

Development Assessment Panel Minutes

20 April 2015

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7:00pm

PRESENT

Panel Members Mr Terry Mosel
Mr Don Donaldson
Ms Jenny Newman
Mr Phil Smith
Mr John Minney
Mr John Frogley
Mr Carlo Dottore
Mr Kevin Duke

Staff Mr Mark Thomson (Manager, Development Assessment)
Mr Matt Atkinson (Senior Urban Planner)
Ms Emily Crook (Development Officer – Planning)
Mr Nenad Milasinovic (Acting Senior Urban Planner)

APOLOGIES Mr Carlos Buzzetti (General Manager, Urban Planning and Environment)
Ms Fleur Bowden

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 16 MARCH 2015

Mr Frogley moved that the minutes of the Meeting of the Development Assessment Panel, held on 16 March 2015 be taken as read and confirmed,

Seconded by Mr Dottore and carried.

2. PRESIDING MEMBER'S COMMUNICATION

3. MEMBERS' COMMUNICATION

4. STAFF REPORTS

- Items to be starred (4.1, 4.2, 4.3, 4.4)
- All unstarred items to be adopted (4.5)

Mr Duke moved in accordance with the recommendation for the unstarred item.

Seconded by Ms Newman and carried.

4. STAFF REPORTS

4.1 DEVELOPMENT ASSESSMENT PANEL TERMS OF REFERENCE

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: S/1099
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to enable the Development Assessment Panel to adopt Terms of Reference to enable it to conduct its business.

BACKGROUND

Section 56A(19) of the *Development Act 1993* (the Act), prescribes that the procedures to be observed in relation to the conduct of business of a council Development Assessment Panel will be:

- (a) as prescribed by regulation;
- (b) insofar as a procedure is not prescribed under paragraph (a) – as determined by the panel.

In this context, there is a legislative obligation on the Panel to adopt Terms of Reference to guide the way in which the Panel conducts its business.

DISCUSSION

The Terms of Reference for the new Development Assessment Panel represent a starting point for the new Panel to conduct its business. The Terms of Reference reflect the Council's expectations for how the Panel should conduct its business. Over time, the Panel may choose to modify any provisions within the Terms of Reference that relate to procedures to be observed in relation to the conduct of the Panel's business.

If Panel Members have major concerns with the Terms of Reference that were endorsed by the previous Development Assessment Panel in December 2014, it is suggested that those concerns be expressed to staff, who in turn can prepare a discussion paper for the Panel's consideration or can facilitate a workshop so that Panel Members can make well informed decisions regarding the Panel's Terms of Reference.

The Council considered a report at its meeting held on 1 December 2014, regarding a review of the previous Development Assessment Panel during the period December 2013 to November 2014. The following resolutions of the Council in relation to that report are relevant to the DAP's Terms of Reference:

That pursuant to Section 56A (4a) of the Development Act 1993, Specialist External Members of the City of Norwood Payneham & St Peters Development Assessment Panel, Ms Jenny Newman, Mr Pellegrino De Fazio, Mr David Cree, Mr Graham Gaston and Presiding Member, Mr Gavin Lloyd-Jones shall continue to act as Members, despite their term of office having expired and provided that they desire to do so, for a period of up to 6 months from 7 November 2014, until reappointed or successors are appointed (as the case may be).

That Elected Members be appointed to the City of Norwood Payneham & St Peters Development Assessment Panel for the period from 15 December 2014 until 31 December 2015, or until removed from membership of the Development Assessment Panel by resolution of the Council, whichever occurs first.

That the following Elected Members be and are hereby appointed to the City of Norwood Payneham & St Peters Development Assessment Panel:

- Cr John Frogley;
- Cr Carlo Dottore;
- Cr John Minney; and
- Cr Kevin Duke.

That expressions of interest be called for Specialist External Members of the City of Norwood Payneham & St Peters Development Assessment Panel, including the position of Presiding Member.

Following a selection process for the Specialist External Member positions, the Council subsequently resolved at its meeting held on 6 April:

That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel, for a period commencing on 20 April 2015 until 31 December 2015, or until extended or removed from membership of the Development Assessment Panel by resolution of the Council:

- *Mr Terry Mosel;*
- *Mr Phil Smith;*
- *Mr Don Donaldson;*
- *Ms Jenny Newman; and*
- *Ms Fleur Bowden.*

The changes endorsed by the Council at its meetings held on 6 April 2015, with respect to the membership of the Panel, have been incorporated into a revised draft of the Panel's Terms of Reference, a copy of which is contained in **Attachment A**. In this context, it is recommended that the Panel endorse the Terms of Reference included in Attachment A to this report, until the Terms of Reference are further reviewed by the new Panel.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Forming a Panel in accordance with the relevant legislation is good governance and provides the community with the confidence that our processes, procedures and delegations are robust; all of which allows us to focus on the implementation of the Council's Strategic Management Plan, City Plan 2030.

FINANCIAL IMPLICATIONS

N/A

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

OPTIONS

The Panel can either adopt the draft Terms of Reference attached to this report or adopt a modified version of the Terms of Reference.

