

DEVELOPMENT NO.:	24038084
APPLICANT:	Thomas Treloar
ADDRESS:	18 GULF PDE SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Variation of Development Application 24036704 to add rooftop terrace to each dwelling and additional screening the rear upper-level balcony and rooftop terrace.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	15 Nov 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.4 27/2/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

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BACKGROUND:**Initial Application 24036704 – Two, two storey detached dwellings with swimming pools**

This variation application seeks to vary Application ID 24036704 which was for the construction of two detached dwellings at 18 Gulf Parade, South Brighton. The application was lodged with the Council on 29 October 2024 and was granted Development Approval on 7 January 2025 under the delegation of the Assessment Manager. Each approved dwelling occupies a 322 m² allotment and comprises two storeys with a total floor area of 319.59 m², including lower and upper living areas, a double garage, alfresco space, and a balcony. The ground floor features an open-plan kitchen, living and meals area with a walk-in pantry, study nook, bedroom with ensuite and walk-in robe, laundry, powder room, and outdoor kitchen connected to a landscaped alfresco and garden. The upper floor includes three bedrooms, a retreat area, main bathroom, and a private balcony. Each residence incorporates a private in-ground pool, outdoor shower, and landscaping with privacy screening.

Application 24025197 - Two (2) two storey dwellings with roof top terraces, retaining walls up to 1.4m high and swimming pools

Prior to the lodgement of Development Application 24036704, an earlier application was submitted to Council on 12 August 2024 proposing the construction of two (2) two-storey dwellings with rooftop terraces, retaining walls up to 1.4 metres in height, and swimming pools. The application was subject to public notification, during which representations were received. The application was assessed by the Council Assessment Panel (CAP), which subsequently resolved to refuse the proposal.

Following the refusal, the applicant lodged an appeal with the Environment, Resources and Development (ERD) Court. During the appeal process, an application for joinder was submitted by a representor. As at the time of writing this report, the ERD Court has not yet issued a decision regarding the joinder request.

In the course of the appeal proceedings, a set of compromise plans was submitted to the Council Assessment Panel on 26 February 2025. These revised plans were considered by the Panel, which expressed support for the proposed amendments. However, due to the unresolved status of the joinder application before the ERD Court, development authorisation for that application has not been granted.

The plans submitted as part of this variation application are identical to those which were supported by the Council Assessment Panel during the ERD Court appeal process.

DETAILED DESCRIPTION OF PROPOSAL:

A comparative review of the two storey approved plans and the revised plans submitted as part of this variation identifies several key differences. The most significant change is the introduction of a rooftop terrace in the variation plans, which was not present in the originally approved design. The proposed rooftop area includes an outdoor kitchen, 1.7m high privacy-screened balustrading to the north, south and east and 1.5m high screening to the west, and access via a dedicated staircase, contributing an additional 42.51 m² of floor area.

As a result, the total gross floor area per dwelling increases from 319.59 m² in the original approval to 362.10 m² in the revised proposal. Other changes include a reduction in the size of the balcony from 3.2m x 5.5m in the approved plans to 3.2m x 5.1m in the variation. A 8 degree pitch to the balcony canopy is also noted.

SUBJECT LAND & LOCALITY:**Site Description:****Location reference:** 18 GULF PDE SOUTH BRIGHTON SA 5048**Title ref.:** CT 5847/32 **Plan Parcel:** F40927 AL330 **Council:** CITY OF HOLDFAST BAY

The site contains a frontage of 18.36m and a depth of 35.57m resulting in a total site area of 645sqm. The site features a large detached dwelling with a red-tiled roof, characterized by an irregular footprint, reflecting multiple building additions. The existing dwelling presents as a single-storey form from the street frontage but extends to two levels at the rear. The site includes ample space between the dwelling and the boundaries, with a driveway on the southern side leading to a separate garage at the rear. The property has direct frontage to Gulf Parade. There is substantial soft landscaping, particularly in the western and front portions of the site, which include lawned areas and trees.



