

DEVELOPMENT NO.:	26007948
APPLICANT:	Tom Pierce
AGENDA ITEM NO:	3.1
ADDRESS:	17 Wilson Street, Adelaide
NATURE OF DEVELOPMENT:	Construction of two three storey semi-detached dwellings
ZONING INFORMATION:	Zones: • City Living Subzones: • Medium-High Intensity Overlays: • Airport Building Heights (Regulated) • Affordable Housing • Design • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Sig Retirement Facility Supported Accom Sites • Urban Tree Canopy Technical Numeric Variations (TNVs): • Maximum building height 3 levels and 11 metres • Minimum Site Area semi-detached dwelling 120m²
LODGEMENT DATE:	23 March 2026
RELEVANT AUTHORITY:	City of Adelaide Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.5 – 12 March 2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	KT
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Traffic and Infrastructure

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land & Locality Map	ATTACHMENT 6:	Response to Representations
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All attachments and appendices are provided via [Link 1](#)

PERSONS SPEAKING BEFORE THE PANEL

Representors

- Peter Allcroft of 34 Tomsey Court, Adelaide
- Stuart Potter of 38 Tomsey Court, Adelaide

Applicant

- Kyle Tapscott of MasterPlan on behalf of the applicant

1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes the construction of two three storey semi-detached dwellings. Each dwelling will consist of:

- a bedroom with walk in robe and ensuite, retreat area and garage at ground level
- open plan living/dining/kitchen area, bedroom (with ensuite), powder room and balcony at first floor level
- bedroom with walk in robe and ensuite, kitchenette, laundry and balcony with rooftop garden at second floor level
- lifts and stairs connecting each level.

A driveway to the rear will contain landscaping and a bin storage area for both dwellings. A new crossover to the south will be constructed south of the existing crossover. This requires relocation of an SA Power Networks (SAPN) light pole. A gate will be built at the entrance to the driveway.

The dwellings will be built to both the eastern and western boundaries and together will occupy an area of 235m² with a height of 11.25 metres from ground level.

The building will be roughly symmetrical, with the eastern dwelling being slightly wider than the western dwelling. Front setbacks across all three levels vary and the roof projects further than the main upper level façade.

External materials will consist of concrete render in off white and dark grey (monument) colours, cream coloured brick, timber cladding, dark grey (monument) metal cladding, black metal balustrades and glazing with black powder coated framing.

Landscaping will include:

- ground level front garden beds and within eastern courtyard and rear driveway
- ground level planter box along western boundary and the front of the first level balcony
- roof top garden on upper terrace.

As detailed by the indicative plan of division, the dwellings will each occupy their own site, separated by a party wall and with a right of way over the rear driveway for vehicle access. Easements are envisaged over the eastern site to allow for a bin storage area and rainwater tanks.

2. **BACKGROUND**

The development consists of 'semi-detached dwellings' as defined in Part 7 of the Planning and Design Code with both dwellings occupying their own site, having frontage to a public road and when joined together forming a single building. This is shown on an indicative plan of division.

A large tree is located on a site directly to the south. This appears to be a regulated tree.

Regardless, the separation of the development from this tree means the possibility of tree damaging activity is low. Consequently, tree damaging activity has not been included in this assessment.

3. **SUBJECT LAND & LOCALITY**

Subject Land

The subject site is located on the corner of Wilson Street and Tomsey Court, with a primary frontage to Wilson Street of approximately 12.8 metres and a secondary frontage to Tomsey Court of approximately 28.6 metres. The site has an area of approximately 366m².

The site contains a single storey dwelling and garage outbuilding. The dwelling consists of a simple concrete construction with a corrugated iron roof and occupies approximately 163m² and is setback from all boundaries.

An outbuilding located in the southwestern corner of the site abuts the southern and western boundaries. It occupies an area of 23m². Both buildings are proposed to be demolished in their entirety to accommodate the development.

The site is relatively level.

Vehicle access is obtained via a crossover from Tomsey Court, with pedestrian access available from Wilson Street.

There are no regulated or significant trees on the site.

Locality

The locality is predominantly residential in character, with surrounding properties facing Wilson Street, Tomsey Court, East Terrace, Carrington Street and Halifax Street mostly being varying dwelling types.