CONCLUSION

It is recommended that the Panel endorse the draft Terms of Reference contained in Attachment A, which continue to recognise the Panel's principal role in development assessment and related matters, in accordance with the requirements of the Section 56(A)(19) of the *Development Act 1993*.

COMMENTS

Nil

RECOMMENDATION

That, pursuant to Section 56A(19) of the *Development Act 1993*, the City of Norwood Payneham & St Peters Development Assessment Panel adopt the Development Assessment Panel Terms of Reference, contained in Attachment A to this report, until reviewed further by the Panel.

Mr Donaldson moved

That, pursuant to Section 56A(19) of the Development Act 1993, the City of Norwood Payneham & St Peters Development Assessment Panel adopt the Development Assessment Panel Terms of Reference, contained in Attachment A to this report, until reviewed further by the Panel.

Seconded by Mr Minney and carried.

4. STAFF REPORTS

4.2 APPOINTMENT OF DEPUTY PRESIDING MEMBER FOR THE DEVELOPMENT ASSESSMENT PANEL

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: S/1099
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide Members of the Development Assessment Panel with relevant information to assist with the appointment of a Deputy Presiding Member, in accordance with Section 56A(4b) of the *Development Act 1993*.

BACKGROUND

Section 56A(4b) of the *Development Act 1993* (the Act), makes provision for a council Development Assessment Panel to appoint a Deputy Presiding Member, to be chosen by the Members of the Panel, for a term as determined by the Panel.

DISCUSSION

Whilst there is no specification set out in the Act regarding the role of Deputy Presiding Member, Section 56A (b) of the Act specifies that the Presiding Member of a council Development Assessment Panel will be appointed by a council taking into account the following requirements:

“the Presiding Member must be a person who is determined by the council to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.”

It therefore follows that any Member of the Panel who is considered for the position of Deputy Presiding Member should also meet the above-mentioned requirements.

It should also be noted that whilst the Presiding Member of the Panel must not be a member or officer of the Council, the Act does not specify that the Deputy Presiding Member must not be a member or officer of the Council. Therefore, any Member of the Panel can be nominated and appointed as Deputy Presiding Member.

The role of the Deputy Presiding Member is to take on the responsibilities of the Presiding Member when the Presiding Member is required to perform a duty and is unable to do so. In this context, it is considered that all Members of the Panel are suitably qualified to undertake the role of Deputy Presiding Member.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Forming a Panel in accordance with the relevant legislation is good governance and provides the community with the confidence that our processes, procedures and delegations are robust; all of which allows us to focus on the implementation of the Council’s Strategic Management Plan, City Plan 2030.

FINANCIAL IMPLICATIONS

The Deputy Presiding Member, when sitting as the Presiding Member, shall be entitled to payment of a sitting fee at the Presiding Member rate of \$500.00 per scheduled meeting of the Panel, in lieu of their regular remuneration as a sitting member, except in the event that the Deputy Presiding Member position is occupied by an Elected Member, in which case there shall be no sitting fee.

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

OPTIONS

Section 56A(4b) of the *Development Act 1993*, prescribes that a council Development Assessment Panel must appoint a Deputy Presiding Member. Therefore there are no other options available to the Panel.

CONCLUSION

It is recommended that the Panel appoint a Deputy Presiding Member pursuant to Section 56A(4b) of the *Development Act 1993*.

COMMENTS

Nil.

RECOMMENDATION

That pursuant to Section 56A(4b) of the *Development Act 1993*, _____ be appointed to the position of Deputy Presiding Member for the City of Norwood Payneham & St Peters Development Assessment Panel until 31 December 2015.

Mr Duke moved

That pursuant to Section 56A(4b) of the Development Act 1993, Mr Phil Smith be appointed to the position of Deputy Presiding Member for the City of Norwood Payneham & St Peters Development Assessment Panel until 31 December 2015.

Seconded by Ms Newman and carried.

4. STAFF REPORTS

4.3 DEVELOPMENT APPLICATION 155/78/2014 – MR V ROCCA – 113A-115 PAYNEHAM ROAD, ST PETERS

DEVELOPMENT APPLICATION:	155/0078/14
APPLICANT:	Mr V Rocca
SUBJECT SITE:	113A-115 Payneham Road, St Peters (Certificate of Title - Volume: 5820, Folio: 680)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey commercial building, comprising retail showrooms at ground level and offices at first floor level; and a two-storey residential flat building comprising four (4) dwellings; with associated car parking, fencing and landscaping
ZONE:	Mixed Use Historic (Conservation) Zone (Payneham Road Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two-storey commercial building, comprising retail showrooms at ground level and offices at first floor level; and a two-storey residential flat building comprising four (4) dwellings; with associated car parking, fencing and landscaping.

Staff do not have delegated authority to determine the Application, as the Application is a Category 3 development for the purposes of public notification.

As such, the Application is referred to the Panel for determination.

In making its determination, the Panel is required to consider whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Subject Land Attributes

Shape:	regular
Frontage width:	23.01 metres
Depth:	60.96 metres
Area:	1398.1m ²
Topography:	the land falls approximately 1.0m to the rear
Existing Structures:	vacant land
Existing Vegetation:	none

The subject land has recently been cleared of all structures and vegetation. The land has a frontage to Payneham Road and backs onto First Lane.