Figure 1: Aerial image of the subject site



Figure 2: Streetscape image of the subject site

The locality surrounding 18 Gulf Parade, South Brighton, is predominantly residential, characterized by a mix of detached dwellings and medium-density housing developments. The area benefits from its proximity to the coastline, with direct access to the beach along the western side of Gulf Parade, making it an attractive location for both residents and visitors.

The residential properties in the area generally consist of single- and two-storey dwellings, many of which include well-maintained landscaping and private open spaces. Three-storey dwellings are common along the Esplanade. The street layout is structured, with wide roads providing ample space for on-street parking and facilitating easy access to the beachfront. The properties along Gulf Parade and adjacent streets display a variety of architectural styles, reflecting both older homes and more recent contemporary developments.

The locality also benefits from public amenities, including nearby parks and coastal reserves, contributing to the area's appeal for outdoor recreation. Furthermore, the presence of public transport routes, including the Seaford train line to the east of the site, enhances connectivity to the broader metropolitan region, supporting accessibility for residents.

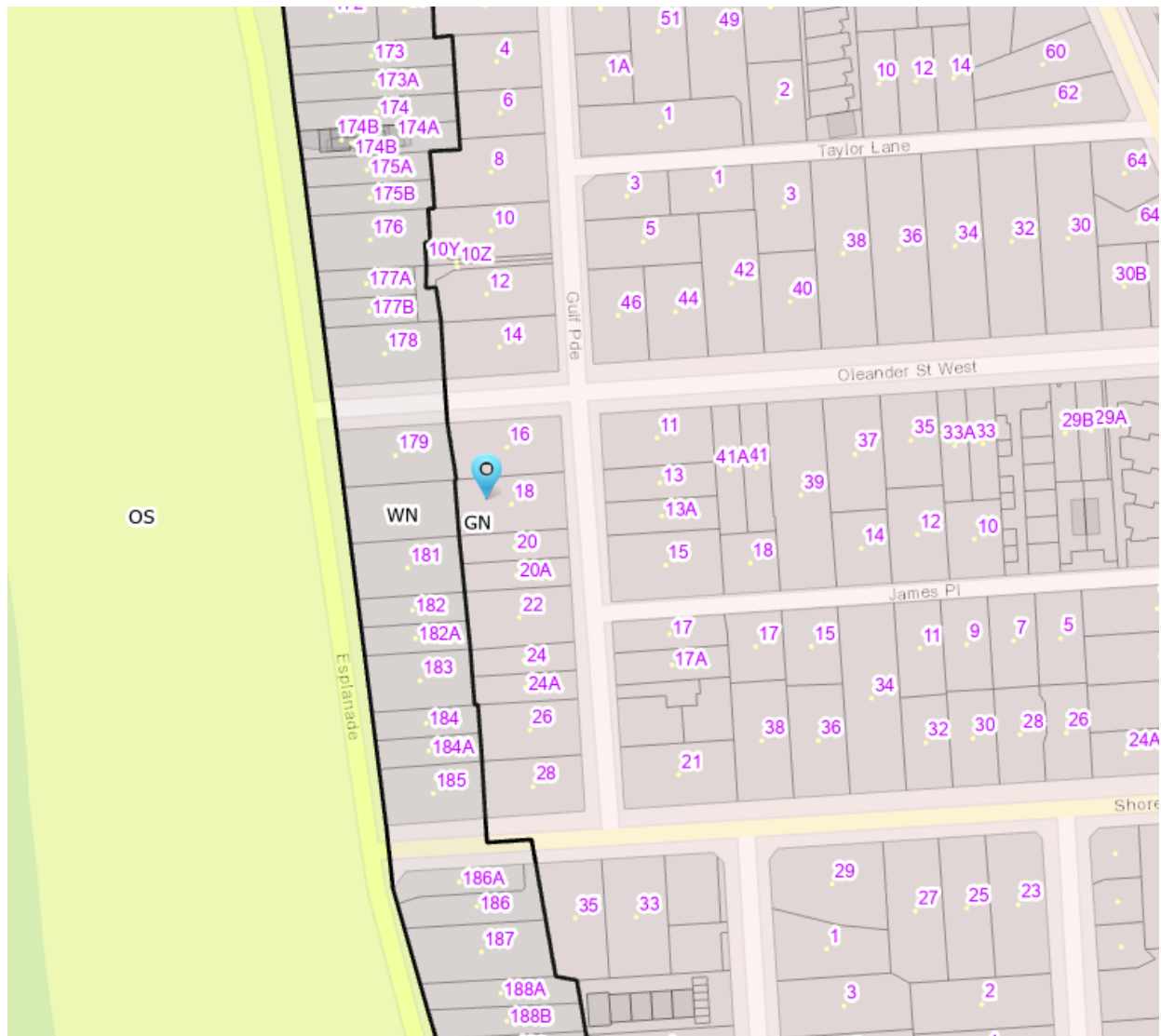


Figure 3: Aerial of the locality with Zone overlays

The subject site is located on the fringe of the General Neighbourhood Zone (GN), where it abuts the Waterfront Neighbourhood Zone (WN), as shown in the attached aerial. The Waterfront Neighbourhood Zone currently contains a range of three-storey dwellings, which aligns with the anticipated building height in the zone's policy for future development. This transition between zones highlights a change in the urban form, with taller, more intensive development encouraged in the Waterfront Neighbourhood Zone due to its coastal location, while the General Neighbourhood Zone is characterized by lower-density residential forms. This juxtaposition of zones plays a key role in shaping the character of the locality and sets expectations for future development on the site and its surrounding areas.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

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

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code;

PUBLIC NOTIFICATION

- **REASON**
The total building height of the dwelling exceeds 9m from natural ground level and does not satisfy DPF 4.1 of the General Neighbourhood Zone.
- **LIST OF REPRESENTATIONS**

Representor	Address	Position	Main Concerns	Wants to Speak?
Connie Boravos	182 Esplanade, South Brighton	Opposed	<ul style="list-style-type: none"> - Inappropriate for 2-level zone (now 3-level) - Privacy breaches - Noise concerns - Sets unwanted precedent 	No