The subject site is one of only five properties fronting Wilson Street together with the neighbouring property to the east and nearby properties on the northern side of the street. Other properties with a boundary to Wilson Street have a primary frontage to Carrington Street or East Terrace with a side or rear boundary on Wilson Street. The site is one of a few properties with a secondary frontage to the eastern side of Tomsey Court, opposite several dwellings fronting the western side of the street.

The locality incorporates a variety of architectural styles, building heights and allotment areas.

To the north, south and west built form is characterised by a mix of single storey and two storey buildings. Buildings fronting Wilson Street and Tomsey Court are primarily two storey and relatively modern in appearance, with some single storey buildings located throughout.

Nearby on East Terrace, buildings are notably larger, with those south of Wilson Street ranging from 4 to 6 levels. To the north, facing Carrington Street, there are several single storey dwellings, some with single or two storey rear additions. Several are Local and State heritage listed buildings.

The pattern of development in the area is characterised by medium to high site coverage, with minimal side setbacks, small irregular front setbacks and varying open space areas.

Figure 3.1 – Subject site from Wilson Street



Figure 3.2 – Subject site from Tomsey Court



Figure 3.3 – View along Wilson Street looking east



Figure 3.4 – View along Tomsey Court looking north



Figure 3.5 – Adjacent dwellings to west from corner of Wilson Street and Tomsey Court



Figure 3.6 – Adjacent dwelling to east viewed from Wilson Street



Figure 3.7 – Adjacent site to south viewed from the east



Figure 3.8 – Wilson Street viewed from east



4. **CONSENT TYPE REQUIRED**

Planning Consent

5. **CATEGORY OF DEVELOPMENT**

PER ELEMENT:

Semi-detached Dwelling: Code Assessed – Performance Assessed

Fence: Code Assessed – Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed – Performance Assessed

REASON:

Semi-detached dwellings and fences are not classified as Restricted, Accepted or Deemed to Satisfy development per criteria in Tables 1, 2 or 4 of the City Living Zone.

Both are included in City Living Zone Table 3 – Policies for Performance Assessed Development and are therefore performance assessed.

6. **PUBLIC NOTIFICATION**

REASON:

Public notification was undertaken as the proposal does not satisfy City Living Zone Table 5, Clause 2 exception criteria. Exception criteria not met as the height of the eastern boundary wall of the dwelling exceeds 3 metres from the top of footings and does not abut an existing wall or structure of greater height on adjoining allotment.

Table 6.1 – List of Representations

No.	Representor Address	Request to be Heard
1	Stuart Potter, 38 Tomsey Court, Adelaide	Yes – Support with concerns
2	Peter Allcroft, 34 Tomsey Court, Adelaide	Yes – Opposes

Table 6.2 – Summary of Representations

- Direct overlooking into windows and private open space of nearby dwellings
- Overshadowing of nearby dwellings
- Bulk, scale and massing inconsistent with streetscape character and surrounding locality
- Increased demand for on-street parking resulting from more dwellings
- Increased noise
- Impacts to views of nearby properties
- Concerns relocation of light pole on footpath cause light shining into nearby dwellings
- Dust and asbestos mitigation during construction
- Impacts to nearby dwelling vehicle access during construction.

Note: The full representations and the applicant's response to the representations are included in Attachments 5 and 6.

7. **AGENCY REFERRALS**

Nil

8. **INTERNAL REFERRALS**

Traffic

- Initial referral required the applicant provide further details demonstrating how the garages meet off-street car parking standard AS/NZS 2890.1:2004
- The proposal was revised to include the following changes and vehicle swept paths:
 - rear gate changed to a vertical lift panel door from the previous swinging gate
 - driveway layout revised with landscaping, bin storage location shifted
 - widened garages.

Infrastructure

The proposed new crossover has potential to impact assets in public realm including a stormwater pit, SAPN light pole and associated service pit.