Locality Attributes

Land uses:	mix of business and commercial uses along Payneham Road with residential properties abutting the north-western side of First Lane
Building heights (storeys):	mix of single-storey and two-storey development
Streetscape amenity	moderate/poor – the locality is influenced by the heavily trafficked nature of Payneham Road. The majority of existing development along the north-western side of Payneham Road incorporates no and/or minimal street setbacks and minimal vegetation.

The subject land is located approximately 120 metres from The Avenues Shopping Centre, with a convenience store and takeaway food shops located adjacent to the subject land. Payneham Road is an arterial road with frequent public transport, serviced by several bus routes.

Adjacent to the subject land at 117 and 119 Payneham Road is a pair of maisonettes, which are used as a tattoo studio and lingerie shop respectively and are Local Heritage Places.

A plan of the subject land and its surrounds is contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent to construct a two-storey commercial building, comprising retail showrooms at ground level and offices at first floor level; and a two-storey residential flat building comprising four (4) dwellings; with associated car parking, fencing and landscaping.

The proposed two-storey commercial building is to be located adjacent to Payneham Road and comprises two (2) retail showroom tenancies at ground level, with gross leasable floor areas of approximately 120m² (Tenancy 1) and 70m² (Tenancy 2). Two (2) office tenancies are proposed at first floor level, with gross leasable areas of 131m² (Tenancy 3) and 122m² (Tenancy 4). The Applicant is a cabinet maker by trade and has stated an intention to occupy Tenancy 1 as a retail showroom to display furniture.

The proposed commercial building can be accessed by pedestrians from Payneham Road and the car parking area at the rear of the building. A common lobby/foyer area is located within the building, which includes an accessible bathroom and lift access to the first floor tenancies.

The proposed commercial building is a simple rectilinear design with a relatively flat roof, which is to be screened by parapet walls. The building is to be constructed with pre-cast tilt up concrete painted dark grey. The front facade of the building is proposed to include a projecting stone plinth at the base of the building and large anodised aluminium framed display windows. Simple flat anodised 'I' beam awnings are proposed at both ground floor and first floor level. The north-eastern side wall of the proposed commercial building includes a substantial green wall (vertical garden), while the south-western side of the commercial building will abut a boundary wall of the adjacent two-storey office building.

A two-storey residential flat building is proposed at the rear of the allotment, incorporating four (4) dwellings. A significant portion of the proposed residential flat building is located above the proposed at-grade car parking area for the commercial tenancies. The proposed dwellings are in a terrace configuration and each have individual access and garages from the common driveway area.

The dwellings include essentially the same layout, with the exception of Dwelling 1, which has a slightly larger family room. At ground level, each dwelling has an entry, a laundry, garaging for two (2) vehicles and a courtyard. At first floor level, each dwelling includes a combined kitchen/meals/family room with direct access to a courtyard/balcony, two (2) bedrooms (Bedroom 1 has an ensuite bathroom and a small balcony), a study (or third bedroom) and a bathroom.

The residential flat building is proposed to be constructed with pre-cast tilt up concrete panels, painted "Dulux Raw Cashew Nut" (beige). Anodised aluminium window and door frames are proposed, with all balcony balustrading and privacy screening to be constructed with aluminium slats in a Jarrah finish. The north-western rear wall and the south-eastern wall of the proposed residential flat building includes large vertical gardens ('grow walls') to soften the appearance of the building.

In addition to the residential garages, the proposed development includes at-grade car parking for fifteen (15) vehicles (including one (1) accessible space adjacent to the rear entry of the commercial building), a dedicated bicycle parking area for ten (10) bicycles and a separate delivery area adjacent the rear of the commercial building. The proposed common car parking area can be accessed from Payneham Road and First Lane, with all egress to be provided via First Lane at the rear of the site. The common car parking area includes access gates adjacent to each entry, which will be locked in the open position during regular business hours. Outside of these hours, the gates will be operated automatically and via an intercom system with the residential tenancies.

The proposed development includes dedicated bin storage and waste collection areas, in addition to a common letterbox area adjacent to the Payneham Road entry for both the residential and commercial tenants. The Applicant has provided an extensive landscaping plan and elevations, which indicate a range of trees, shrubs, ground covers and vertical gardens.

The relevant details of the proposal in terms of areas, setbacks and the like are set out in Table 1 below.

