighbour claims. There has been no information provided about how the existing wall would be restored or properly integrated into the new building. Given the badly deteriorated state of the boundary wall, there is no way in my mind a legitimate builder would keep this up. I am anticipating that it would quickly come down during the building process when it soon becomes obvious that its too decayed to save. I can't imagine how it would look to put a white polar render over this brickwork given all the salt damp issues and subsistence in the current wall. It will soon look appalling even if it manages to stay up, and I have three windows that will look onto it.

If it does stay up, I am concerned that it would risk toppling down and damaging my property. Undoubtedly it would need to be seriously propped up and supported from my side during construction, and thus negatively impact the use and enjoyment of my own property for a significant period of time. My neighbour has provided no information about how all this would be safely managed and how the serious risks and construction impact on my property would be minimised or mitigated.

As indicated in my submission, the most reasonable way forward would be to reformulate the design with the house rebuilt off the boundary in accordance with current planning rules.

I have a few queries about process and it would be great to discuss today if you're free. I'm free between 11-12 and 12.30-2pm SA time and will hopefully catch you at these times if you're available.

Looking forward to hearing from you.

Best regards,

Thyme

Sent from my iPhone

Begin forwarded message:

From: Thyme Burdon
Date: 3 December 2024 at 12:46:16 pm GMT+11
To: nfeary@npsp.sa.gov.au
Subject: 114 Sydenham Rd Norwood Development Proposal - Photos of southern boundary wall

Dear Ned,

Thank you so much for your time on the phone this morning to discuss the process for my neighbour's development proposal at 114 Sydenham Rd Norwood.

As discussed, I've gone through my files and pulled out some photos of the southern wall of 114 Sydenham that lies on my boundary. Some of these were included in my submission a few weeks ago.

As is visible in the photos, the neighbour's wall has significant structural issues and so I highly doubt any claim that it will remain intact during the demolition and construction phase of the proposed development. There are a number of reasons for this:

- there is a significant lean of the wall towards my house that caused the neighbour to install two steel poles to support the wall from coming over towards my house any further a number of years ago. These poles are visible in several of the photos.
- there are also significant cracks and evidence of rising damp. Very poor repair work has been done to the bricks in the past with cement rather than lime mortar and there has been movement at the joint points on the southern wall where the house has been extended over the years with different brick work.
- the southern wall is also on the old bluestone foundations so I wonder how this could be properly integrated into the concrete slab for the new build without causing a structural weakness.
- the existing side window would also need to be bricked in per my neighbour's submitted plans which seems a challenge given all the above structural issues.

I had a stonemason come to my house earlier this year to repoint my north side wall and he made a number of comments regarding the poor state of the neighbour's wall.

For these reasons I really have trouble believing that any builder would keep the side wall intact during the demolition and reconstruction phase. It would simply be too challenging from a craftsmanship perspective, would likely lead to structural issues with the new build and would presumably lead to much higher costs than just taking down the whole house. I do believe that it would inevitably need to come down if it's going to be properly incorporated in any new structure so it does feels misleading that the plans for the proposed development indicate it will stay up. If it does stay without the existing house to support it, then I do have serious concerns that it could fall down potentially causing severe damage to my house.

If you'd like, I'd be very happy to help organise a site visit for you with my tenants. They also have concerns regarding the development and have indicated that they're happy to assist.

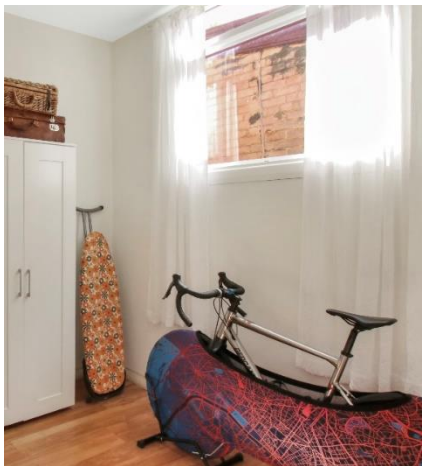
Looking forward to hearing from you in due course, particularly in regard to the date for the upcoming meeting.

Best regards,

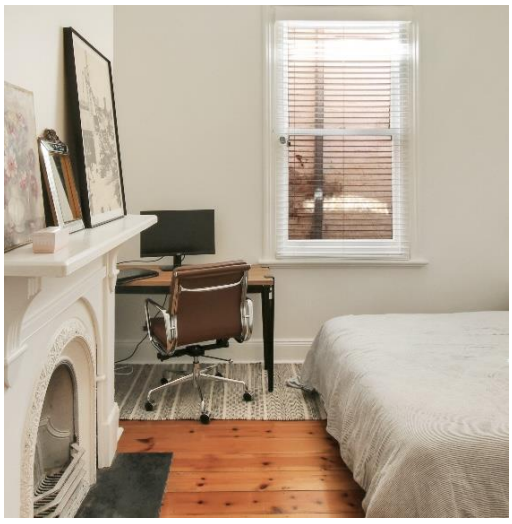
Thyme

Sent from my iPhone

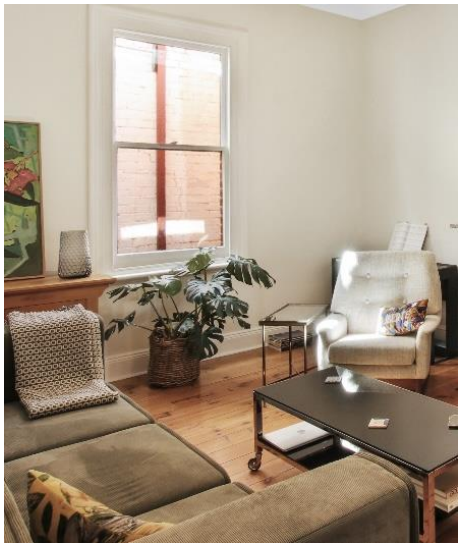
Photographs taken from 116 Sydenham showing southern boundary side wall of 114 Sydenham next door



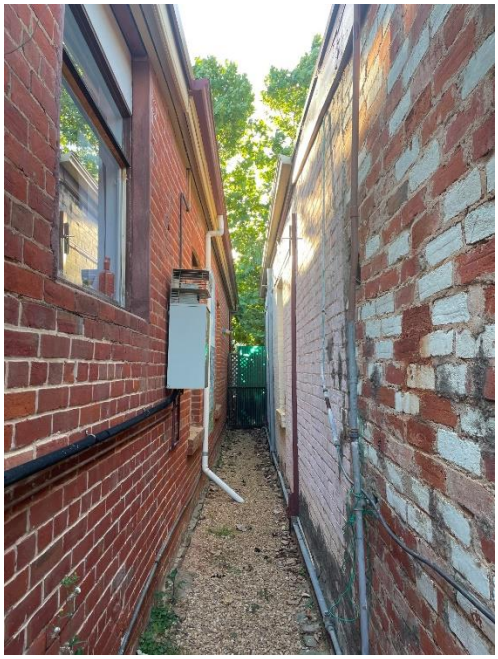
Southern wall of 114 Sydenham visible through Bed 3 window of 116 Sydenham Rd



Southern wall of 114 Sydenham with vertical metal pole supporting the wall visible through Bed 2 window of 116 Sydenham Rd



Southern wall of 114 Sydenham with vertical metal pole supporting the wall visible through loungeroom window of 116 Sydenham Rd



Southern wall of 114 Sydenham on right side of photos showing windows & metal poles supporting crooked wall.

Various photos of southern wall and foundations of 114 Sydenham showing rising damp and other structural issues visible in brickwork

Dear Council Assessment Panel,

Before we get to particular responses to the objections, we want to deal with any issue of double storey appearance and neighbourhood character. There have been multiple double storey property redevelopments within a 100m line of sight radius from 114 Sydenham Rd, all have front street facing windows and many with front balconies and street facing garages.

This picture is taken from our front porch of 113 Sydenham Rd, directly across the road.

111 Sydenham Rd is a large group of double storey townhouses, pic taken from our porch.

100/100A Sydenham Rd

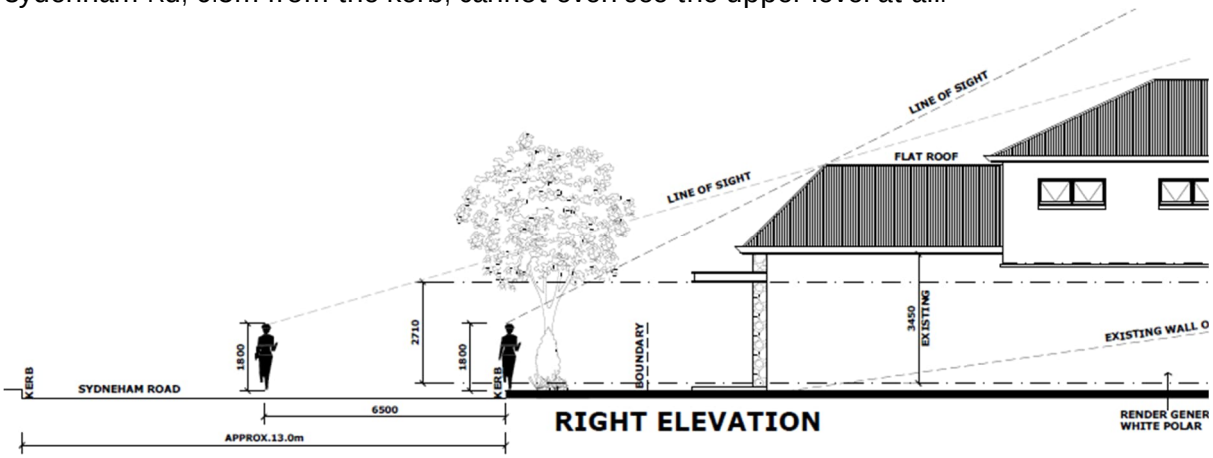
21 Stacey St

5a/5b Rosemont St

4a/4b Rosemont St

In order to get our development proposal approved, we have forgone any upper level front windows, balconies, and the upper level is set back to give the visual appearance of a single storey residence.

Also the upper level is set quite far back, sacrificing valuable living space, to improve line of sight and give no visually intrusive appearance. The line of sight from the middle of Sydenham Rd, 6.5m from the kerb, cannot even see the upper level at all.



We only point this out to show other double storey developments in the area did not have to make such sacrifices with their valuable living space, balconies and front windows.

Representor 1 - Chris Zotti
Reasons
Although we support a development in general, we do not support the current detached dwelling plans, for the following reasons:

1. Upper level southern side setback: The current dwelling plans propose a 1.9m upper level side setback on the Southern side, which fails to meet the requirements outlined in PO 8.1 and more specifically DTS/DPF 8.1(b)(iii). Based on the proposed wall height (approx. 5.87m) the Southern side setback should be approx. 2.85m (1.9m plus 1/3 of the wall height over 3m). Although we understand a reduction in this setback can be contemplated, based on the overshadowing diagrams provided, we believe the upper level southern side setback should be no less than 2.5m. We contend that the proposed development increases overshadowing, which has a significant impact on the adjoining southern allotment (116 Sydenham Rd), considering the limited Private Open Space available to that allotment.

The proposed development is a renovation of an existing property that is already located on the boundary wall and the code cited above is not applicable to this proposal. The proposed upper level is set back from this side boundary and increases in overshadowing are minimal, see our response to 'Representor 10 - Thyme Burdon' showing pre/post overshadowing diagrams.

2. Dwelling Height/Pitched roof to upper level: The current dwelling plans propose the overall dwelling height to be approx. 8.16m, which is significant given the existing dwelling heights in the immediate locality. We believe the current dwelling plans fail to meet PO 4.1, as it does not complement the height of nearby buildings, which are either single storey or have a reduced double storey dwelling height.

Other neighbouring double storey buildings in the immediate area are all 8-9 m in height and we cannot find examples of those with a *'...reduced double storey dwelling height.'* as Mr Zotti suggests exist. We think our proposal does meet PO 4.1 given the locality and mix of nearby double storey development we outlined in the introduction to this response.

We understand a 'line of sight' has been provided, however the overall height of the dwelling, due to the upper level roof pitch, increases the likelihood of its double storey appearance from other angles on Sydenham Road and this seems at odds with the Character Area Statement, which seeks single storey streetscape appearances.

As shown in the introduction of this response, we have forgone upper level front windows, balconies and made a large sacrifice in living space to reduce the appearance of an upper level, something no other double storey development in the immediate area has had to do.

Furthermore, the upper level roof pitch is not sympathetic to the predominant housing stock in the locality (PO 10.2). The proposed 25 degree roof pitch is unnecessary from a design and functionality purpose and it negatively impacts neighbouring allotment, such as our allotment and contributes to the visual mass of the dwelling, which is in opposition to PO 20.3, as well as increasing overshadowing on neighbouring allotments. We believe the Council should request an alteration to the current design to reduced the upper level roof pitch (e.g a flat roof or a

minimal 5-10 degree roof pitch), which in turn would reduce the overall dwelling height. Regards, Chris Zotti and Francesco Zotti

Mr Zotti proposes to reduce roof pitch or even go to a flat roof. As an example see Mr Zotti's own rear extension development recently finished at 1 Rosemont St, located only 10 meters from our property.

We do not think this type of design is at all *"...sympathetic to the predominant housing stock in the locality"*.

Yes our proposed 25 degree pitched roof raises the height slightly compared to a flat roof, but in return is much nicer visually with both the lower and upper level having a consistent roof design and appearance. We feel our proposal is much more suitable and appropriate for the surrounding area than Mr Zotti's example.

Representor 2 - Steve Mackie
Reasons
The current northern boundary fence is a brush fence and the new building is 1 metre from the fence. Is the fence to remain?

Yes the boundary fence will remain.

Representor 3/4/5/6 - Violet Mackie
Reasons
On the proposed development plan, the driveway north of the 114 Sydenham Rd boundary is marked as "shared driveway." Please note that this is the private property of 112 Sydenham Rd and is ONLY shared by the four lot holders of 112 Sydenham Rd. There is a sign at the entrance of this driveway that states it is for "residents only (referring to 112 Sydenham Rd). Please make sure that any approval of the devleopment plan clearly states that this driveway is NEVER to be blocked by contractors or any visitors as part of the development of 114 Sydenham Rd.

We apologise for a terminology issue in the plan markup, of course ‘shared driveway’ refers to the neighbours shared driveway, not ours. It will not be accessed or blocked during this development.

Representor 7 - Elisa Star
Reasons
Is the existing home a heritage listing? It's recent listing makes it look like it is and it looks like it's in good condition.

No the property is not heritage listed.

Representor 8 - Thomas Wanner
Reasons
The proposed development does not fit with the line of historic 1900 blue stone cottages which are part of the row of which 114 Sydenham Rd is part of. The front is far too modern and would be suitable for a street with similar houses. The front of the house should reflect the historic look of the cottages on the road. This would also mean no garage to the front of the street (Sydenham road). The double storey is also far too large with a too large cast shadow over adjoining houses. I can understand that the proprietor likes to renovate and upgrade the property and am sympathetic about new development but not the currently proposed one which I strongly oppose on these grounds.

The row of properties 116-118-120-122 Sydenham Rd are a series of alike bluestone cottages built in 1880’s. The property of 114 Sydenham Rd has a different size block, layout, roof, porch, frontage and different construction and look. It has no verandah tiles just a concrete porch, no leadlight windows and instead uses large aluminium front windows. It is not a part of the same row or type. Furthermore, 114 Sydenham Rd has had a rendered front since the 1960’s, going on 55 years.

The properties in this area of Norwood are a mix of almost every style and type. We do not believe objectors can demand a neighbourhood property must be built to match their own properties style. If this was the case every adjoining property that is redeveloped on Sydenham Rd must then become a bluestone cottage.

As an example we point to the currently under development extension to 112 Sydenham Road, located right next door to our site.

This is a side extension to a heritage listed home and is directly street facing located only a few meters from the street sidewalk, not at the rear of the heritage home. It's an example of the modernistic style that has been approved in Norwood and shows the mix and types of developments that have been approved here in the immediate area.

Our development proposal, with its pitched roof and more classic sandstone piers and frontage, is far more visually unobtrusive than many of these developments.

Representor 9 - Deborah Heysen
Reasons
The planned new building does not blend with surrounding houses. The property on northerly side of driveway is heritage listed so the facade needed to be retained to preserve the character. Norwood has a great deal of history which when possible should be maintained. The house on corner of William Street and Sydenham Rd opposite hairdresser is also historic. I believe the site in question, where the existing house stands, requires a great deal of work so will be demolished. The new building can be built in a sympathetic fashion that blends in with other houses. The style, colours and garden can all be attractive and not jar! I feel very strongly about this as my ex husband's grandfather was a famous artist and I have a number of family members who are architects. Many people have loved the Norwood environment because of the history and beautiful, charming architecture. Please appreciate these concerns as we don't want it becoming unattractive and too modern with little consideration of its past. Many other suburbs eg North Adelaide, have strict control over the built environment. Australian architecture that suits our climate needs to be recalled eg wide eves, double brick, verandahs. The owner occupiers are concerned about our investments!

Ms Heyson's objections regarding historic look of neighbouring properties – see response to Representor 8 – Thomas Wanner.

And we again point to the recent rear extension on 1 Rosemont Street by Chris Zotti, located only 5 meters from Ms Heysen's back yard.

Representor 10 - Thyme Burdon
Reasons
I strongly believe the development should be rejected. I have outlined my concerns in detail in the attached representation filed under 'supporting documents'.

Ms Burden's objection is quite lengthy and rather than recopy the entire document here we will respond to the pertinent arguments.

The Proposed Development should have a look that complements the adjoining series of bluestone 1880s character cottages from 116 to 122 Sydenham Road. It is increasingly rare in Norwood to have a series of character homes in a row like this. The existing house at 114 Sydenham Road is also from this era...

We point here to our response to 'Representor 8 - Thomas Wanner'.

The Proposed Development will take up a much larger footprint than the existing 1880s bluestone house at 114 Sydenham Rd, leaving little free space for garden and occupying most of what is a relatively small block of land.

The footprint of the current property is 67% but this does not include the 3m x 1.5m toolshed. The proposed re-development removes this toolshed, and its footprint is only 74% which is similar to before. This clearly shows the objectors claim of a *'much larger footprint'* to be exaggerated.

...the Proposed Development is also proposed to be rebuilt with its right side wall along the entire length of the boundary between 114 and 116 Sydenham Rd.

This is a redevelopment, and the plans show the existing boundary wall will be retained, which already runs for the entire length of the boundary (apart from front yard) between 114 and 116 Sydenham Road.

Reduction of sunlight and ventilation to my home

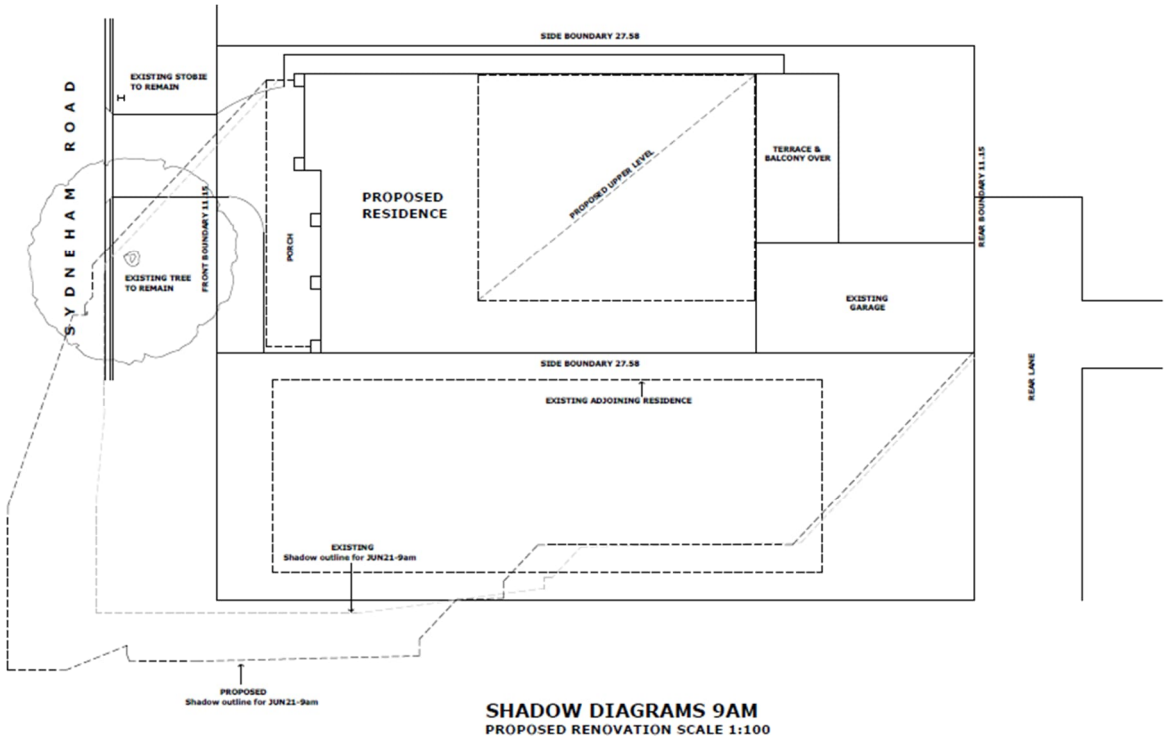
Based on the plans currently submitted by the applicant, the second storey of the Proposed Development will significantly reduce sunlight and ventilation to my second bedroom, loungeroom, third bedroom and bathroom windows along the left wall of my cottage. The bulk of the second storey at the rear of the Proposed Development will also significantly reduce sunlight to my rear garden which will be a huge detriment to my property.

The proposed upper level is set back from the pre-existing side boundary wall by 1.9m and it only runs 9.5m in length. The rear balcony is set back even further at 3.5m from the boundary wall. Changes and impacts to ventilation are minimal.

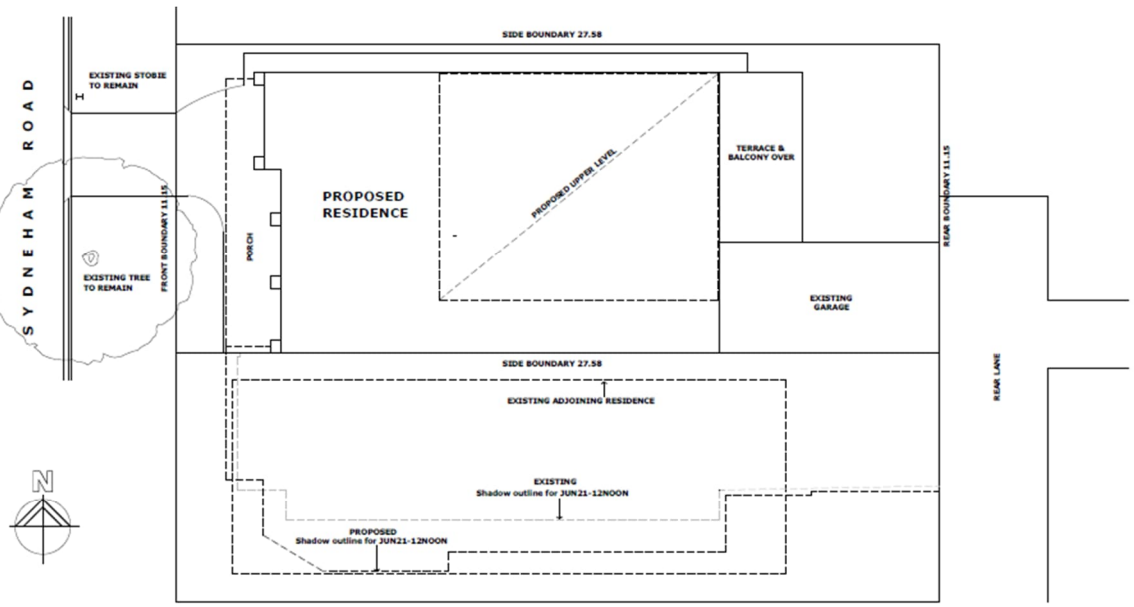
The pre-existing existing boundary wall already subjects 116 Sydenham Road to overshadowing. Overshadowing before/after diagrams have been provided in this development proposal, Items 6/7/8 show sunlight at 9am/12pm/3pm for Jun 21st.

There is no increase in overshadowing on the north side boundary wall, backyard or front yard of 116 Sydenham Road. Only at 12 noon is there a small increase in overshadowing which is contained to the southern sidewalk of 116 Sydenham Road.

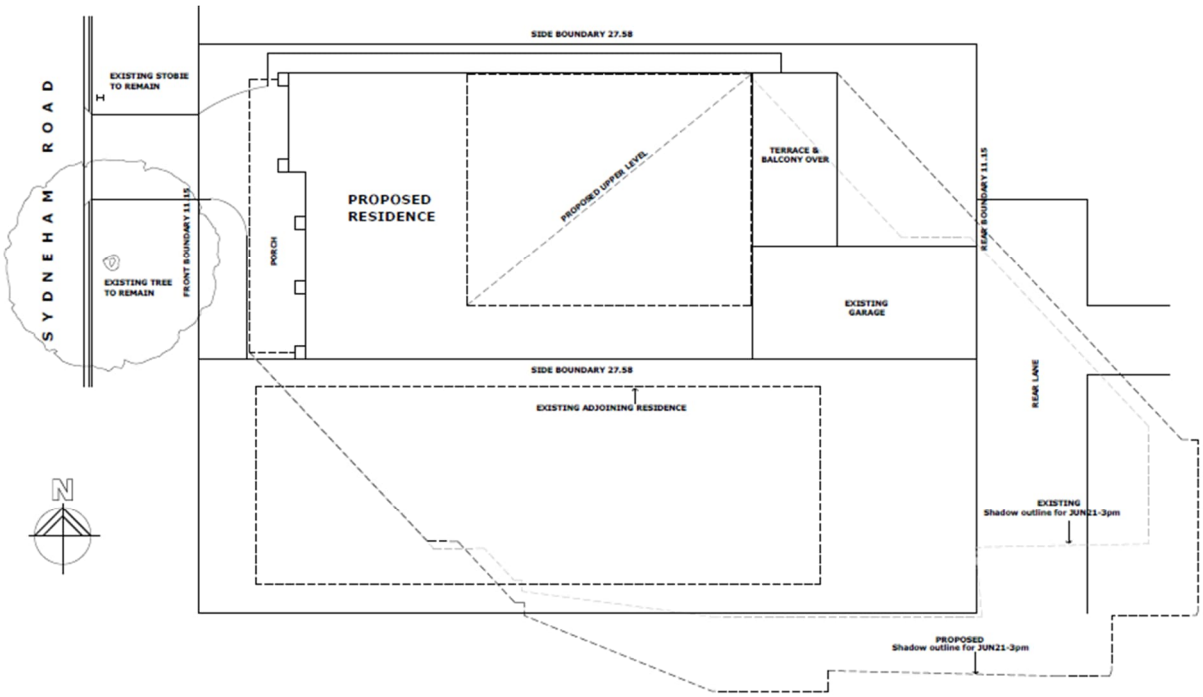
These diagrams show the objectors claim of *'significantly reduce sunlight and ventilation'* to be inaccurate.



SHADOW DIAGRAMS 9AM
PROPOSED RENOVATION SCALE 1:100



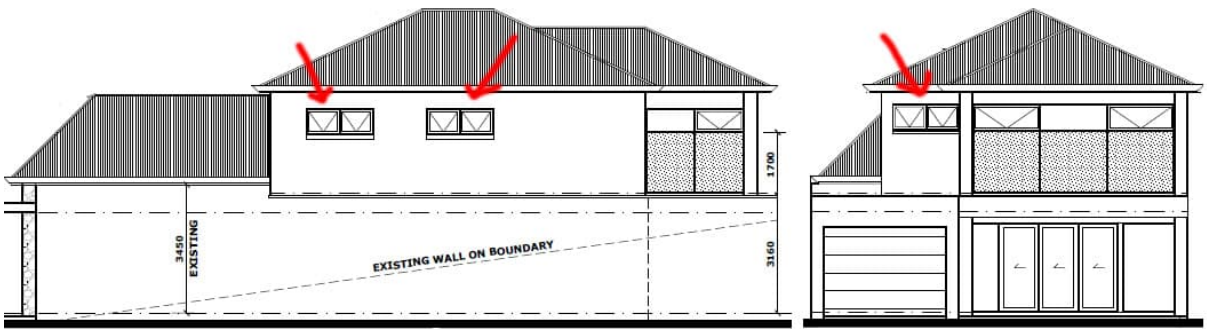
SHADOW DIAGRAMS 12 NOON
PROPOSED RENOVATION SCALE 1:100



SHADOW DIAGRAMS 3PM
PROPOSED RENOVATION SCALE 1:100

...the close proximity of the second storey and upstairs terrace of the Proposed Development will significantly reduce my cottage's privacy. The windows of my second bedroom, loungeroom, third bedroom and bathroom will all be visible from the second storey of the Proposed Development as well as my entire small backyard. Occupants of the Proposed Development will be able to see into my windows and it won't feel secluded and relaxed when in the backyard or the patio with the rear terrace, side and back windows of the Proposed Development looking directly down on my property.

None of the windows that face Ms Burdon's property are normal viewing windows. They are all small, high set (1.7m height) minimal opening (125mm) windows simply to let ambient light in. The rear balcony is enclosed with frosted glass (1.7m height) privacy screening all the way around, with similar small windows above the privacy screening to enclose the balcony completely.



RIGHT ELEVATION **REAR ELEVATION**

We believe this design proposal is a reasonable measure to meet the privacy requirements of the neighbouring allotment, and it meets the relevant code as below :

DTS/DPF 10.1
Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:

(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm

DTS/DPF 10.2
One of the following is satisfied:

(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:

(ii) 1.7m above finished floor level in all other cases

Furthermore, the current property has a boundary wall with a large window that opens directly onto Ms Burdon's property. The proposed development sees this window removed and filled in, so privacy will actually increase with the proposed re-development.

Proposed front garage will reduce street parking & is inconsistent with streetscape

A street park space will be lost but one then gained with the new garage. Norwood council staff suggested that there should be a parking space on site to better comply with the Code.

Regarding streetscape appearance please refer to start of our response, showing large number of double storey developments with front garages, and the response to Representor 8 - Thomas Wanner about the neighbourhood character of these properties.

Access to the roof is already an issue for my neighbour with her guttering impinging across the border onto my property. She has had to ask me for access to my property in order to have her gutters properly cleaned on a number of occasions. With the addition of a second storey and a more complicated roof scape on the Proposed Development, I can only assume that these access and maintenance issues will be more complicated going forward without adequate access on the neighbour's side of the border between our properties. In my view this is an unfair imposition on my property when there are alternative designs available.

With the new upper level setback, access to the roof and gutter on the boundary wall will now become far easier to access, which is the opposite of this objectors claim. So there will no imposition on her property.

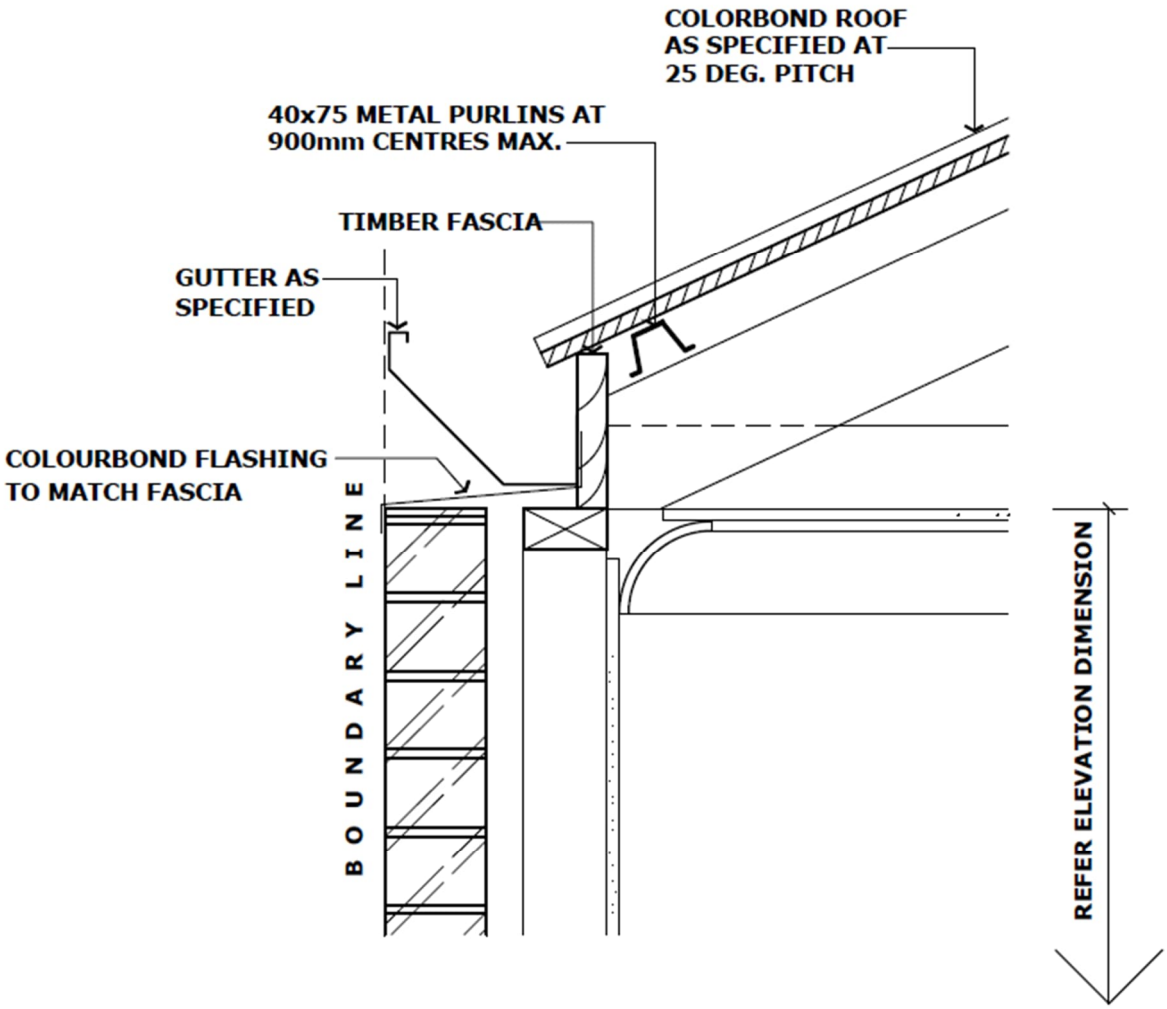
Furthermore, a few years ago we asked this objector on one single occasion for access to her side walkway to put a ladder up and clean the boundary wall gutter. A single access request has now been spun into "*a number of occasions"* and claims of complicated maintenance issues.

These downpipes, guttering and drainage would need to be placed on my property or overhang into it if the Proposed Development is to be rebuilt on the borderline.

There are no downpipes or drainage pipes on the 116 Sydenham Rd side of the boundary wall, and this will continue to be the case with the new re-development.

The existing boundary wall does have a gutter overhang, which has been in place since it was purchased by the applicant's family in the 1950's.

The proposed development actually removes this pre-existing gutter overhang and moves it directly onto the property boundary line, see attached image 'Gutter Over Wall Detail'.



GUTTER OVER WALL DETAIL
SCALE 1:10

With the bathroom and kitchen of the Proposed Development on the right-hand side wall, I also envisage that there may also be a need for access points for exhaust fans etc. along the right-hand side wall that my windows would look onto.

There is currently one exhaust fan in the boundary wall. This will be removed, the hole filled in, and any new exhaust fans will be set in the roof of the lower setback, because the kitchen oven is now no longer located against the boundary wall, as the internal floorplans clearly show.

The reality is the opposite of this objection, the boundary wall will become visually cleaner after the new re-development than it was previously.

Any new house at 114 Sydenham should be set back from the boundary between our properties by an appropriate amount of space (at least 900mm as recommended in the Code) for at least the length of the new building's side wall from the front footpath to past my bathroom window to where the existing garage starts.

Again, this is a re-development, and the plans show the existing boundary wall will be retained, which already runs for the entire length of the boundary (apart from front yard) between 114 and 116 Sydenham Rd.

Final Conclusion:

We want to re-iterate some key points of our development proposal:

- Front windows and balconies removed to give streetscape appearance of single storey property.
- Upper level set far back to improve single storey appearance and completely remove visibility from even the middle of Sydenham Road (see line of site diagrams).
- Upper level is setback from pre-existing side boundary wall, creating minimal increases in overshadowing (see pre/post diagrams).
- Upper level side windows are at required height, small and minimal opening, to meet privacy requirements of neighbours.
- Rear balcony completely enclosed with privacy screening at the required height to meet privacy requirements of neighbours.
- Property design is sedate, using sandstone front and piers to give a classic stone look, with basalt colorbond roof and wooden doors.
- Other double storey developments in the immediate locality were approved without many of the modifications we have implemented.

We think these factors show our application meets any legitimate objections. We have been careful to include many of the 'common sense' compromises and mitigations for such a development proposal.

We kindly ask the Council Assessment Panel to approve our application.
Dora Jankunas

5.3 DEVELOPMENT NUMBER – ID 24024095 – LANEWAY BOULDERS – 41-43 HENRY STREET STEPNEY

DEVELOPMENT NO.:	24024095
APPLICANT:	LANEWAY BOULDERS
ADDRESS:	41 -43 HENRY ST STEPNEY SA 5069
NATURE OF DEVELOPMENT:	Change of use to an indoor recreation facility (indoor rock climbing) and associated signage
ZONING INFORMATION:	**Zones:** • Employment **Overlays:** • Airport Building Heights (Regulated) • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development **Technical Numeric Variations (TNVs):** • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	9 August 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.14 1/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Kieran Fairbrother - Senior Urban Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Rebecca Van Der Pennen, Traffic Engineer

CONTENTS:

DETAILED DESCRIPTION OF PROPOSAL:

By way of Development Authorisation ID 21027830, approval was granted for the "construction of two (2) warehouses with ancillary office space and associated car parking". The car parking area associated with this development is comprised of 11 spaces, including one accessible space, and is approved as a shared car parking area. One of the warehouse tenancies has been leased to a plumbing business and the second tenancy is the subject of this application, which seeks to change the use to an indoor recreation facility. More specifically, this application is for a change of use to a rock-climbing facility.

The rock-climbing facility is proposed to operate during the following hours:

- Monday to Friday, 6am to 10pm
- Saturday, 8am to 9pm
- Sunday, 8am to 7pm

The facility will utilise the shared car parking area, and it is understood that the typical peak times of the rock-climbing facility will not coincide with those of the warehouse.

One (1) advertisement display is also proposed with this development.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 41 -43 HENRY ST STEPNEY SA 5069
Title ref.: CT 5827/531 **Plan Parcel:** F134791 AL40 **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Shape:	regular
Frontage width:	30.5 metres
Area:	approx. 1758m^2
Topography:	flat
Existing structures:	two (2) warehouse buildings with at-grade car parking
Existing vegetation:	areas for landscaping is provided in the car parking area, but has not yet been planted.

Locality

The locality considered for this assessment extends along Henry Street for approximately 100m in both directions, along Stepney Street for approximately 50m north and south to where it intersects with Union Street, and includes 2 Union Street (that shares a boundary with the subject land).

This locality is characterised by a mix of single- and two-storey buildings that exhibit a variety of land uses. This includes dwellings, a childcare centre, warehouses, light industrial uses, an ambulance station, a gym and offices. This locality experiences a low level of amenity as a result of the diverse mix of land uses, the emissions produced by some light industrial uses, and the infrequent street tree plantings.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  Indoor recreation facility: Code Assessed - Performance Assessed
  Advertisement: Code Assessed - Performance Assessed

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

- **REASON**
  P&D Code

PUBLIC NOTIFICATION

- **REASON**
  Indoor Recreation Facilities are not exempt from public notification per Table 5 of the Employment Zone

- **LIST OF REPRESENTATIONS**

First Name	Surname	Address	Position	Wishes to be heard?
Buick	Osborne	8 Silvia Street BLAIR ATHOL	Opposed	Yes
Shelby	Sawka	9A Nelson Street STEPNEY	Support, with concerns	No
David	Pedlar	39 Henry Street STEPNEY	Opposed	Yes

- **SUMMARY**

The representors concerns can generally be summarised as follows:

- Noise nuisance from vehicle movements and the activity of the centre;
- Increased traffic movements in Henry Street;
- The lack of on-site car parking provided for the development;
- Pedestrian safety within the car park, being an integrated car park with a plumbing business.

INTERNAL REFERRALS

- Rebecca Van Der Pennen, Traffic Engineer

Council's Traffic Engineer is supportive of the proposal, despite its heavy reliance on on-street parking. This is predominantly due to the occupancy surveys undertaken which indicate an under-utilisation of on-street car parking in the immediate area.

PLANNING ASSESSMENT

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

Land Use (including interface impacts)

Desired Outcome 1 of the Employment Zone states:

> *"A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities."*

Performance Outcome 1.1 of the Employment Zone states:

> *"A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity."*

Although Designated Performance Features are to be used as a guide to the relevant authority as to what may generally satisfy the corresponding Performance Outcome, DPF 1.1 lists indoor recreation facility as a land use envisaged within this Zone. In this case, an indoor recreation facility is considered an appropriate land use for this site and within this locality, consistent with PO 1.1 above, subject to an assessment of any potential impact the use may have on the amenity of the locality.

Performance Outcome 2.1 of the Interface Between Land Uses module of the general development policies states:

> *"Non-residential development does not unreasonable impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*
> *(a) The nature of the development*
> *(b) Measures to mitigate off-site impacts*
> *(c) The extent to which the development is desired in the zone…"*

The proposed hours of operation are:

- Monday to Friday, 6am to 10pm
- Saturday, 8am to 9pm
- Sunday, 8am to 7pm

In considering whether these hours satisfy Performance Outcome 2.1 above, it is appropriate to have regard to the types of land uses envisaged in the Employment Zone and the location of any sensitive receivers and their expected level of amenity.

Five (5) sensitive receivers are located adjacent to the subject land – dwellings at 39 Henry Street, 37B Henry Street, 15 Stepney Street, and 2 Union Street and a childcare centre at 42-46 Henry Street. All these premises are located in the same Employment Zone. DPF 1.1 of the Employment Zone provides a non-exhaustive list of land uses that might be generally acceptable in the Employment Zone. Some of these land uses include light industry, motor repair station, retail fuel outlet, warehouse, and the proposed land use of indoor recreation facility. Dwellings are not envisaged in the Employment Zone. Accordingly, the sensitive receivers located adjacent the subject land cannot expect to have the same level of amenity as a dwelling or childcare centre in a neighbourhood-type zone, where they would be surrounded by other dwellings. Contrarily, these sensitive receivers should expect a low level of amenity given the land uses that are generally accepted in this Zone and locality (and notwithstanding the land uses that already exist in this locality).

In this context, the proposed hours of operation are considered reasonable and are not expected to have an *unreasonable* impact on the amenity of sensitive receivers, consistent with Performance Outcome 2.1 (above).

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

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

Performance Outcome 4.1 of the Interface Between Land Uses module of the general development policies states:

> *"Development that emits noise (other than music) does not unreasonable impact the amenity of sensitive receivers (or lawfully approved sensitive receivers)."*

Performance Outcome 4.6 of the Interface Between Land Uses module of the general development policies states:

> *"Development incorporating music achieves suitable acoustic amenity when measured at the boundary or an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers."*

As discussed above, the surrounding sensitive receivers can expect a low level of amenity by virtue of their being in an Employment Zone. The rock-climbing facility is not expected to emit noise levels that would unreasonably impact this level of amenity. Rock climbing is not a noisy activity; the only noise being that of people talking or clapping, or persons dropping onto the mats below the climbing walls. It is likely that music will be played within the facility, but this is not anticipated to be played at such a level as to be audible outside of the premises. Rock climbing and bouldering are activities that require a lot of focus, and the playing of loud music in such facilities is not conducive to these activities.