- Crossover is feasible but could impact nearby side entry pit (SEP) so the developer needs to implement the following at their cost:
 - relocate existing SEP
 - construct a standard junction box at current SEP location
 - connect new SEP to junction box via an underground pipe
 - obtain Council approval prior to commencement of works.
- Relocation of SAPN light pole will be required to accommodate proposed crossover, noting the developer needs to implement the following at their cost:
 - detail removal and reinstatement of the existing lighting asset
 - install a temporary lighting arrangement during construction, demonstrating compliance with required PR3 lighting levels throughout the works
 - install a permanent lighting solution, with construction methodology that complies with Council's requirements and demonstrates compliance with PR3 lighting levels upon completion.

9. **PLANNING ASSESSMENT**

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

9.1 **Summary of City Living Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living.		

Land Use and Intensity			
PO 1.1	Development contributes to diversity of housing options in zone and comprises an envisaged use.	☒	☐
Built Form and Character			
PO 2.1	Demolition of existing dwelling and construction of semi-detached dwellings increases in number of dwellings.	☒	☐
PO 2.2	- Development contributes to medium-rise residential character in the Medium-High Intensity Subzone. - Consistent with maximum 3 level building height. - Marginally higher than 11 metre maximum height at 11.25 metres which will have minimal additional impact.	☒	☐
PO 2.3	Refer Section 9.5.	☒	☐
PO 2.4	Proposed crossover comparable in length to existing crossover.	☒	☐
Building Setbacks			
PO 3.1 to 3.5	Refer Section 9.5.	☒	☐
Site Dimensions and Land Division			
PO 4.1	Development provides allotments of approximately 180m² for each semi-detached dwelling which satisfies minimum site area of 120m².	☒	☐
Car Parking and Access			
PO 5.1	- Proposed crossover will replace existing. - Access provided from a minor street.	☒	☐

9.2 Summary of Medium-High Intensity Subzone Assessment Provisions

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Medium rise, medium density housing in a variety of forms with an eclectic mix of supporting non-residential land uses interspersed (including as mixed use development) that complement area's urban residential amenity.		
DO 2	Redevelopment of existing non-residential sites into integrated mixed use developments to increase residential population and vibrancy of the area.		
Land Use and Intensity			
PO 1.1	In context of the zone and locality, dwellings present an increase to the density and a medium density outcome compared to pattern of development in the area.	☒	☐
Interface Height			
PO 2.1	Refer Section 9.5.	☒	☐

9.3 Summary of Applicable Overlays

The following Overlays are not considered relevant to the assessment of this application:

- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 80 metres
- Building Near Airfields Overlay – not located near airfield
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no trees affected

The following Overlays are considered relevant to the assessment of the application:

Design Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development positively contributes to the liveability, durability and sustainability of the built environment through high-quality design.		
Flood Resilience			
PO 1.1	• Development demonstrates adequate quality of design. • Provides mix of materials, addresses bulk and scale of building from public realm and provides high level of amenity through landscaping and natural light.	☒	☐

Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development adopts precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.		
Flood Resilience			
PO 1.1	• Finished ground floor level 320mm above top of kerb in accordance with PO 1.1.	☒	☐

Stormwater Management Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development incorporates water sensitive urban design techniques.		
PO 1.1	• Development provides rainwater tanks with 1,000 litres of detention and 2,000 litres of retention.	☒	☐

Urban Tree Canopy Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Residential development preserves and enhances urban tree canopy through planting of new trees and retention of existing mature trees where practicable.		
PO 1.1	- Development proposes one small tree for each dwelling in ground floor landscaped area, however soil area does not satisfy minimum size required for a small tree in DPF 1.1. - As trees will not satisfy requirements of DPF 1.1, applicant required to make payment into off-set scheme.	☒	☐

9.4 General Development Policies

The following General Development Policies are relevant to the assessment:

Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.		
PO 1.1	No above ground power lines in proximity to site and therefore no potential hazard. Declaration provided.	☒	☐

Design in Urban Areas

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development contextual, durable and inclusive.		
All Development			
Fences and Walls			
PO9.1	- Fences and walls of sufficient height to maintain privacy and security without impacting visual amenity and access to sunlight or public amenity for adjoining properties. - Front fencing relatively low and side gate comparable in height to other fencing in the locality.	☒	☐
Site Facilities/Waste Storage (excluding low rise development)			
PO 11.1	- Rear driveway provides dedicated area for on-site storage of recyclable materials, refuse and green organic waste. - Driveway allows room for cleaning of bins.	☒	☐