TABLE 1: COMMERCIAL DEVELOPMENT DATA:

Consideration	Tenancy 1	Tenancy 2	Tenancy 3	Tenancy 4	Development Plan Merit Assessment Quantitative Guideline
Overall Site Area		1398.1m ²			N/A
Allotment Width		22.86m – 23.01m			N/A
Allotment Depth		60.96m			N/A
External Wall Height*		7.6 metres			N/A
Maximum Overall Height (to roof apex)*		7.85 metres			N/A
Land use	Retail showroom	Retail showroom	Office	Office	N/A
Floor Area	120m ²	70m ²	131m ²	122m ²	N/A
Street Set-back		2.3 metres			N/A
Side Set-backs		nil & 5.02 metres			N/A
Rear Set-back		42.4 metres			N/A
Car Parking demand	2.4 - 4.8 spaces	1.4 - 2.8 spaces	5.24 spaces	4.88 spaces	2-4 spaces per 100m ² (retail showrooms) 4 per 100m ² (offices) Table NPSP/9
Car parking provision		15 spaces			14-18 spaces (based on above rates)

TABLE 2: RESIDENTIAL DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Floor area	179.9m ²	178.9m ²	178.9m ²	180.3m ²	N/A
Private open space	42.3m ²	39.8m ²	39.8m ²	40.1m ²	35m ² (City Wide PDC 244)
Street Set-back		25.2 metres			N/A

TABLE 2: RESIDENTIAL DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Side Set-backs					N/A
Ground level		nil & 12.3 metres			
First floor		2.0 metres & 2.8 metres			
Rear Set-back		2.5 metres			N/A
External Wall Height*		6.52 metres			N/A
Maximum Overall Height (to roof apex)*		6.72 metres			N/A
Car Parking	2 spaces	2 spaces	2 spaces	2 spaces	2.5 spaces per dwelling (NPSP/8)

* Heights are taken from the finished ground floor level and in the case of external wall heights, are measured to the under-side of the gutter or where there is no external gutter, to the top of the parapet wall. Where wall heights vary at different points of the dwelling, a range is given.

Plans and details of the proposed development are contained in **Attachment B**.

Notification

The proposal has been identified and processed as a Category 3 form of development.

Three (3) representations were received (all opposed, although two (2) of the representations were only opposed to specific aspects of the development) in response to this notification, copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- potential for overlooking from the proposed balconies to the tattoo studio located abutting the north-eastern side boundary of the subject land. The balconies should be screened to a minimum height of 1.7 metres in accordance with the Council's Development Plan;
- potential for overshadowing and access to natural light to the tattoo studio located abutting the north-eastern side boundary of the subject land;
- the proposed landscaping plans, which incorporate vertical gardens are an innovative way of ensuring that the built landscape becomes, greener, cooler, more attractive and sustainable into the future, provided that it is well maintained;
- the proposed two-storey commercial building is a rather bland flat roof building and does not enhance the historic character of the Payneham Road Policy Area;
- the proposed two-storey residential flat building is not sympathetic to the historic character of the locality in the Mixed Use Historic (Conservation) Zone;
- the visual outlook from the rear of dwellings within First Avenue will be compromised;
- the proposed development could potentially overlook the private open space areas of the adjacent dwellings within First Avenue;
- it is not clear how rubbish will be collected from the site;
- there is no indication of the mailbox location;
- access to/from First Lane at the rear of the subject land is difficult, due to the location of the boundary fence and gate abutting the lane.

The following representors desire to be heard personally by the Panel, in support of their representation:

- *Mr Simon Channon on behalf of Ms Carly Sanders; and*
- *Mr Cary Hay.*

The Applicant has responded to the representations received and a copy of their response is contained in **Attachment D**.

A summary of the response is provided below:

- the proposed landscaping, including the vertical gardens, will be maintained into the future. The Applicant has agreed to the imposition of a condition to this effect;
- whilst the design of the proposed development may not strictly enhance the heritage value and historic character of Payneham Road, it does not detract from fragment or otherwise compromise the grouping of historic buildings located to the north, with an appropriate gap provided between the proposed development and the heritage buildings to the north;
- the Council's Heritage Advisor has met with the Applicant and supports the proposed development from a Heritage perspective;
- the dwellings at the rear of the site are designed to be relatively innocuous and of minimal impact to the historic character of the locality;
- the proposed buildings are well modulated and articulated, with appropriate setbacks provided so as to not have an adverse impact on the character and amenity of the locality;
- the proposed sill heights, fixed obscure glazing and screening balustrades facing the tattoo studio at 117 Payneham Road have been increased in height to 1.7 metres above the finished floor level in accordance with Council Wide PDC 254;
- the subject land is located to the south of the tattoo studio and would not result in any direct overshadowing;
- the level of ambient light experienced at the tattoo studio will not be unreasonably compromised as a result of the setbacks, materials and finishes of the proposed residential flat building;
- all rear (north-west) facing windows incorporate 1.7 metre high sill levels or are proposed with fixed obscure glazing to a minimum of 1.7 metres above the internal floor level. Similarly, all balconies are proposed with 1.7 metre high privacy screens to the rear elevation, to ensure the continued privacy of residents within First Avenue;
- the proposed plans have been amended to illustrate bin storage, waste collection and mailbox areas; and
- the proposed development generally accords with the relevant provisions of the Development Plan. The extent to which it departs is not so serious as to compromise the character, amenity and continued function of adjoining properties and the locality more generally.

State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development includes the creation of a new access point to an arterial road (Payneham Road). The Commissioner of Highway's response is discussed in detail under the heading *Car parking/access/manoeuvring* later in the report.