Notwithstanding this assessment, other land uses that might be approved in this building (such as the approved warehouse use, a motor repair station or light industry) would produce greater off-site impacts by way of noise from vehicles, machinery, plant and equipment than what the proposed rock-climbing facility will. Consequently, the proposed land use is not considered to produce an unreasonable impact on the amenity of the local area and therefore satisfies the abovementioned Performance Outcomes.

With respect to the light spill that has been raised by Representor No. 3, the Panel should note that this light issue has not arisen by virtue of this application, the installation of the offending light is not a form of development, and therefore this issue is outside the remit of this development application and the Council Assessment Panel.

Signage

Performance Outcome 6.1 of the Employment Zone states:

> *"Freestanding advertisements are not visually dominant within the locality."*

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

> *"Advertisements are compatible and integrated with the design of the building and/or land they are located on."*

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

> *"Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality."*

As part of Development Authorisation ID 21027830, a $10m^2$ area (5m x 2m) for signage was approved above the roller door to the building. The sign proposed as part of this application is slight larger – 5m x 2.5m – but located in the same area above the roller door.

The sign proposed is a simple logo design that integrates well with the building, consistent with the abovementioned Performance Outcomes. The sign is an appropriate scale and size for this building and the locality and will not detrimentally affect local amenity.

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 and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:*
>
> *(a) Availability of on-street car parking*

(b) Shared use of other parking areas
…"

The proposed land use will operate as part of a two-tenancy complex which, together, have 11 car parking spaces between them. It is understood that the subject tenancy will have access to the five (5) car parking spaces located directly in front of the subject building while the other tenancy is operating. When the other tenancy closes, the subject land use will then have access to all 11 car parking spaces on the site.

Table 1 of the Transport, Access and Parking module prescribes theoretical car parking rates for different land uses. It is generally accepted that satisfaction of the rates in Table 1 is considered sufficient to meet the needs of a particular development. In the case of an indoor recreation facility, Table 1 prescribes a rate of 4.5 spaces per 100m^2 of total floor area. For warehouses, Table 1 prescribes a rate of 0.5 spaces per 100m^2 of total floor area.

Looking at this as part of an integrated complex, the two (2) warehouses approved as part of Development Authorisation ID 21027830 had a combined total floor area of 1145m^2. When assessed against Table 1, this land use therefore generated a theoretical demand of six (6) car parking spaces (rounded up). Thus, a surplus of five (5) spaces was provided.

The proposal to change one of the warehouses to an indoor recreation facility changes the theoretical on-site parking demand as follows. The one warehouse tenancy remaining, with a total floor area of 547m^2, requires 2.75 spaces. The indoor recreation facility has a total floor area of 598m^2 and therefore generates a demand for 27 spaces. Taken together, this integrated complex has a total demand for 30 parking spaces (rounded up) while both tenancies are operating. In other words, there is a shortfall of 19 on-site spaces while both tenancies operate; reduced to 16 spaces when it is only the rock-climbing facility operating.

The Applicant's traffic engineer (Cirqa) justifies accepting this shortfall for the following reasons (see **Attachments 1** and **6**):

1. The land use is anticipated to generate a maximum of 28 vehicle trips during the peak hour (assuming full capacity and 75% of trips associated with a single-occupant vehicle);
2. Occupancy surveys demonstrate that there is sufficient on-street parking within 150m of the subject site to support the theoretical shortfall; and
3. The peak occupancy times for the rock-climbing facility are outside typical business hours and will therefore not coincide with the peak times of most other land uses within the locality.

Ordinarily, Council administration is unlikely to support a development that relies on on-street car parking to support more than 50% of its theoretical car parking demand. Council's traffic engineer has undertaken their own occupancy surveys of on-street car parking availability on a Wednesday and Friday evening, to verify the data used by Cirqa in their justification (see **Attachment 7**). In so doing, Council's traffic engineer confirms there is an underutilisation of on-street car parking in this section of Stepney. Occupancy rates for the areas monitored were between 27% and 56%, which is below the optimum occupancy levels of 65-85% sought for this area. As such, Council's traffic engineer is somewhat supportive of the on-site shortfall, noting the availability on on-street parking to support this. However, they do express concerns with the resultant inequitable use of public parking spaces.

Criteria (a) and (b) of Performance Outcome 5.1 (above) grant a relevant authority discretion to support a shortfall of on-site parking provisions where that shortfall can be readily accommodated by other means. In this instance, there are sufficient on-street car parking spaces to accommodate vehicles that cannot park on the site and the proposed development is not expected to utilise more than 50% of such parks. Further, the proposed development is part of an integrated complex whose two tenancies have differing peak periods, supporting the shared car parking arrangement. Accordingly, despite the shortfall of 16 on-site spaces (when assessed against the rates in Table 1), the proposed development is considered to satisfy Performance Outcome 5.1 of the Transport, Access and Parking module.

Performance Outcome 1.3 of the Transport, Access and Parking module of the general development policies states:

> *"Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict."*

Performance Outcome 6.4 of the Transport, Access and Parking module of the general development policies states:

> *"Pedestrian linkages between parking areas and the development are provided and are safe and convenient."*

It is expected that this rock-climbing facility will host groups of school children at times. On such occasions, the visitors are expected to arrive at the site via bus. The Applicant's traffic engineer has noted that the bus may park on the street, in front of the subject site, to drop off and pick up the school children and supervisor(s). This parking space may not always be available, and the preferable arrangement would be for the bus to park on the site, to satisfy Performance Outcome 6.4 above.

Accordingly, the Applicant was asked to provide an alternative arrangement that could be accommodated entirely on the site. The Applicant responded accordingly (see **Attachment 8**), by indicating a drop-off/pick-up zone that can be accommodated in front of the roller door of the building. A bus parked in this area will not inhibit passenger vehicle movements through the site and is therefore considered acceptable and consistent with Performance Outcome 1.3 above. Given the low frequency of bus visits to the site, and the low traffic volumes expected in the car park (by both tenancies combined), it is not considered necessary to require a permanent drop-off / pick-up zone to be line marked on the site, nor to require drop off and pick-ups to occur only on the site.

Question of Seriously at Variance

Having considered the proposal against the relevant provisions of the Planning & Design Code (version 2024.14, dated 1/8/2024), the proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code for the following reasons:

- The land use is envisaged within the Employment Zone (DPF 1.1);
- The land use is not expected to have a detrimental effect on the amenity of the locality; and
- Some car parking is provided on the site despite a possible reliance on on-street parking.

CONCLUSION

The proposed development is for a change of use to an indoor recreation facility – a land use that is envisaged within the Employment Zone (DPF 1.1). The land use is not expected to produce any emissions that would be considered detrimental to the amenity of the local area or to the amenity of the four adjacent sensitive receivers, noting that these dwellings have an expected lower level of amenity because they are located within an Employment Zone and not a typical neighbourhood-type Zone.

The one aspect of the development that is challenging to support is its potentially heavy reliance on on-street car parking spaces to support the use. In particular, the development will have access to, at most, 11 on-site parking spaces whereas the theoretical demand for this site is 27 spaces. Accordingly, the development may rely on 16 public car parking spaces at any time, which is ordinarily an outcome that cannot be supported.

However, occupancy surveys undertaken by both the Applicant's traffic engineer and the Council's traffic engineer evidence an under-utilisation of on-street parking in the locality, and an availability of spaces during the anticipated peak times of the proposed land use that can support the proposed land use without fully monopolising the on-street parking network. This will represent an inequitable use of such spaces, but this is not considered to be a reason to refuse the proposal in this instance because of how underutilised these spaces currently are. Accordingly, on balance, this development application is considered to be worthy of support.

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 24024095, by LANEWAY BOULDERS is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1
The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2
The hours of operation of the premises shall be restricted to the following times:

- Monday to Friday, 6am to 10pm
- Saturday, 8am to 9pm
- Sunday, 8am to 7pm

Condition 3
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 4
All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Assessment Manager.

ADVISORY NOTES

Planning Consent

Advisory Note 1
Appeal Rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 2
Consents issued for this Development Application will remain valid for the following periods of time:

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

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

Advisory Note 3
No work can commence on this development unless a Development Approval has been obtained. If one or more Consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 4
The 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 5
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 6
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.

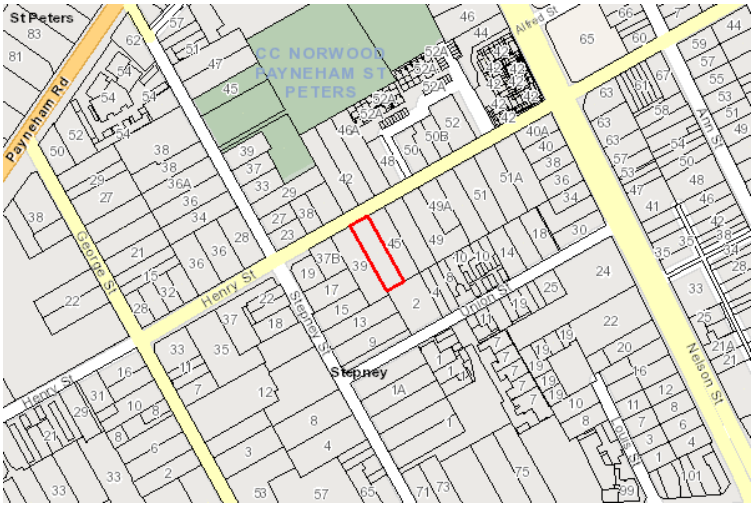
Advisory Note 7
The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Advisory Note 8
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 9
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.

Address: **41 -43 HENRY ST STEPNEY SA 5069**

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Zone

Employment

Overlay

Airport Building Heights (Regulated) *(All structures over 45 metres)*
Hazards (Flooding)
Hazards (Flooding - General)
Prescribed Wells Area
Regulated and Significant Tree
Traffic Generating Development

Local Variation (TNV)

Maximum Building Height (Levels) *(Maximum building height is 2 levels)*

Development Pathways

- Employment

1. Accepted Development
   Means that the development type does not require planning consent (planning approval). Please ensure compliance with relevant land use and development controls in the Code.

   - Building alterations
   - Building work on railway land
   - Excavation
   - Filling of land
   - Ground intruding activity
   - Partial demolition of a building or structure
   - Shade sail
   - Solar photovoltaic panels (roof mounted)
   - Storage of material or equipment
   - Temporary stockpiling
   - Water tank (above ground)
   - Water tank (underground)

2. Code Assessed - Deemed to Satisfy
   Means that the development type requires consent (planning approval). Please ensure compliance with relevant land use and development controls in the Code.

   - Advertisement
   - Temporary accommodation in an area affected by bushfire

3. Code Assessed - Performance Assessed
   Performance Assessed development types listed below are those for which the Code identifies relevant policies.
   Additional development types that are not listed as Accepted, Deemed to Satisfy or Restricted default to a Performance assessed Pathway. Please contact your local council for more information.

   - Advertisement
   - Consulting room
   - Demolition
   - Land division
   - Light industry
   - Office
   - Retaining wall
   - Service trade premises
   - Shop
   - Store
   - Telecommunications facility
   - Warehouse

4. Impact Assessed - Restricted
   Means that the development type requires approval. Classes of development that are classified as Restricted are listed in Table 4 of the relevant Zones.

Part 2 - Zones and Sub Zones

Employment Zone

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
DO 1	A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.
DO 2	Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Advertisement (b) Consulting room

	(c) Indoor recreation facility (d) Light industry (e) Motor repair station (f) Office (g) Place of worship (h) Research facility (i) Retail fuel outlet (j) Service trade premises (k) Shop (l) Store (m) Telecommunications facility (n) Training facility (o) Warehouse.
PO 1.2 Shops provide convenient day-to-day services and amenities to local businesses and workers, support the sale of products manufactured on-site and otherwise complement the role of Activity Centres.	DTS/DPF 1.2 Shop where one of the following applies: (a) with a gross leasable floor area up to 100m^2 (b) is a bulky goods outlet (c) is a restaurant (d) is ancillary to and located on the same allotment as an industry and primarily involves the sale by retail of goods manufactured by the industry.
PO 1.3 Telecommunication facilities located to mitigate impacts on visual amenity in residential areas.	DTS/DPF 1.3 Telecommunications facility in the form of a monopole: (a) up to a height of 30m (b) no closer than 50m to a neighbourhood-type zone.
PO 1.4 Bulky good outlets and standalone shops are located to provide convenient access.	DTS/DPF 1.4 Bulky goods outlets and standalone shops are located on sites with a frontage to a State Maintained Road.
Built Form and Character	
PO 2.1 Development achieves distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.	DTS/DPF 2.1 None are applicable.
PO 2.2 Building facades facing a boundary of a zone primarily intended to accommodate residential development, public roads, or public open space incorporate design elements to add visual interest by considering the following: (a) using a variety of building finishes (b) avoiding elevations that consist solely of metal cladding (c) using materials with a low reflectivity (d) using techniques to add visual interest and reduce large expanses of blank walls including modulation and incorporation of offices and showrooms along elevations visible to a public road.	DTS/DPF 2.2 None are applicable.
Building height and setbacks	
PO 3.1 Buildings are set back from the primary street boundary to contribute to the existing/emerging pattern of street setbacks in the streetscape.	DTS/DPF 3.1 Buildings setback from the primary street boundary in accordance with the following table: **Development Context** | **Minimum setback**

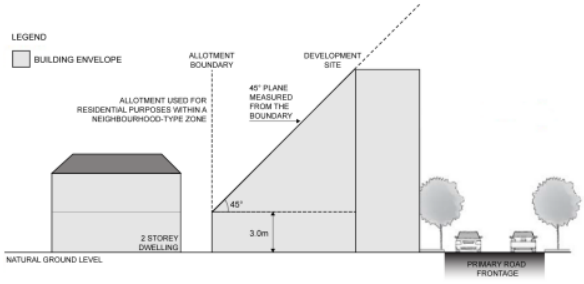
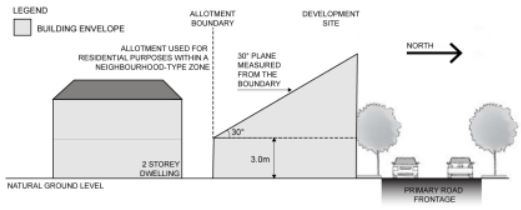
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings.
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site.	The setback of the existing building.
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.	(a) Where the existing building shares the same primary street frontage – the setback of the existing building (b) Where the existing building has a different primary street frontage - 5m
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	5m

For the purposes of **DTS/DPF 3.2:**

(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback

(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

PO 3.2 Buildings are set back from a secondary street boundary to accommodate the provision of landscaping between buildings and the street to enhance the appearance of land and buildings when viewed from the street.	DTS/DPF 3.2 Building walls are no closer than 2m to the secondary street boundary.
PO 3.3 Buildings are set back from rear access ways to provide adequate manoeuvrability for vehicles to enter and exit the site.	DTS/DPF 3.3 Building walls are set back from the rear access way: (a) where the access way is 6.5m wide or more, no requirement (b) where the access way is less than 6.5m wide, the distance equal to the additional width required to make the access way at least 6.5m wide.
PO 3.4 Buildings are sited to accommodate vehicle access to the rear of a site for deliveries, maintenance and emergency purposes.	DTS/DPF 3.4 Building walls are set back at least 3m from at least one side boundary, unless an alternative means for vehicular access to the rear of the site is available.
PO 3.5 Building height is consistent with the form expressed in any relevant *Maximum Building Height (Levels) Technical and Numeric Variation layer* and *Maximum Building Height (Metres) Technical and Numeric Variation layer* or is generally low-rise to complement the established streetscape and local character.	DTS/DPF 3.5 Building height is not greater than: (a) the following: **Maximum Building Height (Levels)** Maximum building height is 2 levels

	(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m. In relation to DTS/DPF 3.5, in instances where: (c) more than one value is returned in the same field for DTS/DPF 3.5(a) refer to the *Maximum Building Height (Levels) Technical and Numeric Variation layer* or *Maximum Building Height (Metres) Technical and Numeric Variation layer* in the SA planning database to determine the applicable value relevant to the site of the proposed development (d) only one value is returned for DTS/DPF 3.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
PO 3.6 Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.	DTS/DPF 3.6 Buildings are constructed within a building envelope provided by a 45 degree plane, measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes in a neighbourhood-type zone as shown in the following diagram, except where the relevant boundary is a southern boundary or where this boundary is the street boundary. 
PO 3.7 Buildings mitigate overshadowing of residential development within a neighbourhood-type zone.	DTS/DPF 3.7 Buildings on sites with a southern boundary adjoining an allotment used for residential purposes within a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram (except where this boundary is a street boundary): 
PO 3.8	DTS/DPF 3.8

Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.	None are applicable.
Site Dimensions and Land Division	
PO 4.1 Land division creates allotments that vary in size and are suitable for a variety of commercial and business activities.	DTS/DPF 4.1 Allotments: (a) connected to an approved common wastewater disposal service have an area of 1250m^2 or more and a frontage width of 20m or more (b) that will require the disposal of wastewater on-site have an area of 2000m^2 or more and a frontage width of 20m or more.
Landscaping	
PO 5.1 Landscaping is provided to enhance the visual appearance of development when viewed from public roads and thoroughfares.	DTS/DPF 5.1 Other than to accommodate a lawfully existing or authorised driveway or access point, or an access point for which consent has been granted as part of an application for the division of land, a landscaped area is provided within the development site: (a) where a building is set back less than 3m from the street boundary - 1m wide or the area remaining between the relevant building and the street boundary where the building is less than 1m from the street boundary or (b) in any other case - at least 1.5m wide.
PO 5.2 Development incorporates areas for landscaping to enhance the overall amenity of the site and locality.	DTS/DPF 5.2 Landscape areas comprise: (a) not less than 10 percent of the site (b) a dimension of at least 1.5m.
Advertisements	
PO 6.1 Freestanding advertisements are not visually dominant within the locality.	DTS/DPF 6.1 Freestanding advertisements: (a) do not exceed 6m in height above natural ground level (b) do not have a face that exceeds 8m^2.
Concept Plans	
PO 7.1 Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.	DTS/DPF 7.1 The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant: In relation to DTS/DPF 7.1, in instances where: (a) one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant. (b) in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 7.1 is met.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) temporary public service depot.	Except development that exceeds the maximum building height specified in Employment Zone DTS/DPF 3.5 or does not satisfy any of the following: 1. Employment Zone DTS/DPF 3.6 2. Employment Zone DTS/DPF 3.7.
3. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) light industry (c) office (d) motor repair station (e) retail fuel outlet (f) store (g) warehouse.	Except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
4. Any development involving any of the following (or of any combination of any of the following): (a) air handling unit, air conditioning system or exhaust fan (b) carport (c) deck (d) fence (e) internal building works (f) land division (g) outbuilding (h) pergola (i) private bushfire shelter (j) replacement building (k) retaining wall (l) shade sail (m) solar photovoltaic panels (roof mounted) (n) swimming pool or spa pool and associated swimming pool safety features (o) temporary accommodation in an area affected by bushfire (p) tree damaging activity (q) verandah (r) water tank.	None specified.

5. Building for the purposes of railway activities.	None specified.
6. Demolition.	Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
7. Railway line.	Except where located outside of a rail corridor or rail reserve.
8. Shop within any of the following: (a) Retail Activity Centre Subzone (b) Roadside Service Centre Subzone.	Except shop that exceeds the maximum building height specified in Employment Zone DTS/DPF 3.5 or does not satisfy any of the following: 1. Employment Zone DTS/DPF 3.6 2. Employment Zone DTS/DPF 3.7.
9. Shop.	Except: 1. where the site of the shop is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone or 2. shop that exceeds the maximum building height specified in Employment Zone DTS/DPF 3.5 or 3. shop that does not satisfy Employment Zone DTS/DPF 1.2.
10. Telecommunications facility.	Except telecommunications facility that does not satisfy Employment Zone DTS/DPF 1.3.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

Part 3 - Overlays

Part 4 - General Development Policies

Advertisements

Assessment Provisions (AP)

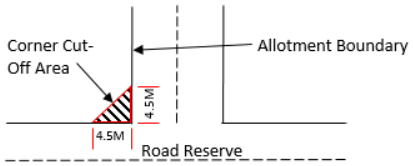
Desired Outcome (DO)

Desired Outcome	
DO 1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Appearance	
PO 1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.	DTS/DPF 1.1 Advertisements attached to a building satisfy all of the following: (a) are not located in a Neighbourhood-type zone (b) where they are flush with a wall: (i) if located at canopy level, are in the form of a fascia sign (ii) if located above canopy level: A. do not have any part rising above parapet height B. are not attached to the roof of the building (c) where they are not flush with a wall: (i) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure (ii) if attached to a two-storey building: A. has no part located above the finished floor level of the second storey of the building B. does not protrude beyond the outer limits of any verandah structure below C. does not have a sign face that exceeds 1m2 per side. (d) if located below canopy level, are flush with a wall (e) if located at canopy level, are in the form of a fascia sign (f) if located above a canopy: (i) are flush with a wall (ii) do not have any part rising above parapet height (iii) are not attached to the roof of the building. (g) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure (h) if attached to a two-storey building, have no part located above the finished floor level of the second storey of the building (i) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.
PO 1.2 Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.	DTS/DPF 1.2 Where development comprises an advertising hoarding, the supporting structure is: (a) concealed by the associated advertisement and decorative detailing or (b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.
PO 1.3	DTS/DPF 1.3

Advertising does not encroach on public land or the land of an adjacent allotment.	Advertisements and/or advertising hoardings are contained within the boundaries of the site.
PO 1.4 Where possible, advertisements on public land are integrated with existing structures and infrastructure.	DTS/DPF 1.4 Advertisements on public land that meet at least one of the following: (a) achieves Advertisements DTS/DPF 1.1 (b) are integrated with a bus shelter.
PO 1.5 Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.	DTS/DPF 1.5 None are applicable.
Proliferation of Advertisements	
PO 2.1 Proliferation of advertisements is minimised to avoid visual clutter and untidiness.	DTS/DPF 2.1 No more than one freestanding advertisement is displayed per occupancy.
PO 2.2 Multiple business or activity advertisements are co-located and coordinated to avoid visual clutter and untidiness.	DTS/DPF 2.2 Advertising of a multiple business or activity complex is located on a single advertisement fixture or structure.
PO 2.3 Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.	DTS/DPF 2.3 Advertisements satisfy all of the following: (a) are attached to a building (b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached (c) do not result in more than one sign per occupancy that is not flush with a wall.
Advertising Content	
PO 3.1 Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.	DTS/DPF 3.1 Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.
Amenity Impacts	
PO 4.1 Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.	DTS/DPF 4.1 Advertisements do not incorporate any illumination.
Safety	
PO 5.1 Advertisements and/or advertising hoardings erected on a verandah or projecting from a building wall are designed and located to allow for safe and convenient pedestrian access.	DTS/DPF 5.1 Advertisements have a minimum clearance of 2.5m between the top of the footpath and base of the underside of the sign.
PO 5.2 Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.	DTS/DPF 5.2 No advertisement illumination is proposed.
PO 5.3 Advertisements and/or advertising hoardings do not create a hazard to	DTS/DPF 5.3 Advertisements satisfy all of the following:

drivers by: (a) being liable to interpretation by drivers as an official traffic sign or signal (b) obscuring or impairing drivers' view of official traffic signs or signals (c) obscuring or impairing drivers' view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.	(a) are not located in a public road or rail reserve (b) are located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram 
PO 5.4 Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.	DTS/DPF 5.4 Advertisements and/or advertising hoardings are not located along or adjacent to a road having a speed limit of 80km/h or more.
PO 5.5 Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users.	DTS/DPF 5.5 Where the advertisement or advertising hoarding is: (a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6m from the roadside edge of the kerb (b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5m from the edge of the seal (c) on any other kerbed or unkerbed road, the advertisement or advertising hoarding is located a minimum of the following distance from the roadside edge of the kerb or the seal: (a) 110 km/h road - 14m (b) 100 km/h road - 13m (c) 90 km/h road - 10m (d) 70 or 80 km/h road - 8.5m.
PO 5.6 Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.	DTS/DPF 5.6 Advertising: (a) is not illuminated (b) does not incorporate a moving or changing display or message (c) does not incorporate a flashing light(s).

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

<table>
<tr><th>Performance Outcome</th><th>Deemed-to-Satisfy Criteria / Designated Performance Feature</th></tr>
<tr><td colspan="2">General Land Use Compatibility</td></tr>
<tr><td>PO 1.1
Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.</td><td>DTS/DPF 1.1
None are applicable.</td></tr>
<tr><td>PO 1.2
Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</td><td>DTS/DPF 1.2
None are applicable.</td></tr>
<tr><td colspan="2">Hours of Operation</td></tr>
<tr><td>PO 2.1
Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:
(a) the nature of the development
(b) measures to mitigate off-site impacts
(c) the extent to which the development is desired in the zone
(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</td><td>DTS/DPF 2.1
Development operating within the following hours:
<table><tr><th>Class of Development</th><th>Hours of operation</th></tr><tr><td>Consulting room</td><td>7am to 9pm, Monday to Friday
8am to 5pm, Saturday</td></tr><tr><td>Office</td><td>7am to 9pm, Monday to Friday
8am to 5pm, Saturday</td></tr><tr><td>Shop, other than any one or combination of the following:
(a) restaurant</td><td>7am to 9pm, Monday to Friday
8am to 5pm, Saturday and Sunday</td></tr></table></td></tr>
</table>

	(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	

Overshadowing	
PO 3.1 Overshadowing of habitable room windows of adjacent residential land uses in: a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight.	DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
PO 3.2 Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight.	DTS/DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: a. for ground level private open space, the smaller of the following: i. half the existing ground level open space or ii. 35m2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b. for ground level communal open space, at least half of the existing ground level open space.
PO 3.3 Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account: (a) the form of development contemplated in the zone (b) the orientation of the solar energy facilities (c) the extent to which the solar energy facilities are already overshadowed.	DTS/DPF 3.3 None are applicable.
PO 3.4 Development that incorporates moving parts, including windmills and wind farms, are located and operated to not cause unreasonable nuisance to nearby dwellings and tourist accommodation caused by shadow flicker.	DTS/DPF 3.4 None are applicable.
Activities Generating Noise or Vibration	
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria.
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: (a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers	DTS/DPF 4.2 None are applicable.

(b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers (c) housing plant and equipment within an enclosed structure or acoustic enclosure (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.	
PO 4.3 Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa are positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.3 The pump and/or filtration system ancillary to a dwelling erected on the same site is: (a) enclosed in a solid acoustic structure located at least 5m from the nearest habitable room located on an adjoining allotment or (b) located at least 12m from the nearest habitable room located on an adjoining allotment.
PO 4.4 External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.	DTS/DPF 4.4 Adjacent land is used for residential purposes.
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve the following noise levels: **Assessment location** / **Music noise level** Externally at the nearest existing or envisaged noise sensitive location / Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum (LOCT10,15 < LOCT90,15 + 8dB)
Air Quality	
PO 5.1 Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.	DTS/DPF 5.1 None are applicable.
PO 5.2 Development that includes chimneys or exhaust flues (including cafes, restaurants and fast food outlets) is designed to minimise nuisance or adverse health impacts to sensitive receivers (or lawfully approved sensitive receivers) by: (a) incorporating appropriate treatment technology before exhaust emissions are released (b) locating and designing chimneys or exhaust flues to maximise the dispersion of exhaust emissions, taking into account the location of sensitive receivers.	DTS/DPF 5.2 None are applicable.
Light Spill	
PO 6.1	DTS/DPF 6.1

Out of Activity Centre Development

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
DO1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres: (a) as primary locations for shopping, administrative, cultural, entertainment and community services (b) as a focus for regular social and business gatherings (c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.	DTS/DPF 1.1 None are applicable.

PO 1.2 Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities: (a) that support the needs of local residents and workers, particularly in underserviced locations (b) at the edge of Activities Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre.	DTS/DPF 1.2 None are applicable.

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

	Desired Outcome
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
PO 1.1 Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.	DTS/DPF 1.1 None are applicable.
PO 1.2 Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.	DTS/DPF 1.2 None are applicable.
PO 1.3 Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.	DTS/DPF 1.3 None are applicable.
PO 1.4 Development is sited and designed so that loading, unloading and	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.

turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	
Sightlines	
PO 2.1 Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.	DTS/DPF 2.1 None are applicable.
PO 2.2 Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	DTS/DPF 2.2 None are applicable.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.2 Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.	DTS/DPF 3.2 None are applicable.
PO 3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	DTS/DPF 3.3 None are applicable.
PO 3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.	DTS/DPF 3.4 None are applicable.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
PO 3.6 Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	DTS/DPF 3.6 Driveways and access points: (a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided

	(b) for sites with a frontage to a public road greater than 20m: (i) a single access point no greater than 6m in width is provided or (ii) not more than two access points with a width of 3.5m each are provided.
PO 3.7 Access points are appropriately separated from level crossings to avoid interference and ensure their safe ongoing operation.	DTS/DPF 3.7 Development does not involve a new or modified access or cause an increase in traffic through an existing access that is located within the following distance from a railway crossing: (a) 80 km/h road - 110m (b) 70 km/h road - 90m (c) 60 km/h road - 70m (d) 50km/h or less road - 50m.
PO 3.8 Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.	DTS/DPF 3.8 None are applicable.
PO 3.9 Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.	DTS/DPF 3.9 None are applicable.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	DTS/DPF 6.1 Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DTS/DPF 6.2 None are applicable.
PO 6.3 Vehicle parking areas are designed to provide opportunity for	DTS/DPF 6.3 None are applicable.

integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.	
PO 6.4 Pedestrian linkages between parking areas and the development are provided and are safe and convenient.	DTS/DPF 6.4 None are applicable.
PO 6.5 Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	DTS/DPF 6.5 None are applicable.
PO 6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.	DTS/DPF 6.6 Loading areas and designated parking spaces are wholly located within the site.
PO 6.7 On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.	DTS/DPF 6.7 None are applicable.
Undercroft and Below Ground Garaging and Parking of Vehicles	
PO 7.1 Undercroft and below ground garaging of vehicles is designed to enable safe entry and exit from the site without compromising pedestrian or cyclist safety or causing conflict with other vehicles.	DTS/DPF 7.1 None are applicable.
Internal Roads and Parking Areas in Residential Parks and Caravan and Tourist Parks	
PO 8.1 Internal road and vehicle parking areas are surfaced to prevent dust becoming a nuisance to park residents and occupants.	DTS/DPF 8.1 None are applicable.
PO 8.2 Traffic circulation and movement within the park is pedestrian friendly and promotes low speed vehicle movement.	DTS/DPF 8.2 None are applicable.
Bicycle Parking in Designated Areas	
PO 9.1 The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.	DTS/DPF 9.1 Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.
PO 9.2 Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.	DTS/DPF 9.2 None are applicable.
PO 9.3 Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.	DTS/DPF 9.3 None are applicable.
Corner Cut-Offs	
PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.	DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:

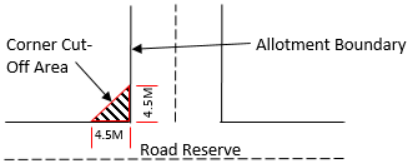
	
Heavy Vehicle Parking	
PO 11.1 Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.	DTS/DPF 11.1 Heavy vehicle parking occurs in accordance with the following: (a) the site is not located within a Neighbourhood-type zone (except a Rural Living Zone) (b) the site is a minimum of 0.4 ha (c) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time (d) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time (e) the vehicle parking area achieves the following setbacks: (i) behind the building line or 30m, whichever is greater (ii) 20m from the secondary street if it is a State Maintained Road (iii) 10m from the secondary street if it is a local road (iv) 10m from side and rear boundaries (f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance (g) does not include refrigerated trailers or vehicles (h) vehicles only enter and exit the property in accordance with the following hours: (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (i) the handling or trans-shipment of freight is not carried out on the property.
PO 11.2 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.	DTS/DPF 11.2 Heavy vehicles: (a) can enter and exit the site in a forward direction; and (b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator).
PO 11.3 Heavy vehicle parking is screened through siting behind buildings, screening, landscaping or the like to obscure views from adjoining properties and public roads.	DTS/DPF 11.3 None are applicable.

Table 1 - General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)

Auction room/ depot	1 space per 100m2 of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per service bay.
Motor repair station	3 spaces per service bay.
Office	For a call centre, 8 spaces per 100m2 of gross leasable floor area In all other cases, 4 spaces per 100m2 of gross leasable floor area.
Retail fuel outlet	3 spaces per 100m2 gross leasable floor area.
Service trade premises	2.5 spaces per 100m2 of gross leasable floor area 1 space per 100m2 of outdoor area used for display purposes.
Shop (no commercial kitchen)	5.5 spaces per 100m2 of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared. 5 spaces per 100m2 of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m2 of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat. Premises with take-away service but with no seats - 12 spaces per 100m2 of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point. Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.
Community and Civic Uses	
Community facility	For a library, 4 spaces per 100m2 of total floor area. For a hall/meeting hall, 0.2 spaces per seat. In all other cases, 10 spaces per 100m2 of total floor area.
Educational facility	For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.
Place of worship	1 space for every 3 visitor seats.
Child care facility	For a child care centre, 0.25 spaces per child In all other cases, 1 per employee plus 0.25 per child (drop off/pick up bays).
Health Related Uses	
Consulting room	4 spaces per consulting room excluding ancillary facilities.
Hospital	4.5 spaces per bed for a public hospital. 1.5 spaces per bed for a private hospital.
Recreational and Entertainment Uses	
Cinema complex	0.2 spaces per seat.
Concert hall / theatre	0.2 spaces per seat.
Hotel	1 space for every 2m2 of total floor area in a public bar plus 1 space for every 6m2 of total floor area available to the public in a lounge, beer garden plus 1 space per 2 gaming machines, plus 1 space per 3 seats in a restaurant.
Indoor recreation facility	6.5 spaces per 100m2 of total floor area for a Fitness Centre 4.5 spaces per 100m2 of total floor area for all other Indoor recreation facilities.

Industry/Employment Uses	
Fuel depot	1.5 spaces per 100m2 total floor area 1 spaces per 100m2 of outdoor area used for fuel depot activity purposes.
Industry	1.5 spaces per 100m2 of total floor area.
Store	0.5 spaces per 100m2 of total floor area.
Timber yard	1.5 spaces per 100m2 of total floor area 1 space per 100m2 of outdoor area used for display purposes.
Warehouse	0.5 spaces per 100m2 total floor area.
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.
Radio or Television Station	5 spaces per 100m2 of total building floor area.

SA URBAN AND REGIONAL PLANNING
ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022

05 August 2024

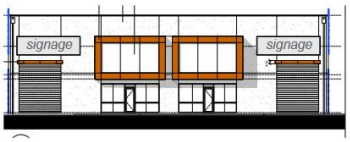
Attention: Strategy and Development
Norwood Payneham St Peters
Via Planning Portal

Dear Madam/Sir,

RE: SA Urban And Regional Planning
41-45 Henry St, Stepney
Change of Use to indoor recreation facility (indoor rock climbing)
Zone: Employment Zone

SA Urban and Regional Planning has been engaged by Laneway Boulders to assist in a change of use development application at 41-45 Henry Street, Stepney.

41-45 Henry Street, Stepney consists of recently constructed warehouses, offices and associated car parking. My client is seeking a change in use to indoor recreation facility (indoor rock climbing). The proposed development does propose any alterations to the built form, although an internal fit out is required and will utilise existing location of signage with the following content as illustrated below:



Further Details Visit -

For context, Laneway Boulders is a high-end bouldering facility aimed at providing an inclusive and enjoyable fitness experience for the local community. The facility is contained completely inside the building and the characteristics of the warehouse with its high ceilings lends this type of building to the proposed use.

SA URBAN AND REGIONAL PLANNING
ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022

Attached is a statement of particulars prepared by my client that clearly identifies the nature of the business, activities to occur on site, number of employees, hours of operation, waste and importantly, the number of climbers a facility of this nature can accommodate.

Most notable to the assessment of this change of use will be car parking rates sought by the Planning and Design Code for an indoor recreation facility versus the existing approved use of warehouse and office. Due to safety spacing on the rock wall structure, the maximum number of climbers on the wall at any time is 10.6 or 11 people. This is important information in assessing parking requirements. The parking rate for indoor recreation facilities is arbitrary and applicable to many types of indoor facilities. The nature of this facility is limited by the size of the wall and relevant safety standards and very different to that of a dance school, gym class, courts where demand/people to floor area can far exceed the safety standards set for rock climbing.

It is our view that the type of business would provide an excellent offering within the mix of uses evident in the locality adding to the diversity sought by Desired Outcome 1 for the Employment Zone and likely generate traffic at times different to that of business located in the locality.

My client and I look forward to hearing from the Council following their initial assessment and working with the Council to help my client achieve an outcome the reflects both the Council's and my client's needs.

All documentation has been provided in line with Schedule 8 of the *Planning, Development and Infrastructure Regulations 2017*. However, should you have any questions concerning this application, please do not hesitate in contacting me via phone on 0411 096 597 or email: nick@saurp.com.au

My client and I look forward to a favourable outcome to this application and working with the Norwood Payneham St Peters Council to achieve a development outcome that reflects the desired outcomes of the Employment Zone.

Kind Regards

Nick Simos
Principal Planner
Accredited Professional Planning (APP 20190058)
Bachelor of Urban & Regional Planning
Honours, MPIA

LANEWAY
| BOULDERS |

Business Proposal

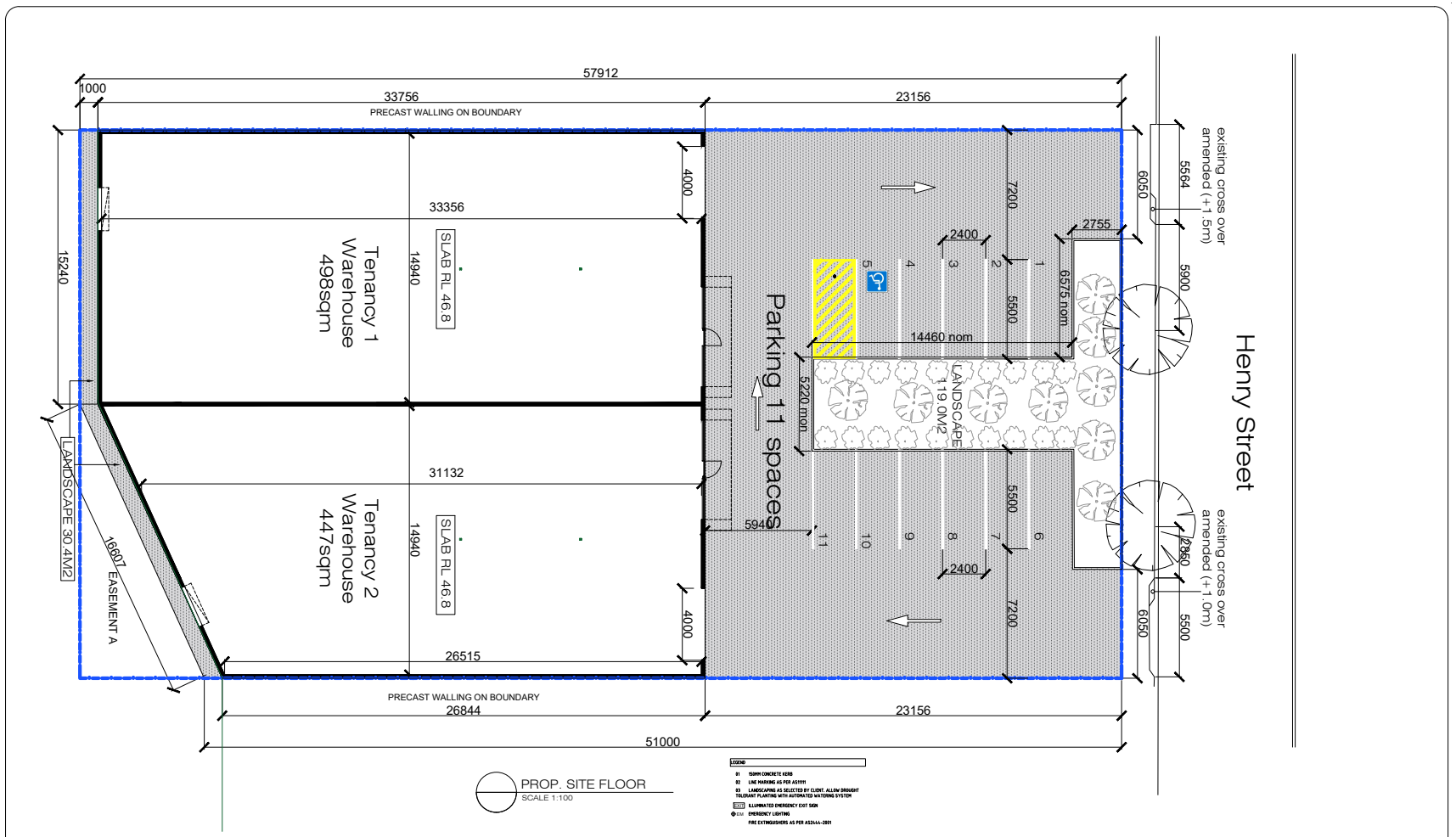
Executive summary

LANEWAY Boulders is a high-end bouldering facility aimed at providing an inclusive and enjoyable fitness experience for the local community. Bouldering is an incredibly fun and rewarding sport. It is rock climbing stripped to its essentials, removing all the ropes and gear of traditional rock climbing, leaving just you, some climbing shoes & chalk, and a 'boulder problem' to climb. It's simple, fun and can be a fantastic challenge for mind and body. Bouldering is a social experience. LANEWAY Boulders will be a place where people come together to climb, meet new people and have fun with friends. It tends to attract like-minded people who place importance in their health and wellbeing. LANEWAY Boulders is a family venture with local climbers Jarrad and Trent Searcy at the helm, years of experience in both indoor and outdoor climbing; they are well suited to providing this supreme facility for Adelaide's Northeast.

Aim

At LANEWAY Boulders we aim to provide an inclusive, relaxed, community-based venue that will cater for the beginner climber through to the most experienced.