All Development – Medium and High Rise			
External Appearance			
PO 12.1, 12.3, 12.4	Refer Section 9.5.	☒	☐
PO 12.2	Refer Section 9.5.	☒	☒
PO 12.5	External materials consist of brick and concrete render which are durable and will minimise ongoing maintenance.	☒	☐
PO 12.6	Refer Section 9.5.	☒	☐
PO 12.7	Entrances oriented towards the street and clearly visible from public realm.	☒	☐
PO 12.8	Building services, plant and mechanical equipment screened from public realm.	☒	☐
Landscaping			
PO 13.1 & 13.2	- Development provides a well landscaped area at the front with deep soil zones for tree planting. - Small trees will provide shade and soften appearance of the front façade. - Noting small size of soil zones (5m²) may result in trees not reaching large size or providing significant shading. - Significant landscaped areas not common in locality.	☒	☒
PO 13.3	Front landscaped area will receive access to natural light.	☒	☐
Environmental			
PO 14.2	- Development incorporates sustainable design techniques: - recapture of stormwater in rainwater tanks - landscaping across all building levels including rooftop garden and deep soil zone at ground level - provision for future solar panels on roof - north facing windows to capture winter sunlight and glazing to all sides of building to provide natural light.	☒	☐
Overlooking/Visual Privacy			
PO 16.1	Refer Section 9.5.	☒	☒
All Residential Development			
Front elevations and passive surveillance			
PO 17.1	- Dwellings incorporate windows and balconies facing primary street frontage to encourage passive surveillance. - Significant improvement in passive surveillance compared to existing dwelling.	☒	☐
PO 17.2	Entry doors visible from street frontage to address street and provide legible entry point for visitors.	☒	☐
Outlook and Amenity			
PO 18.1	Most living rooms will have a high level of external outlook.	☒	☐

Residential Development – Medium and High Rise			
Outlook and Visual Privacy			
PO 26.1	- Ground levels have habitable rooms to Wilson Street. - Outlook to Tomsey Court from ground floor retreat of western dwelling.	☒	☐
Private Open Space			
PO 27.1	- Dwellings have private open space exceeding minimum 24m². Western dwelling provides 54m² and eastern dwelling provides 59m². - Majority of open space accessible from living areas.	☒	☐
Residential Amenity in multi-level Buildings			
PO 28.2	- Balconies: - respond to daylight and wind conditions with shelter and screening - provide visual privacy at third level - allow views and casual surveillance of street while providing safety and visual privacy for nearby living areas.	☒	☐
PO 28.3	Balconies relatively large and provide sufficient area for seating. All balconies minimum dimension of 2 metres.	☒	☐
PO 28.4	Dwellings provide area for storage with walk in robes, storage cupboard in garage and first level linen cupboard.	☒	☐
PO 28.5	Light well to provide access to ground floor retreat of eastern dwelling. All other rooms utilise windows for primary source of outlook and ventilation.	☒	☐
PO28.6	Bedrooms of each dwelling abut each other, so noise sensitive areas not directly abutting higher noise areas.	☒	☐
PO28.7	Internal structural columns correspond with position of internal walls.	☒	☐

Infrastructure and Renewable Energy Facilities

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
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.		
Water Supply			
PO 11.2	Dwelling connected to mains water supply.	☒	☐
Wastewater Services			
PO 12.1	Development connected to wastewater disposal.	☒	☐

Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.		
Overshadowing			
PO 3.1	Refer Section 9.5.	☒	☒
PO 3.2	Refer Section 9.5.	☒	☐
PO 3.3	Solar panels on roofs to west will receive minor additional shadowing in morning hours and during winter only.	☒	☐

Site Contamination

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.		
Sightlines			
PO 1.1	Development does not involve a change in the use of the land.	☒	☐

Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
Sightlines			
PO 2.2	Front wall relatively low and visually permeable at corner to allow for sightlines between vehicles and pedestrians.	☒	☐
Vehicle Parking Rates			
PO 5.1	Two car parking spaces for each dwelling per Table 1 – General Off-street Car Parking Requirements.	☒	☐
Corner Cut-offs			
PO 10.1	Minimal built form within 4.5 metre corner cut off area.	☒	☐

9.5 Detailed Discussion

Design

Design in Urban Areas PO 12.2 envisages architectural detail at street level and a mixture of materials at lower building levels near the public interface to reinforce a human scale.