Discussion

The subject land is located within the Mixed Use Historic (Conservation) Zone (Payneham Road Policy Area) of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

The key issues, specific to this Development Application, are discussed in detail below.

Land Use and Density

The following Development Plan provisions provide guidance on the type and density of development that is envisaged within the Development Plan:

Payneham Road Policy Area Desired Character Statement
Payneham Road Policy Area Objectives: 2 & 3.
Payneham Policy Area PDC's: 2 & 3.

Mixed Use H(C) Zone Desired Character Statement
Mixed Use H(C) Zone Objectives: 3.
Mixed Use H(C) Zone PDC's: 4 & 10.

City Wide Orderly and Sustainable Development Statement

City Wide Objectives: 1, 7, 10, 11, 26, 27, 55, 56, 57 & 72.

City Wide PDC's: 2, 3, 4, 12, 13, 84, 87, 95, 211, 303 & 315.

The proposed development comprises a mix of land uses including retail showrooms, offices and dwellings. The proposed commercial land uses are located within a two-storey building adjacent to the Payneham Road frontage, while the dwellings are located within a two-storey residential flat building at the rear of the site.

Mixed Use Historic (Conservation) Zone Principle of Development Control 4 provides guidance regarding the land uses that are anticipated within the Zone.

Mixed Use Historic (Conservation) Zone Principle of Development Control 4 states:

"Development in the Mixed Use Historic (Conservation) Zone should be primarily for offices, consulting rooms and residential dwellings, generally utilising existing historic building stock, with the development of new residential apartments and townhouses in appropriate locations within each of the policy areas, except in the Portrush Road Policy Area."

The establishment of residential development is therefore appropriate within the Zone 'in appropriate locations'. In order to determine whether the subject land is an appropriate location for the development of new residential apartments and/or townhouses, it is important to consider the desired character of the Zone and Policy Area, as well as the context of the locality.

The following passage is an excerpt from the Desired Character Statement for the Mixed Use Historic (Conservation) Zone:

"The Mixed Use Historic (Conservation) Zone will continue to consist primarily of offices, consulting rooms, dwellings and other compatible uses, in both preserved and converted buildings which contribute positively to the historic character of the zone. Townhouses and residential apartment buildings of a scale consistent with the locality, will also be developed, other than in the Portrush Road Policy Area. Over time redevelopment will occur on sites which are incompatible with the historic character of the Zone and the relevant Policy Area."

The following passage is an excerpt from the Desired Character Statement for the Payneham Road Policy Area:

"Development in the Payneham Road Policy Area will conserve and maintain the existing character created by a strongly cohesive and historically important built-form, which is characterised by single storey and two storey shops and offices generally with only minimal set back from the Payneham Road frontage."

A Statement of Historic Significance is contained within the Payneham Road Policy Area, the Statement provides an overview of how the area was developed and the types of land uses that were established over time.

The Statement of Historic Significance is set out below:

"Some of the early architecture along this section of Payneham Road survives from the early boom period of the 1870s and 1880s, reflecting the need to supply the rapidly developing adjoining suburbs of St Peters and Stepney, with essential goods and services. This section of Payneham Road developed with the extension of the horse drawn tram service. During the early 1900s, following the growth in automobile ownership and the boom period after World War II, commercial development intensified and consolidated along this part of Payneham Road, as a significant route from the city to the country. Payneham Road was developed with prominent buildings including shops, shop/dwellings, civic and institutional buildings. The historic town centre of St Peters focussed around the Town Hall, the Civic Centre and neighbouring shops. The northern side of Payneham Road (from Baliol Street to Stephen Terrace) is one of the most significant and cohesive examples of historic main road commercial precincts, with many surviving buildings from this era."

In terms of the present day locality, the Payneham Road Policy Area remains as a 'main road' commercial precinct. Land uses fronting Payneham Road include shops, offices, consulting rooms, warehouses, the St Peters Town Hall and an Integrated Service Station. The subject land is vacant and was previously used as a row of single storey shops.

The only existing residential properties within the locality are on First Avenue, St Peters Street and Stephen Terrace, to the north and west of the subject land. All of these residential properties are located within the adjacent Residential Historic (Conservation) Zone.

Construction has commenced on a mixed use development containing seven (7) dwellings at 125-127 Payneham Road, which was approved by the Panel at its meeting held on 17 September 2012 (Development Application 155/0297/12). That development includes the construction of a three (3) storey residential flat building at the rear of an existing shopfront, which was restored as part of the development. This development will introduce a residential land use to the Payneham Road Policy Area within the locality of the subject land.

Payneham Road Policy Area Principle of Development Control 2 states:

"Development undertaken in the Policy Area should be, primarily, local commercial activities which are compatible with the heritage value of buildings fronting Payneham Road."

In this instance, the building which is proposed to front Payneham Road will contain local commercial activities that are compatible with the heritage value of buildings fronting Payneham Road, consistent with Payneham Road Policy Area PDC 2. Specifically, it will enable a local cabinet maker to display his furniture in a small scale showroom and to provide another small scale retail showroom and modest office accommodation that would suit the local area.