LANEWAY
| BOULDERS |



CONSTRUCTION

SCHEDULE OF ACCOMMODATION

PARKING SPACES	TENANCY 1 WAREHOUSE	TENANCY 1 MEZZ.	TENANCY 2 WAREHOUSE	TENANCY 2 MEZZ
11	498SQM	100SQM	447SQM	100SQM

ISSUE	DATE	AMEND'T
J	04.05.23	CONSTRUCTION
H	11.10.22	TENDER
G	26.08.22	WD REVIEW 01
F	14.07.22	VARIATION TO APPROVAL
E	21.06.22	SKETCH APPROVAL

N

PROGETTO DESIGN

883 LOWER NORTH EAST RD, PARADISE S.A. 5075
TEL. (08) 8365 2744 OR 0418833823
FAX. (08) 8365 4430

DRAWING TITLE: PROPOSED PLANS

PROJECT
2 NEW WAREHOUSES

CLIENT
VINCE COVINO

ADDRESS
LOT 40 HENRY STREET
STEPNEY

DRAWN:
DATE: MAY 2022
SCALE: AS SHOWN
SHEET SIZE: A1

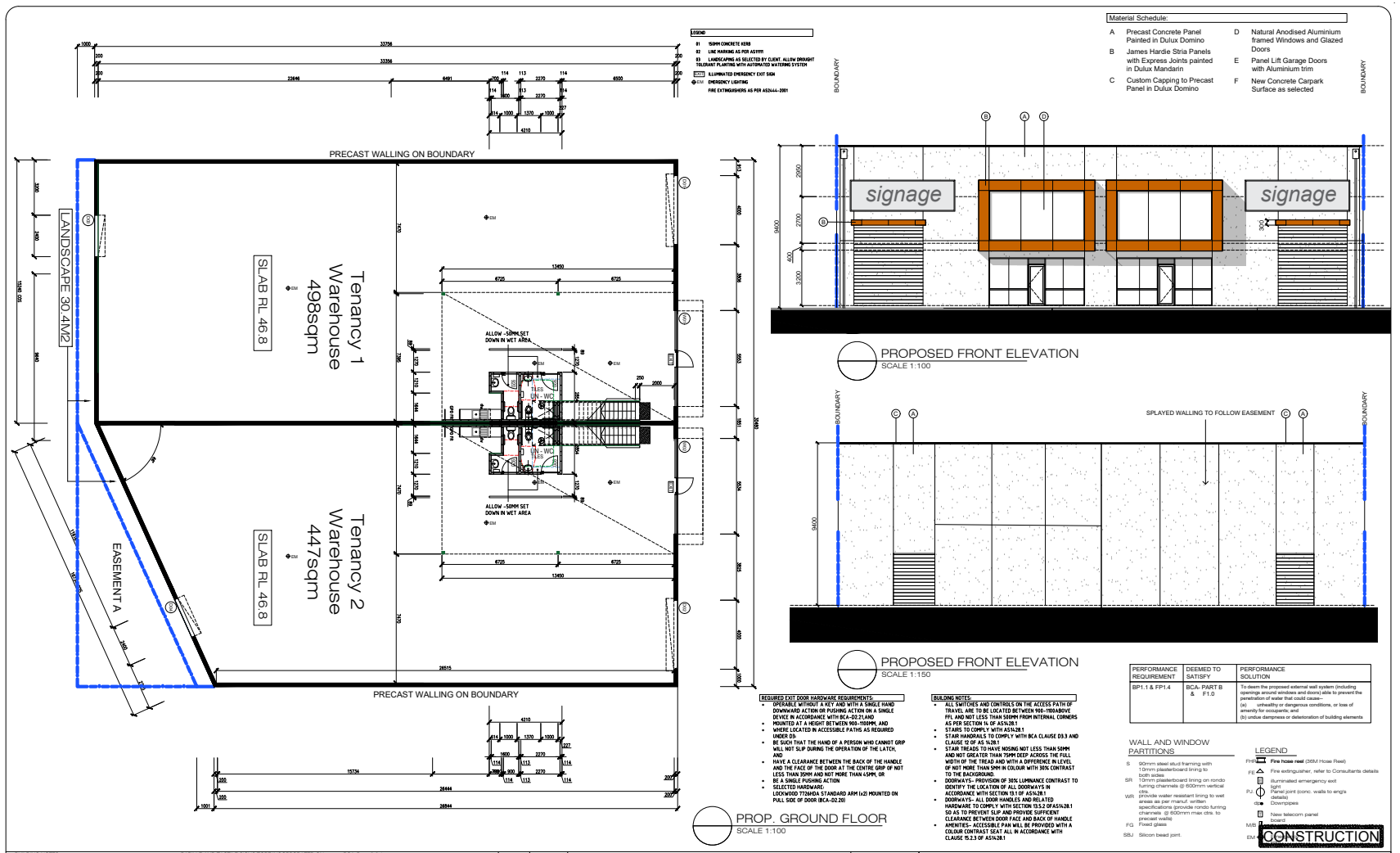
DRAWING NO: 20.10-063 WD02 SCH2

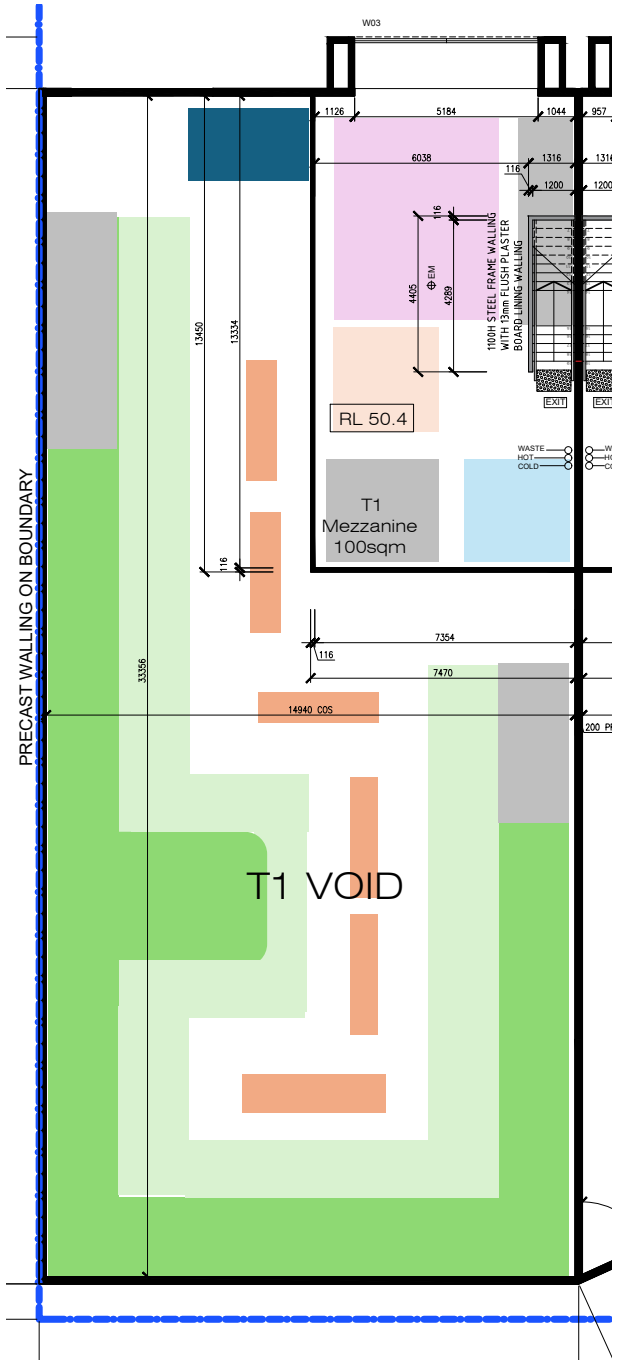
CAD REF:

CONTRACTORS MUST VERIFY ALL DIMENSIONS AT THE JOB BEFORE COMMENCING ANY WORK OR MAKING SHOP DRAWINGS

Attachment 1

LANEWAY
| BOULDERS |



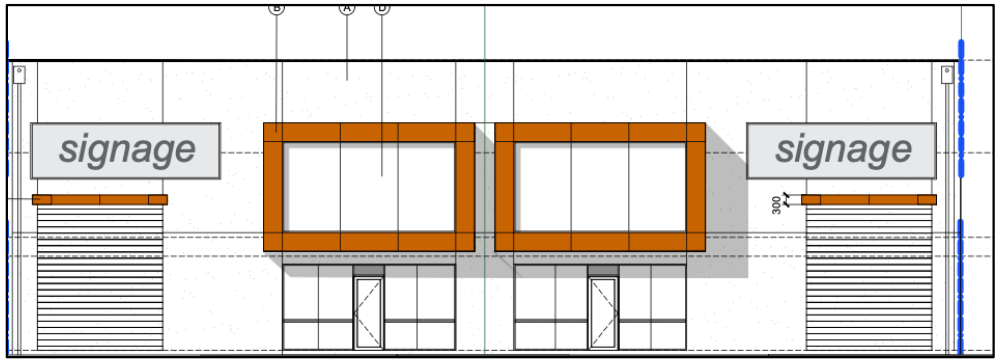


LANEWAY
| BOULDERS |

Internal Use

- Check-in counter & coffee service
- Bouldering wall structure fixed to concrete walls 1-3m wide
- Bouldering mats to protect climbers
- Break out area, stretching & storage
- 2 x Toilets (1 handicap toilet & shower)
- Office
- Storage climbing holds, climbing shoes, maintenance equipment
- Storage pods for equipment & benches

Total lineal meters of climbing wall = 64m
Total structural floor space used for climbing structure (non-climbable space) = 128sqm
Total floor space used for foam matting to protect climber = 128sqm
Maximum number of climbers on the wall at any 1 time = 10.6



Laneway Boulder

Signage

41-43 Henry Street Stepney

Brand painted white directly onto concrete. Example of medium is similar to that of Little Bang Brewery located on Henry St Stepney.

Size
5m Wide x 2.5m High

Colour
White

LANEWAY
| BOULDERS |

Hours of Operation
(incl. peak and non-peak times)

Opening times:
Monday-Friday: 6am - 10pm
Saturday: 8am – 9pm
Sunday: 8am – 7pm

Peak times:
6am – 8am, Mon- Fri
6pm – 9pm, Mon -Fri
Weekends

Non-peak times:
8am – 6pm, Mon-Fri

Number of Employees

Full Time:
1

Casual Staff:
2-4

Number of staff on premiss during peak times:
2

How do Climbers arrive at this venue – Foot / Bike / Bus / Personal Vehicle / School or Charted Mini Bus

High percentage of weekday climbers are mixed genders aged 20-35 years of age, who generally arrive in a pair in one vehicle.
Weekend climbers tend to be more family's, who arrive in 1 vehicle.
Off peak weekday times could include 1 school group per booking, dropped off and picked up by bus.

LANEWAY
| BOULDERS |

Waste Disposal Procedures

JJ's Waste and Recycling offers a wide range of waste bin solutions for commercial waste management requirements. LANEWAY Boulders will provide 2 x 660L Mobile Garbage Bins (MGB). One MGB designated for general waste and one MGB for comingled recycling. Bins will be stored within the property boundary.

LANEWAY Boulders will ensure convenient waste disposal is available inside the facility. In addition to this Sanitary and Hygiene bins (JJ's Waste and Recycling) will be made available in both toilets/washrooms.

Ref: 24485|CGB

9 September 2024

Mr Jarrad Searcy
Searcy Marketing
17 Rosslyn Street
MILE END SA 5031

By email:

Dear Jarrad,

PROPOSED INDOOR RECREATION CENTRE
41-45 HENRY STREET, STEPNEY

I refer to the proposed change-in-use from warehouse/office to indoor recreation facility (rock climbing centre) of a portion of the site at 41-45 Henry Street, Stepney. As requested, I have undertaken a review of the traffic and parking aspects of the proposal. This letter summarises the assessment undertaken.

1. BACKGROUND

The subject site is located at 41-45 Henry Street, Stepney. The site is bounded by Henry Street to the north-west and residential development on all other sides.

The site currently comprises two warehouse tenancies, namely Tenancy 1, with a warehouse floor area of 498 m^2; and Tenancy 2, with a warehouse floor area of 447 m^2. Both tenancies include 100 m^2 of mezzanine office space. The site's 11-space off-street parking area is shared between Tenancies 1 and 2 (and includes one space reserved exclusively for use by people with disabilities). Access to the site is currently provided via separated ingress and egress crossovers on Henry Street (both of which are 4.0 m wide). The Planning and Design Code identifies that the site is located within an Employment Zone.

Henry Street is identified as a collector road under the care and control of the City of Norwood Payneham and St Peters by the SA Government's Location SA website. Adjacent the site, Henry Street comprises a 7.4 m wide two-way carriageway (approximate). On-street parking is prohibited on the north-western side of Henry Street

via 'No Stopping' line marking, whilst a 2-hour timed restriction applies on the south-eastern side of the road (between Nelson Street and Stepney Street) between 7:00 am and 7:00 pm, Monday to Friday. Paved footpaths are provided on both sides of Henry Street, facilitating both pedestrian and cyclist movements. Cyclists are also able to ride on-road, sharing the carriageway with motor vehicles. A 40 km/h Area speed limit applies on Henry Street.

Stepney Street is identified as a local road under the care and control of the City of Norwood, Payneham and St Peters by the SA Government's Location SA website. Adjacent the site, Stepney Street comprises a 6.0m wide two-way carriageway (approximate). Full-time 'No Stopping' restrictions apply on the eastern side of Stepney Street, whilst part-time 'No Stopping' restrictions apply (from a point 35 m north of the Magill Road/Stepney Street intersection) on the western side (from 9:00 am to 3:00 pm, Monday to Friday). Paved footpaths are provided on both sides of Stepney Street, accommodating both pedestrian and cyclist movements. Cyclists are also able to ride on-road, sharing the carriageway with motor vehicles. A 40 km/h Area speed limit applies on Stepney Street.

Henry Street and Stepney Street form a priority-controlled (Stop) four-way intersection, with priority assigned to Henry Street. All turning movements are permitted at the intersection.

Figure 1 illustrates the location of the subject site with respect to the adjacent road network.

Figure 1 – Location of the subject site with respect to the adjacent road network

2. PROPOSAL

The proposal seeks a change-in-use of Tenancy 1 from warehouse/office to indoor recreation facility (indoor rock climbing centre). It should be noted that the proposal includes no amendments to existing access points or parking areas, nor does it propose any alterations to the built form (i.e., only minor amendments are proposed to internal fit out and signage).

The Client advises that the proposed recreation facility will operate seven days per week, with the proposed opening hours and peak periods shown in Table 1.

Table 1 – Proposed opening hours and peak periods

	Opening Hours	Peak Times	Non-Peak Times
Monday to Friday	6:00 am – 10:00 pm	6:00 am – 8:00 am 6:00 pm – 9:00 pm	8:00 am – 6:00 pm
Saturday	8:00 am – 9:00 pm	8:00 am – 9:00 pm	N/A
Sunday	8:00 am – 7:00 pm	8:00 am – 7:00 pm	N/A

CIRQA has been advised that, due to safety spacing requirements on the climbing structure, there will be a maximum of 11 climbers on the wall at any time, with up to two (2) staff members on-site at any time.

3. PARKING ASSESSMENT

The Planning and Design Code identifies the following (Deemed-to-Satisfy/Designated Performance Feature) parking rates applicable to the site's existing and proposed uses:

- warehouse – 0.5 spaces per 100 m^2 total floor area;
- office – 4 spaces per 100 m^2 of gross leasable floor area; and
- indoor recreation facility (including rock climbing centre) – 4.5 spaces per 100 m^2 of total floor area.

Based on the above rates, the site's current uses (warehouse and offices space across both tenancies) are associated with a theoretical requirement for 13 parking spaces. Given that 11 spaces are provided on site, the site's current uses are associated with a theoretical 2-space parking shortfall.

Table 2 summarises the subject proposal's parking criteria in accordance with the above rates from the Planning and Design Code.

Table 2 – Parking criteria for the subject proposal based on the Planning and Design Code

Use	Qty	Units	Rate	Criteria
Tenancy 1 Atrium	498	m^2	4.5 spaces per 100 m^2	22.4
Tenancy 1 Office	100	m^2	4.5 spaces per 100 m^2	4.5
Tenancy 2 Warehouse	447	m^2	0.5 spaces per 100 m^2	2.2
Tenancy 2 Office	100	m^2	4 spaces per 100 m^2	4
Total				**33.1 spaces**

Given that 11 spaces will continue to be provided on-site, the development would result in a theoretical shortfall of 22.1 spaces (or 23 spaces rounded up) when assessed against the DTS/DPF parking requirements of the Planning and Design Code. This would result in a theoretical increase in demand for off-site parking of 21 spaces (taking the site's existing 2-space parking shortfall into account).

It is noted that Performance Outcome 5.1 of the General Development Policies (Transport, Access and Parking) seeks the following:

> *"Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:*
>
> *(a) availability of on-street car parking*
>
> *(b) shared use of other parking areas*
>
> *(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
>
> *(d) the adaptive reuse of a State or Local Heritage Place."*

The Planning and Design Code therefore contemplates acceptance of lower parking provisions (than suggested by the specified rates) based on land use and locality considerations, including the availability of on-street parking.

It should be noted that the peak trading times for the proposed rock climbing centre (as outlined in Table 1) will not coincide with that of typical businesses in the Stepney locality (including the adjoining warehouse tenancy). Accordingly, very few rock climbing centre customers would be expected to attend the site during 'standard' Monday to Friday trading hours (i.e. between 9:00 am and 5:00 pm). Therefore, theoretical parking demand associated the overall site (23 spaces) is unlikely to ever be realised (i.e. as a cumulative parking demand generated by the site's two tenancies).

Day-time parking demand generated by the site (i.e. off-peak times for the development) would be minimal and unlikely to exceed the theoretical demand associated with the site's existing warehouse/office uses. CIRQA has been advised that, from time to time, school

groups may attend the site during the day. Such groups would be dropped off and picked up by bus (parked on-street near the site), as is a common arrangement at infrequent school excursion destinations.

With regard to the rock climbing centre's peak trading times, it is likely that all 11 on-site spaces will be available to staff and customers of the rock climbing centre, given that the adjoining warehouse tenancy is likely to be closed at these times. This would result in the development's theoretical reliance on on-street parking reducing to approximately 16 spaces (i.e. Tenancy 1's 27-space parking requirement minus the 11 spaces provided within the on-site parking area).

On-street parking availability in the vicinity of the subject site was investigated through data collection by Austraffic between 5:00 pm to 9:00 pm on Friday 11 August and Saturday 12 August 2023, which overlaps with the anticipated peak weekly trading times for the proposed rock climbing centre.

The surveys recorded the number of vehicles parked on-street on the roads identified in Figure 2.

Figure 2 – On-street parking survey area (red lines indicate surveyed streets)

Table 3 illustrates the parking availability recorded during the Friday survey period, whilst the parking availability identified during the Saturday period is identified in Table 4.

Table 3 – Parking availability during the Friday survey period.

Time	Stepney Street Availability (13 spaces provided)	Henry Street Availability (39 spaces provided)	Total Parking Availability
5:00 to 5:30 pm	9	29	38
5:30 to 6:00 pm	10	27	37
6:00 to 6:30 pm	10	30	40
6:30 to 7:00 pm	10	31	41
7:00 to 7:30 pm	10	27	37
7:30 to 8:00 pm	11	30	41
8:00 to 8:30 pm	11	31	42
8:30 to 9:00 pm	11	33	44

As illustrated in Table 3, during the Friday surveys at least 45 vacant parking spaces were identified across the surveyed on-street parking areas (including at least 37 spaces on Henry Street), which would adequately accommodate the theoretical parking shortfall associated with the proposed change-of-use (16 spaces), whilst still leaving available spaces for neighbouring businesses and residents.

Table 41 – Parking availability during the Saturday survey period.

Time	Stepney Street Availability (13 spaces provided)	Henry Street Availability (39 spaces provided)	Total On-street Parking Availability
5:00 to 5:30 pm	9	36	45
5:30 to 6:00 pm	10	35	45
6:00 to 6:30 pm	12	34	46
6:30 to 7:00 pm	10	34	44
7:00 to 7:30 pm	10	29	39
7:30 to 8:00 pm	10	30	40
8:00 to 8:30 pm	10	32	42
8:30 to 9:00 pm	9	32	41

With regard to the Saturday, Table 4 illustrates that at least 39 available parking spaces were identified across the surveyed on-street parking areas during the survey period (including at least 29 spaces on Henry Street), which would adequately accommodate the theoretical parking shortfall associated with the proposed change-of-use (16 spaces), whilst still leaving ample spaces for neighbouring businesses and residents.

It should be noted that Austraffic's data collection was undertaken prior to the commencement of trade at One Sneaky Cheetah Pizzeria at 71-73 Magill Road. To confirm whether the data reported in Tables 2 and 3 reflects current levels of on-street parking availability, spot checks were undertaken on the subject streets during the evening (7:00 pm to 8:00 pm) on Saturday 18 August 2024. These checks confirmed that evening parking demand associated with One Sneaky Cheetah Pizzeria did not extend to Henry Street (and was effectively contained within off-street parking areas and on-street on Stepney Street, between Magill Road and Union Street). This indicates that the Austraffic data is reasonably representative of current levels of parking demand, and that adequate on-street parking would be available to accommodate peak parking demands associated with the development, with minimal impact on adjoining land uses.

4. TRAFFIC ASSESSMENT

The types of indoor recreation facilities are many and varied, therefore assessment of the traffic generation associated with such facilities is typically based on a 'first principles' assessment. CIRQA has been advised that a peak attendance of 35 people is expected at the proposed rock climbing centre. Assuming that up to two staff members are in attendance during peak times, and that the duration of a typical customer visit is between one hour and one-and-a-half hours, the development would generate in the order of 37 'person trips' during peak hour (comprising 2 staff trips and 35 customer trips). Furthermore, assuming (conservatively) that approximately 75% of customer and staff trips are associated with a vehicle trip (with the remaining 25% of trips undertaken via walking, cycling, public transport or carpooling), the development would generate in the order of 28 vehicle trips during the site's peak hour. This level of theoretical peak hour traffic generation is consistent with the development's theoretical parking demand (of 27 spaces).

The forecast peak hour traffic movements would be distributed via Henry Street, Stepney Street and Nelson Street (and associated intersections). Furthermore, it should be noted that the development's peak traffic generation would occur outside of the network peak hour and at different times to many of the adjoining land uses (due to differing business hours). It is therefore expected that such a level of forecast traffic generation would be readily accommodated at the existing access points and on the adjacent road network with negligible impact.

5. SUMMARY

The proposal comprises the change-of-use of the site at 41-45 Henry Street, Stepney, from warehouse/office to indoor recreation facility. The proposal includes retention of existing building structures, access points and parking areas.

It is forecast that the proposal would have a theoretical requirement for 27 parking spaces (based upon the rates identified by the Planning and Design Code and consideration of the development's operating hours). Given that 11 spaces are proposed to be provided on-site, the proposal would be associated with a 16-space theoretical parking shortfall.

In order to determine the impacts of such a shortfall, parking surveys undertaken on-street in the vicinity of the subject site during the site's forecast weekend and weekday peak operating hours were referenced. The survey data identifies that the parking demand associated with the proposed change-in-use would be adequately accommodated on-street, with minimal impact on adjoining land uses.

With regard to the site's traffic generation, the proposed change-of-use is forecast to generate in the order of 28 peak hour trips. Such a level of traffic generation would not coincide with the network peak hour and is considered to have negligible impact on the adjacent road network.

Please feel free to contact me on (08) 7078 1801 should you require any additional information.

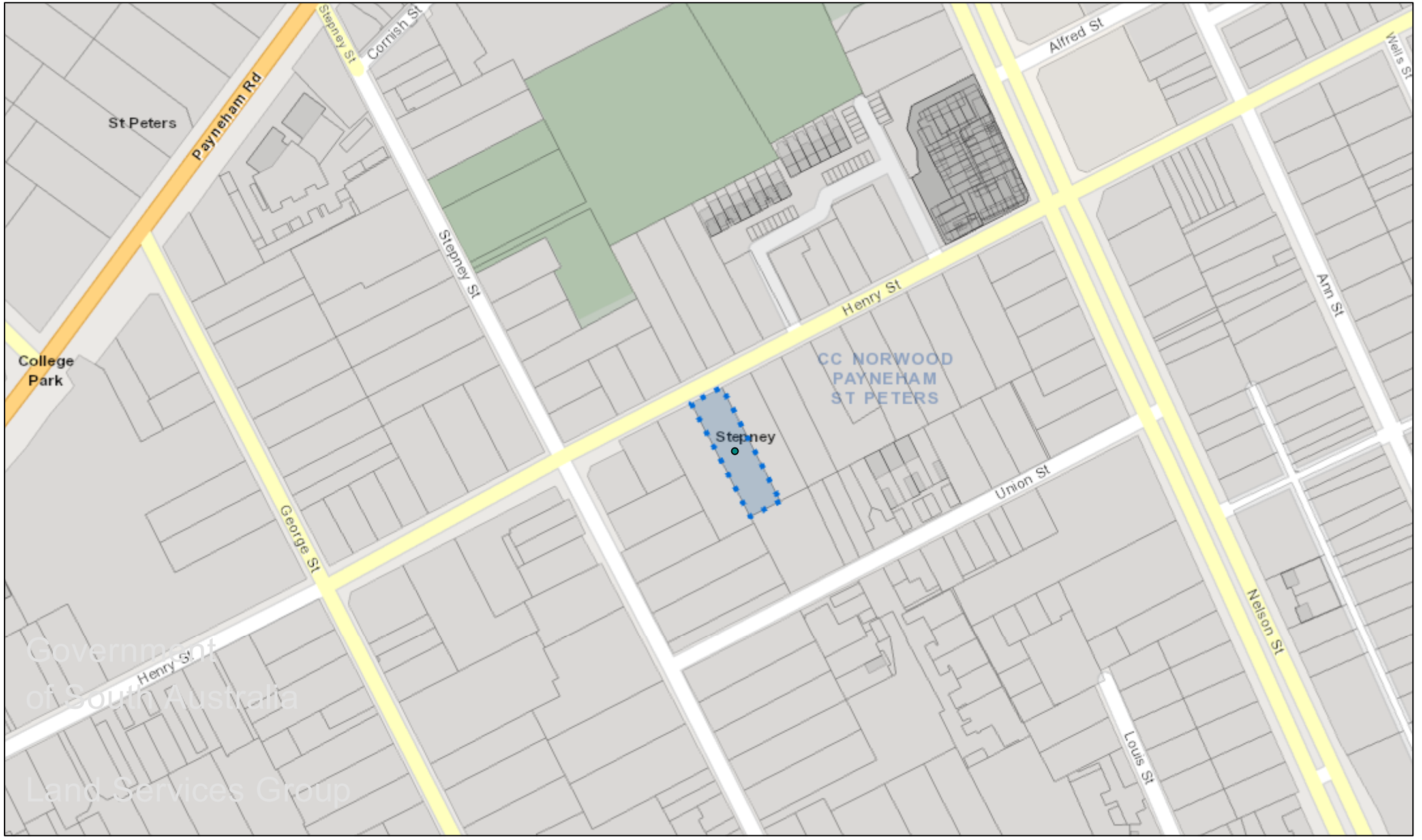
Yours sincerely,

CHRIS BENTICK
Senior Transport Planner | CIRQA Pty Ltd

SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

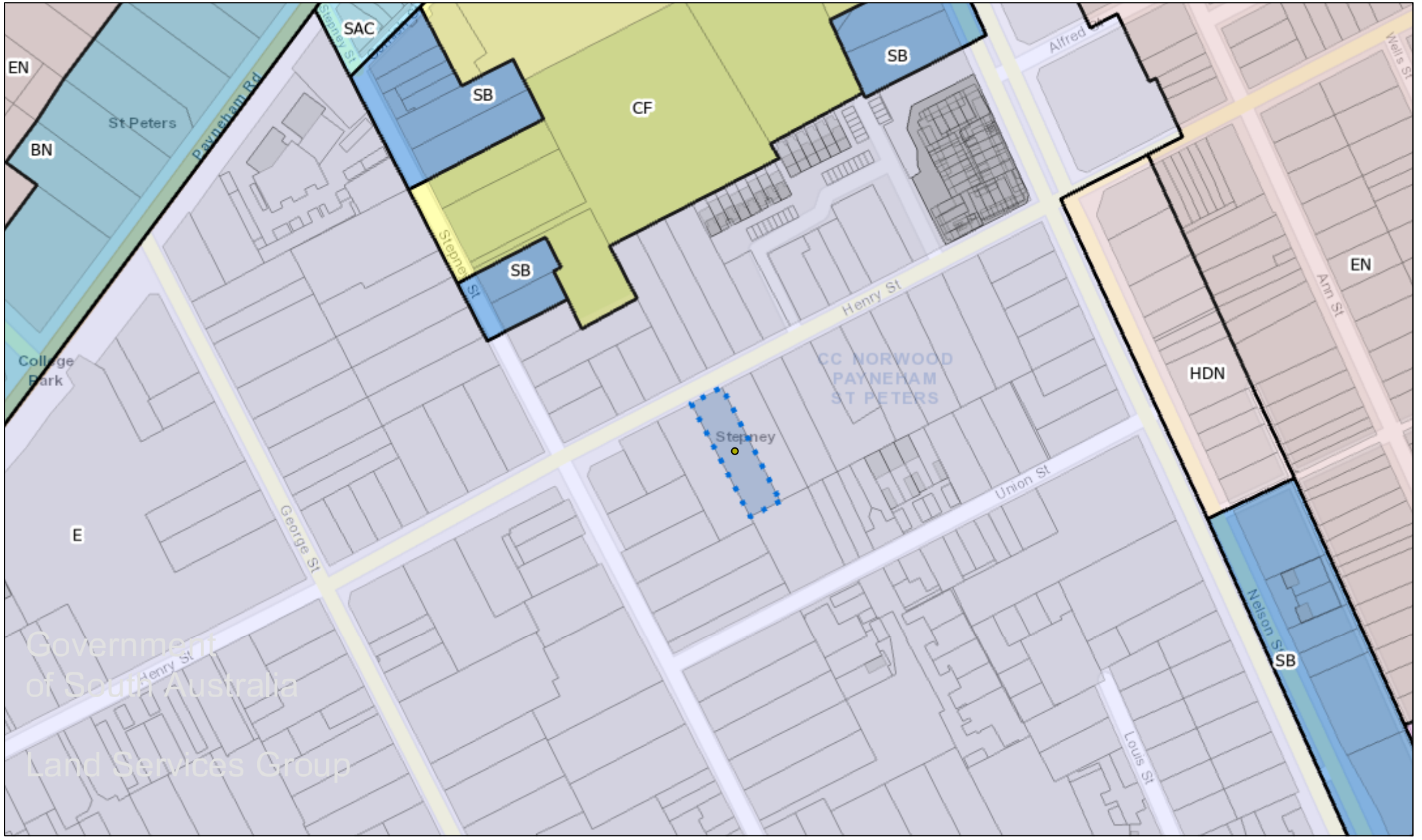
Subject Land Map



SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Zoning Map

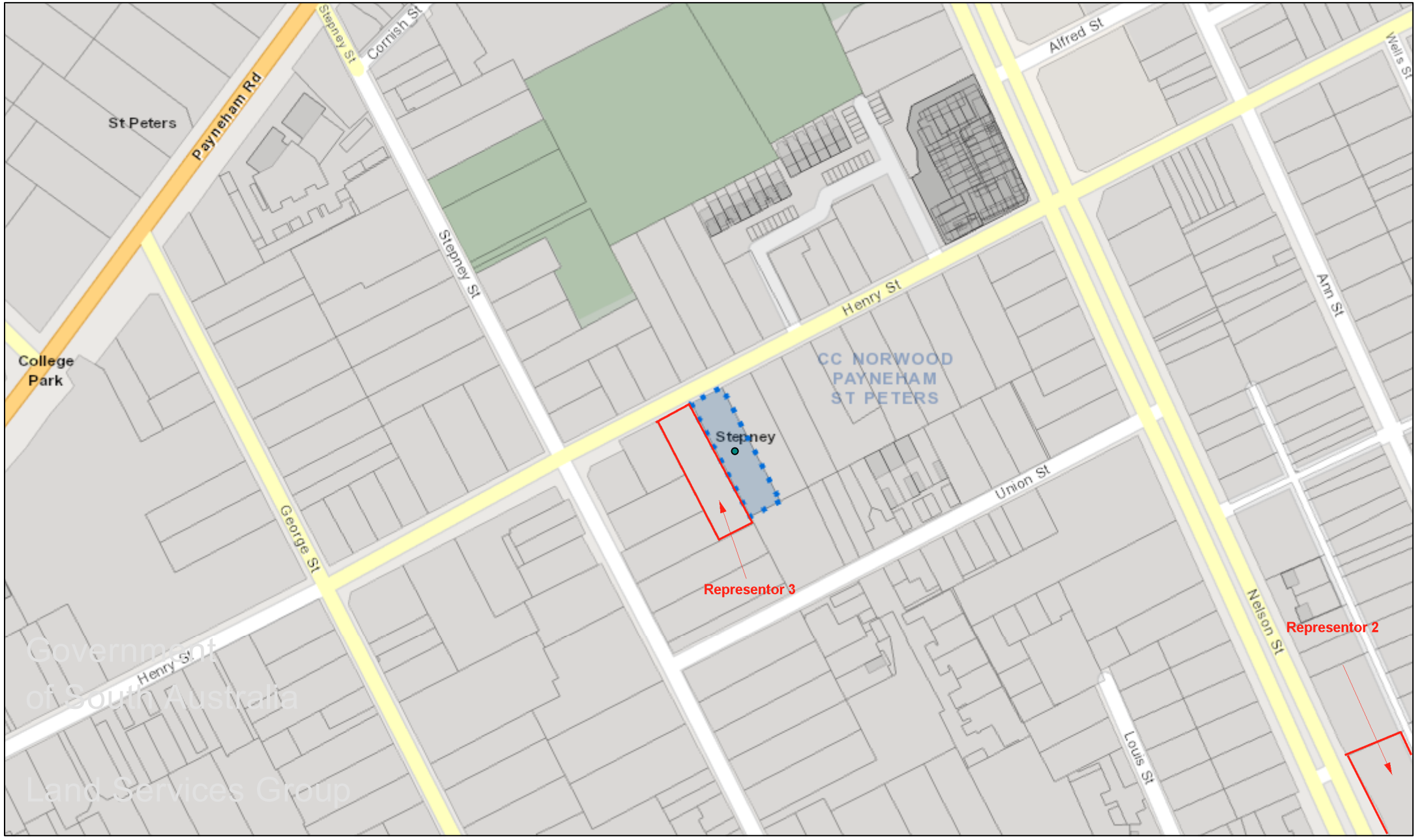


SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: https://sappa.plan.sa.gov.au

Out of Map Range:
Representor 1 - 8 Silvia St, Blair Athol

Representation Map



Details of Representations

Application Summary

Application ID	24024095
Proposal	Change of use to an indoor recreation facility (indoor rock climbing) and associated signage
Location	41 -43 HENRY ST STEPNEY SA 5069

Representations

Representor 1 - Buick Osborne

Name	Buick Osborne
Address	8 Silvia Street BELAIR ATHOL SA, 5084 Australia
Submission Date	10/10/2024 02:13 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons
Using step 3 to submit supporting documentation. Documentation is from a traffic engineer and the relevant information is detailed in the report.

Attached Documents

24-295-41-45-Henry-Street,-Stepney-Indoor-Recreation-Centre-10.10.24-1414346.pdf

Consultant Traffic Engineers
ABN 67 093 665 680

204 Young Street
Unley SA 5061

P: 08 8271 5999
F: 08 8271 5666
E: mail@philweaver.com.au

File: 24-295

10 October 2024

Mr Buick Osborne

Via email: buickosborne@gmail.com

Dear Mr Osborne

41-45 HENRY STREET, STEPNEY – PROPOSED PARTIAL CHANGE OF APPROVED LAND USE - PARKING ASSESSMENT

I refer to our recent discussions with respect to the proposed partial change of use of the existing building on the above site to accommodate an indoor recreation centre (bouldering/climbing gymnasium).

As requested, we have undertaken the following review of the parking related aspects of the proposed partial change of land use. This includes reference to car parking demand and attendance levels at similar developments to that proposed on the subject site.

I have also conducted a review of the locality of the subject site and have reviewed the traffic and parking impact assessment report prepared by CIRQA Pty Ltd (dated 9 September 2024) on behalf of the applicant.

Existing Situation

The subject site is located on the south-eastern side of Henry Street, Stepney, between the intersections of this roadway with Stepney Street to the south-west and Nelson Street to the north-east.

The subject land is located in an Employment Zone within the City of Norwood Payneham and St Peters council area.

The subject land is essentially rectangular in shape and has a frontage of approximately 30.7m to Henry Street and an overall depth of approximately 58m. The adjoining section of Henry Street has a kerb to kerb width of approximately 7.5 metres.

Parking along the south-eastern side of the above section of road is restricted to two-hour periods between 7.00 am and 7.00 pm Monday to Friday.

Parking along the north-western side of the above section of road is prohibited by No Stopping Anytime restrictions.

Stepney Street is located approximately 60m to the south-west of the subject land. This roadway has a kerb to kerb width of approximately 6.2m and provides limited on-street parking given the No Stopping Anytime restriction along the north-eastern side of this roadway and noting that the intermittent parking on the opposite side of this roadway is restricted to two hour parking between 7.00 am and 7.00 pm on weekdays.

A review of the locality has identified, inter alia, that:-

- The subject development is located directly opposite the St Peters Child Care Centre and Preschool. This existing development has limited on-site parking with a capacity to park only 4 cars at the front of this development,

- The adjoining section of Henry Street i.e. between the intersections of this roadway with Stepney Street to the south-west and Nelson Street to the north-east has a capacity to park approximately 16 cars on-street in this area,

- A review of parking demand on the evening of Tuesday 8 October 2024 at approximately 6.30 pm identified that there were 5 cars parked in the above area, and

- A review of parking demand on the morning of Wednesday 9 October 2024 at approximately 9.00 am identified that there were 11 cars parked in the above area.

On-street parking was also observed in the two sections of Stepney Street to the north-west and south-east of the intersection with Henry Street and also Henry Street to the south-east of this intersection.

I note that there is currently a capacity to park up to 52 cars within the on-street areas of Henry Street between the intersections with George Street and Nelson Street and Stepney Street between the southern boundary of Linde Reserve and the intersection of Union Street, Stepney. This capacity includes parking areas which are mostly restricted to two hour periods.

The current development on the subject site comprises a recently constructed warehouse and ancillary office development providing two adjoining tenancies. It is understood that:-

- Tenancy 1 provides a warehouse floor area of 498m² including an ancillary office area of 100m², and

- Tenancy 2 provides a warehouse floor area of 447m² also including an ancillary office area of 100m².

The subject development includes a mostly single level building and an at-grade car parking area between this building and the boundary of the site along Henry Street.

The on-site parking area provides a total of 11 car parking spaces including an accessible (disability) parking space and an adjoining shared area.

Vehicular access into and out of the subject car park is provided by a gated driveway on each side of the car parking area with a clockwise circulation pattern. Access into and out of the subject car park is provided by a designated entry point adjacent to the north-eastern boundary of the site and a designated exit point adjacent and the south-western boundary of the site.

The Proposed Land Use

As identified above I understand that the proposed development relates to partial change of the approved land uses on the site namely: -

- Use of Tenancy 1 as a fitness centre in the form of a bouldering gymnasium open to the public, and
- Continued use of Tenancy 2 as a warehouse development with ancillary office.

It is understood that the proposed opening hours of the proposed indoor recreation facility would be:

- 6:00 am to 10:00 pm Monday to Friday,
- 8:00 am to 9:00 pm Saturday, and
- 8:00 am to 7:00 pm Sunday.

Table 1: General Off- Street Car Parking Requirements of the SA Planning and Design Code identifies that the following car parking requirements would be relevant to the subject land uses namely :-

- Warehouse- 0.5 spaces per 100 square metres total floor area, and
- Indoor recreation facility - 4.5 spaces per 100 square metres of total floor area.

Applying the above car parking rates to the proposed change of use of Tenancy 1 to accommodate the subject indoor recreation centre there would be a requirement to provide a total of 26.9 car parking spaces for this land use.

The continued use of Tenancy 2 would require the provision of 6.2 car parking spaces.

On the above basis the two land use components would require an overall provision of 33 car parking spaces which would result in a shortfall of 22 car parking spaces on site.

It was indicated within the CIRQA report that all 11 car parking spaces on the subject land could potentially be used by the proposed indoor recreation facility presumably outside of trading hours of Tenancy 2. However, this does not account for potential overlap of the two land uses during morning periods on a weekday and cannot be relied upon unless a Land Management Agreement or similar formal agreement is provided.

In order to potentially address the shortfall of car parking associated with the proposed change of land use I understand that parking surveys of adjoining on-street were conducted by Austraffic on:-

- Friday 11 August 2024 between 5:00 pm and 9:00 pm, and

- Saturday 12 August 2024 also between 5:00 pm and 9:00 pm.

It was identified on Page 6 of the CIRQA report that:-

- There is a capacity to park up to 52 cars in the survey areas including thirteen spaces on Stepney Street and 39 spaces on Henry Street,

- There was a minimum of 45 vacant spaces during the Friday survey. However, this appears to be an error with 37 vacant spaces identified from the results within the Table 4.1 of CIRQA report, and

- there was a minimum of 39 vacant spaces during the Saturday survey.

However, it is noted that the walking distance of the survey cordon extended up to 150m from the subject site. Such a walking distance would not normally be considered close and convenient particularly during night time periods.

Furthermore, it is understood that the surveys were conducted on Friday and Saturday evenings on understanding that this would correspond with peak periods of usage of the proposed indoor recreation facility.

However I note from data obtained from your existing climbing centre facilities at Kent town, Keswick and Clovelly Park that peak usage of similar rock climbing facilities occurs earlier in the week on Tuesday, Wednesdays and Thursdays and that use of this facility on Friday and Saturday evenings is actually significantly lower than at other times of the week.

Furthermore, I have identified that from reviews on the subject locality that the parking demand during weekday periods is significantly higher than indicated from the results of the Austraffic surveys undertaken in the evening periods on a Friday and Saturday night in August of this year.

A review of the locality undertaken at approximately 9:00 am on Wednesday 9 October 2024 identified:-

- a total of 11 cars parked along the south-eastern side of Henry Street between the intersections of this roadway with Nelson Street and Stepney Street, and

- a total of 28 cars parked within the survey cordon area identified in the CIRQA report.

Hence there was a much higher parking demand within the locality than suggested by the results of the Austraffic surveys.

It should also be noted that the above inspection occurred during a school holiday and potentially parking demand in the locality would be greater during term time outside of this holiday period.

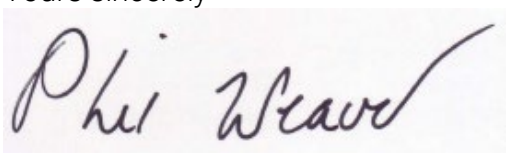
It was identified within the CIRQA report that all 11 car parking spaces on the subject land could potentially be used by the proposed indoor recreation facility presumably outside of trading hours of Tenancy 2.

However, this does not account for potential overlap of the two land uses during morning periods on a weekday. As identified above use of all parking spaces on site cannot be relied upon unless a Land Management Agreement or similar legal agreement can be provided.

In reality there could be as few as 5 car parking spaces provided on the portion of the site accommodating Tenancy 1 for the use of the proposed land use during weekday or other periods when Tenancy 2 is operating. This would suggest an overall shortfall of 22 car parking spaces associated with this proposed land use.

I consider that such a significant shortfall of on-site parking associated with the proposed use of Tenancy 1 would be inappropriate. This would potentially have amenity impacts on the locality particularly given the relatively narrow kerb to kerb widths of the adjoining roadway and the reduction in on-street car parking availability for existing land uses within the locality including residential properties.

Yours sincerely



Phil Weaver
Phil Weaver and Associates Pty Ltd

Representations

Representor 2 - Shelby Sawka

Name	Shelby Sawka
Address	9a nelson street STEPNEY SA, 5069 Australia
Submission Date	11/10/2024 02:53 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons
The main concern is the carpark. Due to the fact that the carpark is one way only and there will be a plumbing company next door with larger vehicles and machinery operating throughout the day. There is no pedestrian awareness/safety in this carpark and the gym customers may not be aware about how much this carpark driveway will be used.

Attached Documents

Representations

Representor 3 - David Pedler

Name	David Pedler
Address	39 Henry Street STEPNEY SA, 5069 Australia
Submission Date	11/10/2024 10:37 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

We live next door to the proposed development and our bedroom window is 3 metres from the carpark. Our concerns are: - That the opening and closing times are unreasonable and will cause nuisance and disturb our peaceful enjoyment and amenity of our home. The premises will be open 7 days a week without a break, for up to 16 hours a day, starting at 6am and finishing at 10 pm. - There will be a constant turnover of cars and people using the carpark, with associated noise and lights. After a year and a half of demolition and building noise and very early starts, we can attest to how distressing early morning noise is when you are trying to sleep. The flood lights that have been installed for the carpark are intensely bright and spill over the fence and into our bedroom. Nothing has been done by the owners to reduce the light spill, despite their promises. While the submission says only 10.6 people can climb the wall at any one time, there will of course be many more watching and supporting, or waiting to climb. Footage from climbing centres shows them to be noisy, busy places with loud music playing. - The development will add to the high volume of traffic on Henry Street, a narrow and already very busy street. With two childcare centres on the street, one of which is directly opposite the warehouse, the mornings and afternoons are extremely busy with parents dropping off their children. Cars currently queue on the street in the morning to access the drop off point, and the carparks are full. - There are only 5 carparks available on the premises for Tenancy Number 1. The other 6 carparks are for the other warehouse and will presumably be used by the plumbing company that is renting that property.