Janet Maitland	20 Gulf Parade, South Brighton	Opposed	<ul style="list-style-type: none"> - Overlooking/privacy issues (DPF 10.2, 21.1, 21.2) - Building exceeds height limits - Neighbourhood character affected 	No
Peter Hartman	68 Marine Parade, Seacliff	Opposed	<ul style="list-style-type: none"> - Non-compliance with height (PO 4.1) - Overlooking not adequately mitigated - Sets precedent - ERD Court appeal ongoing 	Yes
Kylie Grigg	181 Esplanade, South Brighton	Opposed	<ul style="list-style-type: none"> - Overlooking and privacy (fails DPF 10.2, 21) - Building height exceeds zone limit - Safety and noise risks - Misuse of variation process 	Yes

- **SUMMARY**

The applicants acknowledge the concerns raised by nearby residents regarding height, privacy, overshadowing, noise, and the risk of setting a development precedent. They clarify that the rooftop terraces do not constitute a third "building level" under the Planning and Design Code, as they lack a ceiling or enclosure, and thus the development remains compliant with the definition of "low-rise." To address privacy, the proposal includes obscured glass balustrades at 1.5m (rear) and 1.7m (sides), with additional solid walls and screens at key locations to prevent overlooking, while still allowing coastal views. The applicants note that overlooking is already common in the area due to topography and orientation towards the coast.

In terms of overshadowing, they argue the terraces add negligible additional shadow beyond what was already approved, maintaining compliance with sunlight access policies. They also state that concerns over noise from residential use fall outside planning policy jurisdiction and are instead managed under separate nuisance regulations. Lastly, they emphasize that approvals do not create legal precedents and that each development is judged on its merits. The applicants reiterate that they've made substantial amendments over time to address feedback and are seeking to move forward due to delays in the ongoing ERD Court process.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The application is not seriously at variance with the provisions of the Planning and Design Code as the Desired Outcomes and Performance Outcomes of the General Neighbourhood Zone anticipate residential development as an appropriate form of development

Quantitative Provisions

	Proposed	DPF Requirement	Achieved
Building Height	Two levels and 10m Wall Height 7.14m	2 levels and 9m Wall Height 7m	No No
Rear Setback	9m – rooftop deck	6 metres at upper level	Yes

Rules of Interpretation

The Planning and Design Code sets out specific Rules of Interpretation that must be applied when assessing the proposed development. Furthermore, the Code clarifies that Designated Performance Features (DPFs) serve as a guide to the relevant authority, indicating what is generally considered to satisfy the corresponding Performance Outcome. However, it is not necessary for a proposal to strictly comply with the DPFs in order to meet the associated Performance Outcome.