Further guidance regarding residential development is provided by Mixed Use Historic (Conservation) Zone Principle of Development Control 10, which states:

"Residential development should only occur in original dwellings or:

- (a) in buildings of greater than one storey, where the ground level frontages to streets and other thoroughfares are preserved for the primary non-residential uses intended for the zone as expressed in the zone objectives;*
- (b) where the provision of access, car parking and other functional requirements associated with residential development does not hinder the expected normal operation of non-residential uses primarily intended for the zone;*
- (c) where sufficient design and siting measures have been put in place to ensure compatibility with the normal operation of nearby non-residential uses, taking into consideration the range of uses that are possible according to the primary intentions of the zone; and*
- (d) where built form is compatible with the townscape and streetscape effect generally desired from non-residential development."*

Mixed Use Historic (Conservation) Zone Principle of Development Control 10 gives an insight into the hierarchy of the Zone, where non-residential land uses are given clear preference. In developments of greater than one storey, such as the proposed development, the ground level frontage to streets should be preserved for non-residential land uses. In all other circumstances, the residential use should not hinder the operation, function or appearance of non-residential development.

In this instance, the proposed development meets the intent of Zone PDC 10, by proposing commercial development adjacent to the Payneham Road frontage and by locating the residential building at the rear of the site. By siting the residential portion of the development at the rear of the site, the amenity that would be experienced by future occupiers would be enhanced by the noise attenuation provided by the substantial two-storey commercial building adjacent to Payneham Road.

Having considered the relevant Desired Character Statements and Principles of the Mixed Use Historic (Conservation) Zone and the Payneham Road Policy Area within the context of the subject land and its locality, the proposed mixed use development is considered to be acceptable from a land use perspective.

In terms of density, it is difficult to determine the allotment areas per dwelling, given that the dwellings are effectively cantilevered over a significant portion of the commercial car parking area, such that there is no exclusive site for each dwelling. As an average site area per dwelling, the establishment of four (4) dwellings on an overall site area of 1398.1m² results in an average allotment size per dwelling of 349.5m². However, this area also includes the commercial building and its curtilage and does not provide a true indication of site area per dwelling.

The floor areas of the proposed dwellings range between 178.9m² and 180.3m². In addition to the floor areas of the dwellings, each of the dwellings have exclusive access to private open space in the form of ground level courtyards and first floor balconies, which range in area from 39.8m² to 42.3m². As such the exclusive areas for each dwelling are approximately 220m². It is noted that there are common areas for visitor parking and landscaping that would contribute to the amenity of function of the dwellings, which are located outside of the exclusive dwelling areas.

There is no quantitative guidance regarding allotment sizes for dwellings within the Mixed Use Historic (Conservation) Zone or the Payneham Road Policy Area. The reference to “residential apartments and townhouses” within Mixed Use Historic (Conservation) Zone Principle of Development Control 4 would imply that medium density development, such as that proposed, is acceptable within the Zone “in appropriate locations”.

While there is no quantitative guidance regarding allotment sizes for dwellings within the Zone or Policy Area, City Wide Principle of Development Control 211 states:

“Residential buildings other than detached dwellings, semi-detached dwellings or row dwellings located in the St Peters Area shown on Map NPSP/1 (Overlay 1) should have an allotment area per dwelling of not less than 280 square metres.”

Whilst the exclusive floor area and private open space for each dwelling is less than 280m², as prescribed by City Wide PDC 211, if the dwelling's common curtilage including visitor car parking and landscaping areas are included, the site area per dwelling would be relatively consistent with this provision.

The mixed use development that is currently under construction at 125-127 Payneham Road includes the construction of seven (7) dwellings at the rear of the existing shops within a three-storey residential flat building on a similar sized allotment. The proposed density of the residential apartments on the subject land is less than that of the dwellings under construction at 125-127 Payneham Road.

The location of the subject land, adjacent to frequent public transport route and within 120 metres of the District Centre (St Peters) Zone and The Avenues Shopping Centre, also supports the establishment of medium density development. City Wide Objective 57 promotes:

“Increased dwelling densities in areas close to centres, public transport and significant public open spaces.”

Given that the Mixed Use Historic (Conservation) Zone anticipates medium density development and the subject land is located adjacent to an Arterial Road with frequent public transport and within close proximity of shops and other services, the proposed density is considered to be acceptable.

Streetscape/bulk/scale/height/character/heritage

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character:

Payneham Road Policy Area Desired Character Statement
Payneham Road Policy Area Objectives: 1
Payneham Policy Area PDC's: 1, 4 & 5.

Mixed Use H(C) Zone Desired Character Statement
Mixed Use H(C) Zone Objectives: 1.
Mixed Use H(C) Zone PDC's: 1, 5, 6, 7, 9 & 12.

City Wide Objectives: 8, 18, 19, 20 & 110.
City Wide PDC's: 29-31, 33, 35, 39, 182, 198, 203, 372 & 374.

The proposed development includes the construction of a relatively contemporary two-storey commercial building and a two-storey residential flat building.

Payneham Road Policy Area Principle of Development Control 5 states:
“*Development should not exceed two storeys in height above the natural ground level in the Payneham Road Policy Area.*”

The proposed development does not exceed two-storeys above natural ground level, consistent with Payneham Road Policy Area PDC 5.