Attached Documents

IMG_0233-1414908.jpg
IMG_0036-1414909.jpg
IMG_0235-1414910.jpg
IMG_0031-1414911.jpg

Attachment 5

SA URBAN AND REGIONAL PLANNING
ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022
Mobile 0411 096 597
nick@saurp.com.au

20 November 2024

Attention: Strategy and Development
Norwood Payneham St Peters
Via Planning Portal

Dear Madam/Sir,

RE: SA Urban and Regional Planning
41-45 Henry St, Stepney
Change of Use to indoor recreation facility (indoor rock climbing)
Zone: Employment Zone

Thank you for providing a copy of the statement of representations received during public notification. 4 representations we received in total, representation received from ABA Plumbing + Gas at 9a Nelson St, Stepney has been withdrawn (see attachment one – letter from ABA Trades).

The representations were received from owners and/or occupiers identifying an address within Stepney are highlighted below in blue point, 1 adjacent the subject site and 2 located on Nelson St, Stepney but also operating from the subject site.

Of the 4 representations, 3 (including 1 withdrawn) representations were received from addresses outside of the immediate locality which are not directly affected by the proposed development and are identified in the table highlighted in orange.

Image One: Properties representations received from within Stepney

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Mobile 0411 096 597
nick@saurp.com.au

Representation provided- Does not support

Reference No.	Address	Wants to be heard at CAP
1	8 Silvia Street, Blair Athol SA 5084	Yes
Reasons: • Traffic report submitted (Phil Weaver and Associates), primary concern relates to carparking numbers		

Reference No.	Address	Wants to be heard at CAP
3	39 Henry St, Stepney SA 5069	Yes
Reasons: • Traffic volume • Noise (car and business related) • Light Spill		

Representation provided- Supports with some concern

2	9a Nelson Street, Stepney	No
Reasons: • Pedestrian safety		

Representations were primarily received from representors who identified that they either had an interest in land in the immediate locality or within Stepney, although one was received from a person with an address in Blair Athol with the development having a limited parking impact on them.

Representors identified either opposition or support with some concern. They were broken down as follows:

- 2 in opposition;
- 1 either in support or in support with some concern; and
- 1 representation withdrawn from the neighbouring business (APA Plumbing).

This response to representations responds to the concerns raised. To summarise, those representors raised a few concerns which are as follows:

- Parking
- Pedestrian safety
- Noise from cars and business
- Light spill

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The following provides response to the representations received as it relates to the Code policy and in the context of the locality. However before doing so it needs to be remembered that the land is located within an *Employment Zone* and as such it is expressly anticipated that uses will carry with them activities that will have at times a negative impact on the area such as noise, odours, light spill, odours/fumes with activities often occurring 'outside' of normal business hours. That is a fundamental premises of land use planning by zoning.

Parking

Cirqa has reviewed the submission from Phil Weaver and Associates. I note that the report has been prepared for Buick Osborn who is the manager of Beyond Bouldering rock climbing facilities at Kent Town, Keswick and Thebarton. Nonetheless the Applicant has responded to the issues raised relating to parking demand and undertaken additional assessment (attachment 1 – include Cirqa's updated assessment) including obtaining further on-street parking occupancy data on a Wednesday in the site locality (nominated by Mr Weaver as *a busy time* for his client's operations) and undertaken additional investigations into visitation trends for similar bouldering sites in metropolitan Adelaide. With this information, Cirqa's Senior Transport Planner remains of the view that parking demands at both peak and off-peak visitation times will be adequately accommodated with minimal impact on adjoining land uses.

Specifically, the Wednesday surveys indicate that at least 18 vacant on-street parking spaces are available after 5:00 pm (which would adequately accommodate the 16-space theoretical peak period parking shortfall associated with the proposal) and that, prior to 5:00 pm, at least 11 vacant on-street parking spaces are available which would adequately accommodate the 9-space theoretical off-peak period parking shortfall associated with the proposal). However, it is the Cirqa, Senior Transport Planner's view that the Planning and Design Code rates are likely to overestimate the realistic parking demands associated with the proposal, given that rates of car-pooling for a rock-climbing centre are expected to be higher than that associated with typical indoor recreation facilities such as a gym.

The development's peak traffic generation is forecast to occur outside of the network peak hour and at different times to many of the adjoining *business* land uses in the Stepney locality. It is therefore expected that such a level of traffic generation would be readily accommodated at the existing access points and on the adjacent road network with negligible impact.

In all the circumstances Cirqa's Senior Transport Planner is satisfied that adequate parking is available either on site, or nearby within easy and safe walking distance.

Pedestrian Safety

CIRQA has developed a signage and pavement marking plan that delineates areas of the parking area required for vehicle circulation and provides a pedestrian-priority crossing across the site's circulation driveway, thereby improving safety for pedestrians accessing the site.

Noise

The proposed development will be in accordance with the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria so it does not unreasonably impact the amenity of sensitive receivers. Likewise, any music played will achieve a suitable acoustic amenity when

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measured at the boundary of an adjacent sensitive receiver in accordance with DTS/DPF 4.6 of *Interface between Land Uses* (Part 4- General Development) in the Planning and Design Code.

It is also to be noted that the noise levels 'authorized' by the Noise Control Policy is to be determined/calculated based on the zoning of the land being within the Employment Zone noting further that it can properly be said that all of the land within the locality is within that zone.

Further the representation from the 'residential neighbour' fails to fairly consider the Employment zoning. The Courts have many times acknowledged that new activities are not considered in a vacuum and one has to have regard to the existing circumstances of the land. Further the Supreme Court in the matter of Lanzilli Holdings[1] made that very clear. I refer to 2 cases where Lanzilli Holding was applied. First in a case involving frost fans in the Barossa area to 'protect' grapes from frost the ERD Court[2] said

104 The Second Respondent [the developer] argued, against this, that the level of amenity that might be expected in a primary production zone was lower than in, for example, a residential or rural living zone. Support for this argument was found in the judgment of the Supreme Court in Lanzilli Holdings Pty Ltd v City of Campbelltown (1982),3 a matter which involved consideration of the level of amenity to be expected when living close to a light industry zone. At para 85 in Lanzilli Jacobs J had this to say:

> The amenity of such a locality is not to be measured by the standards appropriate to a solely residential zone, and the amenity and convenience of those who choose to live on the very boundary of the light industrial zone ought not necessarily to be regarded as the appropriate standard of amenity and convenience for the locality as a whole

105 The conclusion to be drawn from Lanzilli is that the nature and zoning of a locality influence what are reasonable expectations about its anticipated level of amenity. All of the land in this locality, including the Appellant's tourism facility, is within primary production zones. While such areas are often quiet, they are also subject to high levels of noise from time to time.

The second case involved horse keeping facilities near the Morphettville Racecourse. The ERD Court said in that case [4]

There is no doubt in our minds that, should this proposal proceed, the immediately adjoining properties, at least, will be subject to some additional noise, including a certain amount as early as 5.00am. Should that be fatal to the proposal, having regard to Metropolitan Adelaide Objective 9 and Principles 6 and 9, and Marion (City) Objectives 7 and 11?

It is by now well established that the amenity of a locality has to be assessed on the basis of the range of activities either existing or permissible within it: Lanzilli Holdings Pty Ltd v Corporation of the City of

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[1] *Lanzilli Holdings Pty Ltd v City of Campbelltown (1982) 32 SASR 85.*
2 KNIGHT PROPERTY ENTERPRISES PTY LTD v LIGHT REGIONAL COUNCIL & ANOR [2020] SAERDC 44

[4] *JON CAMERON-SMITH v CORPORATION OF THE CITY OF MARION and CARMINE GRASSO [1997] SAERDC 426*

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Campbelltown (1982) 32 SASR 85. The amenity of the locality within which the subject land is located is not that of a pristine residential area. (emphasis added)

Light Overspill
The landowner has reviewed the representation received from the adjoining property at 39 Henry St, Stepney. The landowner will relocate the offending light to the eastern corner of the warehouse which will the cause light to be directed into the car park and away from the neighbour. This will mitigate the current issue caused by the light, please see attachment 2 (include landowners' email).

Please note that that matter does not arise by reason of this application.

Further 'out of business hours' activities and part and parcel of land uses within the Employment Zone and are to be anticipated. That includes lighting for both business and security purposes.

Conclusion

Lastly, please find attached confirmation of signage (attachment 3 – confirmation of signage from applicant). It will be a painted sign that has external lighting.

The proposed development is an appropriate and anticipated land use within the zone. It ***does*** provide sufficient merit to warrant a favourable outcome for a performance assessed assessment. The proposed development facilitates diversification of (business) uses within the Employment Zone, it respectfully responds to the policy implemented through the Planning and Design Code, providing for activation at non-peak times within the Employment Zone.

The concerns raised by the representors through the public notification period have been addressed in the response to representations provided by the applicant. The primary concerns raised by the representors include parking numbers, pedestrian safety, noise and light overspill. The proposed development seeks to improve the amenity of neighbouring properties by relocating the lighting and improving pedestrian safety.

It is the professional opinion of Cirqa's Senior Transport Planner that adequate parking capacity exists and the business operator will meet both the Planning and Design Code and Environment Protection (Commercial and Industrial Noise) Policy to ensure that noise is at an appropriate level.

The development clearly exhibits suitable merit when assessed against the relevant Desired Outcomes, Performance Outcomes, and applicable Designated Performance Features to such a degree that it warrants Planning Consent.

All documentation has been provided in line with Schedule 8 of the *Planning, Development and Infrastructure Regulations 2017*. However, should you have any questions concerning this application, please do not hesitate in contacting me via phone on 0411 096 597 or email: nick@saurp.com.au

SA URBAN AND REGIONAL PLANNING
ACN43 600 857 154
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nick@saurp.com.au

My client and I look forward to a favourable outcome to this application and working with the City of Norwood Payneham and St Peters to achieve a development outcome that reflects the desired outcomes of the Employment Zone.

Request to be Heard

As some of the representors seek to be heard, the Applicant seeks to be heard in response.

Kind Regards

Nick Simos
Principal Planner
Accredited Professional Planning (APP 20190058)
Bachelor of Urban & Regional Planning
Honours, MPIA

Ref: 24485|CGB

20 November 2024

Mr Jarrad Searcy
Searcy Marketing
17 Rosslyn Street
MILE END SA 5031

By email: jarrad@searcy.net.au

Dear Jarrad,

PROPOSED INDOOR RECREATION FACILITY
41-43 HENRY STREET, STEPNEY (APP ID: 24024095)

I refer to the proposed change of use at 41-43 Henry Street, Stepney. Specifically, this letter provides a response to traffic and parking matters raised in the representations received during the public notification period.

1. BACKGROUND

A development application (Application ID: 24024095) has been lodged for the change of use of Tenancy 1 within the site at 41-45 Henry Street, Stepney, from warehouse/office to indoor recreation facility (indoor rock climbing centre). The site is located within an Employment Zone and comprises the following key components:

- **Tenancy 1** (the subject tenancy), which includes 498 m^2 of warehouse floor area and 100 m^2 of mezzanine office space;
- **Tenancy 2**, which includes 447 m^2 of warehouse floor area and 100 m^2 of mezzanine office space; and
- an 11-space off-street parking area shared between Tenancies 1 and 2 (inclusive of 1 space reserved exclusively for use by people with disabilities).

During the public notification period, the following representations focusing on matters relating to traffic and parking were received:

- a representation from Mr Buick Osborne, including a letter prepared by Mr Phil Weaver of Phil Weaver and Associates Pty Ltd (traffic engineering consultancy), raising the issue of adequacy of on-site parking areas to accommodate the parking demand generated by the proposal;
- a representation from Ms Shelby Sawka raising concerns about traffic flow through the site's parking area, including concerns regarding the interaction between commercial vehicles and pedestrian traffic within the site;
- a representation from Mr David Pedlar raising concerns about traffic movements within the site's parking area and associated amenity impacts, as well as concerns about the adequacy of on-site and on-street parking areas to accommodate the parking demand generated by the proposal.
- a representation from Mr Paul Chaina, Director and owner of ABA Plumbing & Gas (the lessee of Tenancy 2), objecting to the sharing of parking within the site, as well as raising concerns about the interaction between commercial vehicles and pedestrian traffic within the site.

The following response to representations addresses the traffic and parking matters mentioned above.

2. CAR PARKING

I understand that Mr Paul Chaina, Director and owner of ABA Plumbing & Gas, has withdrawn his objection to the sharing of on-site parking between Tenancies 1 and 2. This would allow patrons of the proposed rock climbing centre to use up to six (6) parking spaces located on the Tenancy 2 allotment after 5:00 pm and any time on the weekend.

The previous letter prepared by CIRQA, dated 9 September 2024, included an assessment of the parking demand associated with the proposed change in use of Tenancy 1 and reported that 27 spaces (rounded up) would be required to satisfy the DTS/DPF parking requirements of the Planning and Design Code for an *indoor recreation facility*. The letter presented parking occupancy data collected by Austraffic between 5:00 pm to 9:00 pm on Friday 11 August and Saturday 12 August 2023, to demonstrate that sufficient on-street parking occupancy would be available within the local street network adjacent the site to accommodate the development's theoretical parking shortfall.

Mr Weaver has queried the following aspects of the CIRQA assessment:

- the inclusion of road segments up to 150 m from the subject site within Austraffic's surveyed area, which Mr Weaver states (with regard to walking distance to/from the site) *"would not normally be considered close and convenient particularly during night time periods"*;
- the timing of the Austraffic surveys on Friday and Saturday evening, which Mr Weaver asserts would not correspond with the proposed indoor recreation facility's actual

peak visitation periods, based on visitation data at Mr Weaver's client's existing indoor rock climbing centre facilities at Kent town, Keswick and Clovelly Park. It is reported that these existing facilities experience peak usage earlier in the week (i.e. on Tuesday, Wednesday and Thursday); and

- that the CIRQA assessment considers that all 11 on-site parking spaces could potentially be used by the proposed indoor recreation facility, which Mr Weaver asserts does not account for potential overlap of operating times for the two land uses within the subject site (for example, during weekday morning periods).

I do not agree with Mr Weaver's assertion that a walking distance of 150 m would not be considered close and convenient (or safe at night) for access to the site. Aurecon's "*Parking Spaces for Urban Places: Car Parking Study – Guideline for Greater Adelaide*" (the Aurecon Guide), which is a commonly used reference document by planning authorities and traffic engineers with respect to development in metropolitan Adelaide, specifies discounted parking rates which take into consideration efficiencies gained by shared parking arrangements, among other considerations. The Aurecon Guide identifies that the application of parking discounts may be reasonable where "development is within 200 m walking distance of one or more existing off-street public car parking places". This implies that a walking distance of up to 200 m is generally considered reasonable for access between a development site and an on-street parking area that could potentially service the development. Furthermore, the attendees of rock climbing centres are generally physically fit, strong and healthy, often travelling in groups, which would arguably assist in overcoming any potential barriers (both real and perceived) with regard to walking distance and personal safety (i.e. 'safety in numbers').

Notwithstanding the above, I also note that, in previous parking assessments, Mr Weaver has supported similar walking distances for development proposals where he has acted for the applicant (for example, the Pizza Meccanica restaurant in Bowden, where Mr Weaver considered night-time availability of parking for a walking distance of up to 180 m, as well as numerous other proposals where Mr Weaver has considered walking distances up to 500 m to public transport facilities). It would therefore appear to be inconsistent for Mr Weaver to question the walking distance on which the subject proposal's parking assessment is based.

Returning to Mr Weaver's concerns in relation to survey timing, additional parking surveys were undertaken by Austraffic between 7:00 am to 7:00 pm on Wednesday 23 October 2024 (noting that Mr Weaver's assessment included an observation of Wednesday parking conditions). The surveys recorded the number of vehicles parked on-street on the roads identified in Figure 1.

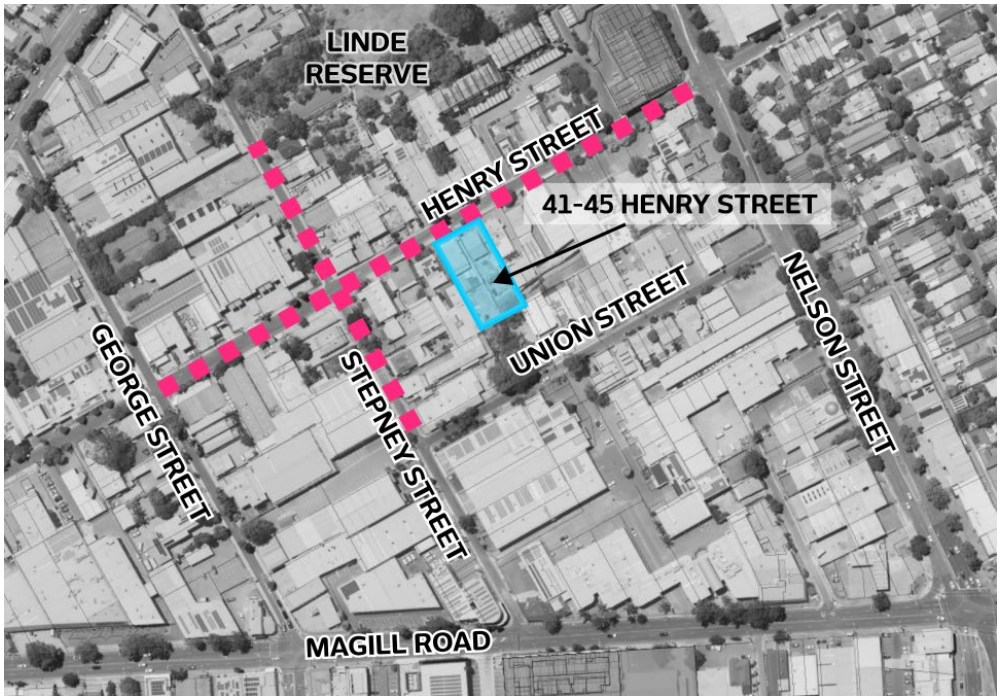


Figure 1 – On-street parking survey area (red lines indicate surveyed streets)

Table 1 illustrates the parking availability recorded during the Wednesday survey period.

Table 1 – On-street parking availability during the Wednesday survey period.

Time	Stepney Street Availability (13 spaces provided)	Henry Street Availability (39 spaces provided)	Total On-street Parking Availability (in 'red zone')
7:00 to 7:30 am	4	29	33
7:30 to 8:00 am	5	28	33
8:00 to 8:30 am	5	28	33
8:30 to 9:00 am	4	22	26
9:00 to 9:30 am	0	12	12
9:30 to 10:00 am	0	11	11
10:00 to 10:30 am	2	11	13
10:30 to 11:00 am	3	13	16
11:00 to 11:30 am	2	14	16
11:30 to 12:00 noon	2	11	13
12:00 to 12:30 pm	1	11	12
12:30 to 1:00 pm	1	11	12
1:00 to 1:30 pm	3	9	12
1:30 to 2:00 pm	5	11	16
2:00 to 2:30 pm	5	12	17
2:30 to 3:00 pm	5	12	17
3:00 to 3:30 pm	4	11	15
3:30 to 4:00 pm	2	14	16
4:00 to 4:30 pm	3	12	15
4:30 to 5:00 pm	4	16	20
5:00 to 5:30 pm	4	19	23
5:30 to 6:00 pm	4	20	24
6:00 to 6:30 pm	4	15	19
6:30 to 7:00 pm	4	14	18

With regard to the development's forecast parking demand throughout the day, the following information has been provided by Laneway Boulders:

- peak operating time is expected to be 5:30 pm to 9:00 pm, when up to 35 clients may attend the site at one time;
- during the day (typically between 6:00 am and 5:00 pm) no more than 15 clients may attend the site at one time;
- no more than two (2) staff members will be in attendance at the site during peak operating times.

To determine whether the above information provided by Laneway Boulders represents realistic levels of patronage for an indoor rock climbing centre, the 'popular times' reported by Google for the Beyond Bouldering sites at Keswick and Kent Town have been referenced and is shown in Figure 2. It should be noted that Google uses aggregated and anonymised data from patrons who allow Google to access their Location History to produce these graphs and that the reporting of 'popular times' cannot be manually manipulated by business operators.

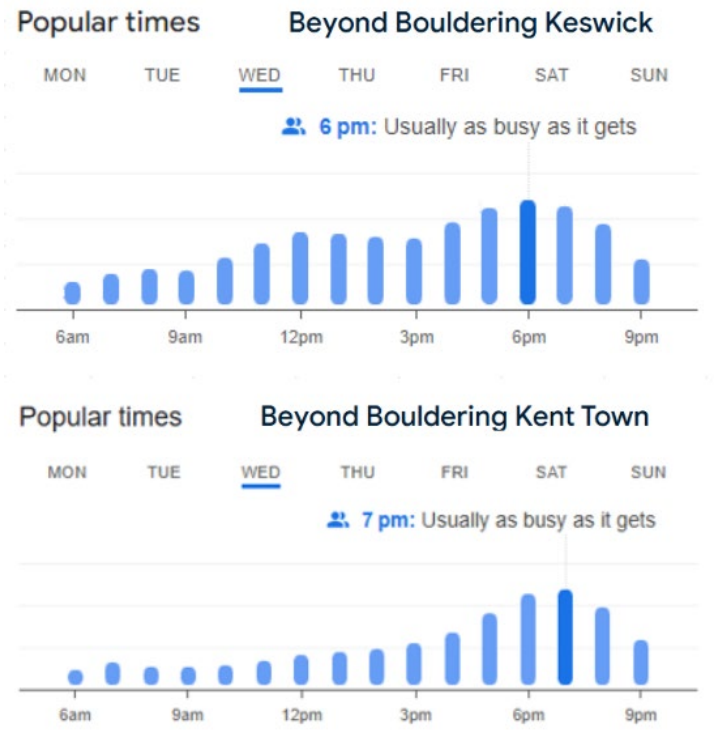


Figure 2 – Popular visitation times at the Beyond Bouldering Keswick and Kent Town sites, source: Google

Based on the above data, the daily peak visitation times for the sample bouldering sites appear to occur after 5:00 pm, with the levels of visitation between 6:00 am and 5:00 pm rarely exceeding half of the site's daily peak visitation level (albeit there is some variation across 6:00 am-to-5:00 pm visitation levels between the two sample sites). These general visitation trends are consistent with the forecasts provided by Laneway Boulders (noting that Laneway Boulders' operators have extensive experience in the use of such facilities).

The change in use proposed for Tenancy 1 would be associated with a theoretical requirement for 27 parking spaces, based upon the parking rates specified by the Planning and Design Code. However, based on the above visitation trends, this requirement may be considered to reduce to around 14 spaces during off-peak times (i.e. prior to 5:00 pm).

Given that office hours for the plumbing business occupying Tenancy 2 typically finish at 5:00 pm, it would be reasonable to assume that up to 11 on-site spaces would be available for use by the staff and patrons of Laneway Boulders during the rock climbing centre's likely peak visitation time of 6:00 pm to 9:00 pm. During these times, the development's theoretical reliance on on-street parking would be in the order of 16 spaces (i.e. Tenancy 1's 27-space theoretical parking (as per the Code) requirement, less the 11 spaces provided within the site's off-street parking area).

As illustrated in Table 1, at least 18 vacant parking spaces were identified across the surveyed on-street parking areas after 5:00 pm on Wednesday (including at least 14 spaces on Henry Street), which would adequately accommodate the theoretical parking shortfall associated with the proposed change-of-use (16 spaces), whilst still leaving available spaces for neighbouring businesses and residents.

Prior to 5:00 pm, the development's theoretical reliance on on-street parking would be in the order of 9 spaces (i.e. Tenancy 1's 14-space theoretical off-peak parking requirement minus the 5 spaces available on the Tenancy 1 allotment).

Table 1 indicates that at least 11 vacant parking spaces were identified across the surveyed on-street parking areas prior to 5:00 pm on Wednesday, which indicates that on-street parking would adequately accommodate the theoretical off-peak period parking shortfall associated with the proposed change-of-use, whilst still leaving available spaces for neighbouring businesses and residents.

Based on the above discussion, I am satisfied adequate parking is available either on-site, or nearby within convenient and safe walking distance from the site.

Notwithstanding the above assessment against the criteria specified in the Planning and Design Code, there would be significant differences between a typical fitness centre (gym) and a facility of the type proposed. A rock climbing centre is defined by the Code as an 'indoor recreation centre' given that it is largely for recreation purposes (although some may use it for fitness as well). However, rock climbing centres are rather different to a 'typical gymnasium' whose primary purpose is for fitness. Typically, gyms are attended by a single user whose primary (if not sole purpose) is fitness. As such, gym users typically do not interact as much as users of a 'rock climbing centre', where users often attend in a group where they recreate, compete and socialize. As such, rock climbing centre users are more likely to attend with more than one occupant per vehicle than, say, a gym user who attends, say, just before work or after work and then goes to work/home as an individual user of a vehicle or a 'gym junkie' who attends the gym on their own. Put another way, traditional gyms are often frequented by a single person whose sole purpose is fitness (for example doing weight training or riding a stationary bicycle), whereas Indoor rock climbing facilities, such as bouldering centres, are commonly attended by groups of friends who arrive together and 'compete' against one another or arrive together and

coach one another (with more experienced members of a group providing 'pointers' to those with less bouldering experience).

Given that discussions comparing current and previous climbs amongst friends appear to be part of the shared nature of the bouldering experience, I would expect there to be a higher number of patrons attending together, for example by car-pooling, thereby resulting in a lesser parking demand than for a typical indoor recreation facility. Accordingly, I consider there is good reason to apply a lesser parking ratio rather than strictly applying the criteria specified in the Planning and Design Code.

Further to the above point, it is also reasonable to undertake a 'first principles' assessment of parking demand based on the following assumptions:

- that no more than 35 patrons and 2 staff members will be on-site at any time at peak times;
- that no more than 15 patrons and 2 staff members will be on-site at any time at off-peak times;
- that patrons create demand for car parking at a (conservative) rate of 0.66 spaces per patrons (i.e. 2 spaces for every 3 patrons, taking into account car-pooling and the use of public and/or active transport modes); and
- that each staff member will drive to the site in a separate vehicle (which conservatively assumes that no staff will utilise public and/or active transport modes) and will require a parking space.

On the basis of the above discussion, the proposed facility is forecast to have a peak parking demand in the order of 25 parking spaces (including 23 client spaces and 2 staff spaces) and an off-peak period parking demand in the order of 12 parking spaces (including 10 client spaces and 2 staff spaces). This indicates that the parking requirements of the Planning and Design Code may (slightly) overestimate the realistic parking demands associated with the proposal.

Furthermore, I understand that Mr David Covino, the owner of the subject site and the commercial property at 36 Henry Street, Stepney, has confirmed that up to 20 off-street spaces at 36 Henry Street (located approximately 100 m from the subject site) will be made available for use by patrons of Laneway Boulders after business hours at 36 Henry Street. This arrangement, albeit informal, would further reduce the impact of on-street parking on adjoining land uses.

Based on the above information, I am satisfied that parking demands associated with the proposed change-in-use (taking into account the development's peak operating hours) would be adequately accommodated across on-site parking areas, as well as on-street

parking areas within walking distance of the site, with minimal impact on adjoining land uses.

3. TRAFFIC IMPACTS

Some representations raised concerns about the interaction of pedestrian and vehicle traffic within the site's off-street parking area. In response, CIRQA has prepared a signage and pavement marking plan (enclosed) which delineates areas of the parking area required for vehicle circulation and provides a pedestrian-priority crossing across the site's circulation driveway (providing access to the pedestrian access for Tenancy 1). These traffic control devices improve safety for pedestrians moving through the site (from on-site parking spaces or from Henry Street)

With regard to the development's general traffic impacts, the previous CIRQA assessment determined that the development is forecast to generate in the order of 28 vehicle trips during the site's peak hour. Based on the information regarding levels of off-peak period activity at the site (outlined in Section 2), the development is forecast to generate in the order of 15 vehicle trips per hour during the site's off-peak times. Such traffic movements would be distributed via the site's access points, the access points at 36 Henry Street, Henry Street, Stepney Street and Nelson Street (and associated intersections). Given that the development's peak traffic generation would occur outside of the network peak hour and at different times to many of the adjoining land uses, it is expected that such a level of traffic generation would be readily accommodated at the existing access points and on the adjacent road network with negligible impact, particularly noting the land is in the Employment Zone.

4. SUMMARY

Having reviewed the representations (in particular, the submission received from Phil Weaver and Associates Pty Ltd) and having obtained additional on-street parking occupancy data on a Wednesday in the site locality and undertaken additional investigations into visitation trends for similar bouldering sites in metropolitan Adelaide, I remain of the view that parking demands at both peak and off-peak visitation times will be adequately accommodated with minimal impact on adjoining land uses.

Specifically, the Wednesday surveys indicate that at least 18 vacant on-street parking spaces are available after 5:00 pm (which would adequately accommodate the 16-space theoretical peak period parking shortfall associated with the proposal) and that, prior to 5:00 pm, at least 11 vacant on-street parking spaces are available which would adequately accommodate the 9-space theoretical off-peak period parking shortfall associated with the proposal). However, it is also my view that the Planning and Design Code rates are likely to overestimate the realistic parking demands associated with the proposal, given that rates of car-pooling for a rock climbing centre are likely to be higher than that associated with typical indoor recreation facilities.

In all the circumstances I am satisfied adequate parking is available either on-site, or nearby within convenient and safe walking distance from the site.

CIRQA has developed a signage and pavement marking plan that delineates areas of the parking area required for vehicle circulation and provides a pedestrian-priority crossing across the site's circulation driveway, thereby improving safety for pedestrians accessing the site.

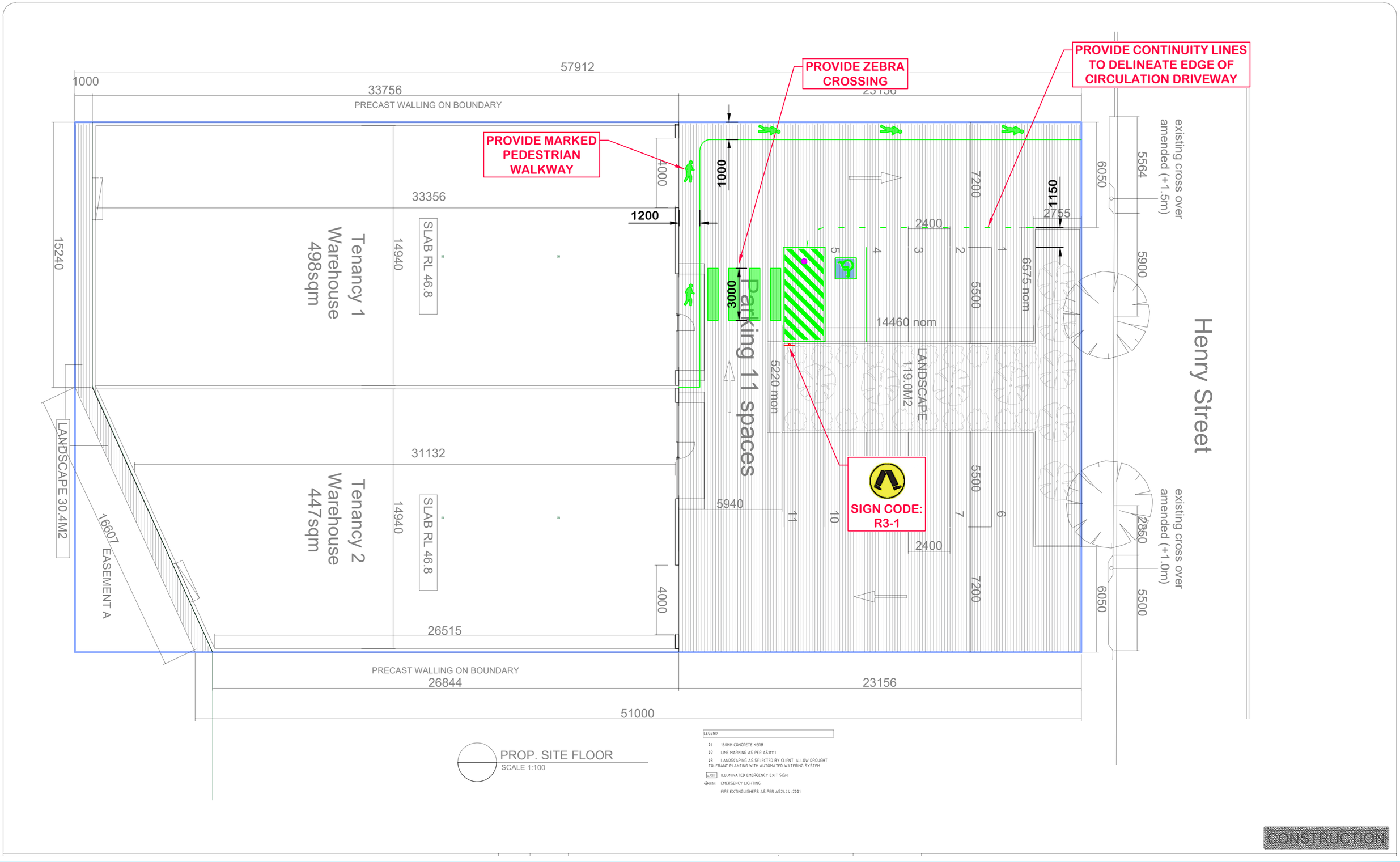
The development's peak traffic generation is forecast to occur outside of the network peak hour and at different times to many of the adjoining land uses in the Stepney locality. It is therefore expected that such a level of traffic generation would be readily accommodated at the existing access points and on the adjacent road network with negligible impact.

I trust the above information sufficiently responds to the traffic and parking concerns detailed in the representations received. However, please feel free to contact me on (08) 7078 1801 should you require any additional information.

Yours sincerely,

CHRIS BENTICK
Senior Transport Planner | CIRQA Pty Ltd

Encl. On-site Signage and Pavement Marking Plan developed by CIRQA



PROP. SITE FLOOR
SCALE 1:100

LEGEND

01	150MM CONCRETE KERB
02	LINE MARKING AS PER AS11111
03	LANDSCAPING AS SELECTED BY CLIENT. ALLOW DROUGHT TOLERANT PLANTING WITH AUTOMATED WATERING SYSTEM
EXIT	ILLUMINATED EMERGENCY EXIT SIGN
EM	EMERGENCY LIGHTING
	FIRE EXTINGUISHERS AS PER AS2444-2001

CONSTRUCTION

CIRQA™
ABN: 17 606 952 309 | PO Box 144, Glenside SA 5065 | E: info@cirqa.com.au

DRAWING AMENDMENTS

VER	DATE	DESCRIPTION	DWN	CHK
A	14/11/2024	FOR REVIEW	ABH	CGB

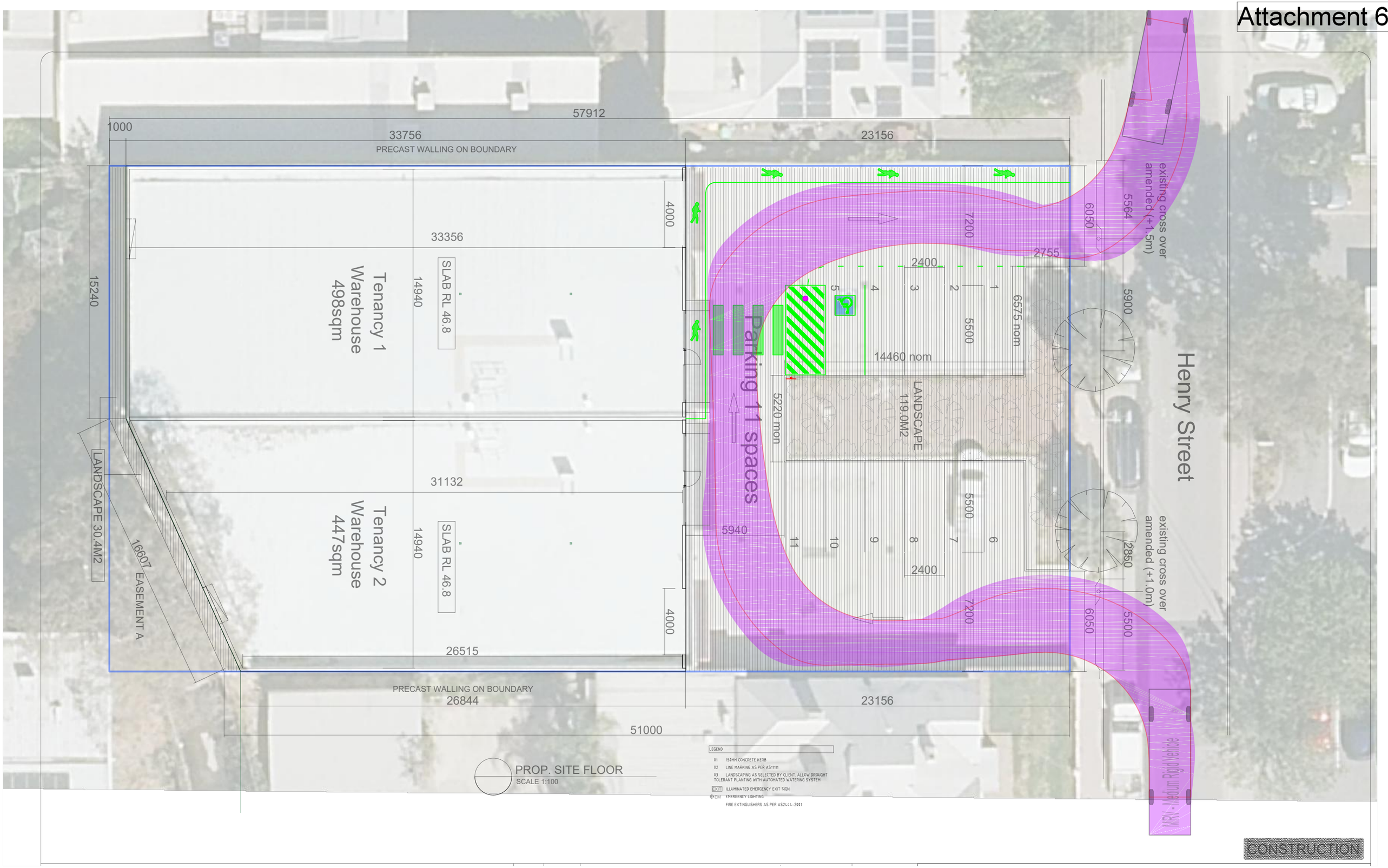
C24485_01A.DWG 14/11/2024 12:25 PM

N
1:200
@ A3

LANEWAY BOULDERS

41-43 HENRY STREET, STEPNEY
DESIGN COMMENTS

PROJECT # 24485 SHEET # 01_SH04



PROP. SITE FLOOR
SCALE 1:100

LEGEND

01 150MM CONCRETE KERB
02 LINE MARKING AS PER AS11111
03 LANDSCAPING AS SELECTED BY CLIENT. ALLOW DROUGHT TOLERANT PLANTING WITH AUTOMATED WATERING SYSTEM
EXIT ILLUMINATED EMERGENCY EXIT SIGN
EM EMERGENCY LIGHTING
FIRE EXTINGUISHERS AS PER AS2444-2001

CIRQA™
ABN: 17 606 952 309 | PO Box 144, Glenside SA 5065 | E: info@cirqa.com.au

DRAWING AMENDMENTS

VER	DATE	DESCRIPTION	DWN	CHK
A	14/11/2024	FOR REVIEW	ABH	CGB

C24485_01A.DWG 14/11/2024 12:18 PM

N
1:200
@ A3

LANEWAY BOULDERS

41-43 HENRY STREET, STEPNEY
TURN PATH ASSESSMENT - 8.8m MRV

PROJECT # 24485 SHEET # 01_SH02

Nick Simos - SA Urban and Regional Planning

From: Jonny Benedetti <jonny@collinsproperty.au>
Sent: Monday, 18 November 2024 9:42 AM
To: Nick Simos - SA Urban and Regional Planning
Subject: 41-43 Henry Street, Stepney

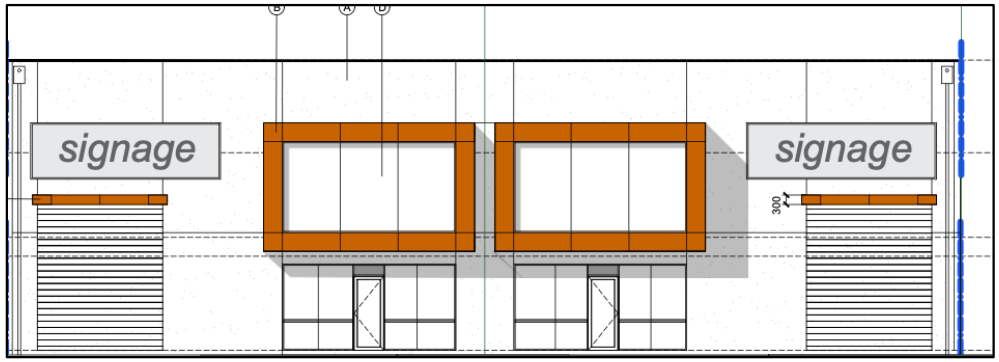
Hi Nick,

As discussed the owner has confirmed he will relocate the outside light to the corner of the building (Western Side) and have it facing into the car park area away from the neighbours property. He will also have a shield on the light to avoid any light entering the neighbours property.

Regards

Jonny Benedetti
Senior Executive
0404 670 807
jonny@collinsproperty.au
92a Halifax Street, Adelaide SA 5000
RLA 320493

www.collinsbateman.com.au



Laneway Boulder

Signage

41-43 Henry Street Stepney

Brand painted white directly onto concrete. Example of medium is similar to that of Little Bang Brewery located on Henry St Stepney.

Size
5m Wide x 2.5m High

Colour
White

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

KNIGHT PROPERTY ENTERPRISES PTY LTD v LIGHT REGIONAL COUNCIL & ANOR

[2020] SAERDC 44

Judgment of Commissioner Hamnett

26 November 2020

ENVIRONMENT AND PLANNING - ENVIRONMENTAL PLANNING - DEVELOPMENT CONTROL

Representor appeal against Council's decision to grant development plan consent for four frost fans - nature of the development – envisaged form of development within the relevant zone and policy area – noise and visual impacts of the proposed development on adjacent land uses and the amenity of the locality considered

Held: Appeal dismissed and decision of Council upheld.

Development Act 1993 (SA); *Development Regulations 2008* (SA); *Environment Protection (Noise) Policy 2007* (SA), referred to.
Barrick Pty Ltd v The Barossa Council [2004] SAERDC 103; *Bisogni v EPA* [2003] VCAT 362 ; *Courtney Hill Pty Ltd v South Australian Planning Commission* [1990] 59 SASR 259; *Jones & Ors v The Barossa Council & Anor* [2001] SAERDC 52; *Lanzilli Holdings Pty Ltd v City of Campbelltown* [1982] 32 SASR 81; *McLachlan & Ors v Mid Murray Council & Tilt Renewables Australia Pty Ltd* [2018] SAERDC 15; *Nobbs v City of Unley* [1999]SAERDC 90, considered.

Appellant: KNIGHT PROPERTY ENTERPRISES PTY LTD Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
First Respondent: LIGHT REGIONAL COUNCIL Counsel: MS C RYAN - Solicitor: NORMAN WATERHOUSE
Second Respondent: CASELLA WINES PTY LTD Counsel: MR D BILLINGTON - Solicitor: WALLMANS LAWYERS
Hearing Date/s: 26/10/2020 to 29/10/2020, 02/11/2020
File No/s: ERD-20-83
B

KNIGHT PROPERTY ENTERPRISES PTY LTD v LIGHT REGIONAL COUNCIL & ANOR
[2020] SAERDC 44

KNIGHT PROPERTY ENTERPRISES PTY LTD v LIGHT REGIONAL COUNCIL & ANOR

THE COURT DELIVERED THE FOLLOWING JUDGMENT:

Background

1 Casella Wines (the Second Respondent) applied to the Light Regional Council (the First Respondent) on 17 April 2019 for consent to install 4 frost fans at its vineyard at Lyndoch Road, Lyndoch. On 3 June 2020 the Council's Assessment Panel decided to grant consent, subject to a number of conditions.

2 The proposed development was categorized by the Council as Category 3 for purposes of public notification and three nearby property owners submitted representations expressing concern at its possible noise and other impacts. Following the Council's decision to grant consent, two of these representors lodged appeals against that decision. One of the appellants, Mr Skiparis, subsequently withdrew his appeal. The other, Knight Property Enterprises Pty Ltd, pursued its appeal to a hearing before this Court.