The northern side of the building provides a high level of detailing and a range of materials including brick, timber cladding, concrete render, metal and aluminium framed glazing. The western side is not as detailed but provides fenestration in the form of ground level windows to break up sections of the ground floor facade, with a planter box and small setback provided to assist in articulating the façade. Architectural detailing at ground level also assists in providing an attractive, high quality and pedestrian friendly street frontage in accordance with Design in Urban Areas PO 12.6.

Design in Urban Areas PO 12.3 requires buildings reduce visual mass by breaking elevations into distinct elements. The northern facade achieves this through prominent brick columns forward of the main glazed façade, varying setbacks of the glazed portion between different levels, a cantilevered roof and a mixture of colours and materials.

The main technique on the Tomsey Court façade to reduce visual mass includes separating each level into distinct colours. Visual mass on this side is broken up further by building cutouts, varying setbacks from the street and of each level from the northern and southern ends of the building.

The eastern side of the building is articulated towards the front to reduce visual mass but is blank towards the rear, however this is less of a concern as the eastern boundary wall will be substantially screened by the existing dwelling to the east.

Measures taken to reduce building mass on the eastern and western facades also result in walls visible from the public realm having visual interest and avoiding large blank elevations.

Local Context

City Living Zone PO 2.3 requires new buildings and structures visible from the public realm to be consistent with the valued streetscape and prevailing built form characteristics of the area. This is supported by Design in Urban Areas PO 12.1, which suggests buildings should positively contribute to the character of the local area by responding to local context.

Throughout Wilson Street and Tomsey Court, as well as to the north on Carrington Street, buildings are low in scale and do not exceed two storeys. However, while most buildings in the immediate locality are low scale, there is a six level building at 217 East Terrace. This building is in proximity to the subject site and immediately visible from surrounding areas.

When considering the development in this context, the three storey, 11.25 metre height provides a transition between larger building to the east and lower scale buildings to the west. The envisaged maximum height and scale of development in City Living Zone PO 2.2 further supports increased height compared to existing low-scale built form in Wilson Street and Tomsey Court.

The modest front setback and minimal side setbacks are characteristic of nearby allotments.

The architectural style is consistent with the character of the area, with most existing buildings being a contemporary style. The colour palette of grey, white, black and beige/neutral tones is reflective of other nearby buildings including at 217 East Terrace and on the western side of Tomsey Court.

Overlooking

Design in Urban Areas PO 16.1 calls for direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones to be mitigated.

Overlooking of habitable rooms and private open space of adjacent residential uses from all southern, western and eastern facing windows and balconies is mitigated by obscured windows and balustrades to a height of 1.7 metres.

Windows on the northern side are not obscured, however setbacks from the balcony edge of the behind solid return walls on either side, will restrict views and mitigate overlooking.

There is potential for overlooking to surrounding ground floor habitable rooms and private open space from northern balconies on the second and third levels. Measures to mitigate overlooking from these balconies include:

- brick façade feature on the northern side providing a solid 'balustrade' of 1.5 meters for a large portion of the northern side of the balcony
- raised third level balcony garden prevent residents from venturing to the edge of the balcony
- 1.5 metre high wall, extending to a full height wall towards the northern façade of the dwelling on the western side of the third level balcony.

The second level balcony features a 1 metre high, see-through metal balustrade along the northern side. On the northeastern and northwestern corners, floor to ceiling curved metal balustrade screening is proposed. To the west, views to the ground floor of 36, 38 and 40 Tomsey Court will be partially obscured by side wall returns and curved balustrade screening. Not considered for overlooking:

- building at 217 East Terrace as windows and balconies either obscured or readily visible from ground level. Development will not result in views to this building not already possible
- upper level windows of 40 Tomsey Court already readily visible from ground floor
- property directly to the north at 423 Carrington Street, which has a rear area visible from upper levels, however purpose of this area is unclear and not indicated in past development approvals, although aerial photography and the presence of a crossover to the street indicate use as a car parking space.

