

DEVELOPMENT NO.:	25039869
APPLICANT:	Thomas Treloar
ADDRESS:	18 GULF PDE SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Variation to DA 24038084 (Variation of Development Application 24036704 to add rooftop terrace to each dwelling and additional screening the rear upper level balcony and rooftop terrace) comprising changes to the height of balcony and roof top screens
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Urban Tree Canopy • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Signif Retirement Facility Supported Accom Sites
LODGEMENT DATE:	23 Dec 2025
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.22 18/12/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies

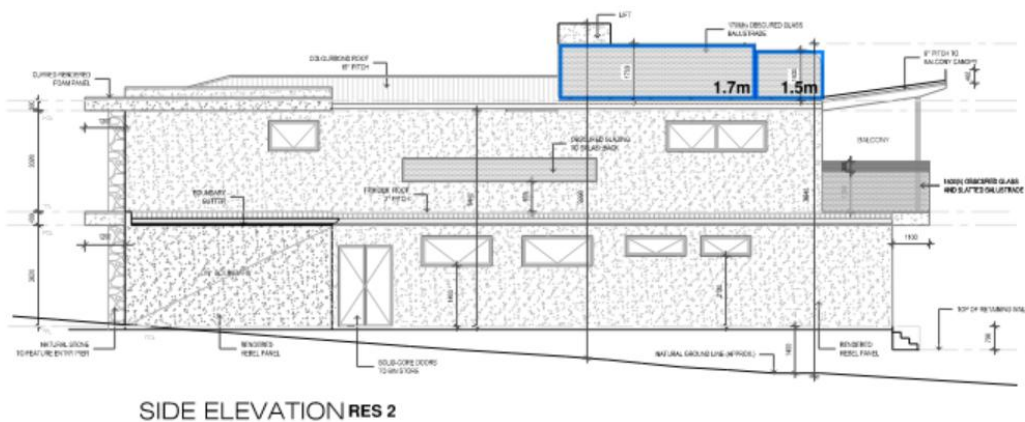
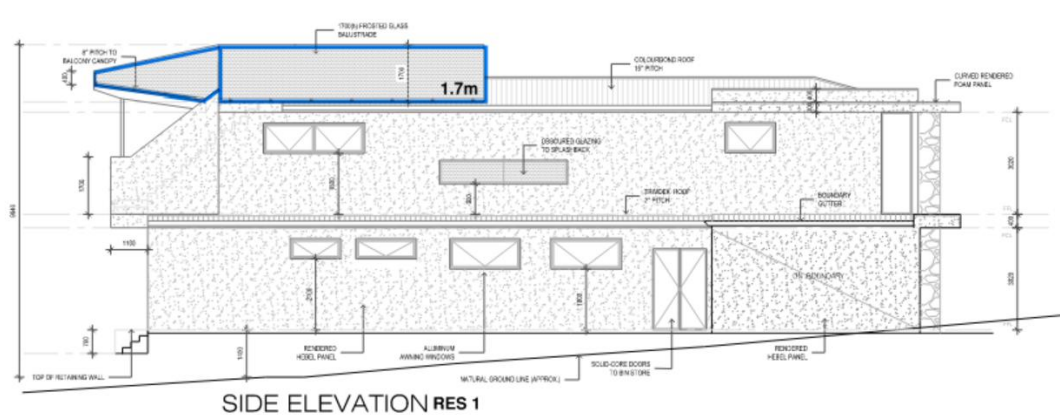
ATTACHMENT 1: Application Documents

DETAILED DESCRIPTION OF PROPOSAL:

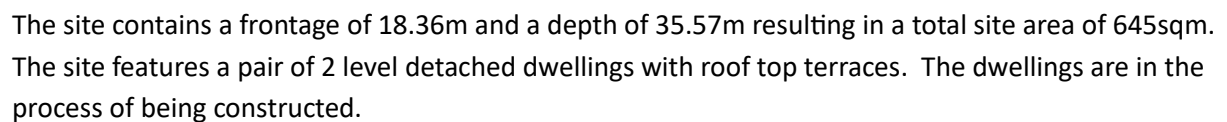
The proposal is a variation to DA 24038084 (Variation of Development Application 24036704 to add rooftop terrace to each dwelling and additional screening the rear upper level balcony and rooftop terrace) comprising changes to the height of balcony and roof top screens.

Screening is proposed to comprise:

- a combination of 1.5 to 1.7 metres in height to the sides of the rear balconies and roof tops;



- screening to a height of 1.5 metres on the western rear elevation of the second level balconies; and
- screening to a height of 1.2 metres on the western rear elevation of the roof top terraces.