3 Mr Knight gave evidence on behalf of the Appellant. Two residents of the locality, Mr Maul and Mr Sivior, also gave evidence in the Appellant's case. The issue of the potential noise from the proposed frost fans and its likely impacts was central to the case and the Court heard from two expert acoustic engineers, Mr Dimitrov, for the Appellant, and Mr Turner, for the Second Respondent. Mr Bird, the viticulture manager for Casella Wines, gave evidence on behalf of the Second Respondent. The Court also heard evidence from Mr Rolfe, an expert planner.

4 At the hearing Mr Manos appeared for the Appellant, Ms Ryan for the Council and Mr Billington for the Second Respondent. The Court viewed the subject land and its locality prior to the hearing.

The Subject Land

5 The development is proposed on land at 508 Lyndoch Road, Lyndoch.[1] The subject land has an area of approximately 68 hectares, about two-thirds of which is currently planted with vines. There is a detached dwelling on the land which provides accommodation for a vineyard manager. The land has a frontage to Lyndoch Road along its southern and eastern boundaries. It slopes gently to the south and also to the west, where its boundary is formed by the North Para river. To the north of the subject land, the Second Respondent has some other l

[1] Formally described in Certificate of Title Volume 5967, Folio 683 as Allotment 186, Deposited Plan 15836 in the area named Lyndoch, Hundred of Nuriootpa.

andholdings on which vines are planted and four frost fans are currently installed.

The Locality

6 Mr Rolfe, the only planning expert to give evidence in this matter, identified a locality for the proposed development based primarily on the visual and noise impacts likely to be associated with the proposed frost fans. I agree with Mr Rolfe's approach and adopt his locality boundary.[2]

7 The locality has an open rural character. Land is primarily held in large holdings used for primary production purposes, including viticulture and broadacre cropping. There are several farm buildings and dwellings scattered across the landscape. Immediately to the south of the subject land, Lyndoch Road turns sharply to the south and adjacent to this bend are the dwellings of Mr Skiparis and Mr Sivior.

8 The locality extends west and south of the North Para river to include parts of the Barossa Council area, with the river forming the council boundary. The land rises on the Barossa Council side of the river to the tourist facility operated by the Appellant. This comprises 6 buildings providing tourist accommodation, known collectively as the Barossa Pavilions, and a separate building known as the Glasshouse. Built in 2012 as a dwelling, the Glasshouse was adapted in 2018, with the approval of the Barossa Council, to be used also as tourist accommodation. A little further west, also in an elevated position, is the Abbotsford Country House, another tourist facility and the home of Mr Maul.

9 The locality is scenic, deriving its attractiveness in part from the undulating topography. As a rural area, it might be expected to be fairly quiet, although it will also experience higher levels of noise associated with primary production activities at certain times. Generally, it is an area of high amenity.

The Proposed Development

10 The proposal is to install four 'Frostboss C59' frost fans on the subject land. The Frostboss C59 was described by the Second Respondent as follows.[3]

- The Frostboss C59 frost fan is a five blade, diesel-powered frost control fan.
- Each Frostboss C59 frost fan is powered by a Perkins 1106D-70TA 150Hp@1840 rpm turbo-diesel engine which is housed in a powder-coated steel cabinet located adjacent to the base of the fan mast.
- The Frostboss C59 frost fan has a 10.38 metres high, galvanized steel mast with a diameter of 0.508 metres.

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2 Exhibit 2R19, p.10.

3 Exhibit 2R1, p.2.

- The fan assembly is manufactured from composite material and painted light grey, with each blade measuring 2.8 metres in length. The overall diameter of the fan blades is 5.6 metres, giving the entire unit a height of 13.3 metres.

- When in operation, each fan assembly rotates slowly but continuously around a vertical axis at the top of the mast so as to evenly distribute mixed air for 360 degrees laterally. A full rotation lasts for approximately 7 minutes.

11 Detailed manufacturer's specifications and photographs of the proposed frost fans were provided to the Court, together with plans showing their intended locations in the Casella Vineyard and the areas that would be protected by each fan. An existing fan was also viewed *in situ* on an adjoining allotment.

12 In his evidence, Mr Rolfe estimated that the fans were the following approximate distances from the property boundaries:

- No 1 –300m from the western boundary (N Para river)

- No 2 –300m from the western boundary (N Para river)

- No 3 –260m from the southern boundary (Lyndoch Road)

- No 4 –110m from the southern boundary (Lyndoch Road)

13 The Second Respondent's plans indicated that the four frost fans were, respectively, 514 metres, 331 metres, 354 metres and 359 metres from the nearest noise-sensitive dwelling, that of Mr. Skiparis at 522 Lyndoch Road.

14 Information was also provided about how the proposed frost fans were intended to operate. The most important details were as follows:

- Frost forms in the early hours of the morning in still, clear and cold weather conditions when the air temperature at ground level drops to freezing.

- Frost fans protect vineyards by drawing down warm air and mixing it with the cold air at ground level. This mixing of air is designed to raise the air temperature enough to prevent the cell tissues of the vines from freezing, thus remaining intact and alive.

- Each of the proposed frost fans has a temperature sensor 0.8 metres above the ground. It is proposed that these frost fans be set to start when the temperature reaches 1°C (start temperature) and to stop when the temperature reaches 3°C (stop temperature)

- Each fan is equipped with its own temperature sensor and each fan operates independently, therefore.

- The proposed location of the four fans is based on the following factors:
    - the protection of susceptible blocks from frost
    - the predominant direction of cold nocturnal drift
    - the size and shape of the vineyard
    - the topography of the vineyard, and, in particular, features that have the potential to stall or dam the cold air flowing through the vineyard
- Due to topographical differences within the vineyard, it is not expected that all of the frost fans will always operate simultaneously.

15 An employee of Casella Wines would be on site while fans were operating, living in the manager's residence. The fans would be maintained in accordance with the manufacturer's specifications and the temperature sensors would be independently assessed and calibrated by a suitably qualified technician prior to the first operation of the fans and then annually. Casella Wines would maintain a log recording when fans were used and for how long, together with vineyard temperatures at these times. A copy of this log would be provided to the Council on request.

16 When it was necessary to operate fans for maintenance purposes, this would occur only between 8.00 a.m. and 5.00 p.m. on weekdays (with operation outside these hours only in the event of an emergency or with the Council's approval for noise testing purposes).

17 The Court was informed that the Casella Vineyard extended over several allotments which were currently planted with grapes of three varieties – Cabernet, Grenache and Shiraz. 'Bud burst' for the vineyard as a whole commences about the beginning of September each year, with grapes ripening from around late March to mid-April of the following year. Mr Bird's opinion was that Casella's vines would be most susceptible to frost damage between September and December. They would still be susceptible after December but, in his experience, frost in the Barossa Valley was rare between January and May. The part of the vineyard on the subject land to be protected by the proposed frost fans was currently planted predominantly with Cabernet vines. This part of the vineyard was at a lower elevation and was the most vulnerable part of the vineyard to frost. Bud burst for Cabernet vines was typically 3-4 weeks later than for other grape varieties and Cabernet had been selected for this reason, in that these vines would be protected from frost by their dormancy in the earlier part of September.

18 In relation to the number of times that the fans might operate in a year, some indicative evidence was provided by Mr Bird. This was limited by the fact that 3 of the 4 existing fans were only installed in August 2020. Information

provided for the 4th fan[4] which was operating in 2019 showed that this fan operated on a total of 9 days in that year. The longest period of operation was 318 minutes and the shortest period was 1 minute. The earliest incidence of the fan starting to operate on a particular day was at 12.27 a.m. on 18 October and the latest incidence of its stopping was at 7.00 a.m. on 9 October.

19 The Court heard from Mr Dimitrov that there had been between 11 and 18 frost events recorded annually over a recent 5 or 6 year period at the Roseworthy weather station, some 15 kilometres from the subject land. Mr Knight and Mr Maul both stated that there had been more frost in 2018 and 2019 than was normal in their experience. Mr Bird concurred with this to some extent but also offered the opinion that there was a long-term trend evident towards an increased number of annual frost events and that this was the reason for Casella's decision to seek to install additional frost fans.

20 The Guidelines that accompany the *Environment Protection (Noise) Policy 2007*, described more fully later, indicate that this policy assumes that fans will generally operate for less than 20 hours a year under South Australian conditions.[5]

The Nature of the Development

21 The subject land is located within the Primary Production Zone of the relevant Development Plan for the Light Regional Council area and is used for viticulture. The greater part of the land has been planted for this purpose since October 2017, although there is an area of about 3.8 hectares close to the dwelling on the land which the Court heard has been used as a vineyard for some 85 years.

22 In Schedule 1 of the *Development Regulations 2008*, viticulture is defined as a form of horticulture as follows:

> *horticulture* means the use of land for market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or commercial turf growing;

23 Horticulture is not an envisaged use in all parts of the Primary Production Zone. However, Principle of Development Control (PDC) 1 lists amongst forms of development envisaged in the zone:

> 'horticulture, where it is located within Barossa Valley Region Policy Area 2, Precinct 16 Horticulture or Precinct 17 Market Garden'.

24 The subject land lies within Barossa Valley Region Policy Area 2. Viticulture is explicitly listed as an envisaged use of the land in PDC 1 for this policy area.

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4 Exhibit 2R16.

5 Environment Protection Authority *Guidelines for the Use of the Environment Protection (Noise) Policy 2007.* June 2009, p.57.

25 The Council, in its assessment of the development application for the proposed frost fans, concluded that frost fans did not constitute a land use in their own right but were ancillary to the use of the land for viticulture. I concur with this conclusion. Frost fans are neither a complying nor a non-complying form of development in the Primary Production Zone and are subject to assessment on their merits, therefore.

Development Plan Provisions

26 As noted above, the subject land is located within the Primary Production Zone of the Light Regional Council Development Plan (consolidated on 8 December 2016) and within the Barossa Region Policy Area 2 which covers part of this zone. The policy area has further provisions which relate to specific precincts and the subject land is within Precinct 14 Gomersal.

27 I have considered what I regard to be all of the Development Plan provisions of some relevance to the assessment of this matter. These are as follows:

LIGHT REGIONAL COUNCIL DEVELOPMENT PLAN
(consolidated on 8 December 2016)

General Section
Design and Appearance
Objective: 1
Principles of Development Control: 1,3,5,12,13,19

Hazards
Objectives: 1,2,4,6
Principles of Development Control: 1,3,4,26,29

Interface between land uses
Objectives: 1,2,3
Principles of Development Control: 1,2,10,11,16, 17

Natural Resources
Objectives: 10,13
Principles of Development Control: 1,43,46

Orderly and Sustainable Development
Objectives: 1,3,4,5,7
Principles of Development Control: 1,2,3,9

Siting and Visibility
Objectives: 1
Principles of Development Control: 1,2,3,4,5,6,7,10

Overlay Section
Character Preservation District
Objective: 1

Primary Production Zone
Objectives: 1,4,6
Desired Character
Principles of Development Control: 1,2,6,9,12

Barossa Valley Region Policy Area 2
Objectives: 1,2,3,5
Principles of Development Control: 1,10,20

BAROSSA COUNCIL DEVELOPMENT PLAN
(consolidated on 1 November 2018)

General Section
Interface between Land Uses
Objectives: 1,2
Principles of Development Control:1,2,4,5,6,7,8,9,10

Orderly and Sustainable Development
Objectives: 1,3,4,5,7
Principles of Development Control: 1,2,3,10

Tourism Development
Objectives: 1,5
Principles of Development Control: 9,11,14

Overlay Section
Character Preservation District
Objective: 1

Primary Production Zone
Objectives: 1,2,3,4
Desired Character
Principles of Development Control: 1,2,5,6,7,19,25

The Development Plan provisions which I regard as of particular relevance to the assessment of the proposed development are set out more fully as follows:

Primary Production Zone (Light Regional Council Development Plan)
OBJECTIVES

1. The long term continuation of primary production
2. Economically productive, efficient and environmentally sustainable primary production
3. Allotments of a size and configuration that promote the efficient use of land for primary production
4. Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes

…

6. Development that contributes to the desired character of the zone

DESIRED CHARACTER

Preservation of rural and landscape character with farming on large properties, designated areas for horticulture, limited additional dwellings, minimal non-agricultural development and retention of natural vegetation…

PRINCIPLES OF DEVELOPMENT CONTROL
Land Use

1. The following forms of development are envisaged in the zone:

….

- horticulture where it is located within **Barossa Valley Region Policy Area 2, Precinct 16** Horticulture or **Precinct 17 Market Garden**

…

- small scale tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings)

…

6. Non-agricultural development should be limited to maximise farm productivity and horticultural productivity and prevent incremental erosion of the existing landscape character.

Barossa Valley Region Policy Area 2
OBJECTIVES

1. Preservation of rural land and landscape character by limiting additional dwellings, non-agricultural development and the loss of native vegetation.

2. The long term continuation of farming, horticulture and associated winery activities.

…

4. Development located in appropriate areas which does not encroach on rural activities.
5. Development that contributes to the desired character of the policy area.

PRINCIPLES OF DEVELOPMENT CONTROL
Land Use

1. The following forms of development are envisaged in the zone:

…

- viticulture

…

General Section
Design and Appearance
OBJECTIVES

1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

PRINCIPLES OF DEVELOPMENT CONTROL

3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as

…

(b) colour and detailing

…

5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces

…

13 External materials and colours used for buildings in rural areas should blend with the colours and textures of surrounding soils, trees, rocks and slopes.

Interface between Land Uses
OBJECTIVES

1 Development located and designed to minimise adverse impact and conflict between land uses.
2 Protect community health and amenity from adverse impacts of development.
3 Protect desired land uses from the encroachment of incompatible development.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

…
(b) noise
(c) vibration
…
(g) hours of operation

2. Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality

…

Noise Generating Activities

10 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.

11 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

…

Rural Interface

16 The potential for adverse impacts resulting from rural development should be minimised by:

(a) not locating horticulture or intensive animal keeping on land adjacent to townships
(b) maintaining an adequate separation distance between horticulture or intensive animal keeping and townships and, where desirable, other forms of primary production.

17 Traffic movement, spray drift, dust, noise, odour and the use of frost fans and gas guns associated with primary production should not lead to unreasonable impact on adjacent land uses.

Natural Resources
OBJECTIVE

13 Protection of the scenic qualities of natural and rural landscapes.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should be undertaken with minimum impact on the natural environment, including air and water quality, land, soil, biodiversity, and scenically attractive areas.

Orderly and Sustainable Development
OBJECTIVES

1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

…

3 Development that does not jeopardise the continuance of adjoining authorised land uses.

4 Development that does not prejudice the achievement of the provisions of the development Plan.

5 Development abutting adjoin Council areas having regard to the policies of that Council's Development Plan.

…

7 Protection of the Barossa Valley Region as a viticultural, tourism and wine production area of State importance.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should not prejudice the development of a zone for its intended purpose.
2 Land outside of townships and settlements should primarily be used for primary production and conservation purposes.
3 The economic base of the region should be expanded in a sustainable manner.

Siting and Visibility
OBJECTIVE

1 Protection of scenically attractive areas, particularly natural, rural and riverine landscapes.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should be sited and designed to minimise its visual impact on:
   (a) the natural, rural or heritage character of the area
   (b) areas of high visual or scenic value, particularly rural and riverine areas
   (c) views from public reserves, tourist routes and walking trails

2 Buildings should be sited in unobtrusive locations and, in particular, should
   (a) be grouped together
   (b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.

3 Development should be designed to ensure that corridors to view and features of significance are maintained

4 Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:
   (a) sited below the ridgeline
   (b) sited within valleys or behind spurs
   (c) sited in such a way as to not be visible against the skyline when viewed from public roads
   (d) set well back from public roads, particularly when the allotment is on the high side of the road.

…

6 The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

7 The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.

…

10 Buildings should be set-back the following minimum distances from public roads within the rural areas:

Road type	**Set-back**
…	…
All roads in the Barossa Valley Region Policy Area 2	100 metres

28 Objective 5 under the heading 'Orderly and Sustainable Development, listed above, requires development abutting adjoining Council areas to have regard to the policies of the adjoining Council's Development Plan. As noted earlier, land to the south and west of the subject site on the other side of the North Para river is within the Barossa Council area. The Appellant's property is located in the Primary Production Zone of the Barossa Council Development Plan. Relevant provisions of the Barossa Council plan in force at the time that the application for the frost fans was lodged (the plan consolidated on 1 November 2018) are set out below.

Primary Production Zone (Barossa Council Development Plan)

OBJECTIVES

1 Economically productive, efficient and environmentally sustainable primary production.
2 Allotments of a size and configuration that promote the efficient use of land for primary production.
3 Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.
…
5 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

The zone comprises a range of landscapes with varying soil quality, underground water supplies and rainfall levels. Development of grazing and broadacre farming land uses is the most appropriate form of agricultural use within the zone, with limited opportunities for more intensive uses such as horticulture and viticulture located within the uplands areas of the zone such as the Barossa Range…

PRINCIPLES OF DEVELOPMENT CONTROL
Land Use

1 The following forms of development are envisaged in the zone:

- commercial forestry
- dairy farming
- farming
- horticulture
- tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings).

General Section (Barossa Council Development Plan):

Interface between Land Uses
OBJECTIVES

1 Development located and designed to prevent adverse impact and conflict between land uses
…

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
…
(b) noise
…

2 Development should be sited and designed to minimize negative impact on existing and potential future land uses considered appropriate in the locality.
…
5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimize negative impacts.

Noise

6 Development should be sited, designed and constructed to minimize negative impacts of noise and to avoid unreasonable interference.

7 Development should be consistent with the relevant provisions in the current *Environment Protection (Noise) Policy*

Rural Interface

8 The potential for adverse impacts resulting from rural development should be minimized by:

(a) not locating horticulture or intensive animal keeping on land adjacent to townships

(b) maintaining an adequate separation between horticulture or intensive animal keeping and townships, other sensitive uses and, where desirable, other forms of primary production.

9 Traffic movement, spray drift, dust, nose, odour, and the use of frost fans and gas guns associated with primary production activities should not lead to unreasonable impact on adjacent land users.

10 Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development

Orderly and Sustainable Development
OBJECTIVES

1 Orderly and economic development that creates a safe, convenient and pleasant environment in which to live

…

3 Development that does not jeopardise the continuance of adjoining authorized land uses.

…

7 Development of rural land primarily for primary production and other uses compatible with maintaining rural productivity.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should not prejudice the development of a zone for its intended purpose

2 Land outside of townships and settlements should primarily be used for primary production and conservation purposes

3 The economic base of the region should be expanded in a sustainable manner.

…

10 Development which would remove productive land from agriculture or diminish its overall productivity for primary production should not be undertaken unless the land is required for essential public purposes.

Tourism Development

OBJECTIVES

1 Environmentally sustainable and innovative tourism development

…

5 Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production

PRINCIPLES OF DEVELOPMENT CONTROL

…

14 Tourism development in rural areas should occur only where it:

(a) incorporates a separation distance or buffers to avoid conflict with existing rural industries or agriculture or otherwise is designed to overcome the potential impacts associated with the adjoining land use (such as noise, dust, spray drift, odour and traffic)

…

Land in this locality is also subject to the provisions of the *Character Preservation (Barossa Valley) Act 2012*, an act to provides measures to protect and enhance the special character of the Barossa Valley region. Identical overlay provisions related to this Act are found in both the Light Regional Council and Barossa Council Development Plans.The objectives for the Character Preservation District are as follows:

Barossa Character Preservation District

OBJECTIVES

1 A district where:

(a) scenic and rural landscapes are highly valued, retained and protected
(b) development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements
(c) the long term use of land for primary production and associated value adding enterprises is assured and promoted
(d) activities positively contribute to tourism
(e) the heritage attributes of the district are preserved
(f) buildings and structures complement the landscape.

2 Residential development is located inside townships, settlements and rural living areas.

3 No expansion of rural living and settlement zones outside township areas.

Environment Protection (Noise) Policy 2007

29 A number of relevant provisions relating to the 'Interface between Land Uses' from the General Section of the Light Regional Council Development Plan were set out above. PDC 1, in particular, states that 'Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through…(b) noise'. PDCs 10 and 11 contain further statements relating to noise as follows:

Noise Generating Activities

10 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.

11 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

30 PDC 7 in the equivalent section of the Barossa Council Development Plan also requires development to be '… consistent with the relevant provisions in the current *Environment Protection (Noise) Policy)*'.

31 Part 6, Division 5 of the *Environment Protection (Noise) Policy)* (hereafter 'the Noise Policy') applies specifically to frost fans and Clause 32 reads as follows:

32 Operation of frost fans

(1) The following provisions apply to the operation of a frost fan:

(a) the fan must not be of dimensions, or have an operating speed, greater than is reasonably required for its effective operation;

(b) the fan must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work;

(c) maintenance work must not be carried out on the fan except between 7.00 a.m. and 10.00.pm. on the same day;

(d) the fan must not be operated if measurements taken in relation to the noise source and noise-affected premises that are residential premises show that the source noise level (continuous) exceeds –

(i) the background noise level plus 5 dB(A); and

(ii) the relevant allowable noise level for the noise-affected premises set out in the table in subclause (6)

(2) Measurements for the purposes of subclause (1)(d) must first be taken outside any buildings and, if the source noise level (continuous) exceeds the relevant levels prescribed in subclause (1)(d), that result must be ignored and measurements must then be taken in the noise-affected premises within the habitable room most affected by noise from the noise source and the windows of that room must be kept closed during the measurements.

(3) If the fan is operated simultaneously with other frost fans at the same premises (whether on every occasion of its operation or some occasions only), measurements taken for the purposes of subclause (1)(d) must be taken in relation to the noise emitted when all the fans are in operation.

(4) For the purposes of this clause, the *relevant allowable noise level* for noise-affected premises is selected from the table as follows:

(a) if the land uses principally promoted by the relevant Development Plan provisions for the noise-affected premises fall within either or both of the land use categories Residential or Rural Living, the relevant allowable noise level is found in the table in the column alongside those land use categories;

(b) in any other case, the relevant allowable noise level is found in the column alongside the land use categories Rural Industry or Light Industry.

(5) The operator of a frost fan or an occupier of premises at which a frost fan is operated must ensure compliance with subclause (1) in relation to its operation.

(6) Table

Land Use Category	**Allowable noise level [dB(A)]**	
	Measurements outside	**Measurements within habitable room**
Residential or Rural Living	45	25
Rural Industry or Light Industry	55	35

32 The guidelines which explain the use of the Noise Policy note that the allowable noise levels for frost fans are less stringent than would be required for a continuous noise source from a rural industry under the general provisions of Part 4 of the Noise Policy. This is because frost fans are anticipated to operate for less than 20 hours of the year under South Australian conditions.[6]

33 Clause 14 of the Noise Policy describes the general approach to be taken for the measurement of a source noise level for the purposes of the policy. Clause 14(3) states that, if the noise from the noise source contains a tonal, impulsive, low frequency or modulating characteristic, the source noise level needs to be adjusted by the imposition of a penalty. The penalty varies with the number of characteristics identified. However, Clause 14(4) states clearly that 'Subclause (3) does not apply to measurements for the purposes of Part 6 Division 5' – that is, it does not apply to frost fans.

The Evidence

Mr Knight

34 Mr Knight explained that he was the sole director of Knight Property Enterprises Pty Ltd, the Appellant. Knight Property Enterprises owns the land on which the Barossa Pavilions and the Glasshouse are situated. He was also the sole director of another company, Glasshouse Pavilions Pty Ltd, which operates the tourist accommodation provided in the Pavilions and in the Glasshouse. Since the Glasshouse was adapted to provide tourist accommodation in 2018, Mr Knight indicated that he and his wife had used it as a dwelling occasionally but at other times, usually at weekends, it was let as tourist accommodation. He gave evidence that the accommodation provided had a total approved capacity of 26.

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6 Environment Protection Authority (2009) *Guidelines for the Use of the Environment Protection (Noise) Policy 2007.* June 2009, p.57.

Given his practice of limiting each Pavilion to a maximum of 2 guests, however, the total number of visitors at any one time could not exceed 20.

35 It was Mr Knight's evidence that his tourist accommodation had been ranked since 2013 by TripAdvisor[7] at the top of its category for specialist accommodation within the Barossa region. He acknowledged that it was comparatively expensive to stay at the Barossa Pavilions and the Glasshouse but he had found that guests were prepared to pay a premium for the high quality accommodation and experience offered.

36 Mr Knight provided examples of positive reviews received from guests who had stayed at the Pavilions[8] to demonstrate that they typically valued the peace and tranquility of the accommodation and its surrounds. He was worried that the noise generated by the proposed frost fans would have a detrimental effect on the amenity of the locality and on the quality of the experience enjoyed by his guests. The potential for sleep disturbance was a particular concern. Mr Knight had found the contemporary tourist market to be highly sensitive to on-line reviews and it was his fear that bad reviews posted by guests whose sleep had been disturbed by frost fans could lead to a very significant loss of bookings.

37 The nearest existing frost fan to the Glasshouse was about 760 metres away, in the Terramol vineyard. Mr Knight acknowledged that he had not personally experienced any sleep disturbance caused by noise from this fan. He attributed this to the location of his bedroom on the opposite (northern) side of the house, the soundproofing of his hallway on the southern side and his practice of sleeping with the windows closed. He also indicated that there was extensive double glazing incorporated into the design of the Glasshouse, although this had been for reasons of energy efficiency rather than noise attenuation. The Pavilions, by contrast, did not have double glazing.

38 Mr Knight also stated that he had not had any issues with the four existing frost fans operated by Casella, nor was he aware of any complaints from guests relating to these fans. The first to be established, in 2019, was the furthest away from his property and he had not stayed in the Glasshouse since the three fans erected in 2020 had been installed. He was concerned, however, that the four additional fans which were now being proposed were closer to his property and were likely to have detrimental impacts.

39 Mr Knight had read the Noise Policy and to its accompanying guidelines. He understood that this policy indicated that the allowable noise level outside his buildings for frost fans was 55dB(A) but he found this to be inappropriate for a number of reasons. These included the time of night at which frost fans typically operate, the potential for them to operate for several hours, the low background noise level in the locality and the unpredictable nature of the noise emitted. He

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7 An online travel website which, amongst other things, posts user reviews and opinions of tourist accommodation.

8 Exhibit A1.

also believed that the noise from frost fans had low frequency elements and could, as a consequence, penetrate the Pavilions with their fairly lightweight construction materials and cause annoyance. Mr Knight acknowledged that noise could be expected from primary production activities in this locality, but he considered that most of this would be experienced during the day when sleep disturbance was unlikely.

40 In his opinion, a better guide than the Noise Policy to allowable noise levels was to be found in the 'Guidelines for Community Noise', published by the World Health Organisation (WHO) in 1999.[9] These guidelines suggested that, to avoid sleep disturbance, allowable noise levels for bedrooms should not be more than 30 dB LAeq and outside sound levels should not exceed 45 dB LAeq 'so that people may sleep with bedroom windows open'.[10] Mr Knight has no qualifications in acoustic engineering and it may well be that these views were influenced by Mr Dimitrov who, as will be shown below, expressed similar opinions in relation to the WHO guidelines.

41 Mr Knight did not think that Casella should have planted vines in an area that was likely to experience frost. In his opinion, this had led to the decision to install frost fans with the potential to disturb the balance between primary production and tourism which he thought had characterised the locality hitherto. Mr Knight was also aware that there were other, quieter ways of reducing the risk of frost in vineyards, such as spraying with water, and he suggested that such an approach would be more appropriate in this locality.

42 If his appeal was dismissed, Mr Knight was firmly of the view that this would have serious consequences for his business. At present he had a number of options under consideration for establishing additional and upgraded accommodation units but these would need to be reconsidered if the proposed frost fans were installed. He also anticipated that he would need to spend a substantial amount of money on the existing Pavilions to improve their level of soundproofing, although he was unsure how effective this might be, given his experience that a number of guests preferred to sleep with their windows open even on the coldest nights.

43 Mr Knight expressed less concern about the visual impact of the proposed frost fans. Overall, he was of the view that tourism was an important activity in the locality and felt that his established tourist facility should be protected from what he perceived to be the unreasonable noise impacts of the proposed development.

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9 Berglund, Birgitta, Lindvall, Thomas and Schwela, Dietric H (2009)(eds) *Guidelines for Community Noise*. Geneva: WHO.

10 Berglund *et al*, *ibid,* p.xiv.

Mr Maul

44 Mr Maul provides tourist accommodation at the Abbotsford Country House and also resides there. He stated that this property was currently on the market and that his concern about the impact of the proposed frost fans was a factor in this decision.

45 He gave evidence of being disturbed by the noise from the single frost fan in the Terramol vineyard which he estimated to be about 600 metres away and which, from his recollection, had been installed about three years earlier. Mr Maul found this fan, and frost fans generally, to be visually unattractive. However, as with Mr Knight, most of the concerns which he expressed related to the noise impacts of fans.

46 According to Mr Maul, the Terramol fan had fundamentally changed his sleep patterns and also those of his wife. He estimated that he had been woken on about 30 occasions by this fan and he had been unable to get back to sleep. The character of the fan noise was a factor in this. Mr Maul described the rise and fall of the level of noise, as the fan rotated through 360º, as particularly unsettling, causing him to wait in anticipation of the sound growing louder again. He also compared it to the noise of a helicopter moving backwards and forwards in the distance. Mr Maul acknowledged that he could not hear the existing fans at the Casella vineyard from his house. He was concerned, however, that the four proposed fans would be closer and that they would add to the noise which he was already experiencing from the Terramol vineyard.

47 Mr Maul gave evidence that he had received complaints from some guests who had had their sleep disturbed by the noise and that he had been obliged to offer refunds on some occasions. He was less concerned about this, however, than by the possibility of receiving bad on-line reviews which could have a negative effect on his business. He conceded that he had not received any bad reviews relating to frost fan noise to date but he shared Mr Knight's fear that, with an increased number of fans on the Casella Wines property, the likelihood of bad reviews would increase.

48 The Abbotsford Country House is not double-glazed. Mr Maul explained that cost had been a factor in this but also, like Mr Knight, he doubted how effective double-glazing would be, given the propensity of some guests to sleep with their windows open. Mr Maul said that he tended to sleep with his own windows open, even on frosty nights. He believed that he had a fundamental "right to quiet enjoyment" which would be infringed by the installation of the proposed frost fans.

Mr Sivior

49 Mr Sivior lives at 526 Lyndoch Road, some 390 metres from the location of the closest of the proposed frost fans. He explained that he had not lodged a representation when notified of the proposed development because his wife came

from a family that grows grapes in the Riverland with the aid of frost fans. I infer from this that he felt that it would have been hypocritical to object to Casella's proposal in these circumstances. In relation to his experience with the existing fans on the Casella vineyard, Mr Sivior indicated that he and his wife had been woken on three or four occasions by the single fan installed in 2019 but that, on each occasion, they had gone straight back to sleep.

Mr Bird

50 Mr Bird gave evidence in the Second Respondent's case as the Viticulture Manager, South Australia and Victoria, for Casella Wines. Mr Bird has some 33 years of experience of viticulture. He provided an affidavit[11] which outlined his experience and explained the significant economic impact on vineyards which could be caused by frost events. The affidavit also included photographs from vineyards at Padthaway and Wrattonbully which served to indicate the effectiveness of frost fans, although Mr Bird conceded that there were some climatic and atmospheric circumstances in which they might be less effective.

51 Mr Bird was asked about the possibility of controlling frost by alternative means to frost fans and, in particular, by using water-sprinklers. His evidence was that the amount of water available for this vineyard was substantially less than would be required to employ a water-based frost control method. Mr Bird was aware that there were other techniques available for controlling frost, but he considered frost fans to be most effective. He acknowledged that frost fans give rise to noise. That was why Casella's development application to the Council had been supported by a report from an acoustic engineer indicating compliance with the Noise Policy.

The Evidence of the Acoustic Experts

52 The two acoustic engineers, Mr Turner and Mr Dimitrov, produced a joint statement setting out the matters on which they agreed and disagreed (Exhibit A5). There were only two points of agreement:

- The applicable method to determine whether a frost fan application is acceptable prior to installation is to predict the noise level utilising a propagation model such as CONCAWE with inputs comprising
    - the sound power level of the fans
    - the location of the fans and dwellings
    - specific meteorological conditions experienced during a frost

[11] Exhibit 2R9.

- The applicable method to determine whether noise from a frost fan is acceptable following installation is to conduct a noise level measurement during a frost

53 The details of the Noise Policy, to which both experts referred, were set out earlier. I summarise the main points of their evidence below.

54 Mr Turner's statement indicated that he had undertaken more than 100 environmental noise assessments of frost fans at the planning stage and that he had significant experience of *in situ* measurement of noise from frost fans in operation. He also stated that he had been closely involved in the development of the Noise Policy. It was Mr Turner's evidence that the South Australian Noise Policy contains specific environmental noise criteria, established to prevent unreasonable interference with the amenity of a locality. He explained that the particular characteristics of frost fan noise, including frequency and modulation, had been understood at the time of the Policy's development and that these were therefore addressed in the detailed provisions contained in Division 5 of the Noise Policy.

55 In his statement Mr Turner referred to the relevant provisions of the Light Regional Council and the Barossa Council Development Plans relating to 'Interface between Land Uses' which require achievement of, or consistency with, the relevant criteria from the Noise Policy. He then described the process that he had undertaken to assess the environmental noise from the four frost fans proposed by Casella against these criteria.

56 Mr Turner identified the Table at Clause 32(6) of the Noise Policy as setting out the allowable noise levels for frost fans. In accord with Clause 32(4), it was first necessary to determine whether the land uses promoted by the relevant Development Plan provisions for the noise-affected premises fell within either or both of the land use categories 'Residential' or 'Rural Living'. He noted that the proposed frost fans were to be located in the Primary Production Zone of the Light Regional Council Development Plan. The closest dwellings to the proposed fans were likewise located in this Primary Production Zone, while the tourist accommodation and dwelling of the Appellant were in the Primary Production Zone of the Barossa Council Development Plan. On his assessment, therefore, the 'land uses principally promoted by the relevant Development Plan provisions' were primary production land uses. They were neither 'Residential' nor 'Rural Living'. Thus, in accord with the table at 32(6) of the Noise Policy, the noise criteria set by the Policy would be achieved if the total noise from the frost fans operating simultaneously did not exceed 55 dB(A) outside or 35 dB(A) inside.

57 Mr Turner confirmed that Clause 32(2) states that, if the outside noise level is met, then the proposed development complies with the requirements of the Noise Policy. If, however, the outside noise level is exceeded, that result must be ignored and measurements must be taken in the noise-affected premises within

the habitable room most affected by noise from the noise source. Clause 32(2) of the noise policy also states that 'the windows of that room must be kept closed during the measurements'. From his knowledge of the considerations that went into the preparation of the Noise Policy, Mr Turner stated that the noise levels set out in Clause 32(6) had been informed by a range of studies of sleep disturbance, including the WHO Guidelines for Community Noise referred to by Mr Knight, and had been adjusted to take account of the amenity of the receiving environment. When questioned, Mr Turner agreed that Division 5 of the Noise Policy has an implicit weighting towards agriculture and primary production.

58 Mr Turner explained that the outdoor criterion of 55 dB(A) is typically utilised for frost fan assessments for reasons of simplicity and conservatism. However, he could understand why the Appellant might be particularly concerned about indoor noise levels at his tourist accommodation. Indoor noise levels can be determined by subtracting the noise reduction achieved by a building from the outdoor noise levels and Mr Turner observed that testing of a range of dwellings had shown that a noise reduction of greater than 20 dB(A) could be readily achieved. He had sought the Appellant's permission to test the particular noise reduction properties of his tourist accommodation and dwelling, but this had been refused. Mr Turner had therefore made an estimate of the noise reduction properties based on an inspection instead. From this he concluded that the noise reduction from outside to inside with windows closed would be at least 25 dB(A) for both the Barossa Pavilions and the Glasshouse. Thus, the noise levels inside the accommodation and dwelling could be determined by subtracting 25 dB(A) from the predicted outdoor noise levels set out in his statement of evidence.

59 Mr Turner noted that the proposed 'Frostboss C59' fans had been previously tested by Hegley Acoustic Consultants (see Exhibit 2R15) at a motor speed of 1840 rpm. These tests had measured the noise from a single fan at 55 dB(A) at a distance of 180 metres with the fan operating in normal mode. The 5-bladed C59 was said to be a quieter fan than the 4-bladed C49, the type of fan operating on the Terramol vineyard and referred to in the evidence of Mr Knight and Mr Maul.

60 In his statement, Mr Turner identified a total of 6 non-associated dwellings (i.e. not associated with the subject land), the Glasshouse and the 6 tourist accommodation units comprising the Barossa Pavilions. The noise from the proposed frost control fans outside these dwellings and accommodation units was predicted based on the Hegley measurements and using the CONCAWE noise propagation model. Specific meteorological conditions likely to be experienced during a frost were assumed, including a clear night sky; a temperature of 0ºC; a relative humidity of 100 per cent; a wind speed of <0.5m/s; and 'soft ground with a valley correction'.

61 Mr Turner's predicted noise levels were also informed by *in situ* tests of typical Australian frost fan installations which used a different engine to that used in the Hegley tests. These indicated to him that diesel engines used in Australia do not exhibit the same low frequency results found in the Hegley report. Mr Turner did not agree with Mr Dimitrov's opinion that there would be levels of low frequency noise from the frost fan engines sufficient to penetrate the Appellant's buildings and to cause annoyance. Nevertheless, Mr Turner used the Hegley results as the basis for his predicted noise levels 'as the low frequency content maintains a design margin'.[12]

62 Using this approach, Mr Turner's predicted noise levels for the cumulative effect of the four proposed C59 frost fans were as follows:

Receiver	Predicted Noise Level (dB(A))	Distance to Nearest Fan (metres)
A	43	885
B	43	761
C	53	390
D	54	330
E	49	424
F	44	706
G	48	526
H	47	574
I	46	686
J	45	730
K	45	704
L	44	760
M	45	670

63 In the above table, and also in the next table below, Receiver D is the dwelling of Mr Skiparis and Receiver C is the dwelling of Mr Sivior. Receivers G-L are the six Barossa Pavilions and Receiver M is the Glasshouse. Mr Turner's results show that the allowable outside noise level of 55dB(A) is not exceeded at any of the receivers.

64 The Noise Policy requires measurements to be taken in relation to the noise emitted when all fans are in operation at the same premises. Mr Turner noted that 'premises' is not defined in the Policy and that assessments are generally made for allotments. However, for completeness in this case, he had also obtained predicted noise levels for the four existing frost fans in the Casella vineyard as well as for the four proposed fans. The cumulative results for all eight fans were shown in the following table:

Receiver	Predicted Noise Level (dB(A))	Distance to Nearest Fan (metres)
A	49	549
B	45	761

[12] Exhibit 2R18, p.9.

C	54	390
D	55	331
E	50	424
F	46	706
G	49	526
H	48	574
I	47	686
J	46	730
K	46	704
L	45	760
M	46	670

65 These results show that the highest predicted noise level of 55 dB(A) would occur at receiver D, the dwelling of Mr Skiparis which, at a distance of 330[13] metres, is the closest non-associated dwelling to any of the proposed frost fans. Mr Turner concluded that, as these predicted noise levels were no greater than 55 dB(A), the proposed fans would comply with the Noise Policy and with the relevant Development Plan provisions. In his statement, Mr Turner also provided details of *in situ* noise measurements that had been conducted at various frost control fan installations under frost conditions which, on his evidence, indicated the high degree of accuracy and reliability of his prediction methodology.

66 To the suggestion made by Mr Maul that the noise from a frost fan was akin to that of a helicopter, Mr Turner agreed that there some similarities in the character of the sound. However, a proper comparison would need to acknowledge that the noise of a frost fan would only be comparable to the noise of a helicopter without the helicopter's engine noise. Moreover, a helicopter would not be comparable at a similar distance. Mr Turner had measured helicopter noise at a distance of 100 metres at 76 dB, whereas the noise of a frost fan at the same distance would be much lower at 60 dB.

67 Mr Dimitrov conducted a continuous environmental noise survey at the Appellant's property in April 2020 to establish existing ambient and background noise levels at the closest pavilion to the Casella Wines land. The analysis of the results of this survey showed that background noise levels and ambient noise levels were very low. The background noise level was measured at 24 dB(A) both at night and during the day. The night time ambient noise level was 25 dB(A) with the day time level slightly higher at 26 dB(A). Mr Dimitrov found this to indicate 'a very quiet and audibly serene area'.

68 Like Mr Turner, Mr Dimitrov had regard to the relevant Development Plan provisions and accepted that environmental noise criteria were to be found in the 2007 Noise Policy. However, his approach to the application of this policy differed significantly from Mr Turner's.

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[13] The distance from Receiver D to the nearest fan is variously stated as 331 metres and 330 metres. This very slight difference is not regarded as significant.

69 Clause 14(3) of the Noise Policy establishes the rules for the application of penalties to the source noise level for the presence of tonal, modulating, low frequency dominated or impulsive characteristics. However, as noted earlier, the Noise Policy states explicitly that the penalties established by Clause 14(3) are not to be applied to frost fans. Mr Dimitrov was clearly aware of this. Nevertheless, he considered that a penalty of 5 dB(A) for tonality was appropriate in this case. His reasoning was as follows.

70 Firstly, Mr Dimitrov argued that, as penalties for noise characteristics are applicable to wind turbine noise, they should also be applicable to frost fans as 'the physical nature of noise generation is the same'.

71 Secondly, Mr Dimitrov made reference to an information bulletin prepared by EPA Victoria entitled 'Noise from Frost Fans' (2012).[14] The purpose of this bulletin was to provide some guidance on planning and using frost fans which might avoid conflicts between residents and growers.[15] He observed that this Victorian document set criteria for frost fan noise in that state in relation to three categories of zoning as follows:

Planning Zone Categories	Outdoor Noise Level dB(A)		Indoor Noise Level dB(A)
	<12 likely frost events	>12 likely frost events	
Residential/Rural Living	40		25
Rural Activity	45	40	30
Farming	50	45	30

72 Mr Dimitrov noted that the maximum allowable noise level for noise from frost fans in a 'Farming' area under these Victorian guidelines is at least 5 dB(A) lower than the criteria set by the SA Noise Policy for a comparable primary production zone. He interpreted this as follows:

> '…(a)lthough not explicitly stated, I believe that the reason for this is so as to make an allowance for the tonal characteristic contained in the noise emissions and therefore it is equivalent to applying a penalty for tonality'.[16]

73 Thirdly, Mr Dimitrov referred to Australian Standard 1055.1-1997 (erroneously referred to as AS 1055.1-1970 on occasion in his statement) which indicates that, if the difference in sound pressure levels between adjacent 1/3-octave bands is 5 dB or more, a penalty for tonality is applicable. Mr Dimitrov acknowledged that the Hegley Report had found no significant indications of tonality when testing a C59 frost fan.[17] He argued, however, that the Hegley tests were undertaken in New Zealand in relation to the relevant New Zealand standard NZS 6802: 2008 - 'Acoustics-Environmental Noise' which requires the minimum difference between adjacent 1/3 octave bands to be 15dB in order for a p

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14 EPA Victoria (2012) *Noise from frost fans.* Publication number 1043.1, May (Exhibit A8).
15 Ibid., p.1.
16 Exhibit A4, p.7.
17 Exhibit 2R15, p.9

enalty to be applied. Because the proposed frost fans will be operating in South Australia, Mr Dimitrov considered that a 5dB penalty should be applied in accord with what he understood to be the different Australian standard.

74 Mr Dimitrov was subsequently asked by counsel for the Second Respondent about the more recent Australian Standard AS 1055:2018 (Acoustics – Description and measurement of environmental noise) which now includes criteria similar to those in the New Zealand standard referred to above. He admitted to being unaware of this more recent standard and expressed the opinion that this change to the assessment of tonality in the relevant Australian standard was 'quite disappointing'. Having been informed of the terms of AS 1055:2018, Mr Dimitrov conceded that it was inappropriate to apply a penalty for tonality on the basis of the current Australian Standard.