Side Setbacks

The 1700mm high frosted glass balustrade depicted on the plans does not fall within the definition of a "wall" under the relevant planning policy, which refers to wall height as measured from the top of its footings or another Code-specified point, and excludes elements concealed behind an eave or similar roof structure and not externally visible. The definition of wall height is shown below:

Wall height

Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.

The balustrade is a non-structural element intended for privacy and safety, does not contain footings, and is not considered a load-bearing or enclosing component. As such, it does not constitute a wall for the purposes of interpretation. Consequently, Performance Outcome 8.1, which relates to building walls and side setbacks, is not applicable to this application. The overall wall height of the dwelling remains unchanged from the initial approval, and therefore no further assessment is required in this regard.

Building Height

The application seeks the inclusion of a rooftop terrace to the approved two storey dwellings. It is important to clarify that the rooftop terraces are not defined as an additional building level under the relevant definition as shown below:

Building Level

Means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it. It does not include any mezzanine or any building level having a floor that is located 1.5m or more below finished ground level.

As the rooftop terraces in this proposal do not include enclosed spaces or ceilings, they are consistent with the definition of a two-level building and do not constitute an additional level.

The relevant assessment policy from the General Neighbourhood Zone is shown below:

PO 4.1

Buildings contribute to a low-rise suburban character.

DPF 4.1

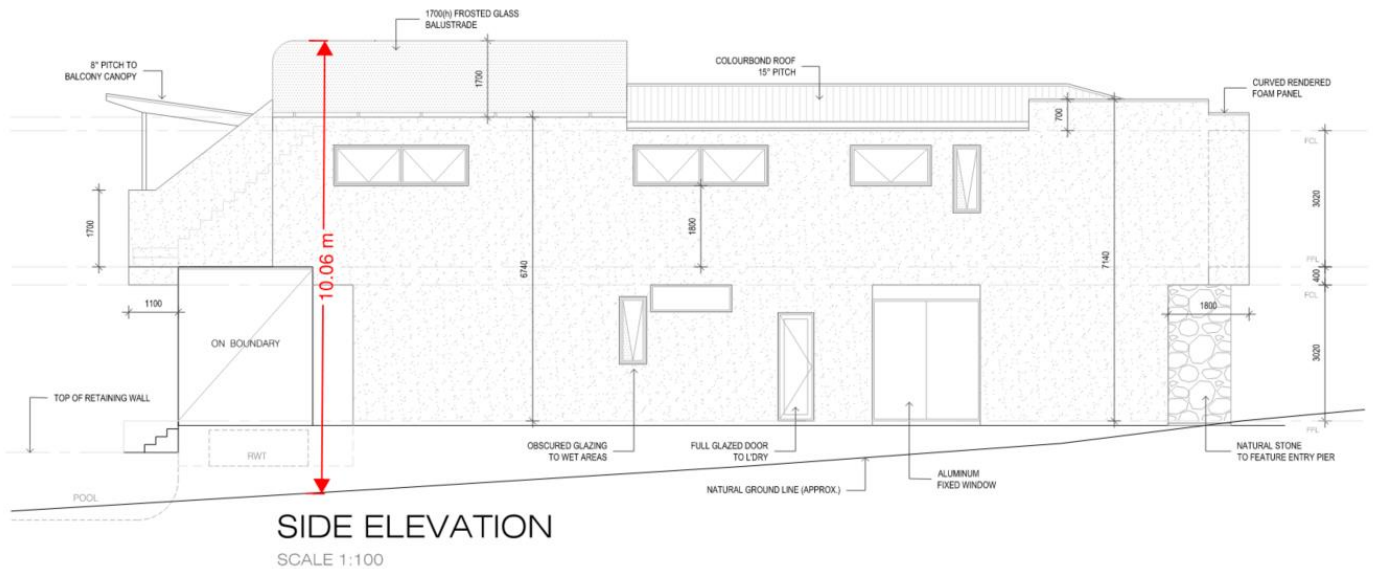
Building height (excluding garages, carports and outbuildings) no greater than 2 building levels and 9m and wall height that is no greater than 7m (not including a gable end).