**Locality**

The locality surrounding 18 Gulf Parade, South Brighton, is predominantly residential, characterised 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.



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

PER ELEMENT:

Building Alterations: Code Assessed - Performance Assessed
Dwelling alteration or addition

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON

P&D Code

PUBLIC NOTIFICATION

No

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises changes to the height of balcony and roof top screens . It is located in the General Neighbourhood Zone. Development of this nature is appropriate within the Zone for the following reasons.

The works directly associated with dwellings, which are specifically envisaged by the Zone.

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

Visual Privacy

As the dwellings are approved and currently under construction, all other aspects besides consideration to visual privacy are irrelevant.

The assessment of visual privacy is guided by the Plan SA Design Code Part 4 - General Development Policies - Overlooking / Visual Privacy (low rise buildings).

Performance Outcome 10.2 states:

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

Designated Performance Feature 10.2 states:

One of the following is satisfied:

~~1. 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

2. 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:

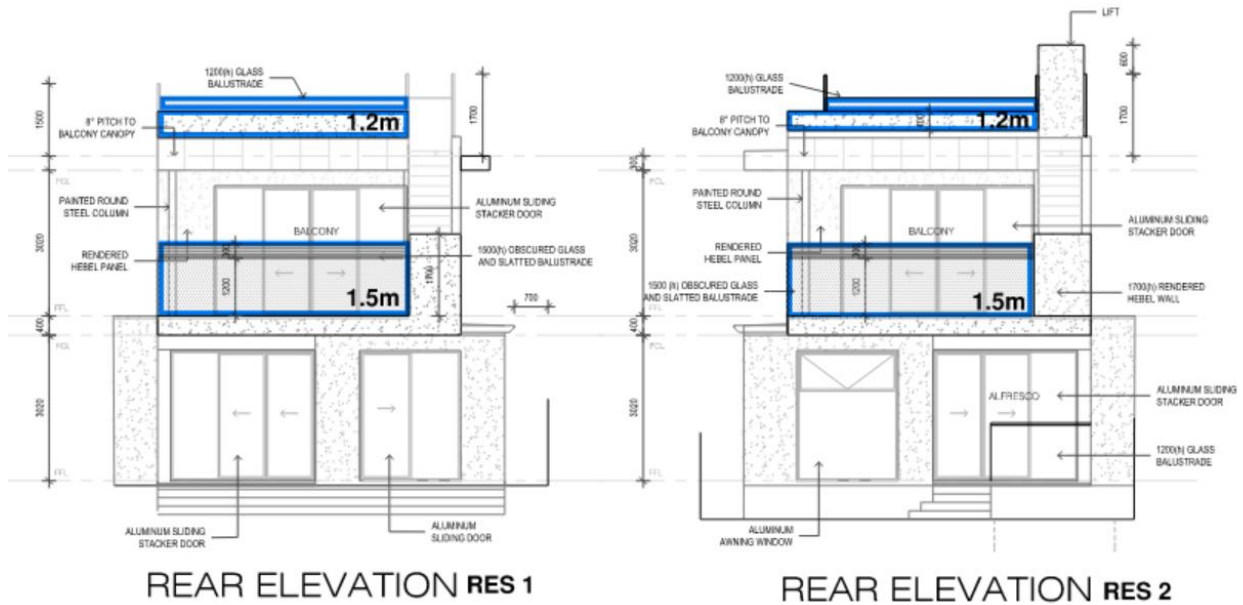
1. 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land

or

2. 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.