75 Mr Dimitrov expressed support for the WHO Guidelines for Community Noise (1999) which suggest that, in dwellings:

> For bedrooms the critical effect is sleep disturbance. Indoor guideline values for bedrooms are 30 dB LAeq for continuous noise and 45 dB LAmax for single sound events. Lower noise levels may be disturbing depending on the nature of the noise source. At night-time, outside sound levels about 1 metre from facades of living spaces should not exceed 45 dB LAeq, so that people may sleep with bedroom windows open.[18]

76 He concurred with Mr Turner's finding that, with bedroom windows closed, there would be a reduction of at least 25 dB(A) from the predicted outdoor noise levels inside the Barossa Pavilions. On the basis of the WHO Guidelines, however, Mr Dimitrov concluded that, in order to 'properly determine' whether the proposed frost fans would affect the amenity of the nearest sensitive receivers, measurements should be conducted with windows open.

77 As indicated above, Mr Dimitrov initially suggested that a penalty of 5dB(A) for tonality should be applied to the allowable noise levels suggested in Clause 32(6) of the Noise Policy. This led him to suggest that the maximum allowable noise levels specified in Clause 32(6) for 'Rural Industry or Light Industry' should be adjusted downwards from 55dB(A) to 50 dB(A) measured outside the noise sensitive receivers A to F and from 35 dB(A)to 30 dB(A) measured inside.

78 With regard to the Barossa Pavilions and the Glasshouse, the Appellant's properties, Mr Dimitrov proposed that the maximum allowable noise levels be further reduced. He justified this on a number of grounds. He noted that tourist accommodation was listed as an envisaged form of development in the Barossa Council's Primary Production Zone and that both the Pavilions and the Glasshouse were approved tourist facilities. In addition, he noted that the

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[18] Berglund et al *op cit*, p.xiv.

Glasshouse was also approved as a dwelling and was, in Mr Dimitrov's opinion, 'one of Australia's most iconic houses'.

79 Taking into account the actual and lawful uses of these properties, together with his measurements of a very quiet existing environment, Mr Dimitrov suggested that it was more appropriate to categorise them as 'Residential or Rural Living' for the purposes of the Noise Policy. The maximum allowable noise levels set by the Noise Policy for 'Residential and Rural Living' were 45 dB(A) outside and 25 dB(A) inside but, with the further application of his 5 dB(A) penalty for tonality, this led Mr Dimitrov to propose that the Barossa Pavilions and Glasshouse be assessed against maximum allowable noise levels of 40 dB(A) outside and 20 dB(A) inside (with windows partly open). In other words, the maximum allowable external and internal noise levels suggested for these properties in Mr Dimitrov's expert statement were 15 dB(A) below the levels required by the Noise Policy on Mr Turner's assessment.

80 Mr Dimitrov predicted the noise levels associated with the operation of the existing four fans in the Casella vineyard and with the additional four fans proposed if these were installed. His approach was similar to Mr Turner's, but differed in that he assumed a ground reflectivity of 50 per cent -i.e. 50 per cent of the sound incident to the ground would be reflected. Mr Turner had assumed 100 per cent soft ground (being ground with finite acoustic impedance, corresponding to grass or rough pasture) in accord with his understanding that the CONCAWE propagation model limited the use of 'hard ground' to surfaces such as concrete or water.

81 Mr Dimitrov's predicted external noise levels with all eight fans operating can be extracted from his Table 2[19] as follows:

Receiver	Predicted External Noise Level (dB(A))
A	50
B	50
C	56
D	57
E	53
F	50
G	53

82 Receivers A to F correspond to those identified by Mr Turner. Receiver G was the most northerly pavilion of the complex comprising the Barossa Pavilions and the Glasshouse. The table above shows that all but two of Mr Dimitrov's predicted noise levels at noise sensitive receivers comply with the maximum allowable noise level of 55 dB(A) established by the Noise Policy. Receiver D

[19] Exhibit A4, p 10.

(the Skiparis dwelling) exceeds this maximum by 2 dB(A) and Dwelling C (the Sivior dwelling) by 1 dB(A). C, D and E do not comply with Mr Dimitrov's lower alternative criterion of 50 dB(A), although E would comply without the imposition of Mr Dimitrov's penalty of 5 dB(A) for tonality. Mr Dimitrov's maximum allowable external noise level for the Barossa Pavilions and Glasshouse would become 45dB(A) without the penalty for tonality and this would be exceeded by his predicted noise level of 53 dB(A).

83 It can be seen that, if a reduction of 25dB(A) were applied to Mr Dimitrov's predicted levels to obtain the noise levels in habitable rooms with windows closed, all of the receivers that he had identified would have indoor noise levels below the maximum of 35 dB(A) specified for Rural Industry or Light Industry in Clause 32(6) of the Noise Policy.

84 Based on his assumptions, measurements and predictions, however, including his view that internal measurements should be taken with windows partly open, Mr Dimitrov concluded in his statement that the installation of the four proposed frost fans would cause unreasonable interference to noise sensitive receivers C, D and E and would detrimentally affect the amenity of both the locality and of the users of the Appellant's property. This would be at odds, in his opinion, with the provisions of the Light Regional Council Development Plan relating to the Interface between Land Uses, and especially PDC 1 under that heading.

Mr Rolfe

85 Mr Rolfe is an experienced planning expert. In his statement of evidence[20] he identified the relevant Development Plan provisions against which the proposed frost fans need to be assessed. He then addressed in turn the issues of land use and the potential impacts of the proposed development.

86 Mr Rolfe was in no doubt that viticulture was an appropriate use on the subject land, in accord with the explicit intent of the Barossa Valley Region Policy Area 2 of the Light Regional Council Development Plan. He acknowledged that the Appellant's tourist accommodation was located within the Primary Production Zone of the Barossa Council Development Plan and that tourist accommodation was listed as an envisaged form of development in that zone. However, he identified a number of provisions of the relevant Barossa Plan which emphasized that tourism development, while permissible, should not constrain primary production activities. In particular, Objective 5 in the General Section of that plan under the heading 'Tourism Development' seeks

> 5. Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production

PDC 14 in the same section of the Plan requires that

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[20] Exhibit 2R19.

> 14. Tourism development in rural areas should occur only where it:
>
> (a) incorporates a separation distance or buffers to avoid conflict with existing rural industries or agriculture or otherwise is designed to overcome the potential impacts associated with the adjoining land use (such as noise, dust, spray drift, odour and traffic)

87 Mr Rolfe also identified Objective 7 under the heading Orderly and Sustainable Development in the Barossa Council Plan which reads:

> 7. Development of rural land primarily for primary production and other uses compatible with maintaining rural productivity

88 and PDC 2 under the same heading which states that:

> 2. Land outside of townships and settlements should primarily be used for primary production and conservation purposes

89 Mr Rolfe considered that the effect of these and other related provisions, when read together with the clear objectives for the Primary Production Zones in both of the relevant Development Plans, was to give primacy to agricultural production over tourist accommodation outside townships.

90 Mr Rolfe discussed the provisions of the Character Preservation District Overlay and emphasised that this seeks to preserve the Barossa as a district where 'the long term use of land for primary production and associated value adding enterprises is assured and promoted' while, at the same time being a district where 'activities positively contribute to tourism'. He acknowledged that this encouraged an appropriate balance in the Character Preservation District between viticulture and tourism. However, such a balance would need to be struck against the background of Development Plan policies which gave overall priority to primary production activities outside of townships and settlements and within the primary production zones. Mr Rolfe also expressed the view that vineyards were major contributors to the attractiveness of the Barossa region to tourists and needed to be protected from 'adverse effects' for that reason. A decision to prevent the installation of frost fans at the behest of the operators of a tourist facility in a primary production zone would, in his opinion, be an example of such an adverse effect.

91 While the overall intent of development within the relevant zones and policy area was quite clear to Mr Rolfe, he acknowledged that there were provisions in the Light Regional Council Development Plan which sought to ensure that any proposed development should not have unreasonable impacts on existing or adjacent land users. In the General Section, under the heading 'Interface between Land Uses', PDC 1, in particular, requires that development 'should not detrimentally affect the amenity of the locality or cause unreasonable interference' through noise as one of a number of possible causes. Mr Rolfe noted, furthermore, that PDC 17 under the same heading makes specific

reference to frost fans as one of a number of forms of activity associated with primary production which should not 'lead to unreasonable impact on adjacent land uses'. He also identified similar provisions in the Barossa Council Development Plan.

92 Mr Rolfe considered that, in relation to the proposed development, the most likely sources of 'unreasonable impact' were noise from the frost fans and their visual impact. He discussed these in turn.

93 With regard to noise impacts, Mr Rolfe accepted Mr Turner's expert evidence and was satisfied that, if a proposed development complied with the Noise Policy, then it complied with the Development Plan in relation to noise. However, Mr Rolfe also acknowledged that an assessment of 'amenity' required a broader consideration against the relevant provisions of the Development Plan that went beyond the quantitative standards of the Noise Policy. He quoted the definition of 'amenity' from Part 1 (4) of the *Development Act, 1993* which reads:

> ***amenity*** of a locality or building means any quality, condition or factor that makes, or contributes to making, the locality or building harmonious, pleasant or enjoyable

94 In his opinion, the assessment of impacts on the amenity of a locality involves 'a subjective balancing exercise in the assessment process'. In attempting to arrive at such a balance, Mr Rolfe accepted that the proposed fans would be audible at different places and times. Depending on varying meteorological and environmental conditions, they might well be audible outside buildings some kilometres away. He acknowledged that their operation was unpredictable and might be more disturbing as a consequence. He also understood that they would typically operate in the early hours of the morning when people were trying to sleep.

95 On the other hand, Mr Rolfe did not consider that, just because the fans would be audible, their impact on amenity would be unreasonable or unacceptable. He found it significant that the frost fans would only operate infrequently. In addition, the relevant Development Plan anticipates the use of land for viticulture; noise attenuation would be provided by the substantial separation distances between the proposed fans and the non-associated dwellings and tourist accommodation; and there are clearly expressed planning policies which emphasise that dwellings and tourist accommodation should not restrict the operation of primary production. In these circumstances Mr Rolfe was of the opinion that, overall, noise from the proposed frost fans could not be considered to have an unreasonable impact on the amenity of what was, in essence, a locality primarily given over to various types of farming and horticulture.

96 Turning to the visual impact of the proposed frost fans, Mr Rolfe did not think that this would be significant. He acknowledged that, when the Barossa

Pavilions were approved in 2004 (following an appeal to this Court),[21] frost fans had been rare. They had become a more common feature of the landscape in viticultural areas since then, however, and he understood that there were now about 200 in the Barossa. He concluded from an assessment against relevant development plan provisions that the proposed fans would be unobtrusive. They would be distributed fairly evenly over the subject site with some 200 to 300 metres separation between each fan. The fans were to be sited at least 100 metres from the nearest road. They would be relatively slender in form with a galvanised steel finish. The masts would become duller over time and would not be unreasonably reflective. Mr Rolfe also considered that the light grey of the fan blades would be a recessive, background colour in this locality.

97 The general conclusion of his assessment was that viticulture is an envisaged use of the subject site and that the installation of frost fans as an ancillary use intended to protect vines from frost is entirely appropriate in the relevant zone and policy area. Overall, for the reasons set out above, Mr Rolfe did not find that the noise or visual impacts on the amenity of adjacent land users within the locality would be significant or unacceptable.

Consideration

The Intent of the Development Plan

98 I indicated at the outset that I was satisfied that the Council had been correct in determining that the four proposed frost fans were ancillary to the approved use of the subject land for viticulture. Casella Wines proposes to install four frost fans to protect its vines from frost.

99 The land is within the Primary Production Zone of the Light Regional Council Development Plan and within the Barossa Valley Region Policy Area 2, in which viticulture is listed as an envisaged land use. Objective 2 for the policy area seeks, amongst other things, 'the long term continuation of farming, horticulture and associated winery activities'; Objective 4 for the Primary Production Zone seeks 'protection of primary production from encroachment by incompatible land uses…'; and the general thrust of the other objectives for the Barossa Valley Region Policy Area 2, the Primary Production Zone and also the objectives for the Primary Production Zone in the adjoining Barossa Council area, is to support primary production.

100 The Desired Character statement for the Light Council's Primary Production Zone refers to 'preservation of rural and landscape character with farming on large properties, designated areas for horticulture, limited additional dwellings, minimal non-agricultural development and retention of natural vegetation'. While other land uses, including tourist accommodation, are envisaged within both the Light Regional Council and Barossa Council Primary

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[21] *Barrick Pty Ltd v The Barossa Council* 2004 SAERDC 103.

Production Zones, I agree with Mr Rolfe that the overall intent of planning policy in this locality is to give priority to primary production.

101 The proposed frost fans are an appropriate form of development and are entirely in accord with the intent of the Development Plan for this zone and policy area.

Amenity Issues

102 Mr Knight, giving evidence in the Appellant's case, was a straightforward and honest witness who expressed genuine and understandable concerns about the possible effects of the proposed development on the amenity of the locality, and about the impacts that noise, in particular, might have on his business. An important question for the Court to determine was the extent to which these concerns were justified on the basis of the evidence.

103 Counsel for the Appellant acknowledged the Development Plan provisions applying in the relevant zones and policy area but argued, drawing support from the judgment in *Courtney Hill Pty Ltd v South Australian Planning Commission,*[22] that there were significant elements of the factual and historical context of this locality which needed to be considered. In particular, the Appellant operated a lawfully established tourist accommodation facility which relied for its success, in part, on its ability to provide its guests with quiet surroundings. It was a central argument of the Appellant's case that the peace and tranquillity of these surroundings would be disturbed to an unacceptable degree by the proposed frost fans.

104 The Second Respondent argued, against this, that the level of amenity that might be expected in a primary production zone was lower than in, for example, a residential or rural living zone. Support for this argument was found in the judgment of the Supreme Court in *Lanzilli Holdings Pty Ltd v City of Campbelltown* (1982),[23] a matter which involved consideration of the level of amenity to be expected when living close to a light industry zone. At para 85 in *Lanzilli* Jacobs J had this to say:

> The amenity of such a locality is not to be measured by the standards appropriate to a solely residential zone, and the amenity and convenience of those who choose to live on the very boundary of the light industrial zone ought not necessarily to be regarded as the appropriate standard of amenity and convenience for the locality as a whole

105 The conclusion to be drawn from *Lanzilli* is that the nature and zoning of a locality influence what are reasonable expectations about its anticipated level of amenity. All of the land in this locality, including the Appellant's tourism facility, is within primary production zones. While such areas are often quiet, they are also subject to high levels of noise from time to time. In viticultural

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22 *Courtney Hill Pty Ltd v South Australian Planning Commission* (1990) 59 SASR 259.
23 *Lanzilli Holdings Pty Ltd v City of Campbelltown* (1982) 32 SASR 81.

areas, the harvesting of grapes, in particular, can generate elevated noise levels and, increasingly, frost fans are legitimately utilised in vineyards to protect vines from frost.

106 Mr Maul, it may be recalled, felt that he had a 'right to quiet enjoyment', but the expectation of such a right does not seem reasonable to me in a primary production zone. A more reasonable expectation in such a zone is that there will be some noise from primary production, although the evidence in relation to the proposed frost fans is that they will only give rise to noise on a few nights each year.

107 Existing residents and tourist operators in this locality should certainly expect to be protected from developments that detrimentally or unreasonably affect their amenity. However, the level of amenity that they can expect to enjoy, following *Lanzilli,* is determined by the fact they are in a primary production zone rather than in a residential zone or township. Likewise, the Noise Policy sets lower maxima for allowable noise levels in residential or rural living areas than in primary production areas.

108 What, then, was the evidence of detrimental or unreasonable effects on amenity? I turn to the opinions of the expert witnesses.

Noise

109 The test in South Australia of whether environmental noise unreasonably interferes with the enjoyment of the amenity of a locality is found in the Noise Policy which establishes objective, measurable criteria for allowable noise levels. Division 5 of this policy deals specifically with frost fans. In this matter it was obvious that the land uses promoted by relevant Development Plan provisions were primary production land uses. Having established that, the table at Clause 32(6) indicates unambiguously that the maximum allowable levels for frost fan noise outside and inside noise-affected premises should be, respectively, 55 dB(A) and 35 dB(A).

110 I set out the evidence of Mr Turner and Mr Dimitrov at some length earlier. Mr Turner based his assessment on the provisions of the Noise Policy. He described his methodology clearly and found that the highest predicted noise levels at a noise-sensitive receiver would be within the maxima allowed in the table at Clause 32(6) of the Noise Policy.

111 Mr Dimitrov's predicted external noise levels were slightly higher than Mr Turner's, presumably because of the different assumptions that he made about the amount of sound that would be reflected from the ground surface. I prefer Mr

Turner's approach to the selection of ground surface for the purposes of the CONCAWE noise propagation model.[24]

112 However, what was more striking about Mr Dimitrov's approach was that he substituted his own alternative criteria for the allowable noise levels set by the Noise Policy. He initially introduced a penalty for tonality, although eventually conceded that this was inappropriate. He also assessed noise levels in habitable rooms with windows open, on the basis of his understanding of the WHO Guidelines for Community Noise, even though the Noise Policy is quite explicit in requiring such measurements to be made with windows closed.

113 In addition, Mr Dimitrov established higher maximum allowable noise levels for receivers A to F (including the closest noise-sensitive dwelling, that of Mr Skiparis) than for receiver G (the Appellant's property). It was not entirely clear what Mr Dimitrov's rationale was for establishing different noise levels for dwellings and tourist facilities (or, indeed, if that was his intent), but a part of the argument seemed to be that the Appellant operated an approved tourist development on his land and that this was an envisaged land use in the Barossa Council Primary Production Zone. This seemed to be a sufficient reason for Mr Dimitrov to apply the lower permissible noise levels appropriate to 'Residential or Rural Living', modified by him in the way described earlier, rather than the noise levels appropriate to the primary production land uses clearly promoted by the Development Plan.

114 Counsel for the Appellant submitted that there was authority for Mr Dimitrov's alternative approach to be found in the decision in *Nobbs v City of Unley* 1999 SAERDC 90, a case in which the court had to consider the noise impacts of a proposed car wash on its locality. Para 9 of that judgment reads as follows:

> 9. The Court heard from two acoustic engineers both well recognised as experts by the Court. Considerable time was devoted to whether the correct approach to the estimation of noise levels in the assessment of a development application was to use the Environment Protection (Industrial Noise) Policy 1994, which is a policy made for a purpose directed towards securing the objects of the Environment Protection Act 1993…or the Australian Standard AS 1055.1 -1997 and/or its predecessors. The Policy could be said to have been established to set limits for the levels of noise being emitted from non-domestic premises, so as to preclude excessive levels of noise being experienced at certain kinds of locations at specified times. It might be of assistance in assessing a development application, but it is not designed for this purpose and thus reliance cannot be placed upon measurements made in accordance with its approach. The current Australian Standard AS 1055.1 - 1997 is not designed to assist in the assessment of development applications but it is the recognised standard for the measurement of noise. The approach to the measurement of noise set out as the standard in this document, is to be preferred.

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[24] Exhibit A5, p.6. See also *McLachlan & Ors v Mid Murray Council & Tilt Renewables Australia Pty Ltd* [2018] SAERDC 15 at para 51.

115 While reliance on a current Australian Standard for the measurement of acceptable noise levels when assessing a development application may have been an appropriate approach in 1999, it is much less likely to be the appropriate approach now. With regard to frost fan noise specifically, there has been authority since 2001 for reliance on relevant EPA criteria. *Jones v The Barossa Council* (2001)[25] was a case dealing with frost fans in which the Court had regard to what were then draft EPA criteria for the assessment of frost fan noise. At para 19 the Court said:

> 19. There are many differences between the approaches taken and the views expressed by Mr Maddern and Mr Turnbull. Perhaps the principal difference between these two witnesses was that Mr Maddern did not regard the draft guidelines as appropriate for determining the acceptability of frost fan noise, whilst Mr Turnbull did. In this respect, Mr Turnbull was supported by Mr Turner. Having carefully considered the views expressed by the three acoustic engineers, we have come to the conclusion that, at present, the draft guidelines represent the present (*sic*) method for assessing whether noise emitted from frost fans is acceptable in the circumstances to which the draft guidelines relate.

116 The draft criteria of 2001 were eventually developed and incorporated into the current Noise Policy. This policy was refined over a number of years and sets out a comprehensive approach to predicting and assessing likely noise impacts from frost fans against a set of objective and quantified standards which take into account a range of factors, including the nature and characteristics of the noise and the land uses promoted by a relevant Development Plan.

117 It is clear from the Development Plan provisions in this matter relating to the 'Interface between Land Uses' that the noise impacts of a proposed development are to be assessed against the relevant parts of the Noise Policy – in this case, Division 5 and Clause 32 of the policy. It is not the task of an expert witness, or of this Court, to suggest alternative standards or criteria. That is a task for policymakers.

118 It is the case, as Mr Rolfe observed, that the proposed fans, while complying with the Noise Policy, will still be audible on occasion at places within and even beyond the locality. The response by different individuals to hearing the fans may vary widely. From the witnesses who gave evidence in this matter, for example, it seemed clear that Mr Sivior was rather more tolerant of the frost fan noise that he had experienced than was Mr Maul.

119 I do not question Mr Maul's evidence about the extent to which he has been disturbed by an existing frost fan. I am not persuaded, however, that it is too great an imposition, in this locality, to close bedroom windows on those few cold nights each year when frost fans are operating. As the Victorian Civil and

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[25] *Jones & Ors v The Barossa Council* [2001] SAERDC 52.

Administrative Tribunal found in *Bisogni v EPA* [2001*],* an authority provided by the Appellant, at para 85:

> 85. … Although we can accept that some persons prefer to sleep with a window ajar/partly open in winter, it is reasonable in our view for measurements to be based on windows being closed, as could reasonably be expected on a frosty night…

120 Overall, with regard to noise, I strongly prefer the evidence of Mr Turner, based as it was on the proper application of the current Noise Policy, to that of Mr Dimitrov and I accept Mr Turner's conclusions that the proposed frost fans will comply with the maximum allowable noise levels set by the Noise Policy. I do not find, on the evidence before the Court, that noise from the proposed frost fans will cause unreasonable interference or detrimentally affect the amenity of this locality.

Visual Impact

121 I concur with Mr Rolfe's assessment of the visual impact of the proposed development against relevant provisions of the Development Plan, including those dealing with Design and Appearance, and Siting and Visibility. I also agree with his view that frost fans have now become a normal and accepted feature of the landscape in viticultural areas, alongside other forms of infrastructure which are ancillary to primary production uses. Overall, I agree with his conclusion that the visual impact of the proposed frost fans on the amenity of the locality will not be significant.

Conclusion

122 In determining the merits of this appeal, I have had regard to:

- the nature of the proposed development;
- whether the subject land is an appropriate place for the proposed development, having regard to all of the relevant Development Plan provisions;
- the impacts of the proposed development on the amenity of the locality and on existing and adjoining land uses
- the evidence provided to the Court and all that I saw on the view

123 I have concluded that the proposed development accords with the clearly expressed intent of the Light Regional Council Primary Production Zone and of

the Barossa Region Policy Area 2, within which the subject land is located, as well as with other relevant provisions of the Light and Barossa Development Plans relating to the interface between land uses and impacts on amenity. I have also concluded that, while the proposed frost fans may be audible at certain times at properties within the locality, they will comply with the allowable noise levels for the zone established by the *Environment Protection (Noise) Policy 2007*. In reaching these conclusions I have accepted the planning evidence of Mr Rolfe, the only planning expert to give evidence in this matter. On the central issue of noise I have also preferred the evidence of Mr Turner in all respects to that of Mr Dimitrov.

124 Counsel for the Appellant, in his closing address, submitted that, if the appeal was to be dismissed, the Court should consider imposing by condition a lower maximum allowable external noise level of 45 dB(A) at noise sensitive sites. For the reasons that I have given, I accept Mr Turner's evidence that the noise levels established by the Noise Policy are the appropriate levels for the assessment of frost fans and I see no need to vary these.

The appeal is dismissed. There will be an order accordingly

JON CAMERON-SMITH
v
CORPORATION OF THE CITY OF MARION
and
CARMINE GRASSO

THE COURT DELIVERED THE FOLLOWING JUDGEMENT

By development application dated 3rd April, 1997 Mr J Cameron-Smith ("the appellant") sought provisional development plan consent from the City of Marion ("the Council") for the establishment of horse stables on an existing dwelling site located at 101 Morphett Road, Morphettville.

The Council determined that the proposal was for a Category 3 Development, pursuant to Section 38(5) of the Development Act 1993, and gave notice of it accordingly. Three representations were made in response to that notification, all opposing the proposal.

By decision notification form dated 21st July, 1997, the Council advised that it had refused the application, the reasons for refusal being as follows:

"The proposed development is contrary to the relevant provisions of the Development Plan - Marion (City) and in particular that such a development will cause additional traffic management disruption in Austral Terrace and that this development will be in serious breach of the Council's Horse Keeping Code of Practice with reference to setback of stables from the street."

By notice of appeal dated 28th July, 1997, the appellant appealed to this Court against that refusal.

On 4th September, 1997 the Court ordered that Mr C Grasso and Mrs J Aylett, both of whom had lodged representations with the Council opposing the proposal, be joined as parties to the appeal.

A conference conducted on the same date, pursuant to Section 16 of the Environment, Resources and Development Court Act 1993, did not produce a compromise or settlement and accordingly, the matter proceeded to a hearing.

Shortly prior to the hearing commencing, Mrs Aylett made application to the Court to withdraw as a party to the appeal, which application was granted.

At the hearing, the appellant was represented by Mr J Botten, of counsel, and the Council by Mr G Manos, of counsel, while Mr Grasso represented himself. The Court heard evidence from Mr Cameron-Smith, Mr F Siow, a traffic engineer, Mr L Monteduro, a qualified town planner and development officer with the respondent Council, Mr M Kavanagh, a horse trainer, Mr D Hutchison, a qualified town planning consultant, Mrs J Aylett, who resides at 95 Morphett Road, Mr Grasso, whose parents reside at 101 Morphett Road, and Ms F Lewis, a member of the respondent Council.

The Court received a number of exhibits and conducted several views of the subject land and its locality.

The Subject Land and its Locality

The subject land is a rectangular allotment with a frontage of 12.8 metres to Morphett Road, a corner cut-off of 4.6 metres, and a frontage to Austral Terrace of approximately 42.4 metres It has an area of approximately 700 square metres.

On the land is presently located a 3 bedroom dwelling oriented to the Morphett Road frontage of the site. To the immediate rear of that dwelling and accessed from Austral Terrace is a double carport, to the east of which is a masonry garage, also accessed from Austral Terrace. Both the carport and the garage are built on the street alignment of Austral Terrace. Between the garage and the rear property boundary is located a lawned area with scattered fruit trees. The dwelling is presently in a poor to average state of repair.

The subject land is located within 200 metres of the Morphettville Racecourse and in a locality characterised by detached dwellings, many of which have associated stables. On the southern side of Austral Terrace there is an aged housing complex.

Morphett Road is a secondary arterial road accommodating some 23,000 two way traffic movements per day, and Austral Terrace is a minor collector road handling some 2,000 two way traffic movements per day.

The predominant character of the locality is residential, with dwellings occupying the road frontage of most allotments and stables generally being located to the rear of the those allotments. Within the area bounded by Morphett Road, Austral Terrace, Ellis Avenue and Bray Street, the quality and standard of maintenance of housing is generally lower than is evident elsewhere in the area.

The Proposed Development

The subject proposal entails the erection of a building, having dimensions 9.44 metres long x 9 metres wide, in the rear yard of the subject land. Materials to be used are face brick with colorbond roofing. The building is to be divided into six stables, each measuring 3 metres wide x 4.3 metres deep, all with concrete floors. It is further proposed to incorporate a 1.5 metres wide bullnose verandah to each of the northern and southern elevations. The ridge height of the building will be approximately 3.9 metres, with a height of approximately 2.6 metres at its outer edges.

It is further proposed that a new 1800mm high colorbond fence be erected along the Austral Terrace frontage, set back one metre from the street alignment, with the intervening space being planted with Melaleuca species to form a dense hedge. Along the eastern boundary of the subject land, it is proposed to erect a new 1800mm lapped timber paling fence, with dense vegetation located along the western side of this fence. It is further proposed to locate a paved vehicle manoeuvring area between the stables and the eastern boundary, accessed from Austral Terrace by 4.4 metres wide inward opening double gates. Paving is to be extended to include the area under the verandah surrounding the stables. An existing large Queensland Box tree in the yard is to be retained.

The evidence of Mr Cameron-Smith was that a stable foreman would live in the house on the property and be assisted by an apprentice stable hand. Horses would be exercised twice daily, leaving the site at approximately 5.00 am and returning at approximately at 8.30 am, and again at 3.00 pm and returning at 5.00 pm. The horses would be walked to the Morphettville Racecourse, exercised, washed and groomed and then returned to the stables. The stables would be cleaned four times daily, with manure and soiled litter (the latter comprising wood shavings or sawdust) being placed into a metal bin. Sawdust and wood shavings would be topped up approximately once weekly. Waste would be stored in a metal front lift bin for collection twice weekly by a licensed contractor.

Approximately once a fortnight, horses would be transported from the subject land to race meetings. In about 75 per cent of cases, the horses would be walked to the Morphettville Racecourse for loading onto a commercial horse transporter, while in the remainder of cases the horses would be loaded either on site, or on the abutting portion of Austral Terrace, into domestic horse floats or commercial horse transporters. Fodder and baled sawdust/wood shavings would be stored in the shed on the subject land, generally being collected by a domestic trailer and unloaded in the carport.

Development Plan Provisions

The subject land is located within the Residential 2 Zone as shown on Map Mar/5 in the Development Plan for the City of Marion. The Objective for that zone is as follows:

Residential 2 Zone

"Objective 1: A Zone primarily accommodating detached dwellings on individual allotments and semi-detached dwellings; with row dwellings or residential flat buildings of medium densities in suitable areas."

Principle 1 for the Residential 2 Zone is in similar terms:

"Principle 1: Development undertaken in the Residential 2 Zone should be, primarily, for detached dwellings on individual allotments and semi-detached dwellings; but row dwellings and residential flat buildings of medium densities may be suitable in certain parts of the zone."

Principle 3 sets out those forms of development in the Residential 2 Zone which are complying, subject to the conditions prescribed in Table Mar/1, these including detached dwellings and semi-detached dwellings.

Council-wide Development Plan provisions of particular relevance to the subject proposal are as follows:

Marion (City)

"Objective 7: Rational distribution of land uses to avoid incompatibility.

Objective 11: Avoidance of nuisance from pollution, noise, light or any other source.

Objective 52: Suitably located and designed stables and yards for the keeping of horses.

Principle 65: Provision should be made for off-street parking of motor vehicles in development to an extent and in a manner which will avoid interference with the flow of traffic on roads adjoining the site of the development.

Principle 66: Access to development adjacent to roads should not interfere with the free flow of traffic on such roads.

Principle 67: Access to development should be safe and convenient.

Principle 133: No building should be erected, added to or altered on any land so that any portion of such building will be erected, added to or altered nearer than eight metres to the existing boundary of any road, or to the boundary of any land shown as being required for road widening on the Plan deposited under the provisions of the Metropolitan Adelaide Road Widening Plan Act, 1972-1976, unless:

(a) the building is on a corner allotment in which case the building should be:

(i) sited eight metres from one road frontage and, in the case of a dwelling, at least three metres from the other frontage;

(ii) orientated so that the shortest wall faces the closest road boundary;

(iii) designed so that living areas, particularly bedrooms, are located furthest from a road, to increase privacy and minimise noise nuisance; and

(iv) designed so that vehicular access points may be located at least six metres from the intersecting point of the projection of the two road boundaries;

(b) the building is sited and designed consistent with nearby buildings in the same use;

(c) the building would not unreasonably obstruct views or cut off light from existing buildings;

(d) the building is intended for the parking of vehicles having direct access to a road, in which case that portion of the building should be sited at least 5.5 metres from that road;

(e) the extensions or alterations to a building within the eight metres set-back area reflects the style of that building in architectural design, fenestration, external materials and finishes, and colour; and

(f) the allotment shape or dimensions make it impractical to site a building, even thought reasonably suited to the particular characteristics of the site, eight metres from the road boundary.

Principle 134: Horse keeping should be located in areas:

(a) within a reasonable proximity to the Morphettville Racecourse;

(b) within a suitable road system not likely to cause dangerous levels of conflict between motor vehicles and horses and capable of accommodating traffic generated by the keeping of horses;

(c) in proximity to existing similar development; and

(d) within Rural B Zone and Hills Face Zone.

Principle 135: Stables and horse yards should be located at least eight metres from any road or street and from any dwelling.

Principle 136: A parking area should be established on the site where horses are kept for vehicles used for the transportation of horses.

Principle 137: An area should be provided on the site where horses are kept for the loading and unloading of horses, fodder and other goods, materials or wastes brought to or removed from the land.

Principle 138: A fly-proof manure and wastes receptacle of adequate capacity to receive all such manure and wastes between collection periods should be constructed on the land where horses are kept, to the satisfaction of the council.

Principle 140: Stormwater drainage from all roofed areas should be channelled to the street watertable or to an underground council drain (if available) by impervious pipes. Other drainage should be connected to the sewer system to the satisfaction of the council.

Principle 141: Drainage other than stormwater should be connected to the sewer system, to the satisfaction of the council.

Principle 142: All stables should be constructed with a floor of concrete or other impervious material.

Principle 143: The open space about the stables and yards should be planted or surfaced with a suitable ground cover to minimise dust or erosion.

Principle 144: All areas used for the storage of fodder should be of masonry construction and designed to prevent infestation of fodder.

Principle 145: Permanent potable water supply should be available on the subject land."

Of some relevance also are Metropolitan Adelaide Objectives 9, 24 and 25 and Principles 6 and 9, and Marion (City) Objective 9 and Principles 3, 4, 23, 71, 113, 114 and 115.

Issues for Resolution

The specific grounds for refusal cited in the Council's Decision Notification Form of 21st July, 1997 were that the proposal:

(a) would cause additional traffic management disruption in Austral Terrace; and
(b) would breach the Council's Horsekeeping Code of Practice with reference to setback of stables from the street.

In evidence, Mrs Aylett and Mr Grasso suggested that implementation of the proposal would have several other undesirable consequences:

(a) it would generate unpleasant odours to a degree which would impair the residential amenity of the locality; and
(b) it would, particularly early in the morning, generate levels of noise which were inconsistent with the maintenance of the residential amenity of the locality;
(c) it would attract vermin to the locality.

We will deal with each of these issues in turn.

Traffic Management

No expert evidence was led by Mr Manos to support the Council's concerns regarding traffic disruption in Austral Terrace. The evidence of Mr Siow was that, having reviewed traffic accident statistics for that portion of Austral Terrace between Morphett Road and Ellis Avenue, he had concluded that there was nothing atypical about the locality in terms of accident statistics, and that the relatively infrequent requirement to load horses from the subject land into a horse float or horse transporter was unlikely to result in hazardous conditions on Austral Terrace.

In evidence, Mr Grasso, Mrs Aylett and Ms Lewis all expressed concern about the potential, created by the proposal, for hazardous conditions to be created in Austral Terrace as a consequence of vehicles, turning into that street from Morphett Road, being confronted, from time to time, by a large horse transport vehicle, parked adjacent the subject land on Austral Terrace, thereby being required to move into the westbound traffic lane in order to proceed east along Austral Terrace. During the morning peak hour, such a movement would, on their evidence, create a potential conflict with westbound traffic, particularly because the volume of southbound traffic on Morphett Road during the morning peak hour often resulted in vehicles making high-speed right-hand turns from Morphett Road into Austral Terrace, providing minimal opportunity to stop in the event that the eastbound lane of Austral Terrace was blocked by a horse transport vehicle, and westbound traffic prevented safe movement around the latter.

Mr Siow, in evidence, acknowledged that, if the corner was negotiated at an unlawfully high speed, and a large vehicle, such as a horse transporter, was parked in Austral Terrace adjacent the subject land, a hazardous situation might occur. He further observed, however, that unlawful speed or manoeuvres by vehicles often created hazards which did not exist when they were being driven in accordance with the law. That being the case, it was, in his view, inappropriate to design access and parking arrangements on the assumption that vehicles would be driven unlawfully. We agree with Mr Siow in this respect.

By arrangement with the parties, the Court observed traffic movements at the intersection of Morphett Road and Austral Terrace during the weekday morning peak traffic period, from approximately 7.30am to 8.20am. We have assumed (and it has not been suggested otherwise) that the traffic conditions which we observed at that time are representative of traffic conditions typically experienced within the locality during the weekday morning peak. By happy coincidence, a large semi-trailer was parked adjacent the subject land in Austral Terrace during the whole of the observation period, the size of that vehicle being a reasonable approximation to the size of a horse transporter. During the observation period, a substantial number of vehicles executed a right turn from Morphett Road into Austral Terrace, and while it was, from time to time, necessary for some of those vehicles to slow in order to allow westbound vehicles on Austral Terrace to pass before pulling out around the semi-trailer, at no time did the situation appear to us to be hazardous. Nevertheless, we note that Mr Botten, on behalf of the appellant, advised the Court that his client would have no objection to a condition which had the effect of preventing horses being loaded from or unloaded onto the subject land during the morning and afternoon peak traffic periods.

Mr Siow gave further evidence to the effect that it would be possible for single or double horse floats to unload on the subject land, by reversing from Austral Terrace into the driveway adjacent the proposed stables. However, were this procedure not adopted, and the horses were unloaded from a horse float parked in Austral Terrace, Mr Siow was of the view that the short duration of such unloading would not create traffic or congestion problems.

Having given careful consideration to all the evidence on traffic issues, we are satisfied that, subject to the imposition of appropriate conditions, the subject proposal will not result in traffic hazards or congestion in Austral Terrace, and therefore will satisfy the requirements of Marion (City) Principles 65, 66, 67, 71, 134, 136, and 137.

Setbacks

Marion (City) Principles 134-145 inclusive are directed specifically at horsekeeping activities in the city. Principle 135 provides that stables and horse yards be located "at least eight metres from any road or street and from any dwelling". Principle 133, which establishes setback requirements for the whole of the city, provides, inter alia, that buildings on corner allotments should "be sited eight metres from one road frontage and, in the case of a dwelling, at least three metres from the other frontage". Principle 133 also sets out circumstances in which there can be an exception to the eight metre setback generally required within the city, these including, in addition to corner allotments, buildings which are "sited and designed consistent with nearby buildings in the same use", and which "would not unreasonably disrupt views or cut off light from existing buildings".

The evidence of Mr Monteduro, which was not contested, was that the proposed stables were sited more than eight metres from both the existing dwelling on the subject land and from the adjoining dwellings, namely those at 101 Morphett Road and 2A Austral Terrace. He acknowledged that the eight metre setback from the street for stables was not met (the proposed stables are located 3.8 metres from the Austral Terrace boundary of the subject land) but was of the view that, having regard to the facts that the existing dwelling on the subject land was set back less than two metres from the Austral Terrace boundary of that land, and that the shed and carport were located on the Austral Terrace boundary, the proposed setback established an appropriate built form relationship with existing development on the subject land, and was consistent with the setback parameters established by Marion (City) Principle 133.

Mr Manos submitted that Principle 135, being specifically directed towards horsekeeping, should be given more weight than Principle 133, which was of more general application. He invited us to conclude that the eight metre setback prescribed by Principle 135 had been devised to mitigate the nuisance otherwise created by stables in a residential zone, and therefore that it was a matter of significance that the proposal was in breach of that setback.

It seems to us that setbacks can serve several purposes: aesthetic, in terms of securing a measure of consistency between a new building and its neighbours, and enabling adequate landscaping between a building and the street; and functional, in terms of achieving reasonable acoustic and visual separation between public and private space, adequate manoeuvring room for vehicles, and, in the case of a corner allotment, adequate sight lines across the corner. It also seems to us that there is a well-established practice, amongst planning authorities, of granting dispensation from the typical eight metre setback

requirement in respect of the secondary frontage of corner allotments. In the case of the subject land, the frontage to Austral Terrace is the secondary frontage.

When the subject proposal is examined within this framework, it seems, at least to us, that no undesirable consequences flow from the 3.8m setback proposed. We agree with Mr Monteduro that the proposed stables will have a satisfactory relationship with neighbouring buildings. Landscaping proposed will more than adequately screen views of the stables from the street, and there has been no suggestion that street or road noise will have any adverse effect on the occupants of the stables. There is adequate room for vehicles with horse floats in tow to access the stables on their eastern side, and sight lines from Morphett Road into Austral Terrace are already defined by the siting of the existing dwelling, and will be unaffected by the proposed stables. Accordingly, we are satisfied that the proposal, while not in complete conformity with the setback provisions of Principle 135, is in general conformity with those provisions and those set out in Principle 133.

Odours

In evidence, both Mrs Aylett and Mr Grasso expressed concern regarding the likelihood of the keeping of horses on the subject land giving rise to odours of a kind which would adversely affect the amenity of the locality.

The evidence of Mr Cameron-Smith was that, in the interests of hygiene and preventing infections of horses, it was the normal practice in stables to pick up horse droppings periodically through the day. The droppings would be deposited in a metal bin, which would be picked up by a contractor twice weekly. Mr Kavanagh gave evidence that, as the manager of the proposed stables, he would require them to be cleaned four times daily, such cleaning including the removal of manure. The manure would be deposited in a metal bin and sprinkled with lime to assist in controlling odour and flies.

Mrs Aylett, who has had a long term involvement with the racing industry and horse-keeping, gave evidence to the effect that prevention of offensive odours from stables was largely dependent upon the management practices of those operating the stables.

It was evident, from the view taken by the Court, that those management practices vary considerably from one stable complex to another. In some cases, odours were certainly detectable, in others no odour was evident. Whether those odours which were detectable were offensive is probably subjective. Mrs Aylett observed in evidence that those associated with horses were unlikely to find them so, whereas those unaccustomed to being around horses might find them offensive.

We are in little doubt that horse stables have the potential to create odours which may be offensive to some. At the same time, we are satisfied that, if stables are properly managed, there is little likelihood of odours becoming offensive. The manner in which stable wastes are stored is directly addressed by Marion (City) Principle 138, which requires the provision of a "fly proof manure and wastes receptacle....constructed....to the satisfaction of the Council". Management of such wastes, however, is regulated under the Public and Environmental Health Act 1987, s12a(2) of which imposes on the Council a duty to promote proper standards of public and environmental health in its area, to take adequate measures to

ensure that these standards are observed, and to prevent any infestation or spread of vermin, rodents or other pests within its area.

The provisions of the Public and Environmental Health Act as they apply to horsekeeping within the City of Marion find expression, not in the Development Plan for the City, but in a document, a copy of which was tendered in evidence, entitled: "Horsekeeping Code of Practice for the City of Marion".

Within that document, under the heading "Odour Control", is a series of recommendations addressing such issues as collection and storage of manure, replacement and airing of bedding, and drainage. The evidence of Mr Monteduro was that the Council's environmental health unit conducted regular checks of horsekeeping activities within the locality, and while it was not suggested that the Code of Practice itself has statutory force, it appears that the Council's environmental health officers regard it as representative of "proper standards of public and environmental health" insofar as horsekeeping activities are concerned, and furthermore, we note that Mr Monteduro's report to Council on the subject proposal recommended, inter alia, compliance with the Horsekeeping Code of Practice as a condition of provisional development plan consent.

In the light of all the above, we are of the view that, properly managed, the proposed stables will not give rise to offensive odours, and will therefore satisfy those provisions of the Development Plan relevant to odour nuisance, in particular Metropolitan Adelaide Objective 9 and Principles 6 and 9, and Marion (City) Objective 11 and Principles 3 and 4.

Noise

In evidence, Mrs Aylett and Mr Grasso identified a number of sources of noise associated with existing stables in the locality, these being:

(a) noise generated by horses being walked from stables to the Morphettville Racecourse for exercising, this activity commencing as early as 5.00am on a daily basis;
(b) noises associated with the arrival of a stable hand or hands, early in the morning, to assist with the exercising of horses; and
(c) the occasional whinnying of horses.