The definition of low-rise is shown below

Low-rise

In relation to development, means up to and including 2 building levels.

Since the terraces are not considered additional levels, the dwellings maintain the intended low-rise form, with only two building levels as specified in the policy. The side elevation plan demonstrates that the main dwelling height is wall height as measured from the top of the footing is 7.14m. While the building height from the existing natural ground level is 10m to the top of the glass balustrading.



Above: Image shows the wall height being 7.14m and building height of 10m of the southern wall of Residence 2.

The 140mm exceedance of the wall height and 1m of the building height is not considered to be detrimental in achieving the PO 4.1. The highest point of the dwellings are to the top of the balustrading which contains a modest scale that does not dominate the built form and maintains visual harmony with the surrounding dwellings. Having the deck recessed in from the level below, in particular 9m from the rear boundary, provides visual relief. This approach ensures that the overall appearance of the development remains in keeping with the scale of the existing streetscape.

The subject site is located on the fringe of the General Neighbourhood Zone, abutting the Waterfront Neighbourhood Zone, as indicated in figure 3. The Waterfront Neighbourhood Zone is characterized by an array of three-storey dwellings, which align with the zone's policy, anticipating taller building heights to take advantage of the coastal location. This provides a contrasting backdrop to the General Neighbourhood Zone, where lower-density and typically two-storey developments are encouraged.

As the site is located at the boundary of two zones, it is reasonable that the assessment approach should seek to balance the various policy expectations. In this regard, the decision of *Papadopoulos v City of Woodville* (1985) 39 SASR 569 (at 575) is relevant which states:

"... it must be remembered that zone boundaries are only lines on a map, and the residential integrity of a residential zone at its perimeter might be very different from its residential integrity elsewhere..."

The judgment in *Papadopoulos v City of Woodville* (1985) reinforces the concept that zone boundaries, while necessary for planning control, are ultimately "lines on a map" and that the character of a zone can differ significantly at its edges. This case supports the interpretation that development at the fringe of a zone, such as this site at the boundary of the General Neighbourhood and Waterfront Neighbourhood Zones, may allow for more flexibility in building height and design compared to development within the core of the zone. Given the proximity to the Waterfront

Neighbourhood Zone, which supports three-storey developments, the inclusion of rooftop terraces and higher building heights in this proposal can be viewed as consistent with the transitioning character between the zones.

Moreover, the *Papadopoulos* decision underlines the importance of context when assessing development near zone boundaries. In this case, the rooftop terraces, though exceeding the 9m building heights in the General Neighbourhood Zone, are set back adequately from the primary street frontage, rear and side boundaries, as indicated in the plans. This, combined with the fact that the adjacent Waterfront Neighbourhood Zone anticipates taller buildings, suggests that the rooftop terraces and increased building heights will not detract from the intended low-rise suburban character of the General Neighbourhood Zone.

Thus, the case law provides support for the rooftop terraces in this development, emphasizing the importance of flexibility and context-sensitive decision-making, especially when dealing with sites at the boundary of two distinct zones.