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

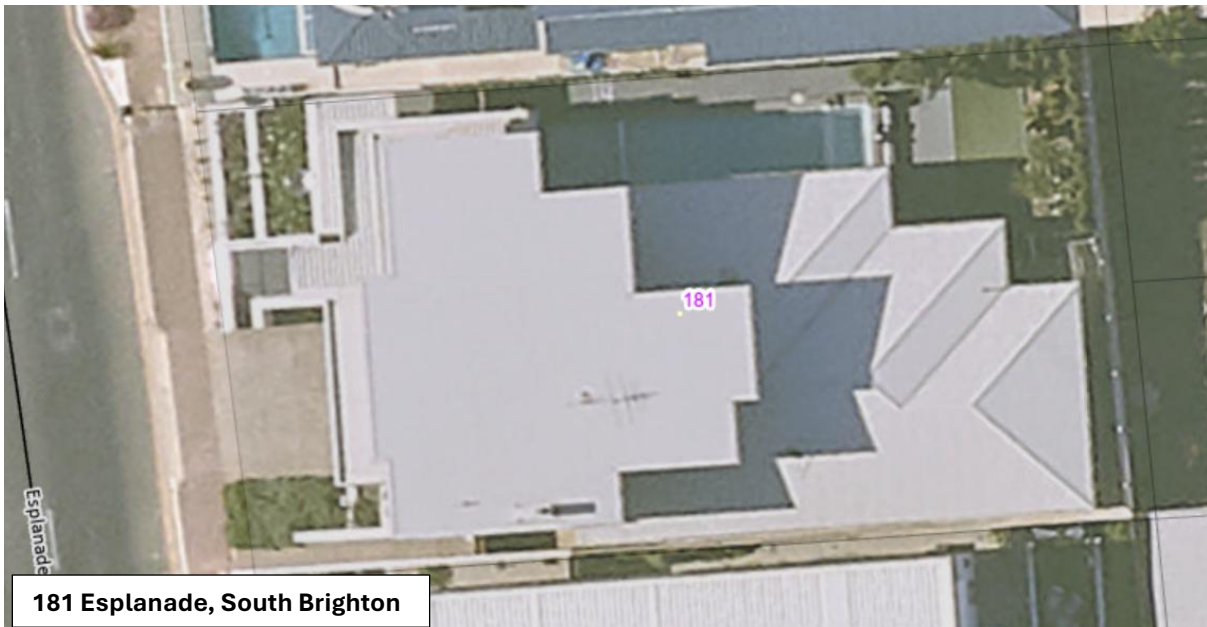
The views within the 15m radius into 179 Esplanade which is located on the southern corner of Oleander Street West and the Esplanade are screened by the existing outbuildings as seen in Image 3. Further, the existing dwelling located at 16 Gulf Parade, north of the subject site, contains an

upper-level rear balcony that contains no screening and has views into the private open space of 179 Esplanade South Brighton.



Above: Aerial image 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.



181 Esplanade, South Brighton

It is noted that the balcony and roof deck are located within 15 metres of the private open space area of 181 Esplanade, South Brighton.

The viewing diagram below also shows the extent of views from the dwelling under construction at 20 Gulf Parade which contains a 1.5m high balustrade.



Above: 15m radius of overlooking from the rear balconies

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 screen height of 1.5 metres at the second level west facing balcony is considered reasonable, as it satisfies Performance Outcome 10.2:

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

A screen height of 1.5 metres is typically considered to be reasonable in mitigating direct overlooking into neighbouring land, evident by the fact that upper level windows require a minimum height of 1.5 metres. Both an upper level window and balcony offer a similar vantage point (i.e. same floor level) with the only point of difference is that one element is enclosed and the other is open. Notwithstanding, if the applicant were to convert the rear balcony into a habitable room, a window with a screen height of 1.5 metres in the same position would be deemed to suffice in mitigating direct overlooking.



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, as the screening is of appropriate height and transparency in accordance with the distance from adjoining dwellings.