Inasmuch as the location of the proposed stables is near residential properties which are not used in association with horsekeeping activities, there is, in the view of Mrs Aylett and Mr Grasso, potential for noise disturbance which does not presently exist for those properties. We note that those properties include aged persons accommodation on the southern side of Austral Terrace.

By arrangement with the parties, the Court observed activities in the area bounded by Morphett Road, Austral Terrace, Ellis Avenue and Bray Street from 5.00am. to about 6.45am on a weekday. Some traffic noise was evident from Morphett Road, this gradually building up over the observation period. Occasional traffic movements occurred in Austral Terrace, Bray Street and Ellis Avenue, most appearing to be associated with horse exercising activities. Some noise was created by horses being led along both Ellis Avenue and Morphett Road to the racecourse, this being the distinctive "clip-clop" sound of hooves on concrete or bitumen. No other significant source of noise was evident, save perhaps for that created by birdlife. Again, we have no reason to assume, nor was it suggested, that the activities which we observed in the locality of the subject land during the relevant period

were other than representative of activities typically undertaken in that locality at that time of the day.

In assessing the impact of the noise associated with the existing stables as a basis for assessing the likely impact of the subject proposal, it needs to be borne in mind that the locality bounded by Morphett Road, Austral Terrace, Ellis Avenue and Bray Street is already dominated by horse-keeping. Principle 134 suggests that areas within "a reasonable proximity" to Morphettville Racecourse were suitable for horsekeeping purposes, provided they were in proximity to existing horsekeeping activities and did not create the potential for traffic hazards or congestion.

We have already concluded that the subject proposal will not create traffic hazards or congestion in Austral Terrace. The evidence of both Mr Monteduro and Mr Hutchison was that the subject land, because of its near proximity to Morphettville Racecourse and the proximity of a substantial number of existing stables within the block bounded by Morphett Road, Austral Terrace, Ellis Avenue and Bray Street, was land to which Principle 134 applied, albeit that Mr Monteduro was also of the opinion that the northern side of Austral Terrace represented the southernmost boundary of the area which he regarded as "in close proximity" to the Racecourse.

On the basis of the above, we are satisfied that the subject land is generically suitable for horsekeeping purposes. Are there specific features of that land and its location which render it unsuitable? We have already concluded that neither traffic considerations nor odour constitute bases upon which the proposal should be rejected.

There is no doubt in our minds that, should this proposal proceed, the immediately adjoining properties, at least, will be subject to some additional noise, including a certain amount as early as 5.00am. Should that be fatal to the proposal, having regard to Metropolitan Adelaide Objective 9 and Principles 6 and 9, and Marion (City) Objectives 7 and 11?

It is by now well established that the amenity of a locality has to be assessed on the basis of the range of activities either existing or permissible within it: Lanzilli Holdings Pty Ltd v Corporation of the City of Campbelltown (1982) 32 SASR 85. The amenity of the locality within which the subject land is located is not that of a pristine residential area. This is reflected in the fact that, on the evidence, at least half of the allotments in the area bounded by Morphett Road, Austral Terrace, Ellis Avenue and Bray Street, accommodate either stabling alone, or stabling in association with a dwelling. The noises associated with horsekeeping are already a significant and enduring feature of that locality, and cannot be accorded the same weight, in the assessment of the subject proposal, as that which would apply were the latter to represent the first intrusion into a pristine residential environment. This view is reinforced, at least in respect of the western portion of the locality, by the significant background noise levels associated with traffic movements on Morphett Road.

That said, we do not consider the level or nature of the noise which we heard as being unduly disturbing, albeit we recognise that some people may be more sensitive to noise than others. In any event, having regard to the established character of the locality and to the designation of that locality, in terms of Principle 134, as one generically suitable for horsekeeping, we do not consider that the nature or levels of noise likely to be created by the subject proposal are likely to be such as to bring it into conflict with Metropolitan Adelaide Objective 9 and Principles 6 and 9, or Marion (City) Objectives 7 and 11.

Vermin

The evidence of Mrs Aylett and Mr Grasso was that fodder, if not correctly stored, will attract vermin to the locality. The evidence of Mr Kavanagh was that vermin was a persistent problem with stables when it was common to store sheaved oaten hay, straw for bedding, and baled oaten hay. Most racing stables, he said, have now moved to lucerne for feed and sawdust for bedding, both of which are stored only in small quantities, being delivered on a weekly basis. Since this change, vermin have not been a significant problem.

Principle 144 requires areas for the storage of fodder to be of masonry construction and designed to prevent infestation of fodder. Provided this requirement is satisfied by the subject proposal (and there was no suggestion to the contrary) it seems to us that there is no basis in the Development Plan to reject the subject proposal on the basis of any potential it might have to attract vermin. That is not to say that there is no onus on the Council to ensure that a vermin problem is not created. The Council's responsibilities, pursuant to the provisions of the Public and Environmental Health Act, are clear, and the evidence of Mr Monteduro was that the Council's environmental health officers conducted regular inspections of horsekeeping premises within the locality. However, we do not regard what we see as a relatively low risk of the subject proposal, if implemented, attracting vermin to the locality as a basis upon which it could, or should, be rejected.

Other Matters

Mr Manos submitted that it was only when a development was adjudged sound in principle that it was appropriate to consider the imposition of conditions; where the proposal was in essence unsound, he argued, the imposition of conditions in an attempt to overcome fundamental deficiencies was inappropriate. The subject proposal, in Mr Manos' submission, was not located in a position where horse stables could be considered sound in principle, and as a consequence, only the imposition of conditions could prevent the creation of repugnant conditions on the subject land.

In support of this submission he cited the decision of the Full Court in Farrow v SAPC and Beer (1988) 145 LSJS 284, in which Cox J, in the lead judgement, held that:

"....no question of proper management will arise, at least so far as the aspects of practicability and likely compliance are concerned, unless the proposal is adjudged, by the planning authority....to be sound in principle. Plainly an important consideration in the last respect will be its compatibility with the relevant provisions of the Development Plan. I agree with Jacobs J (see 1988 142 LSJS 20 at 25) when he said that it is only when questions of this sort have been answered in the affirmative that the authority....should concern itself with the questions of management."

Mr Botten submitted that the threshold question raised by Mr Manos had already been addressed by the Full Court in another matter concerning horsekeeping within the same locality City of Marion v Kassere Pty Ltd (1994) EDLR 518) in which, in the lead judgement, Olson J commented:

"....it is apparent that Principle 134 was manifestly intended to be read and applied in concert with the Principles related to a Residential R2 Zone and not as being in conflict with the latter. It was for that reason that counsel for the present appellant before the ERD Court was

constrained to make a common sense concession to that Court to the effect that horse keeping had to occur within that part of the Residential R2 Zone adjacent to the Morphettville Racecourse complex if Principle 134 was to have any work to do, ie that, on an overall reading of the Principles taken as a totality, it was clearly contemplated that a horse keeping use would be proper within that area, provided that appropriate management conditions (particularly those of the general nature expressly recognised in Principles 135-145) were insisted upon."

The only real basis upon which Mr Manos argued that the subject land did not lie within a locality contemplated by Principle 134 as being appropriate for horse keeping was that it did not satisfy the second limb of that Principle, ie that its location was such as to create potential "for dangerous levels of conflict between motor vehicles and horses" and was not a location "capable of accommodating traffic generated by the keeping of horses".

For reasons we have already outlined we have concluded that the subject proposal, if proceeded with, is unlikely to create hazardous traffic conditions or traffic congestion. That being the case, we are satisfied that the subject land is generically suitable for horse keeping, and therefore, that the imposition of conditions relating to the management of stables thereon is appropriate.

Conclusion

Having carefully considered all that has been put before us, what we observed on the views and the relevant provisions of the Development Plan, our conclusion is that the proposed development warrants provisional Development Plan consent, subject to appropriate conditions. By memorandum circulated to the parties and dated 2nd December, 1997, we advised them of this conclusion and the reasons for it. We invited them to consider the question of conditions and to liaise with a view to agreeing as many as possible. We indicated those matters which, in our view, might appropriately be the subject of conditions.

The parties have addressed us on the question of conditions. To large measure, there is agreement between them. The conditions which we now impose are based, by and large, upon the conditions of approval recommended by the Council Planner, Mr Monteduro, to the Council at its meeting held on 21st July, 1997, and the significant level of agreement between the parties.

The order of the Court is that the development described in the development application made by Jon Cameron-Smith to the City of Marion on 3rd April, 1997, which application is numbered 100/970308 and proposed the construction of six horse stables and associated works and landscaping on the land situated at 101 Morphett Road, Morphettville, be granted provisional development plan consent subject to the following conditions:-

1. Except as varied by these conditions, the development shall be undertaken in accord with the plans dated 18th April, 1997, prepared by Building Design Studio and collectively marked Exhibit A1 (hereinafter referred to as "the approved plans").

2. The subject land and all improvements and fixtures thereon shall be maintained in a good, orderly and serviceable condition at all times to the reasonable satisfaction of the Council.

3. The area of the subject land to the north, south and east of the stables, excluding the areas depicted on the approved plans as landscaping, shall be paved with concrete, brick or masonry pavers, which paving shall include the areas beneath the verandahs of the stables.

4. Landscaping shall be established in accordance with the approved plans.

5. The landscaping referred to in condition 3 hereof shall be maintained in good heart and condition at all times, with dead, diseased or dying plants being replaced as necessary, to the reasonable satisfaction of Council.

6. All horse feed and/or fodder shall be stored in vermin proof containers in the area depicted on the approved plans and marked "shed" (hereinafter referred to as "the shed"). The shed shall be maintained in a clean condition at all times, and the doors to the shed shall remain closed at all times except when horse feed and/or fodder is being deposited in or removed from the shed, or other stores or supplies are being deposited in or removed from the shed.

7. The floor of the stables shall be of concrete construction and shall be lined with sawdust, which sawdust shall be regularly raked and replaced as necessary to prevent nuisance arising from saturation of the sawdust with urine.

8. The manure bin depicted on the approved plans shall be of a size sufficient to cater for all of the horses associated with the development. The manure bin shall be located entirely above ground level and shall be located on a paved area which drains to sewer in accordance with the reasonable requirements of SA Water. The paved area accommodating the manure bin shall be bunded and drained so as to prevent the flow of washout water from either the manure bin or the paved area to any portion of the subject land beyond the bunding or to any portion of any abutting street.

9. The manure bin shall:
(a) be emptied of all matter at least once per week with such matter to be removed from the subject land immediately thereafter;
(b) be cleaned and washed out at least once per week; and
(c) have a securely fitting fly-proof lid which shall be kept closed at all times except when manure is being deposited or removed from the manure bin, or for the purposes of cleaning the manure bin.

10. Refuse and stored materials are to be screened from public view to the reasonable satisfaction of Council.

11. All manure waste shall be removed from the stables at regular intervals every day and deposited in the manure bin.

12. No water from the paved areas adjacent to the stables shall be allowed to discharge to the street water table unless all litter material has been removed from that water by way of a suitable stormwater treatment device established and maintained to the reasonable satisfaction of the Council.

13. Dust suppression techniques, meeting the reasonable satisfaction of the Council, shall be employed in sand filled areas whenever reasonably necessary to prevent the emission of dust from the subject land.

14. The applicant, at its own cost, shall cause to be erected the following fences;
(a) a new 1800mm high lapped timber paling fence along the eastern boundary of the subject land;
(b) a new 2000mm high colorbond fence extending from the north eastern corner of the subject land west along the northern boundary of the subject land for a distance of approximately 28 metres, which fence shall be constructed of Olive Green colorbond to match the existing fence along the northern boundary of the subject land; and
(c) a new 1800mm high colorbond fence extending from the eastern wall of the shed east along the southern boundary of the land to the western side of the driveway leading into the subject land. That fence shall be constructed of Olive Green colorbond to match the existing fence along the southern boundary of the subject land.

15. No horses shall be brought onto the subject land from any vehicle standing in Austral Terrace or taken from the subject land to any vehicle standing in Austral Terrace between 7.00 am and 9.00 am on weekdays or between 4.00 pm and 6.00 pm on weekdays.

16. There shall be a person who is licensed to train racehorses by the South Australian Thoroughbred Racing Authority or who is a stablehand registered with the South Australian Thoroughbred Racing Authority in residence on the subject land whenever horses are being stabled thereon.

17. All external lighting on the subject land shall be installed, directed and used in such a way that there is no spill of light beyond the boundaries of the subject land.

18. The manager of the stables and all people handling, controlling or caring for horses on the subject land shall, when managing the stables or when handling, controlling or caring for the horses or when undertaking any other activities on the land, use their best endeavours to minimize the emission of noise from the subject land.

19. When horses stabled on the subject land are walked to and from Morphettville Racecourse, they shall be walked along Ellis Avenue and not along Morphett Road except where access to Ellis Avenue is precluded for whatever reason.

20. The development hereby approved shall, subject to these conditions, be managed and operated in compliance with the document dated June, 1994, and entitled "Horsekeeping Code of Practice", which document has been marked as Exhibit R3.

We direct that a copy of the plans marked as Exhibit A1 and the "Horsekeeping Code of Practice" dated June, 1994 (Exhibit R3) be retained amongst the permanent records of the Court.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

MCCOURT & ORS v DEVELOPMENT ASSESSMENT COMMISSION & ORS

[2013] SAERDC 51

Judgment of His Honour Judge Costello, Commissioner Green and Commissioner Botting

19 December 2013

ENVIRONMENT AND PLANNING - ENVIRONMENTAL PLANNING - DEVELOPMENT CONTROL

Third parties appealed against the Development Assessment Commission's decision to grant approval to a proposal by the Wattle Range Council to construct an extension to an existing breakwater at Rivoli Bay, Beachport – extension designed to ameliorate unsafe and inconvenient boat launching conditions and sand 'build-up' in and around existing boat ramp – consideration of the design of the breakwater, its impact on wave energy and siltation in the boat basin and the impacts of associated transport of sand from one beach in the Bay to another – appellants concerned that the proposed breakwater and sand movements would exacerbate their amenity.

HELD: Proposal acceptable subject to appropriate conditions – appeal upheld for limited purpose of varying conditions.

Development Act 1993 s 34(1)(b)(iv), referred to.
City of Mitcham v Freckmann [1999] SASC 234; *City Apartments Pty Ltd v City of Burnside & Hall* [2003] SAERDC 94; *The Corporation of the City of Unley v Claude Neon Limited and Dalgety Australia Ltd* (1983) 32 SASR 329; *Wong v Metcash Trading Australasia Ltd* (2003) 128 LGERA 319; *Woodville City Corporation v Horbelt* (1980) 25 SASR 456, considered.

First Appellant: MICHAEL MCCOURT Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
Second Appellant: BARBARA CAMERON Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
Third Appellant: MATTHEW BEATTIE Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
Fourth Appellant: MELTON MOWBRAY Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
Fifth Appellant: CHRISTINA MOWBRAY Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
First Respondent: DEVELOPMENT ASSESSMENT COMMISSION Counsel: MR S WHITTEN - Solicitor: CROWN SOLICITOR'S OFFICE
Second Respondent: WATTLE RANGE COUNCIL Counsel: MR P PSALTIS - Solicitor: NORMAN WATERHOUSE LAWYERS
Third Respondent: COAST PROTECTION BOARDCounsel: MR S WHITTEN - Solicitor: CROWN SOLICITOR'S OFFICE
Hearing Date/s: 08/10/2013 to 11/10/2013, 12/12/2013
File No/s: ERD-13-127
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MCCOURT & ORS v DEVELOPMENT ASSESSMENT COMMISSION & ORS
[2013] SAERDC 51

THE COURT DELIVERED THE FOLLOWING JUDGMENT:

Introduction

1 This is an appeal against a decision of the Development Assessment Commission ('the Commission') to grant approval, subject to conditions, to the Wattle Range Council ('the Council') to construct an extension to an existing rock wall/seawall[1] and a shore-connected rock nib on coastal land and adjacent coastal waters at Beachport ('the proposal').[2] The proposal is designed to provide additional protection, to the existing boat launching facilities at the Beachport boat ramp, from wave action and to minimise the accretion of sand at the ramp thus increasing the utilisation of the ramp in a broader range of conditions.

2 The proposal was assigned to Category 3 and attracted some 130 representations of which around 15 were opposed to the proposal. Each of the appellants lodged a representation. Three of them own or have interests in property on Beach Road, Beachport which runs along the foreshore adjacent to the coast.

3 In the course of the hearing the Court travelled to Beachport and inspected the site of the proposal and the area 'surrounding' it.

4 In support of their case, the appellants called expert evidence from Dr Dyson, a geologist with a PhD in marine sedimentology and Mr Carley, a coastal engineer. In addition, one of the appellants, Mr Beattie, and a fellow resident, Ms Watson, gave evidence.[3] In support of its case the Council called expert evidence from Mr Tucker, a coastal processes engineer with the Department of Environment, Water & Natural Resources, Mr McIntyre, a consultant town planner, and Mr Magryn, the engineer engaged to design the proposal. The Council also tendered experts statements from Mr Wiltshire, a marine ecologist and Mr Coppock, a maritime engineer. In addition, the Council also called evidence from Mr Roach and Mr Young, Beachport residents who were in favour of the proposal. The Commission did not adduce oral evidence but it did tender a set of Agreed Documents.[4]

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1 The rock wall/seawall is variously described in the documents as a groyne or breakwater.

2 The Commission is the relevant authority in relation to the proposal, by virtue of the provisions of s 34(1)(b)(iv) of the *Development Act 1993* ('the Act'), because part of the proposal is to be undertaken in a part of the State that is not within the area of the Council, namely coastal waters below the mean low water mark.

3 The evidence-in-chief of both Mr Beattie and Ms Watson, like that of the expert witnesses, was largely in the form of a written statement.

4 Exhibit A – Agreed Documents in 3 Volumes. In addition the Commission also tendered a supplementary set of documents.

The Subject Land and its Locality

5 The subject land and its locality were comprehensively detailed in the report of Mr McIntyre.[5] We set out and adopt Mr McIntyre's description.

> 4.1 The subject land is situated adjacent Beach Road, Beachport (adjacent to Section 343, Hundred of Rivoli Bay: Crown Record: Volume 5656 Folio 595). Section 343 is located on the eastern side of Beach Road. The northern end of Section 343 is located near groyne 7, approximately in line with the northern boundary of 8 Beach Road, Beachport. The southern end of Section 343 is located generally in line with the southern side of French Street.
>
> 4.2 The development site for the purposes of the application includes land adjacent to Section 343, between Section 343 and the sea grass sand bank (where the construction works are to be undertaken), along with beaches 4, 5, 7 and 8, which will be involved with the sand management program.[6]
>
> 4.3 The extension of the existing rock groyne/seawall is located approximately 34 metres seaward of the existing rock wall of beach 6 (47 metres to the centre of the proposed rock groyne/seawall). The northern end of the proposed extended rock groyne/seawall is generally in line with the alignment of Corigliano Street. The southern end of the proposed construction works is the northern end of beach 5, slightly to the south of the alignment of Blacketer Street.
>
> 4.4 The proposed nib protruding from the existing beach 6 rock wall is to be located generally in alignment with Corigliano Street.
>
> 4.5 Section 343 contains open space areas, portions of beaches 4, 5 and 6, car parking areas, access to the boat ramp, access to beaches 4 and 5, and part of a dune system. To the east of the Section 343 is an existing boat ramp, small boat ramp basin and a rock wall/seawall (Groyne 6). Further to the east is a sea grass sand bank protected by a geotextile breakwater (extension of Groyne 5) running generally in a north-south direction.
>
> 4.6 To the north are a number of beaches, with associated groynes, and the Beachport Jetty. To the west of the subject land is the town of Beachport.
>
> 4.7 A tourist accommodation facility is located to the north of Section 343, on the eastern side of Beach Road. The allotments on the eastern side of Beach Road, opposite Section 343, contain, in the main, detached dwellings.
>
> 4.8 The Town Centre of Beachport is located north, north west of the existing boat ramp (approximately 280 metres north).
>
> 4.9 The locality ... [was] adopted around the subject land for the purposes of defining the 'setting' of the land and the extent to which, from various positions and with varying degrees of clarity, elements of the proposal may be visible. The adopted locality includes land adjacent to the construction site as well as land that may be affected by sand management operations.

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[5] Exhibit R10 – pp 4-5 – the area is also depicted in the locality plan in Appendix A to his report.

[6] The Sand Management Program is a program generally involving the removal of sand which builds up on the southern Beaches (e.g. 4 &5) and around the site of the ramp, and its removal to some of the northern beaches e.g. Beaches 7 & 8.

Background to the Proposal

6 The background leading to the proposal is lengthy and involved. In his statement, Mr Magryn outlined it in the following way:

> Pre-development
> Prior to 1998 there were two boat ramps in use at Beachport. The commercial ramp serviced the commercial boat yard, and is still currently in use. This ramp is on 'Back Beach', at the southern end of the commercial boat yard, south of Glen Point.[7] It is used for the launch and retrieval of large commercial vessels (up to 60 tonne) and uses a large cradle and winch. It is not protected from wave conditions, and hence is only suitable for use in limited calm periods. Also, given that it is accessed from and via the commercial boat yard, it is not generally accessible to the public. This ramp is not suitable for use by recreational boat users, and is not accessible to the public.
>
> The other ramp was on beach 6, just north of the current ramp. It was a concrete ramp for recreational boat users, perpendicular to the beach, with no wave protection. Compounding this is that the ramp led into a channel with significant longshore current from south to north. The lack of wave protection along with the cross current created significant safety problems when launching and retrieving vessels.
>
> Design
> It was decided by the local community that they wished to upgrade/replace the old boat ramp.
>
> Consideration was given to a ramp in the following locations:
> - The current location
> - At the southern end of beach 1, just north of Glen Point
> - In a widened channel at the Lake George inlet[8]
>
> The current location had the advantages of:
> - Protection from larger wave action by the sand/weed reef[9]
> - An existing longshore current, which tended to keep a pre-existing near shore channel open and clean
> - Existing car parking areas available adjacent
> - Existing toilets and change rooms adjacent
>
> In contrast Glen Point had:
> - A good location in regard to sand bypassing and management
> - A poor location in regard to no land adjacent available for on shore vehicle manoeuvring or trailer parking
> - The area had shallow rock outcropping in the water, which was considered a nursery for juvenile lobster. In addition to the loss of this area for lobster, there was concern regarding the cost of excavation of rock to achieve necessary water depths

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7 Glen Point is located at the southern end of Rivoli Bay adjacent to Beach 1.
8 The Lake George inlet is at the northern end of Rivoli Bay beyond Beach 12.
9 A reef situated to the east and further seaward of the proposed breakwater.

A facility at The Lake George Inlet was not preferred due to sand accretion problems and management costs.

Hence, a decision was made by Council to relocate the ramp to the current location.

Magryn & Associates were engaged in 1998 to undertake a concept design for this location. Public consultation was undertaken in May 1998.

A full detailed design for the facility at this location was then undertaken, including physical scale modelling in a wave tank at University of Adelaide. The design from this process resulted in the ramp (located as built) with an offshore (parallel) breakwater (not built) located on the sand/weed reef.

Sand/Weed Reef and groyne 5

Around this time, Dept of Environment and Heritage (DEH) (Coastal Branch) and Coast Protection Board (CPB) became aware that the sand/weed reef was a mat of sand and seaweed, rather than a rock reef. It was noted that:

- The extent of seagrass in the area had decreased markedly from that which existed earlier. This was easily demonstrated on aerial photography of the area taken in 1940 and more recent photography.

- The outer edge of the sand/weed reef was an underwater erosion scarp, up to 2m high, which was moving shoreward. This could be seen on historical beach survey data, collected 1970's onwards by DEH.

DEH and CPB decided that they wished to preserve this remnant sand/weed reef, and designed a sand filled geotextile bag cover to the seaward scarp of the reef, to protect it from further erosion by wave action. This consisted of filling large geotextile bags with sand, and stacking them up the front face of the erosion scarp, and over the top. The cover of the bags extended from the base of the erosion scarp to over the top edge of the sand/weed reef, and to above low water.

This was undertaken by a contractor, who:

- Filled the sand bags on the beach

- Worked from the landward end of groyne 5 outward, around the outer edge of the sand/weed reed (sic) placing and stacking bags as he progressed

It was necessary for the contractors to place loose sand on top of the placed geotextile bags to protect them from the tracks of the excavator and tyres of the trucks accessing over the new groyne to the work zone at the outer end of the groyne. The tide and wave action then washed this sand off the top of the groyne. This necessitated the replacement of the sand with each working shift, to allow access by the excavator.

Hence, a large amount of sand was placed onto the sandbag groyne, which was washed off onto the adjacent area, including onto the sand/weed reef. This sand has had some detrimental effect on the condition and extent of seagrass in the area.

Construction of the Boat Ramp

Due to the placement of this sandbag groyne, the decision was made by Council/DEH to delete the offshore breakwater. In the interim, safety concerns at the old ramp lead to its closure. The new ramp was constructed as a temporary ramp in the proposed (current)

location in the interim. As this was done, groyne 5 (adjacent the ramp) was extended northwards to provide some wave protection to the ramp...

In 2007, approval was sought to make the temporary ramp permanent. When this was received, the ramp was concreted and a floating pontoon and guide piles were added.

On-going Problems

Around 2005, sand accretion in the ramp area became an on-going problem, which council responded to by using an excavator to remove sand from the ramp area. However, by this time, breaches 4 and 5 were full, and over flowing sand to the north. Any sand excavated out of the ramp area was quickly replaced by sand coming through the system from the south.

Beach 4 had built up to the top level of groyne 5 (sand bag groyne), and was then blown or washed by wave action over the groyne into beach 5. Beach 5 was full and had sand bypassing around the outside and outer end of groyne 6, which then was washed back into the boat launch area. This has highlighted the need for the sand management plan, and effective sand control in the area.

7 Against that background, we now turn to consider the various elements which comprise the proposal.

The Proposal in Detail

8 In his written statement, Mr McIntyre explained and identified the proposal as follows:[10]

5.1 The proposal is for the construction of an extension of an existing rock wall/seawall by approximately 95 metres located adjacent the Beachport Boat Ramp (extension of Groyne 6), and a rock wall, referred to as a nib, connected to the shore and extended seaward towards the northern end of the basin formed by the rock wall/seawall extension.

5.2 Since the boat ramp has been operating it has been hampered by sand build up and a wave environment that has resulted in the boat ramp being inaccessible from time to time and not ideal from a functional perspective.

5.3 The rock wall/seawall extension is intended to allow use of the boat ramp for a greater range of weather conditions (other than in large swell conditions), minimise the potential for incursion of refracted waves running south into the boat ramp basin, minimise sand movement into the boat ramp basin, and the nib is intended to limit wave action into the boat basin, and provide a platform for machinery to maintain the boat basin and channel.

5.4 In addition, the proposal includes a sand management program and the occasional excavation of the boat ramp basin. The sand management program will involve the carting of sand from Beach 4 and 5 (south of the proposed rock wall/seawall) to Beach 7 or Beach 8.

5.5 The proposal includes:

- The removal of an existing timber deck located on the land side of groyne 6;

[10] Exhibit R10 – pp 5-6.

- The realignment of a portion of the existing groyne 6 to provide a separation distance between the proposed rock wall/seawall and the existing boat ramp pontoon;

- The addition of primary armour to the seaward side of existing groyne 6;

- The construction of an extension of an existing rock wall/seawall (groyne 6) by approximately 95 metres approximately 47 metres (to the centre line of the rock wall/seawall) seaward of the top of the beach 6 rock wall;

- The installation of a solar powered navigation light at the end of the extended rock wall/seawall;

- The installation of a 'no public access sign' near the southern end of the extended rock wall/seawall;

- The construction of a rock wall nib extending out from the beach 6 rock wall. The nib will extend approximately 21 metres from the beach 6 rock wall, measured to the base of the proposed nib;

- The installation of a fence and 'no entry' sign at the landward side of the proposed nib;

- A 21.6 metre wide navigational channel between the rock wall/seawall extension and the nib;

- Construction of the rock wall/seawall with locally sourced, limestone rock armour with the top of the rock armour having a height of 1.00 metre AHD. The existing groyne 6 has a height of 2.5 metres AHD. The first 20 metres of the extension will slope down from 2.5 metres AHD to 1.0 metre AHD;

- Construction of the nib with locally sourced, limestone rock armour with the top of the rock armour having a height of 2.00 metres AHD;

- The use of the rock wall/seawall extension and nib for machinery for maintenance of the boat ramp basin and the navigation channel;

- The topping of the rock wall/seawall extension and nib with sand when required for machinery access;

- The removal of sand from beaches 4 and 5 and the lowering of the beach levels;

- Sand replenishment of beaches 7 and 8;

- On-going sand management involving;

    - Regular monitoring of beaches 4 and 5 and removal of sand when a trigger point is reached;

    - Carting of sand to beaches 7 and 8 to resupply sand to the beaches to the north.

5.6 The rock wall/seawall extension has a design life of a minimum of 25 years.

The Development Plan

9 At the time of the lodgement of the Development Application by the Council, the relevant Development Plan was the Wattle Range Council Development Plan, consolidated on 8 December 2011. In this consolidation the subject land is located in the Coastal Open Space Zone ('the Zone'). In his report Mr McIntyre identified all of the relevant provisions in the Plan. Although we were referred to (and have taken into account) all these provisions, the parties placed particular and appropriate emphasis on the following provisions in both the Zone and the Coastal Areas Council-Wide section of the Plan.

Coastal Open Space Zone

Objectives

1. Coastal land protected from development other than that necessary for conservation, recreational activity and public facilities.

2. Preservation and upgrading of the scenic character of the coastal landscape and foreshore areas fronting urban areas, townships or settlements.

3. Development of foreshore areas for recreational use with essential conveniences and facilities for the public.

4. Land subject to inundation or susceptible to erosion kept free of development.

5. Development that contributes to the desired character of the zone.

Desired Character

The zone comprises the coastal strip within the urban settlement of Beachport. The role of this zone is primarily to maintain the coastal area as open space, protect the remnant coastal features, maintain appropriate coastal protection strategies, to preserve public access to these areas and to encourage uses that will enhance the communities' enjoyment of the coast.

Parts of the zone are at risk of coastal flooding and erosion and this risk will increase in the event of future sea level rise due to climate change.

Principles of Development Control

Land Use

1. The following forms of development are considered appropriate in the zone:

    - barbecue, picnic table, shelter
    - coastal protection works
    - community recreation facility directly related to water activities (such as sailing clubs, boat ramps)
    - jetty

- play ground, play equipment
- public car parking

2. The provision of facilities should be related to the demand for such facilities so as to prevent oversupply and inappropriate siting.

3. Development should be for public purposes and use.

4. Development that does not require a coastal location should not be located in the zone.

Form and Character

5. Development should not be undertaken unless it is consistent with the desired character for the zone.

6. Development should not diminish the ability of the public to use and enjoy the coast or to gain access to the foreshore.

7. Community facilities including shelters, boat ramps, public conveniences and kiosks, should be sited in convenient and accessible locations linked to the surrounding vehicular and pedestrian movement networks.

8. Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.

COASTAL AREAS

Objectives

1. The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff-tops, native vegetation, wildlife habitat shore and estuarine areas.

2. Protection of the physical and economic resources of the coast from inappropriate development.

3. Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.

...

5. Development that maintains and/or enhances public access to coastal areas with minimal impact on the environment and amenity.

...

7. Development that can accommodate anticipated changes in sea level due to natural subsidence and probable climate change during the first 100 years of the development.

8. Development which will not require, now or in the future, public expenditure on protection of the development or the environment.

9. Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.

10. Low intensity recreational uses located where environmental impacts on the coast will be minimal.

Principles of Development Control

1. Development should be compatible with the coastal environment in terms of built-form, appearance and landscaping including the use of walls and low pitched roofs of non-reflective texture and natural earth colours.

...

Environmental Protection

3. The coast should be protected from development that would adversely affect the marine and onshore coastal environment, whether by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.

...

5. Development should not be undertaken where it will create or aggravate coastal erosion, or where it will require coast protection works which cause or aggravate coastal erosion.

...

8. Development that proposes to include or create confined coastal waters, as well as water subject to the ebb and flow of the tide should be designed to ensure the quality of such waters is maintained at an acceptable level.

9. Development should be designed and sited so that it does not prevent natural landform and ecological adjustment to changing climatic conditions and sea levels and should allow for the following:

    (a) the unrestricted landward migration of coastal wetlands

    (b) new areas to be colonised by mangroves, samphire and wetland species

    (c) sand dune drift

    (d) where appropriate, the removal of embankments that interfere with the abovementioned processes.

Maintenance of Public Access

10. Development should maintain or enhance public access to and along the foreshore.

...

14. Development that abuts or includes a scenic, conservation or recreational coastal reserve should be sited and designed to be compatible with the purpose, management and amenity of the reserve, as well as to prevent inappropriate access to the reserve.

15. Development, including marinas and aquaculture, should be located and designed to ensure convenient public access along the waterfront to beaches and coastal reserves is maintained, and where possible enhanced through the provision of one or more of the following:

    (a) pedestrian pathways and recreation trails

    (b) coastal reserves and lookouts

    (c) recreational use of the water and waterfront

    (d) safe public boating facilities at selected locations

    (e) vehicular access to points near beaches and points of interest

    (f) car parking.

...

Hazard Risk Minimisation

19. Development and its site should be protected against the standard sea-flood risk level which is defined as the 1 in 100 year average return interval flood extreme sea level (tide, stormwater and associated wave effects combined), plus an allowance for land subsidence for 50 years at that site.

20. Commercial, industrial, tourism or residential development, and associated roads and parking areas should be protected from sea level rise by ensuring all of the following apply:

    (a) site levels are at least 0.3 metres above the standard sea-flood risk level

    (b) building floor levels are at least 0.55 metres above the standard sea-flood risk level

    (c) there are practical measures available to protect the development against a further sea level rise of 0.7 metres above the minimum site level required by part (a).

...

22. Development that requires protection measures against coastal erosion, sea or stormwater flooding sand drift or the management of other coastal processes at the time of development, or in the future, should only be undertaken if all of the following apply:

    (a) the measures themselves will not have an adverse effect on coastal ecology, processes, conservation, public access and amenity

    (b) the measures do not nor will not require community resources, including land, to be committed

    (c) the risk of failure of measures such as sand management, levee banks, flood gates, valves or stormwater pumping, is acceptable relative to the potential hazard resulting from their failure

(d) binding agreements are in place to cover future construction, operation, maintenance and management of the protection measures.

Assessment Approach

10 Our task is to assess the proposed development against the relevant provisions of the Development Plan and general planning principles, and to decide, in light of that assessment, whether to confirm, vary or reverse the Commission's decision.[11] It is important to note, in this context, that the Development Plan is not to be construed like a statute. It is a planning document couched in the language of planning objectives and principles, rather than that of legal obligation. It uses language appropriate to the expression of goals and guiding principles rather than the expression of legal mandates.

The Witnesses

The Appellants' Case

Mr Carley

11 Mr Carley is employed, as a senior coastal engineer at the Water Research Laboratory of the University of New South Wales, to undertake coastal engineering consultancy and applied research. Although he has undertaken coastal research work in parts of South Australia, he has not undertaken previous work in Beachport. For the purposes of preparing his statement he had attended the subject land and inspected various parts of the beach and the existing breakwater over the course of a day and a half.

12 In his view the proposal was likely to result in a reduction of wave penetration in the boat ramp launch area. However, this opinion was made subject to the following qualifications:

- The design lacked quantitative information sufficient to permit him to decide whether the proposal would meet its design objective e.g. there was no justification for the length, height and configuration of the groyne extension
- Optimisation of the design has not been undertaken[12]
- Long waves have not been considered[13]

13 Although he accepted the process of sand transport was generally sound, in his view, the proposal documents contained insufficient information to decide whether the proposal would actually reduce sand siltation in the boat ramp area.

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[11] *City of Mitcham v Freckmann* [1999] SASC 234.

[12] In this process a range of alternatives are tested against performance criteria e.g. wave height at the boat ramp to determine whether the groyne wall or nib size, height and configuration are sufficient or excessive.

[13] Long waves are waves of 25 seconds to approximately 200 seconds which are felt as high velocity surges and can make boat launching difficult.

Dr Dyson

14 As a specialist in marine sedimentology Dr Dyson's research has focussed on the marine environment and how, in particular, beaches and estuaries respond to changes in sediment supply, subsidence and sea level change. He too had had no prior, professional involvement with Beachport. As with Mr Carley, he had spent a day and a half at Beachport for the purposes of preparing to give evidence.

15 It was his view that the 'coastal strip', comprised by all of the beaches, was unattractive and suffering from severe degradation.

16 He concluded that the proposed breakwater extension lacked quantitative data and relied on sand dredging and carting to conceal the proposal's potential impact on the natural coastal process. Although he was unable to quantify the amount of siltation that will occur (without proper modelling) he was of the view that there will be an increase in siltation in the boat basin over that currently experienced of between 25% and 50%.

Mr Beattie

17 Mr Beattie resides at Beach Road, Beachport and has done so since 1996. His residence overlooks Rivoli Bay. He has operated, and continues to operate, tourist accommodation business in association with his home on Beach Road and similar tourist type businesses from other locations in Beachport.

18 He said that sand dumping activities had been occurring, to his knowledge, since 2004. Significant sand management movements have occurred since that time on average 2-3 times each year. Other more minor 'movements' have occurred on average perhaps six more times per year. In all, these movements may, in his estimation, occupy up to 4-6 weeks of the year.

19 He identified detrimental impacts on the amenity of his land and businesses from machinery noise, boat noise, vibration and fumes, odours from sand/sediment stockpiles and the presence of seawalls and sand stockpiles.

20 He expressed concerns that these impacts will be exacerbated by the increase in the size and scale of the breakwater and the increased usage of the ramp by fisherman (professional and recreational) and during sand management operations.

Ms Watson

21 Ms Watson has owned and resided in a two bedroom cottage on Beach Road since 1980.

22 She too identified traffic and noise problems which she currently experiences from users and usage of the boat ramp and from the noise, dust and general activities associated with sand management.

23 She was concerned that the current impacts would be exacerbated as a result of the increase in sand movements and from people, traffic and machinery-associated noise. She also raised concerns with respect to the increased impact on her visual amenity created by the design and size of the breakwater extension.

The Council's Case

Mr Roach

24 Mr Roach has resided in Beachport for some 24 years. He is a commercial lobster fisherman and a recreational fisherman in his spare time. He is a regular user of the boat ramp.

25 He is a member of the Wattle Range Marine Facilities and Development Committee, a committee which consults the community on issues of interest including the need for a safer and functioning boat ramp. His wife is the secretary of the Beachport District Development Association Incorporated.

26 He identified a number of problems with the existing boat ramp including 'ocean swells' which make launching and retrieval of boats difficult, build up of sand in and around the ramp which currently renders the ramp virtually unusable from May to September each year and safety issues when rescue boats had to be launched for boats 'in trouble'.

Mr Young

27 Mr Young has lived in Beachport for over 30 years and owns/operates a local hardware shop in the main street.

28 He is the secretary of the Wattle Range Marine Facilities and Development Committee.

29 He expressed concerns about the effective closure of the ramp for up to five months per year and the consequent effect on businesses in the town.

30 He spoke of his frustrations, and those of his group, in having to remove the pontoons from the basin during periods of rougher weather. He was in favour of a proposal which could lead to safer conditions in the basin, particularly for older members of the community like himself.

Mr Magryn

31 Mr Magryn is an engineer of 34 years, much of it specialising in coastal engineering.

32 As we noted earlier, in 1998, his firm was engaged by the Council to undertake a concept design for a replacement ramp to the town boat ramp then in use. He said that, after some detailed design work, a new ramp was constructed

in 2003. Since that time he said that his firm had been constantly engaged in design and development work in and around the ramp which work included:

- Design of the rock wall along the beach just north of the ramp
- Assessment of the condition of the groynes and beaches along the front of the town
- Assessment of the condition of the geotextile breakwater
- Design of an additional groyne 8A and extension to existing groynes as required
- A sand management plan for the town beaches
- Design of the proposed extension to the boat ramp breakwater

33 He outlined the design requirements for the proposal as being:

- To reduce sand accretion, and hence to reduce maintenance costs
- To provide a facility suitable for use most of the time. It is not required to be an 'all weather' facility, but available in more weather conditions than currently
- To incorporate the existing ramp and land areas with no change to the land based facilities
- To be as low profile as possible, in order to reduce visual impact of the rock groyne, and to reduce cost
- To have a design life of 25 years before substantial maintenance is required
- To sustain minimal damage in the event of a severe storm.
- To be suitable for green wave overtopping, due to its low crest level

34 Although he expected the total design life of the breakwater to be 25 years or more, it was his anticipation that maintenance to that structure was likely to become necessary after 20-25 years. Other 'maintenance' would involve excavation of the boat ramp area, the pontoons and the concrete ramp itself.

35 He stressed that the ramp was not intended to be an all-weather facility and that extremely rough weather and low/high water events would limit its use albeit for relatively short periods of the year. Nevertheless, it was his expectation that given the height of the breakwater at 1 metre and its crest width of 3 metres, the occasions, where overtopping leading to unsafe conditions at the ramp would occur, would be relatively rare.

36 He said that the proposed breakwater would result in less wave energy in the boat basin as a result of a combination of factors including the reduced width at the mouth of the basin and the increased distance that the waves will have to travel (i.e. an extra 95 metres). He expected the resultant wave energy in the basin to be about a third of that existing at present.

37 He agreed that wave modelling was possible but that, due to the variety of possible wave directions, wave periods and tides, up to 30 different scenarios would need to be modelled at a cost of some $100,000.00 which he did not consider was either economic or warranted in the circumstances.

38 In terms of coastal processes he said that the main impacts result from littoral sand-drift along the beaches from south to north. In his view, the current arrangement of boat ramp and that of the existing groynes 5 and 6 caused this sand-drift to be interrupted, thereby holding sand on Beaches 4 and 5 and starving Beaches 7 and 8. If the breakwater was extended it was likely, in his view, to reduce the build up of sand around the boat ramp. This would occur because, amongst other things, at the northern edge of the breakwater extension the contours were such that waves would move in a north westerly direction, pushing the sand away from the boat ramp and towards Beach 7.

39 Whilst he conceded that some sand would proceed through the breakwater between gaps in the rocks, he was firmly of the view that the overall result would be less sand around the ramp. He did however acknowledge the need to modify the design of the breakwater slightly to further reduce sand penetration.

40 In terms of sand carting, he said that 'as things currently stand', the management of sand movement had been unsatisfactory resulting in Beaches 4 and 5 'filling up' and sand washing from there into the boat ramp area.

41 It was his view that some 7,500m^3 of sand should initially be taken from Beach 4 and 2,000m^3 from Beach 5. Thereafter on an annual basis some 5,000m^3 needed to be removed from Beach 4 and 1,000m^3 from Beach 5.

42 He agreed that these were estimates and that sand movement was notoriously difficult to definitively determine. It was his expectation that the cost of sand transport was likely to be in the order of $25,000.00 - $50,000.00 per annum but that if beaches, such as Beach 7, were to 'survive' such sand transport movements are necessary now.

43 He said that with a formalised sand management program in place, the problems currently experienced by people such as Mr Beattie would improve because cleaner, drier sand would be moved resulting in less odour. He also expected less dredging of sand to take place which he estimated might be necessary only once every five years or so.

Mr Tucker

44 In his capacity as an officer of the Coastal Management Branch of the Department of Environment, Water and Natural Resources, Mr Tucker has been involved with a number of Beachport foreshore coastal management issues over some 30 years, including breakwater design, construction and maintenance. In his evidence he focussed on the proposal as it related to sand management and breakwater integrity issues.

45 On the issues of sand management and the efficacy of the breakwater, he generally agreed with the views expressed by Mr Magryn. Whilst he agreed that prediction of sand movement was an 'inexact science' his views as to the likely volumes that will need to be moved initially and thereafter annually from Beaches 4 and 5 were informed by what has occurred over previous years and particularly since about 2006-2007 when the location of the present ramp was confirmed.

46 He agreed that, due to the length and orientation of the proposed breakwater, less sand (than currently occurs) would be deposited around the ramp.