Overshadowing

DPF/PO 3.1 and 3.2 of Design in Urban Areas are listed below:

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.*

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.*

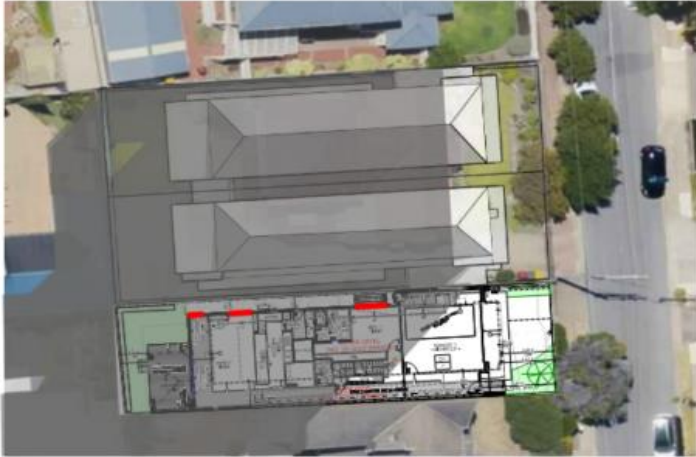
DPF 3.2

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.*

A dwelling which is currently being constructed on the adjoining southern side contains two habitable room windows that are north-facing. The applicant has provided two sets of overshadowing diagrams. One shows the shadows cast by the current proposal and the other shows the shadows cast by a two-storey dwelling with a compliant 2.9m setback. Drawing comparisons to both set of plans shows the difference in impacts of overshadowing. The diagrams on the left hand side show compliant dwellings and the right hand side the shadows cast from the proposed dwellings. The dwelling under construction to the south has been superimposed on the site with its lower-level habitable rooms

9am Shadows Below (left compliant setback dwellings, right proposed dwellings)



12pm Shadows Below (left compliant setback dwellings, right proposed dwellings)



3pm Shadows Below (left compliant setback dwellings, right proposed dwellings)



windows marked red. The overshadowing from fencing is not shown on the proposed dwelling to highlight shadows cast from the dwellings only.

In analysing the overshadowing diagrams provided for the proposed development at 18 Gulf Parade, South Brighton, both the proposed and compliant shadowing plans show relatively similar impacts throughout the day.

1. 9:00 AM:

- The shadows cast at this time extend significantly towards the neighbouring southern property, particularly affecting the area where the north-facing habitable room windows are located.
- The proposed shadowing and compliant shadowing diagrams show almost identical shadow lengths and coverage over these windows. This suggests that the difference between the proposed setbacks and a compliant 2.9m setback has minimal impact in the early morning.

2. 12:00 PM:

- At noon, the sun is higher in the sky, resulting in shorter shadows. Both the proposed and compliant diagrams display shadows primarily affecting the lower levels of the southern neighbouring dwelling.
- Once again, the comparison reveals very little difference between the proposed and compliant shadows.

3. 3:00 PM:

- In the afternoon, the shadows extend further east, with some lengthening along the southern boundary.
- The difference between the proposed and compliant shadowing is minimal. Both diagrams show that while some portions of the neighbouring property experience overshadowing, the habitable room windows will not contain access to some natural light during this time.

The overshadowing diagrams demonstrate that even a compliant two-storey detached dwelling, with the required 2.9m upper-level setback, would result in overshadowing of the southern adjoining dwelling. The proposed design, with reduced setbacks, shows a negligible difference in the extent of overshadowing when compared to the compliant scenario. At all critical times of the day (9 AM, 12 PM, and 3 PM), the shadows cast by the proposed development do not result in substantially more overshadowing than what would occur with a compliant two-storey dwelling.

Given that the General Neighbourhood Zone anticipates and accommodates two-storey dwellings, the presence of overshadowing is not inherently unreasonable. The zone is designed to allow for low-rise suburban development, including dwellings of two storeys. Thus, some degree of overshadowing, particularly to properties located to the south of two-storey developments, is expected within the context of this zone.

Additionally, while the proposed development includes rooftop terraces, which result in a increased building height, the overshadowing impacts are not substantially greater than those from a compliant two-storey dwelling. The rooftop terraces are set back further from the boundaries and the streetscape, which helps mitigate the visual bulk and overshadowing effects.