The locality is characterised by a mix of single storey and two-storey development. The adjacent allotment at 113 Payneham Road is occupied by a two-storey office building. Other two-storey development within the locality includes the St Peters Town Hall, a mixed use building at 131 Payneham Road and the dwelling located adjacent to the rear of the subject land at 31 First Avenue. Several other large buildings existing in the locality, which are akin to two-storeys in height, including the integrated service station ‘On The Run’ opposite the land at 90-92 Payneham Road. A three-storey residential flat building has been approved at the rear of 125-127 Payneham Road.

The subject land is located adjacent to a pair of single storey attached shops at 117 and 119 Payneham Road, which are listed as Local Heritage Places within the Development Plan. The Local Heritage listing within Table NPSP/6 describes the extent of listing as the whole of exterior including the verandah.

Given the location of the proposed development, within the Mixed Use Historic (Conservation) Zone and adjacent to a pair of Local Heritage Places, the Application was referred to the Council’s Heritage Advisor, David Brown, for comment. A summary of Mr Brown’s heritage advice is set out below:

- the proposed development is located within the Mixed Use Historic (Conservation) Zone, Payneham Road Policy Area;
- the location of the proposed commercial building is considered appropriate, as it is separated from the adjacent Local Heritage Place by the proposed driveway;
- the revised design is now a simple dark coloured two level form with balconies and full height glazing to the Payneham Road facade;
- given the context, the two level form is generally appropriate as the adjoining building to the south-west has a two level portion at the front of the site and the St Peters Town Hall is just further to the south-west;
- the physical separation from the adjacent Local Heritage Place helps to deal with the adjacency issue;
- the proposed residential flat building at the rear of the site will have minimal impact on the streetscape or the adjacent Local Heritage Place due to its location at the rear of the allotment;
- the revised design has been reduced in height from three-storeys to two-storeys, which is far more appropriate to the scale of properties in the area; and
- the proposed development will have minimal impact on the residential properties facing First Avenue.

A copy of the Heritage Advisor’s comments is contained in **Attachment E**.

The Council’s Heritage Advisor supports the proposed development, on the basis that the proposed development will not have any adverse impact on the setting of the adjacent Local Heritage Place or the streetscape generally, given the context of the locality.

The following is an excerpt from the Desired Character Statement for the Payneham Road Policy Area:

“Development in the Payneham Road Policy Area will conserve and maintain the existing character created by a strongly cohesive and historically important built-form, which is characterised by single storey and two storey shops and offices generally with only minimal set back from the Payneham Road frontage.”

The proposed two-storey shops (retail showrooms) and offices are set as close to the street as the Minister for Highways has permitted (the first 2.3 metres of the site is subject to future road widening). The general setting of the proposed commercial building, abutting an existing two-storey office building, with a generous separation from the adjacent Local Heritage Place at 117 Payneham Road, is considered to be acceptable.

The simple rectilinear contemporary design and dark colour palette (Solver Shiralee), combined with the commercial grade anodised aluminium window frames, anodised 'I' beam canopies, black slate plinth and the proposed vertical garden on the south-western side wall, provides a contrast to the historic buildings within the locality, while still complementing the historic built form and providing a clear visual contrast between old and new.

The proposed residential flat building at the rear of the site is also a simple rectilinear design with a flat roof. The proposed external wall colour (Dulux Raw Cashew Nut) is a relatively neutral beige tone, which will complement other buildings within the locality. The proposed aluminium balcony screens have a jarrah look and finish, which will assist in breaking up the facades. The dwellings have clearly defined entries and are articulated in a manner that defines the individual dwellings in the external appearance of the building, consistent with City Wide Principle of Development Control 203.

The proposed external appearance and colour scheme is illustrated on the perspectives contained in Attachments B6-B8.

Utilising tilt up concrete panels as the primary building material is considered to be a negative aspect of the proposed development, particularly within the Mixed Use Historic (Conservation) Zone. However, the proposed colour scheme and vertical gardens assist to soften the appearance of the buildings, such that their appearance is considered to be acceptable in a locality characterised by a range of building styles and construction.

The proposed development is therefore considered to be acceptable in terms of its bulk, scale and form, as it will not have an unreasonable impact on the setting of the adjacent Local Heritage Place and will reasonably complement existing development within the Mixed Use Historic (Conservation) Zone.

Setbacks

The following Development Plan provisions provide guidance with respect to set-backs and site coverage considerations:

Payneham Road Policy Area Desired Character Statement

Mixed Use H(C) Zone Desired Character Statement
Mixed Use H(C) Zone PDC's: 11.

City Wide PDC's: 37, 51-55, 212, 213, 215-217 & 220.

The Desired Character Statement for the Payneham Road Policy Area states (in part):

"Development in the Payneham Road Policy Area will conserve and maintain the existing character created by a strongly cohesive and historically important built-form, which is characterised by single storey and two storey shops and offices generally with only minimal set back from the Payneham Road frontage."