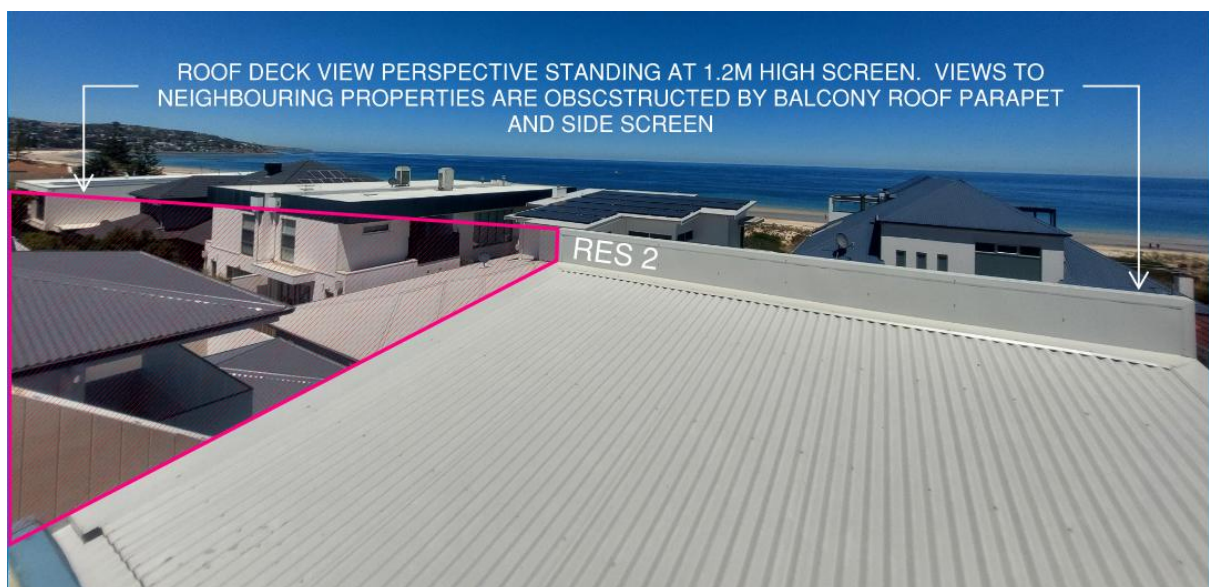
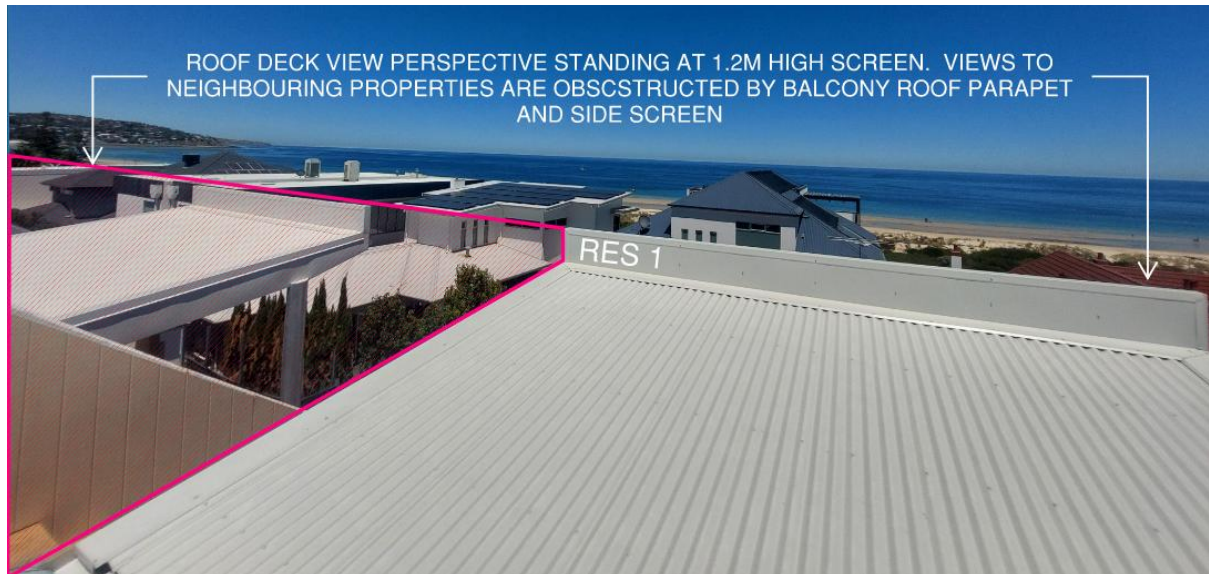
Regarding the roof top deck screening, which comprises a screen height of 1.2 metres on the western rear elevation and screening between 1.5 and 1.7 metres in height to the sides, which tapers down to the height of the 400mm high second level balcony roof parapet. A site inspection was undertaken from the roof deck as part of the assessment process to which it was practically determined that the proposed roof deck screening is sufficient due to the existence of the second level balcony roof below, which protrudes beyond the 1.2 metre screen. The physical viewing point, together with the actual sight lines are such that the proposed side screens and second level balcony roof are sufficient in preventing direct views into neighbouring properties.

This is illustrated in the photographs below, which demonstrate the line of sight standing at the location of the 1.2 metre high screening. A pink coloured outline is added to the photo to demonstrate the surface area of the proposed screen, which clearly prevents views into neighbouring yards or windows.

Based on the applicants well designed screening, the roof deck is also considered to satisfy Performance Outcome 10.2 in that the development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

The design is such that this Performance Outcome is achieved and therefore warrants planning support.

It is critical to acknowledge that the Designated Performance Feature which offers a numerical screen height of 1.7 metres, is a design guideline only, simply offering one way of satisfying the Performance Outcome, and thus not required to be met where the Performance Outcome is satisfied.



CONCLUSION

The proposed variation to Development Application 25039869, involving an adjustment to the screening height of the second level balcony and roof terrace is not considered seriously at variance with the Planning and Design Code. The screening design offered for both the second level balcony

and roof terraces are considered to sufficiently satisfy Performance Outcome 10.2 of which this variation application is to be assessed against.

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 25039869, by Thomas Treloar is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

1. 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).

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.