Above: Recently constructed two storey dwelling at 24 Gulf Parade. Aerial photo take in October 2023

The aerial image above shows a recently constructed dwelling at 24 Gulf Parade, which was approved with a 6.1m high wall and an upper-level southern setback of 1.9m. This approval provides a relevant point of comparison to the current application at 18 Gulf Parade, as it demonstrates that the Council has previously accepted developments with reduced upper-level setbacks in the locality.

The shadow cast by the dwelling at 24 Gulf Parade, visible in the aerial, indicates that a similar form of development, results in overshadowing. It is important to note that the level of overshadowing is shown during the month of October where shadows cast are lesser than June 21 being the middle of the winter Solstice. This reinforces the argument that some level of shadowing is expected and unavoidable in the General Neighbourhood Zone, especially with two-storey dwellings.

In conclusion, the proposed setbacks, while below the DPF standards, still maintain an acceptable level of separation between buildings and do not significantly worsen overshadowing impacts in comparison to a dwelling with compliant setbacks. Given the negligible difference in shadowing between the compliant and proposed setbacks, there is clear merit in supporting the proposal.

Visual Privacy

The subject site was inspected and photos were taken from the existing upper level balcony looking, west, south-west and north west. See images below:



Image 1: Views south-west toward 181 Esplanade South Brighton

Image 2: Views west to 180 Esplanade South Brighton



Image 3: Views north-west over 179 Esplanade South Brighton

While the photos shown above are not a direct reflection of the potential views from the proposed rear balconies, they provide context to the existing overlooking from the rear balcony prior to its demolition. The side upper-level windows of the dwellings have been appropriately obscured. The rear balcony of Residence 1 (southernmost dwelling) contains a portion of screening to 1.7m which then lowers to a 1.5m high balustrade facing west which returns to 1.7m high to the north and south. Residence 2 contains 1.7m high balustrades to southern and northern side and a 1.5m high balustrade to the west. Both rooftop decks are screened to 1.7m to all sides aside from the western one which is 1.5m.

PO/DPF 10.2 of Design in Urban Areas is the relevant policy regarding overlooking/visual privacy from balconies/decks.

PO 10.2

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

DPF 10.2

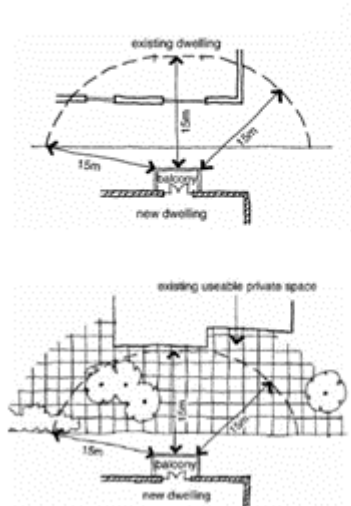
One of the following is satisfied:

- (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:*
 - 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*

Direct overlooking is defined as:

In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15 metres measured from any point of the overlooking deck, balcony or terrace.

Overlooking deck, balcony or terrace



The applicant has provided line of sight diagrams from the balcony and rooftop decks that show the extent of views consistent with the definition of direct overlooking. The dwelling located directly to the west of the subject land, 180 Esplanade, contains its useable outdoor areas to the front where a swimming pool and front verandah/balconies are located. The rear of the property contains a garage and a driveway which functions more as an access area for vehicles as opposed to an area of private amenity. The rear upper-level windows of 180 Esplanade contain obscured glazing to appropriate heights therefore no overlooking will occur into habitable room windows.



Above: Aerial image of 180 Esplanade South Brighton

The views within the 15m radius into 179 Esplanade which is located on the southern corner of Oleander Street West and the Esplanade are screened by the existing outbuildings as seen in Image 3. Further, the existing dwelling located at 16 Gulf Parade, north of the subject site, contains an upper-level rear balcony that contains no screening and has views into the private open space of 179 Esplanade South Brighton.

The proposed privacy balustrades to the balconies and roof top terraces are suitable to mitigate overlooking into 179 and 180 Esplanade.

Both overlooking diagrams from the balcony and roof deck show a portion of the 15m viewing radius falling within the private open space area of 181 Esplanade South Brighton. The balcony diagram also shows the extent of views from the dwelling under construction at 20 Gulf Parade which contains a 1.5m high balustrade.