While direct and incidental overlooking from the third level balcony, southern balcony and upper level windows has been addressed, some overlooking from the second level balcony is possible and this is encouraged to provide passive surveillance over the public realm.

Overshadowing

Interface Between Land Uses POs 3.1 and 3.2 require overshadowing of habitable room windows and primary private open space areas of adjacent residential uses in neighbourhood-type zones to be minimised to maintain access to direct winter sunlight.

To the east, the property at 15 Wilson Street contains north facing windows which have potential to be shadowed. As demonstrated in shadow diagrams, the development will not result in additional overshadowing until after 12pm.

By 3pm, just over 50% of the upper level windows at 15 Wilson Street will be subject to shadowing. The ground floor windows and central courtyard are already mostly shadowed throughout the day by the single storey garage. The development is not expected to contribute to additional overshadowing of ground floor windows or private open space and will maintain three hours of sunlight to upper level windows.

To the west, properties on the western side of Tomsey Court including 38 Tomsey Court and properties further south will be subject to winter overshadowing during the morning. The properties at 36-38 Tomsey Court have private open space areas at the front, as well as ground level windows facing east. Further south, 34 Tomsey Court has second level windows and an upper level deck that will be shadowed.

At 38 Tomsey Court, the trajectory of shadowing will only impact a portion of the ground floor courtyard at 9am, with windows largely unimpacted. The property at 36 Tomsey Court will have all the courtyard in shadow from the development at 9am. The ground floor courtyards of both properties have high walls to the street, which already result in shadowing.

The north and east facing upper level windows at 34 Tomsey Court will have sunlight reduced currently received at 9am. The upper level deck at 34 Tomsey Court is not the primary area of open space (primary area is a ground floor courtyard), therefore shadowing to this area is not addressed by Interface Between Land Uses PO 3.2.

From 12pm onwards, properties to the west will not be shadowed by the development. While the loss of morning sunlight to 34 Tomsey Court is not ideal, apart from this, the proposal will not result in significant additional shadowing to other properties to the west. The development is within the three level height envisaged in the area, and some additional overshadowing is expected.

Adjacent land to the south consists of the driveway/car parking areas for properties facing East Terrace and therefore shadowing of these areas is not a concern.

Setbacks

The subject site is one of two properties fronting the southern side of Wilson Street, the other being immediately adjacent to the east. In accordance with City Living Zone PO 3.1, the development provides a setback greater than the adjacent building which is not setback from the street.

The 2.4 metre front setback is consistent with setbacks in the locality and similar to the existing building. Other nearby buildings provide similar or smaller front setbacks. Some, including the building immediately adjacent to the east, provide none. Conversely the front setback is not too large in comparison to existing development in the locality. This and the location of the subject site on the corner avoid a notable gap in the streetscape.

City Living Zone PO 3.2 envisages buildings setback from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and to reinforce streetscape character. The proposed building is setback from the secondary street boundary on Tomsey Court by 680mm for the most part, with the rear portion directly abutting the street boundary.

The character of the eastern side of Tomsey Court comprises fences and garages. Throughout the wider locality, there are several examples of single and two storey buildings directly abutting the street where it serves as a secondary frontage including to the north, at the southern end of Tomsey Court and in the western portion of Wilson Street. However, it is acknowledged the development is noticeably larger than these buildings.

The setback of the proposed building from the secondary street frontage is consistent with the streetscape and pattern of separation between building walls and surrounding streets in accordance with City Living Zone PO 3.2.

The minimal side setbacks are consistent with the pattern of the streetscape, with numerous other buildings built to both side boundaries. The lack of a side setback will not greatly impact light and ventilation of neighbours. To the west the street and small setback from the boundary provides separation from nearby properties and to the east the development does not result in significant additional overshadowing of private open space and windows which are largely already overshadowed. The building to the east also receives substantial ventilation and natural light.

A rear setback of 6.9 metres at ground level and 4.2 metres at the upper levels will be provided. Noting land to the rear consists of a vehicle parking area for buildings fronting East Terrace and the building to the east extends further south than the development, this rear setback will not impact natural light and ventilation for neighbours.