47 He said that whilst the existence of the geotextile breakwater gave some wave protection, the design of the proposed extension (particularly in its utilisation of 2-3 tonne rocks) meant that even in the event of a total breakdown in the geotextile breakwater, the extension would still have the same effect on reduction in wave energy and sand build-up in the basin.

48 In terms of cost of sand transport, whilst he noted higher costs were being incurred some years ago, in more recent times, costs incurred for sand transport were more in line with those experienced in Adelaide.

Mr McIntyre

49 Mr McIntyre is a professional town planner with some 20 years experience. He had been to Beachport and inspected the locality over a two day period on three occasions.

50 It was his view that the proposal is a form of coastal protection work which will support and encourage the use of a form of development, namely the boat ramp, which is nominated as being appropriate in the Zone. He said that the proposal was consistent with that part of the Desired Character Statement for the Zone which seeks to maintain coastal protection strategies, preserve public access to coastal areas and enhance community enjoyment of the coast generally.

51 He also assessed the likely impacts on the amenity of the locality (noting that the residence and tourist accommodation business of Mr Beattie on Beach Road were located in the Coastal Open Space Zone) from the existence of the proposed breakwater structure, the possible increase in movements of persons and vehicles using the ramp and the collection and transport of sand. In his view, these impacts were acceptable particularly if conditions of the type indentified in Conditions 2 and 5 of the Commission's approval were imposed.

Mr Wiltshire

52 Mr Wiltshire was not required for cross-examination. From his written statement, it is apparent that, in his capacity as a marine ecologist, he has been involved in numerous marine ecological studies in South Australia, particularly

in the field of the impact of industrial and urban discharges on seagrass communities.

53 In his view significant die-back of seagrasses had already occurred in Rivoli Bay over the last 60 years due to discharges from Drain M.[14] He opined that the seagrass die-back has destabilised sections of the seabed in Rivoli Bay. One of the last seagrass remnants in the Bay lies on a sand bank adjacent the boat ramp. However this remnant was, in his view, currently unstable and its gradual loss through erosion is ongoing.

54 He concluded that the extension of the breakwater poses negligible risk to the remnant patches of seagrasses in Rivoli Bay with the major threat to the seagrasses being discharges from Drain M.

55 He also concluded that the proposal posed no 'credible risk' to the Giant Kelp communities adjacent Beachport as no such communities are located in the vicinity of the ramp.

Mr Coppock

56 As with Mr Wiltshire, only Mr Coppock's written statement was tendered. Mr Coppock has over 25 years experience in all aspects of marine engineering. He has reviewed the existing boat launching facilities and the design elements of the proposed nib and extension.

57 With respect to the extension and the nib, he opined that the design and materials selected complied with the design criteria detailed within the US Army Corporation of Engineers 'Shore Protection Manual' for the calculated design wave height and degree of exposure.

58 In terms of height he concluded that the crest height of the nib compared favourably with the highest astronomical tide prediction (HAT), the 1 in 100 year average return interval (ARI) and the maximum tide recorded for Beachport.

59 He said that for the extension to the breakwater, the height proposed was higher than the HAT but lower than the ARI or maximum tide for Beachport. It was likely therefore, in his view, that it would be overtopped during some storm events with sand and seagrass being deposited within the basin.[15]

60 It was his view that 'under generally accepted conditions' (and recognising that the proposed breakwater has not been designed for all weather/all tide functionality) its proposed height was acceptable.

61 Finally he gave consideration to the relocation of the proposal to a site south of Beach 1 near Glen Point. On review he concluded that there did not

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[14] Earlier referred to as the channel at the Lake George Inlet.

[15] We note that the height of the breakwater has been lowered from a height of some 3 metres to 1 metre to reduce its visual impact and construction cost.

appear to be sufficient environmental or economic support to relocate for reasons including:

- A lack of land for on-shore facilities such as manoeuvring and car/trailer parking areas
- The existence of a rock outcrop thought to be a nursery for juvenile lobster
- The cost involved in removing the rocks

Assessment of the Witnesses

The Lay Witnesses

62 In terms of the lay witnesses, we accept that all these witnesses were genuine and forthright in the manner in which they gave their evidence.

63 With respect to Mr Beattie, in particular, we have no doubt that the intrusions on his amenity, as a result of the activities at the ramp and as a result of sand movements, have been felt more acutely by him than by most if not all residents of Beachport. It should be noted, however, that his residence is not in a Residential Zone where the maintenance of a higher level of amenity is a reasonable expectation.

64 Furthermore, much of the impact that he is experiencing is of some years standing and unlikely to change in the event that this proposal does not proceed. We will have more to say about this a little later.

65 With respect to the Council's witnesses, we accept the thrust of their evidence to the effect that, at times, conditions in the boat basin are difficult and have led to people being injured and boats damaged.

66 We also accept that this has resulted and continues to result in people choosing to use other ramps somewhat distant from Beachport where conditions are more benign.

The Expert Witnesses

67 In large measure the areas of dispute between the experts lay with Mr Carley and Dr Dyson on the one hand and Mr Magryn and Mr Tucker on the other.

68 It was suggested that, by reason of their prior involvement with aspects of the construction of the ramp and sand transport, Messrs Tucker and Magryn lacked the requisite degree of independence for their opinions to be accepted. We agree that there may be occasions where, because a witness's involvement in a development is so closely aligned with the outcome desired by his or her client, that witness becomes a mere advocate or 'mouthpiece' for the cause of a party.

However, we have no reason to think anything remotely approaching that has occurred in this case.

69 The involvement of each of them, as expert witnesses in the case, was both logical and appropriate, as not to employ them would have 'robbed' the Court of the value of their considerable past experience with developments in Beachport and their expertise in the design of structures on the coast and coastal processes generally.

70 We were of course alert throughout the giving of their evidence for signs of the sort of unconscious bias which may arise as a result of prior involvement. We did not detect any such signs. Each gave his evidence (as did the appellants' experts) in a fair and balanced manner.

71 Having said that, we generally prefer the evidence of Messrs Magryn and Tucker where their evidence conflicts with that of Mr Carley and Dr Dyson. We note of course from the Joint Experts' Statement that there was a considerable area of agreement between them.

72 We prefer their evidence for the following reasons. Each possessed a larger and more extensive history of involvement with Beachport and comparative beaches elsewhere in South Australia. Each also has a significant history with precursors to this proposal (e.g. the geotextile breakwater) and the current proposal.

Issues for Determination

73 Against that factual and policy framework the following issues arise for determination:

- The design of the breakwater and nib
- The impact of the breakwater and nib on wave energy and sand accretion in the boat basin
- Sand movement impacts and costs
    - (i) Current situation
    - (ii) As proposed
    - (iii) Costs
- Land use/zoning and impacts on amenity in the locality
    - (i) Visual
    - (ii) Noise/dust from usage of the ramp

(iii) Noise/dust and odour associated with sand movement

- Seagrasses/Giant Kelp conservation; and
- Alternative siting for the proposal

Discussion

74 We approach our consideration of these issues in the knowledge that the existing boat ramp is detrimentally affected at the present time by wave penetration into the basin, 'a build-up' of siltation and related maintenance excavation. We also bear in mind and accept that, as currently designed, the existing breakwater does not allow for safe and convenient use of the boat ramp on a general basis. We accept that to a large extent the issues, surrounding littoral drift, accretion of sand on Beaches 4 and 5 and the need to move sand on an annual basis, currently exist and will continue to require regular and long term management into the future.

75 We also note that the Plan's provisions for both the Zone and Coastal Areas seek to accommodate two potentially competing aims, namely a desire to conserve the coastal environment whilst at the same time encouraging the use and enjoyment by the public of that coastal environment. As to the latter, the Plan expressly acknowledges that both coastal protection works and community recreation facilities (such as ramps) are appropriate forms of development in the Zone.

76 Although neither of these aims is paramount, we would understand the Plan, in this respect, to be encouraging public use and enjoyment of the coast in a manner which does not materially compromise the coastal environment.

77 Understood in this way, a proposal which involves development (in or about coastal waters) designed to improve the public use and enjoyment of that environment may well result in impacts on that environment. Whether such impacts are acceptable will ultimately depend upon the extent of those impacts when measured against the overall benefit to the public.

78 With these general observations in mind we now turn to consider the issues identified above.

The Breakwater/Nib Design

79 The recognised standard for structures such as the breakwater and nib is the US Army Corporation of Engineers 'Short Protection Manual' (1984). We are satisfied that the assumptions underlying the design of the breakwater and nib in terms of tidal movements are appropriate.[16]

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[16] The design also assumes sea level rise of 0.1-0.2 m which, in our view, will not unreasonably impact on the breakwater during its 'design life'.

80 We agree with the evidence of Mr Magryn that a proposed 'design life' of the breakwater (before maintenance becomes necessary) of 25 years is reasonable in all the circumstances.[17] In this respect we accept that the choice of locally sourced limestone rock (of 2-3 tonnes in weight) for the breakwater is appropriate despite its shorter design life due to the lesser costs involved in its maintenance and upgrade. In summary, we are satisfied that the breakwater and nib as proposed are appropriate in terms of their height, length and type of materials.

Impact of Breakwater on Wave Energy and Sand Accretion in the Boat Basin

Wave Energy

81 We accept the evidence on this issue of Mr Magryn and Mr Tucker. We are satisfied that, if a 95 metre breakwater is constructed to a height of 1 metre with a crest width of 3 metres, wave energy in the boat basin will be significantly reduced such that overtopping of the breakwater will occur as an exception and only at times of storms or other extreme weather events. We agree with Mr Magryn that the wave energy will be reduced to about one third of the energy being currently produced with a consequent improvement in convenience and safety for users of the basin.

Sand Accretion

82 On this issue we accept the premise underlying the evidence of Messrs Tucker and Magryn, namely that the amount of sand coming into the Bay will not change.

83 We are satisfied that the primary reasons why sand is currently washing into the boat basin are the build up of sand on Beaches 4 and 5, the comparatively short length of the existing breakwater and the wave-action at that point.

84 We are satisfied that if Beaches 4 and 5 are properly managed, and the breakwater is extended, sand in the Bay in and around the mouth of the boat basin will, by reason of the contours at the point, be pushed towards Beach 7 and away from the ramp, which we accept will be a positive outcome in both respects.

85 In summary, we would expect boating conditions in the basin to improve and sand accretion to reduce as a result of the proposal.

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[17] These views were endorsed by other experts in the Summary of Experts Statement.

Sand Movements

Current Situation

86 We are satisfied that the current regime for sand management and movement is unsatisfactory and that this situation has led to sand accretion around the ramp, unnecessary removal of wet, odorous sand, movements of sand without warning to residents and relatively unsafe deposits of sand. We suspect that, in part, this has been caused by a lack of clarity in terms of which 'agency' is ultimately responsible for the timing and cost of sand movement. There is no reason to suspect that the situation will change in any material way in the foreseeable future.

Sand Movements as Proposed

87 The evidence of Messrs Tucker and Magryn was that regardless of whether the breakwater proceeds, a sand management strategy needs to be put in place.

88 It seems to us that, absent such a strategy, boating conditions in the basin are likely to remain unsatisfactory and at times unsafe. If the proposal is to proceed, we agree that a sand management plan, incorporating the following elements, is necessary:

- Surveys to be undertaken of Beaches 4 and 5;
- Removal of sand (perhaps as much as 9,500m^3) from these beaches;
- Transport of such sand to Beach 7 or further northward;
- Annual removal of up to 6,000m^3 thereafter;
- A monitoring pole on Beach 4 be maintained to check on sand build-up;
- The implementation of a warning regime for local residents in advance of sand transport movements;
- The introduction of safety measures surrounding the sand which is deposited at Beach 7;
- Limitations set as to hours, days and times of the week and year when such sand may be transported.

Costs

89 We accept that there is uncertainty surrounding the ultimate cost of sand excavation and transport. However, as we have said, the amount of sand coming into the Bay is not likely to change. The 'problem' already exists and is unlikely to change. The proposal is unlikely to mean any material increase in the costs over and above those which are being incurred via a sand management operation

currently being conducted in an unregulated, irregular and somewhat haphazard fashion.

90 Indeed it is our expectation (based on the evidence of Mr Tucker) that if the movement of sand is properly regulated, sand will be moved more efficiently and at a cost somewhat reduced from the amounts incurred in earlier years.

91 We also bear in mind that the proponent of this proposal is a responsible authority cognizant of the existing cost of sand management and willing to be subjected to conditions regulating its activities on this issue.

92 In any event, the evidence before us, such as it is, would put the recurrent cost of sand management at somewhere between $25,000.00 and $100,000.00 per annum. There is nothing before us to suggest that this is either unreasonable or uneconomic.

The Development Plan and Impacts on Amenity

93 We accept the evidence of Mr McIntyre. We are satisfied that the proposal is generally in accordance with the relevant provisions of the Plan and in particular for the Zone.[18] The question however remains as to whether the proposal is nevertheless acceptable given its impacts on the amenity of the locality.

94 The impacts which have been identified comprise:

- The impact of the breakwater on visual amenity;
- The noise and dust emanating from people, vehicles and machinery associated with their use of the ramp;
- The noise, dust and odour associated with the movement of sand.

Visual Impact

95 We acknowledge that the breakwater is a significant structure in the coastal environment. It is, however, by no means an uncommon occurrence on many coastlines. This proposal, given its positioning, the existence of other groynes, the significant jetty structure and its relatively low profile, at 1 metre in height, will not, in our view, intrude in any material way on the visual environment.

Noise and Dust from use of Ramp

96 The impacts from this activity, such as they are, already exist. We are not persuaded that the increased usage, which will inevitably follow from a better functioning boat ramp, will materially impact on the amenity of those in the locality. Indeed, appropriate planning conditions may well improve the existing level of amenity.

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[18] Objectives 1, 3 and 5, Desired Character Statement and Principles 1, 3, 6 and 7.

Noise, Dust and Odour from Sand Movements

97 We have no doubt that the impacts, on the amenity of the residents, from this activity are real and not insignificant. We accept that activities of this nature have been occurring for periods during the year totalling perhaps 4 – 6 weeks. We also accept that the odour from wet, unclean sand can exacerbate the problem.

98 However, we are of the opinion that far from being exacerbated, if this part of the proposal proceeds in a controlled and regulated way, the impacts being currently experienced are likely to be ameliorated as a result of the following:

- The activity being limited to certain parts of the day, week and year;
- Prior warnings being given to residents;
- 'Clean' sand being moved; and
- Sand deposits being properly monitored and managed.

99 In summary, we are satisfied that if the proposal proceeds the impacts on amenity which might follow are acceptable in terms of the relevant provisions of the Development Plan.

Seagrass/Kelp Impacts

100 In our view, the only relevant seagrass community (which lies on a sand bank adjacent the ramp) is currently unstable and likely to be gradually lost through ongoing erosion regardless of whether this proposal is approved or not. In short, the proposal does not pose any material risk to that seagrass remnant.

101 As for Giant Kelp communities, we are satisfied that there are none within 1-2 kilometres of the proposal and that there is no likelihood of Giant Kelp being adversely affected by the proposal.

Alternative Siting for the Proposal

102 Insofar as it was suggested that the proposal would be more appropriately sited elsewhere, we reject such a suggestion. In any event, it is not the task of this Court to consider hypothetical developments.[19] Apart from that fact, we agree with the conclusion of the Conference of Experts that these alternative sites are sites which themselves involve a range of engineering, environmental, financial and logistical considerations requiring their own detailed analysis, none of which have been considered in any meaningful way in this appeal.

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[19] *City Apartments Pty Ltd v City of Burnside & Hall* [2003] SAERDC 94.

Summary

103 In our view, the proposal demonstrates sufficient conformity with the relevant provisions of the Plan to warrant consent. The proposal constitutes a form of development which is expressly contemplated within the Zone. The proposal has been designed so as to address its potential environmental impacts such that subject to an appropriate set of conditions, it will not exacerbate any of the existing adverse impacts on the character and amenity of the locality.

Conditions

104 On 14 November 2013 a memorandum of the reasons set out above was provided to the parties. Draft conditions were provided to us by the Council and by the appellants. Both the Council and the appellants also provided us with drafts of a proposed Sand Management Plan ('SMP') to be implemented as part of the proposal. We then heard submissions from all parties in relation to both the conditions and the SMP.

105 The conditions proposed by the Council included a proposed Condition 4 which relevantly provided:

> The Council must implement at its cost the approved Sand Management Plan prepared by Magryn and Associates Pty Ltd and marked Exhibit R13, as amended from time to time in accordance with the procedure established under Part 17 of the Plan. (our emphasis)

106 Part 17 of the SMP relevantly provided that:

> Any amendments to this plan must be agreed to in writing by the DEWNR or the Coast Protection Board. Records of amendments must be recorded in the DOCUMENT HISTORY AND STATUS Table and will form part of the Records and therefore subject to clause 16.
>
> Before making any material change to this Plan, the Council must follow the steps in its public consultation policy. Without necessarily limiting those steps, the Council must at least give notice of the proposed change to the persons to whom it is required to give notice under Part 4 of this Plan. The Council must have regard to any submission received during the public consultation process before deciding whether or not to vary this Plan.

107 The appellants criticised this condition upon the basis that it lacked 'finality' in the sense described by Wells J in *The Corporation of the City of Unley v Claude Neon Limited and Dalgety Australia Ltd*[20] in that it permitted the SMP to be amended, from time to time, such that the force and worth of the SMP, and eventually the proposal itself, could be undermined.

108 We accept the general proposition which emerged from *Claude Neon* and cases which have followed it, namely that a condition attached to a planning consent ought to be directed to circumscribing with reasonable particularity, the

[20] (1983) 32 SASR 329.

acts of land use to which the Authority or Court has given its consent which would otherwise be unlimited in generality and effect.

109 In this case the 'acts' in question relate to the monitoring and control of the movement of sand from the southern beaches to the northern beaches. In our view, the proposed SMP adequately circumscribes these acts. However, as a Plan concerned with environmental management, it needs to be understood as a 'working' document with a sufficient degree of flexibility to provide for the potential that changes in the environment will dictate the need for amendments to the SMP from time to time.

110 However, the provisions of Part 17 of the proposed SMP also create safeguards (by requiring any amendments to the Plan *inter alia* to be agreed to in writing by DEWNR) which will ensure that, prior to approval, any such amendments will be subjected to proper scrutiny by a responsible authority and therefore likely to be limited in generality and effect.

111 Understood in this way, we are satisfied that the proposed Condition 4 is valid.

112 The appellants also submitted that the Court should impose a condition which limited the use of the boat ramp. The condition suggested by the appellants relevantly provided:

> The boat ramp may only be used between 6am and 10pm for the launching and retrieval of boats (except in case of emergency) and must be closed at all other times and must be signposted to display these operating hours.

113 On behalf of the appellants, Mr Manos submitted that the use of the ramp was currently impacting on the amenity of the residents and that this proposal would have the consequence of making it more popular thereby exacerbating the situation.

114 In his submission it was appropriate for this Court to impose a condition designed, in effect, to redress the problems created by the existing use of the ramp.

115 In *Wong v Metcash Trading Australasia Ltd* Bleby J said:[21]

> Where such inadequacies occur, a developer who seeks approval for a variation to the existing development cannot be required by the imposition of conditions, to make good the inadequacies brought about by previous approvals.

116 Later, when referring to an earlier decision of the Supreme Court in *Woodville City Corporation v Horbelt*,[22] his Honour said:[23]

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[21] (2003) 128 LGERA 319 at [34].
[22] (1980) 25 SASR 456.

> That decision does not stand for the proposition that, where there is a problem associated with an existing development, approval for an extension which otherwise complies with other planning requirements will necessarily be granted if it does not aggravate the existing problem. There remains a balancing requirement. There may be some circumstances where the existing problem is no longer tolerable from a planning point of view, and where an extension of the existing development, even if it does not aggravate the problem, must be denied on that account. Jacobs J merely decided that past inadequacies cannot be rectified by imposing additional conditions on the approval of an extension. Therefore, that process was not open to the commissioner on this occasion.

117 In our reasons earlier, we have undertaken the 'balancing' exercise adverted to by his Honour and concluded that the proposal is acceptable.[24] Accordingly, even if there was power to rectify any existing problems associated with the ramp by means of a condition, the circumstances here do not call for the imposition of such a condition.

118 In relation to the question of conditions generally, the appellants' draft set of conditions sought to have many of the matters, set out in the SMP proposed by the Council, incorporated as conditions. These conditions covered issues including 'sand management works and minimisation of nuisance'; 'quality and assessment of sand carted'; 'sand placement near the former Harbour Master's dwelling';[25] 'sand relocation plan'; 'records of sand management activities'; and 'trigger points for sand carting at beaches 4 and 5'.

119 We are not persuaded that these issues should be 'dealt with' by way of conditions for the following reasons.

120 Many of the suggested conditions are worded in a general way and without the requisite degree of precision necessary for imposition by way of condition. Others are already covered (albeit using a different formula of wording) in the Council's proposed SMP. Other proposed conditions, if imposed, would render the transport and management of sand, for practical purposes, unworkable.[26]

121 In our view, it is more appropriate to have these issues 'dealt with' in a management plan where the requisite degree of flexibility, necessary to make sand management workable, can be accommodated.

122 The appellants also submitted an alternative sand management proposal to that of the Council. We have given careful consideration to the issues raised in that alternative plan.

123 In his submissions Mr Psaltis for the Council, identified a number of problems which could potentially arise were we to accede to the appellants' submission and in effect substitute parts of their Management Plan for the SMP

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[23] *Wong v Metcash Trading Australasia Ltd* at [35].
[24] Reasons at [96].
[25] A building now occupied by one of the appellants, Mr Beattie.
[26] e.g. Conditions which restricted activities where wind speeds were above 5 knots or within 50 metres of the former Harbour Master's residence.

proposed by the Council. By way of example, he pointed to the problems which could be created if the SMP obliged the Council to give 10 business days notice (in lieu of five) to land owners prior to sand management works. These included changes in weather patterns, sea conditions and the like which could require more immediate action and make 10 days notice simply impractical.

124 Other examples, which he pointed to, served to highlight the difficulties involved in effectively requiring the Court to descend into the realm of designing a comprehensive management plan such as the one that has been prepared by the Council. This is a task that this Court is ill-equipped to undertake. In short, it is not appropriate for us to be invited to 'cherry-pick' passages from the appellants' proposed plan and, in effect, 'graft' them into the Council's draft SMP.

125 Having considered the parties respective submissions, we are satisfied that the proposal should be allowed subject to the conditions proposed by the Council, with one exception. In our view, the SMP proposed by the Council should provide for surveys of beaches 4, 5, 7, 8 and 9 as proposed by the Coast Protection Board in Exhibit B.[27]

Conclusion

126 For the reasons expressed, the appeal is upheld but only for the purpose of varying the conditions imposed by the Development Assessment Commission.

Formal Order

127 The Order of the Court is that the appeal is upheld and the conditions imposed by the Development Assessment Commission in Development Application Number 010/U088/11 are replaced with the following conditions:

> Development Plan Consent is granted to the proposal by Wattle Range Council (the Council) for the construction of a rock wall/sea wall extension on an existing rock wall/seawall and shore connected rock nib at Section 343 in the Hundred of Rivoli Bay, Beach Road, Beachport being Certificate of Title: 5656/595 and adjacent coastal waters subject to the following conditions.
>
> **Development Plan Consent Conditions:**
>
> 1. That except where minor amendments may be required by other relevant Acts, or conditions imposed by this application, the development shall be established in strict accordance with the amended plans prepared by Magryn & Associates Pty Ltd, marked as Exhibit R1, being:
>
> **Plans by Magryn & Associates Pty Ltd, Project: Breakwater Extension**

Drawing Number	Revision	Date
10078 – 1	L(f)	11.12.13
10078 – 2	L(f)	11.12.13

[27] In our view, to properly assess the value of the SMP, surveys of all beaches potentially affected (not just beaches 4 and 5) should be undertaken.

2. Council is entirely responsible for the maintenance and future upgrade of the boat ramp, breakwater and associated structures.

3. If in the opinion of the Council a rock material other than limestone becomes reasonably available for the project, which material is – according to advice obtained from a suitably qualified engineer – likely to have a longer design life and require less maintenance over that life, then that rock material may be used in substitution for limestone, provided that

   3.1 the size of the rocks remains consistent with the approved plans; and

   3.2 approval in writing is obtained from the Development Assessment Commission.

4. The Council must implement at its cost the approved Sand Management Plan prepared by Magryn and Associates Pty Ltd and marked Exhibit B, as amended from time to time in accordance with the procedure established under Part 17 of the Plan.

5. Subject to this condition, except in the event of an emergency, all machinery and equipment involved in sand management activities identified in the Sand Management Plan, Exhibit B, must not be operated before 7:30am on any weekday and not on weekend or public holidays. All works must conclude at 6pm on any given day. Work to ensure the boat ramp basin remains navigable may occur on weekends (but not on any public holiday), provided that the number of such occurrences does not exceed 5 in any calendar year and only between the hours of 7:30 am and 6 pm that same day.

6. All works and site activities must be undertaken in accordance with a Construction Environmental Management Plan (CEMP) prepared to the satisfaction of the Development Assessment Commission prior to the commencement of construction activities. The CEMP must include reference to: water quality testing to be conducted before, during and after the construction; testing of sediments on the inshore side of the groyne according to the national Ocean Disposal Guidelines for Dredged Materials; and appropriate actions to be taken in light of test results.

7. Stormwater runoff from the stock piles of material must be managed on site to prevent run off into the marine environment.

8. All rocks to be used in the construction of the groyne and nib extension which are sourced from agricultural paddocks must washed prior to being brought on site to remove attached soils and sediment as well as any potential accumulated agricultural fertilisers, pesticides and herbicides residue.

9. A sediment curtain must be used around the groyne and nib extension whilst dredging and during construction of the extension.

10. Navigation aids shall be installed and/or relocated to ensure all relevant marine standards and codes are met.

11. Upon completion of construction, notice of the breakwater extension must be published in the Notices to Mariners. All costs associated with this shall be borne by the applicant.

Kieran Fairbrother

From: Rebecca Van Der Pennen
Sent: Tuesday, 8 October 2024 4:26 PM
To: Kieran Fairbrother
Cc: Gayle Buckby
Subject: RE: DA Referral - 24024095 - 41-43 Henry St, Stepney

Hi Kieran,

I couldn't get the table to copy across to the portal so I hope an email response will be ok. Please see below;

Thanks for the additional time to assess this application.

As you are aware it is difficult to respond to due to the proposed reliance on on-street parking.

Within the applicant's traffic report they have completed an on-street parking occupancy survey on a Friday and Saturday between 5:00pm and 9:00pm which identified that there is in the order of a total of 52 on-street car parks available near the site during the peak operating times of the proposal.

The site has a theoretical demand for off-site parking of 21 spaces and therefore, these 21 spaces represent just over **40%** of the on-street car parks within proximity to the site.

I have undertaken additional occupancy surveys in Stepney to provide some further clarity on the existing on-street parking use surrounding the development site at other times of the day.
To summarise the results of the occupancy surveys undertaken see below;

	Wednesday 2nd of October		Friday 4th of October	
	6:30pm	7:30pm	10:00am	3:30pm
Stepney Street availability (5 Spaces between 9am-3pm Mon-Fri and 13 spaces other times provided)	9	13	4	10
Henry Street availability (39 spaces provided)	19	25	21	13
Total On-Street Parking Available	**28**	**38**	**25**	**23**
Parking Occupancy (%)	42	27	43	56

Observed existing on-street parking occupancy is below optimum levels 65-85% based on the Councils *On-Street Parking Policy*. Therefore, there is current capacity for an increase in parking demand on-street.

It is noted that the applicant has indicated that during the weekday the site will be operating off-peak and parking demand will not be at peak. The applicant does not foresee on-street parking demand during these times of day.

The applicant however, has also indicated that during the day some buses may be required to park on-street to drop off and pick up groups of school students. This raises some safety concerns regarding the

size of vehicle requiring a safe location for pick up and drop off near the site. Can the applicant please confirm whether this can be undertaken onsite?

In summary:

- The proposal is relying on the street network to provide 21 car parks for visitors to the site. Although surveys indicate that there is sufficient capacity for this additional demand, it is not an equitable use of the public street space which may be exacerbated as the Stepney continues to be developed.
- The Council has received letters of concern from businesses in Stepney with regard to lack of on-street parking for staff, due to the existing 2P Parking controls.
- The Stepney precinct will be reviewed in the near future with view to implement the Council's Parking Policy. This may result in changes to the existing conditions.
- The Council's parking policy prioritises parking for long-term employees in the Stepney Precinct.
- More details on the bus parking provision is required.

Any questions please let me know.

Thanks,

Rebecca van der Pennen
Traffic Engineer

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

Kieran Fairbrother

From: Jarrad Searcy
Sent: Thursday, 10 October 2024 10:10 AM
To: Kieran Fairbrother; Nick Simos - SA Urban and Regional Planning
Subject: Re: Development Application 24024095 - 41-43 Henry St, Stepney

Morning Kieran,

We've noted the cone issue, and do not want to inhibit other vehicle movements.
Thanks for the communication, we appreciate it.

Have a good day.

Warm Regards

Jarrad Searcy

Laneway Boulders

From: Kieran Fairbrother
Date: Thursday, 10 October 2024 at 6:16 AM
To: Jarrad Searcy Nick Simos - SA Urban and Regional Planning

Subject: RE: Development Application 24024095 - 41-43 Henry St, Stepney

Hi Jarrad,

Thanks for providing that. I note that placing cones out for the bus parking area may inhibit other vehicle movements within the site so this should be avoided. Nonetheless, I am pleased to know we were on the same page in this respect.

I will add this to the application documents and I will finalise my thoughts by the end of the week and let you know where I am sitting on this either tomorrow/Monday.

Regards,

Kieran Fairbrother
SENIOR URBAN PLANNER

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

Think before you print.

From: Jarrad Searcy
Sent: Wednesday, October 9, 2024 2:43 PM
To: Kieran Fairbrother Nick Simos - SA Urban and Regional Planning

Subject: Re: Development Application 24024095 - 41-43 Henry St, Stepney

Hi Kieran,

Thanks for your email, we are eagerly anticipating your decision!

We do agree that the bus parking drop-off/pick-up needs to be onsite. Your suggestion was part of our original plan, we also believe the site can easily accommodate this. We agree to this condition and confirm that it will be part of our operating policies and procedures.

I have attached to this email:

1. A letter that will be sent out to schools as part of the booking package.
2. An excerpt from our Staff Manual which includes the gym opening procedure.

Both explicitly outline the on-site bus parking drop-off/pick-up requirements.

Let me know if you need anything further and we look forward to hearing from you.

Warm regards

Jarrad Searcy

Laneway Boulders

From: Kieran Fairbrother
Date: Wednesday, 9 October 2024 at 9:41 AM
To: Jarrad Searcy Nick Simos - SA Urban and Regional Planning

Subject: RE: Development Application 24024095 - 41-43 Henry St, Stepney

Hi Jarrad,

I have received the feedback from our traffic team and am going to consider my position over the course of this week.

One thing we would like to clarify is with respect to the bus drop-offs. Your traffic engineer indicates that this will occur on the street, where there is no guarantee that there will be parking room for a bus and the Council has no interest in creating a “kiss and drop” zone for this. I believe there is room on-site for a bus to enter, park in front of the roller door to your tenancy and drop off children, without the need for on-street parking or interruption to on-site vehicle manoeuvring during such time.

Can you please confirm that you would be happy to accept a condition to this effect, if we decide to support this proposal? In other words, there will be a condition requiring all drop-off/pick-up of children to occur on the site.

I look forward to hearing back from you.

Regards,

Kieran Fairbrother
SENIOR URBAN PLANNER

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

From: Jarrad Searcy
Sent: Thursday, September 12, 2024 10:20 AM
To: Kieran Fairbrother Nick Simos - SA Urban and Regional Planning

Subject: Re: Development Application 24024095 - 41-43 Henry St, Stepney

Good morning Kieran,

Really well, thank you and I hope all is well with you.

Thank you for the update and explanation to your approach. We understand the need to wait for the traffic engineer before a decision is formed.

This sounds like a good plan, thank you for keeping things moving – much appreciated.

Warm Regards

Jarrad Searcy

Laneway Boulders

From: Kieran Fairbrother
Date: Wednesday, 11 September 2024 at 4:31 PM
To: Nick Simos - SA Urban and Regional Planning Jarrad Searcy

Subject: Development Application 24024095 - 41-43 Henry St, Stepney

Good afternoon Nick and Jarrad,

I hope you've both been well.

I have received your response to my RFI – the Traffic Report from Cirqa. Thank you for providing that.

I will need to refer this internally to our traffic engineer for their views, before being able to finalise my own assessment (noting I have not yet read, digested and considered this report myself). Unfortunately, our traffic engineer is away sick so it might be a week or two before I am able to get their comments.

Accordingly, in the interests of keeping the ball rolling, I am going to put this out on public notification period shortly.

Ordinarily I would like to at least have a position formed on the proposal before we go out to notification, but for two reasons I don't think is necessary in this case. Firstly, I can't properly form my position without advice from our traffic team, which I can't get immediately, and I know Jarrad is seeking to expedite this process as much as possible because of leasing negotiations. Secondly, I think that even in the event I decide I am not supportive because of a car parking shortfall, there wouldn't be anything you could change with the proposal before going out to notification to alleviate this concern, in which case I believe there is no disadvantage to commencing notification now. In any case, I should have my assessment completed and a position formed before public notification ends, at which point I can provide you with my position at the same time that you might need to respond to any representations received and if you wish to make any changes or provide more support for your proposal you can do so at that stafe; all before this application is presented to the CAP for a decision.

Let me know if you have any concerns with this approach.

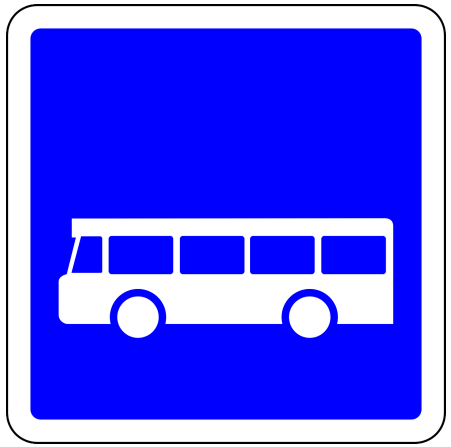
Regards,

Kieran Fairbrother
SENIOR URBAN PLANNER

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

LANEWAY
| BOULDERS |

Bus Zone Plan



41-45 Henry Street
Stepney SA 5069

LANEWAY
| BOULDERS |

Dear Customer,

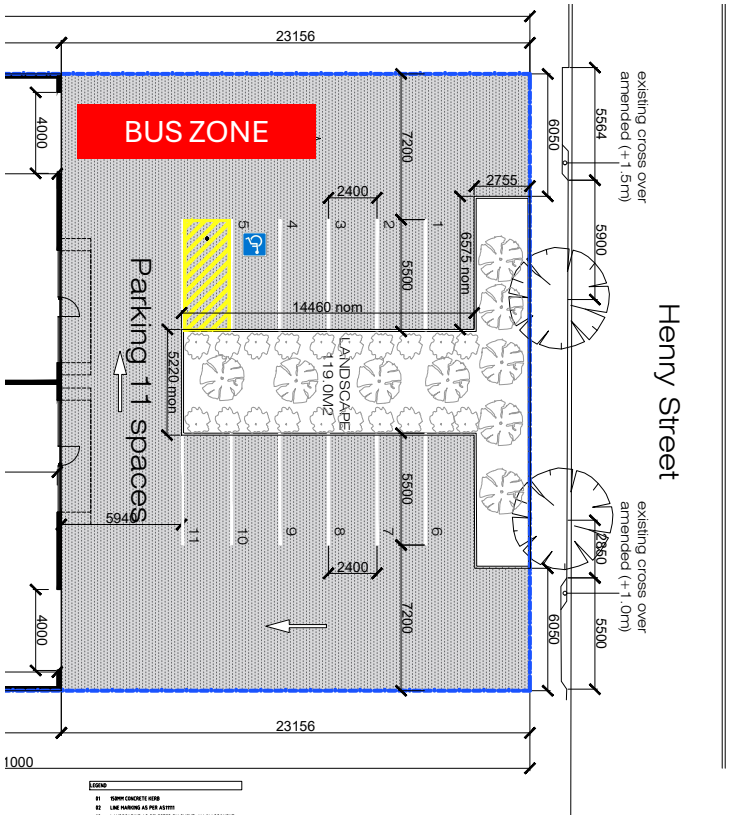
Thanks for your booking with Laneway Boulders.

We look forward to welcoming you and sharing the experience of bouldering.

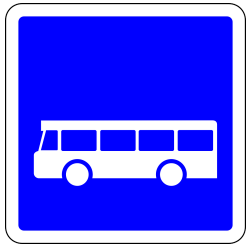
IMPORTANT – when arriving by Bus, it is a requirement that your driver pulls into the Bus Park Drop-off/Pick-up Zone in front of the Laneway Boulders roller door. See image below.

Upon arrival, you will find the Bus Zone clearly marked with signage and orange safety cones. Our friendly staff will be there, ready to greet you. Please note: there is a two-way entrance/exit through the car park if required.

PLEASE DO NOT PARK YOUR BUS ON THE STREET.



LANEWAY
| BOULDERS |



Excerpt from Staff Manual (page 7):

Gym Opening Procedure:

1. *Disengage alarm system*
2. *Turn on Computers and EFTPOS machine*
3. *Lights and fans on*
4. *Open back roller door*
5. *Open the front roller door*
6. *Check diary bookings*
7. *Place cones and signage out for the bus parking drop-off/pick-up zone*
8. *Wipe down front counter surfaces.*
9. *Ensure general gym tidiness and cleanliness*
10. *Greet members/customers on arrival*

Kieran Fairbrother

From: Nick Simos - SA Urban and Regional Planning
Sent: Wednesday, 14 August 2024 10:07 AM
To: Kieran Fairbrother
Cc: jarrad
Subject: FW: SAURP 24/777 FW: Development Application 24024095 - 41-43 Henry St, Stepney

Hi Kieran,

Please find below a response to your email request dated 13/8/24 from the client.

I hope this information will provide you with a better understanding of the business.

If you have any questions please don't hesitate to call or email me.

Kind Regards

Nick Simos
SA URBAN AND REGIONAL PLANNING
Private Certifier Planning (PCP 006)
Bachelor of Urban & Regional Planning BURP, Honours, MPIA

From: Jarrad Searcy
Sent: Tuesday, August 13, 2024 6:05 PM
To: Nick Simos - SA Urban and Regional Planning
Subject: Re: SAURP 24/777 FW: Development Application 24024095 - 41-43 Henry St, Stepney

Hi Nick,

Thanks for your email.

Laneway Boulders is a new entity. The Business is registered with the ASIC we can confirm that Laneway Boulders Pty Ltd operates under the ACN: 679 796 877

There are similar business models that can be observed, Adelaide currently supports three bouldering gyms throughout the city; Beyond Boulder, Urban Climb and Adelaide Bouldering Club. Our assessments are based on many hours spent in these facilities over the years. Both climbing and observing the climbing community movements. Bouldering is a social activity and generally people climb in pairs or groups. Participants at the local bouldering facilities can often be seen arriving together in one vehicle, whether it be with a spouse, housemate, friend, or family members. With only a few Bouldering Centres in Adelaide, participants often are required to travel significant distance. The clientele that we are targeting our business towards are university students, often living in share houses with part time jobs. They will visit the facility in shared vehicles because they are environmentally conscious and don't like spending unnecessary money. We anticipate bike riding to be another way climbers will arrive to this facility. This will be encouraged by having a designated bike parking area that is out of the weather. Having been involved in this community for at least 18 years we understand the target audience well.

This assumption is correct, there can be a larger group of people sharing the facility but not on the wall. We know that a maximum of 10-11 climbers can physically fit on the wall at one time and we anticipate they rotate with friends or family during the 'peak periods' identified. There could possibly be 25 people in the facility at any one time however during office hours this is unlikely. Peak periods as observed in the current Adelaide Bouldering Facilities is after work 5:30pm – 9pm Laneway boulders plan to engage school groups during the day – participants who will arrive by chartered bus, not individual vehicles.

Please know Kieran can contact me anytime should he have further questions.

Warm Regards

Jarrad Searcy

Searcy Marketing

From: Nick Simos - SA Urban and Regional Planning
Date: Tuesday, 13 August 2024 at 3:10 PM
To: Jarrad Searcy
Subject: SAURP 24/777 FW: Development Application 24024095 - 41-43 Henry St, Stepney

Hi Jarrad,

Please find the Council FIR email below, could please provide me with a response to forward to the Council?

Kind Regards

Nick Simos
SA URBAN AND REGIONAL PLANNING
Private Certifier Planning (PCP 006)
Bachelor of Urban & Regional Planning BURP, Honours, MPIA

From: Kieran Fairbrother
Sent: Tuesday, August 13, 2024 10:40 AM
To: Nick Simos - SA Urban and Regional Planning
Subject: Development Application 24024095 - 41-43 Henry St, Stepney

Good morning Nick,

I am the planner at the Council with carriage of the abovementioned development application for a change of use of the premises from warehouse to an indoor recreation facility.

I am commencing my initial assessment of this application and just wanted to touch base to get a better understanding of the business. I have tried to google search the business and I can't seem to find any evidence that this business already exists elsewhere, is that correct?

Assuming that to be the case, can you please provide justification for the following statements contained within the application documentation (i.e. on what basis has your client come to these conclusions?). In particular, I am interested in the justification for the anticipated shared vehicle arrangements.

"High percentage of weekday climbers are mixed genders aged 20-35 years of age, who generally arrive in a pair one vehicle.
Weekend climbers tend to be more families, who arrive in 1 vehicle."

Also, the application documents state that due to safety requirements, the maximum number of persons permitted on the climbing wall at any given time is 11 (10.6) persons. Am I right to assume that this does not prevent pairs of people (or bigger groups) working on the same portion of wall and taking turns climbing? In other words, there could be 22 people or more present in the facility at any time, taking turns climbing, so long as no more than 11 people are on the wall at any given time?

I look forward to receiving your responses.

Regards,

Kieran Fairbrother
SENIOR URBAN PLANNER

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

6. DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

8. ERD COURT APPEALS

8.1 CONFIDETIAL MATTER – ID 23020223 – FP WHYALLA PTY LTD 263-277 PAYNEHAM ROAD ROYSTON PARK

9. OTHER BUSINESS

9.1 SCHEDULE OF COUNCIL ASSESSMENT PANEL MEETINGS FOR 2025

PURPOSE OF REPORT

The purpose of the report is to obtain the Panel's endorsement of the draft Schedule of Meetings of the Council Assessment Panel for the period January 2025 to December 2025.

BACKGROUND

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

The CAP previously determined the times and places of meetings up until December 2024, corresponding with the end of the calendar year. As a new calendar year is shortly to commence, it is necessary for the CAP to consider its meeting dates and times for 2025 to ensure we maximise the opportunity to secure a quorum for each meeting.

DISCUSSION

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

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

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

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

Please note, no part of this report or the attached schedule would prevent a special meeting of the Panel being called, in accordance with clauses 1.12, 1.13 and 1.14 of the Meeting Procedures.

Finally, the Panel has previously discussed the possibility of an earlier commencement time for meetings (such as 6pm). In setting this Schedule for the 2025 calendar year, it is open to the Panel to consider an earlier starting time.

CONCLUSION

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

RECOMMENDATION

1. That the Council Assessment Panel meetings for the 2025 calendar year be held in accordance with the Schedule of Council Assessment Panel Meetings attached to this report.

Attachment A

Schedule of Council Assessment Panel Meetings January to December 2025

Day	Date	Year	Time	Location
Wednesday	22 January	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	17 February	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	17 March	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Wednesday*	23 April	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	19 May	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	16 June	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	21 July	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	18 August	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	15 September	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	20 October	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	17 November	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall
Monday	15 December	2025	7.00-11.00pm	Council Chambers, Norwood Town Hall

*** Meeting rescheduled due to a public holiday on the Monday.**

**** Meeting rescheduled due to a change in meeting location.**

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

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

City of Norwood Payneham & St Peters

10. CONFIDENTIAL REPORTS

11. CLOSURE