The submitted overlooking diagrams illustrate that portions of the rear yard at 181 Esplanade may be subject to overlooking from the proposed development. The proposed dwellings at 18 Gulf Parade have been carefully designed to ensure compliance with PO 10.2 and DPF 10.2 of the relevant planning provisions, with specific consideration given to mitigating overlooking impacts on adjoining residential properties.



Above: 15m radius of overlooking from the rear balconies

The proposed dwellings at 18 Gulf Parade have been thoughtfully designed to ensure full compliance with PO 10.2 and DPF 10.2, with particular regard to protecting the privacy of adjoining residential properties. A comprehensive review of the overlooking diagrams confirms that the 15-metre viewing radius from the upper-level balconies and roof deck does not introduce any additional overlooking into any habitable room windows of 181 Esplanade not already captured by 20 Gulf Parade.

Furthermore, while a portion of the private open space of 181 Esplanade falls within this 15-metre radius, this area is appropriately and effectively screened by the incorporation of fixed 1.5-metre high screening on the western-facing balconies and the upper-level roof deck. These measures ensure that no direct overlooking occurs, thereby preserving the amenity and privacy of neighbouring occupants. It is also relevant to note that the extent of potential overlooking is consistent with, and in no way exceeds, that which is already present from the adjacent dwelling at 20 Gulf Parade, which also features a 1.5-metre high balustrade.

Attachments C6 to C8 provide further contextual details regarding potential overlooking impacts, with a focus on the relationship between the subject site at 18 Gulf Parade and the neighbouring dwelling under construction at 20 Gulf Parade. These attachments also document the prevailing built form character of nearby properties along Gulf Parade (4, 6, 10, 12, 14, and 16 Gulf Parade), which predominantly feature low western façade balustrades, including transparent glass balcony balustrades.

The materials highlight the partially constructed balcony at 20 Gulf Parade and include verified sightlines from Res 1's rooftop terrace and balcony toward 181 Esplanade, supported by annotated photographs and diagrams. This

information provides context of visual privacy and built form compatibility, demonstrating that the proposed development aligns with the established pattern of development in the immediate vicinity.

In this context, the proposed design at 18 Gulf Parade clearly demonstrates a sensitive and policy-aligned response to its residential interface. As such, the development satisfies both the intent and the specific provisions of PO 10.2, by mitigating direct overlooking into adjoining habitable rooms and private open space, and satisfies DPF 10.2(b)(i), as the screening is of appropriate height and transparency in accordance with the distance from adjoining dwellings.

CONCLUSION

The proposed variation to Development Application 24036704, involving the addition of rooftop terraces and enhanced privacy screening is not considered seriously at variance with the Planning and Design Code. While the development exceeds some quantitative guidelines (notably height and side setbacks), it remains consistent with the Performance Outcomes that guide appropriate design for the General Neighbourhood Zone.

Key planning considerations such as visual privacy, overshadowing, scale, and neighbourhood character have been addressed through design responses including:

- Unenclosed rooftop terraces with transparent balustrades,
- Setbacks that reduce visual bulk,
- Screening to mitigate overlooking,
- Shadow analysis demonstrating negligible additional impact compared to compliant designs.

The proposal acknowledges its transitional location near the Waterfront Neighbourhood Zone, where taller buildings are anticipated, and successfully balances the policy expectations of both zones.

RECOMMENDATION

Planning consent

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 24038084, by Thomas Treloar is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

1. All previous stamped plans and documentation, including conditions previously granted approval for Development Application ID 24036704 are still applicable except where varied by this application and conditions.

2. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
3. The privacy screens associated with the rear balcony and rooftop deck must be installed prior to occupation of the dwelling.

ADVISORY NOTES**Planning Consent****Advisory Note 1**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 2

The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

Advisory Note 3

If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit www.infrastructure.gov.au/tind

Advisory Note 4

The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.

Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at:

<https://sailis.lssa.com.au/home/auth/login>

Advisory Note 5

If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Officer - Planning

Date: 04/04/2025