Medium-High Intensity Subzone PO 2.1 suggests development abutting the subzone boundary should be designed to manage the interface with areas of the City Living Zone to minimise impacts in terms of building massing, proportions and overshadowing on residential development.

The subject site abuts the subzone boundary on the southern side, beyond which is the East Terrace Subzone. There is minimal concern for overshadowing of the land directly to the south as it is a parking space. Building massing and proportions when viewed from outside the Medium-High Intensity Subzone are mitigated by the setback of the property from the rear and detailing to provide visual interest and break up the southern façade of the building.

Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes.

Having undertaken an assessment of the application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Code, particularly as it is residential development envisaged in the zone and subzone.

10. **CONCLUSION**

The City Living Zone envisions predominantly residential development of low-to-medium density, with medium-rise and medium-to-high density development in identified areas such as the Medium-High Intensity subzone. Three levels is a scale envisaged for this site.

The development responds to local context by providing a transition from higher-scale development directly to the east and low-rise context to the west. While it is larger than most buildings in Wilson Street and Tomsey Court, the building addresses the street by providing visual interest to components visible from the public realm and setbacks consistent with development in the area.

On site functional requirements are acceptable, with the building providing amenity for occupants through adequate on-site car parking, private open space, landscaping, outlook and storage.

The development will have some impact to properties in the locality, with increased overshadowing to some neighbouring properties as well as increased overlooking. Noting the scale of development envisaged in the zone and subzone, some impact is expected and the development appropriately mitigates these impacts.

It is recommended the proposed development be granted Planning Consent.

11. RECOMMENDATION

It is recommended the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number 26007948 by Tom Pierce is GRANTED Planning Consent subject to the following reserved matter, conditions and advices:

RESERVED MATTER

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter shall be reserved for further assessment, to the satisfaction of Council's Assessment Manager, prior to the granting of Development Approval:

1. Details regarding SAPN light pole relocation in Tomsey Court shall be provided and approved by Council with the applicant responsible for all associated costs

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.

CONDITIONS

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).

- Floor Plans, prepared by D'Andrea Architects, Drawing No. A 2201, dated 24 October 2025
- Elevations, prepared by D'Andrea Architects, Drawing No. A 2202, dated 24 October 2025

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2. The privacy screening, obscured glazing and upper level window sill heights as depicted on the plans granted consent described as Drawing No. A 2202 shall be installed prior to the occupation or use of the development and thereafter shall be maintained to the reasonable satisfaction of the Relevant Authority at all times.

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3. The applicant or the person having the benefit of this consent shall ensure that all storm water run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run-off shall be installed within the property boundaries of the land to the reasonable satisfaction of the Relevant Authority.
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4. The landscaping depicted on the plans shall be maintained in good health and condition at all times to the reasonable satisfaction of the Relevant Authority. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of the Relevant Authority.

5. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

6. 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.

7. The finished floor level at the boundaries of the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundaries.

ADVISORY NOTES

1. Development Approval Required

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.

2. Expiration of Consent

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

3. Commencement and Completion

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via d.planner@cityofadelaide.com.au or phone 8203 7185.

4. Appeal Rights

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 8204 0289).

5. Consultation with Adjoining Owners

In addition to notification and other requirements under the Planning, Development and Infrastructure Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

6. Boundaries

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

7. Certificate of Title

The owner/applicant is advised that consent from any relevant easement, LMA 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>

8. City Works Permit

Any activity in the public realm, whether it be on the road or footpath (including the Adelaide Park Lands), requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities and fee calculator and online application form can all be found on Council's website at <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of five business days. For more information, contact cityworks@cityofadelaide.com.au

9. Vehicle Crossover Made Obsolete

The vehicle crossing place(s) made redundant as a result of this development will be closed by Council and the applicant will be charged directly for the work. A quotation for the work will be provided by Council to the applicant prior to the work being undertaken.

10. Stormwater Entry Pit

Any potential works to the stormwater entry pit on Tomsey Court to accommodate the proposed crossover shall be subject to approval from Council and shall be at cost to the developer.