The adjacent Local Heritage listed shopfront at 117 Payneham Road abuts the Payneham Road property boundary, as does the adjacent two-storey office building at 113 Payneham Road. Each of the adjacent buildings include front verandahs that cover the Council footpath.

Mixed Use Historic (Conservation) Zone Principle of Development Control 11 states:

"Frontage and side boundary set-backs of development should be similar to the predominant pattern established by heritage places and contributory items in the immediate locality, with particular regard to adjacent heritage places and contributory items."

The proposed commercial building was originally sited abutting the Payneham Road property boundary, with a contemporary verandah over the footpath to complement the setbacks of adjacent development in accordance with the Desired Character Statement for the Payneham Road Policy Area and Mixed Use Historic (Conservation) Zone PDC 11.

However, the Commissioner of Highways has advised the Council that a 2.3 metre wide strip along the Payneham Road boundary may be required for future upgrade works for the intersection of Payneham Road and Stephen Terrace. In respect to future road widening matters, the Council must take direction from the Commissioner of Highways and has no discretion to encroach within the specified setback. This will be discussed in greater detail under the heading Car parking/access/manoeuvring later in the report. The proposed contemporary anodised 'I' beam canopies which extend within the 2.3 metre setback area have been approved by the Commissioner of Highways.

Notwithstanding, the proposed 2.3 metre setback from the Payneham Road property boundary will still maintain the desired character of single and two-storey shops and offices with minimal front setbacks.

In addition, the modest building setback provides an opportunity for some additional low-level landscaping and further enhances the prominence and views of the adjacent Local Heritage Place at 117 Payneham Road.

The proposed two-storey commercial building abuts the south-western side boundary, which is currently occupied by the side wall of the adjacent two-storey office building at 113 Payneham Road. The proposed commercial building is set back 5.02 metres from the north-eastern side boundary of the subject land, which provides for a generous separation from the Local Heritage listed shopfront at 117 Payneham Road. The proposed commercial building is set back 42.4 metres from the rear First Lane boundary and will have no impact on the amenity of adjacent properties to the rear of the site.

The proposed two-storey residential flat building is set back 25.2 metres from the Payneham Road property boundary and will be largely obscured from view by the proposed commercial building, when viewed from Payneham Road.

At ground level, the residential flat building abuts the north-eastern side boundary in two (2) locations, with each boundary wall occupying 6.6 metres of the common boundary with a height of 2.8 metres.

City Wide Principle of Development Control 217 states:

“Side boundary walls, including garages and carports, should only be developed where they are envisaged in the Zone and/or relevant Policy Area and unless otherwise specified in the relevant Zone and/or Policy Area, should:

- (a) only be constructed along one side boundary of the allotment;*
- (b) be limited in length and height to:
 - (i) minimise the visual impact of the building on adjoining properties; and*
 - (ii) minimise the overshadowing of adjoining properties;**
- (c) be consistent with the height and length of the adjoining property boundary wall or, where there is no adjoining property boundary wall, have a maximum height of 3 metres and a maximum length of 8 metres;*
- (d) maintain adequate natural light to adjoining dwellings; and*
- (e) minimise the risk of damage to mature/significant vegetation on adjoining properties, taking into consideration potential damage to root systems.”*

Mixed Use Historic (Conservation) Zone Principle of Development Control 11 states:

“Frontage and side boundary set-backs of development should be similar to the predominant pattern established by heritage places and contributory items in the immediate locality, with particular regard to adjacent heritage places and contributory items.”

The adjacent Local Heritage Places at 117 and 119 Payneham Road are built to one side boundary by virtue of their semi-detached form. Boundary development is relatively common place within the locality due to the narrow allotment patterns and compact siting characteristics. The adjacent building at 113 Payneham Road occupies approximately 42.5 metres of the common side boundary with the subject land. The remaining 18.5 metres of the common boundary is occupied by a commercial bank of carports with a minimal side setback in the order of 600mm.

The proposed development was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulation 2008*, as the proposed development would create an additional access point from an Arterial Road and the subject land may be subject to future road widening.

DPTI's initial response indicated that whilst the proposed access only point from Payneham Road could be supported in principle, the Department has determined that a 2.3 metre strip will be required from the front of the site to facilitate the future upgrade of the Payneham Road / Stephen Terrace / Nelson Street intersection. If amended plans were not submitted by the Applicant illustrating a 2.3 metre front setback, DPTI directed the Council to refuse the Application.

The Applicant subsequently amended their plans to include a 2.3 metre front setback (excluding the projecting canopies), in accordance with DPTI's requirements. The amended plans form the basis of this report and were referred back to DPTI for their consent.

A summary of the DPTI's final response is set out below:

- the amended plans illustrate the building works clear of the 2.3 metre requirement, but within the Metropolitan Adelaide Road Widening Plan (MARWP) consent area. Subsequently, should the Council approve the development in its current form, the Applicant should fill out a MARWP consent form and return it to DPTI with three (3) copies of the approved plans;
- DPTI do not object to the ingress only access point from Payneham Road. It is noted that the access provides a width of 3.5 metres and is angled at 70 degrees to the kerb to encourage the desired traffic flow;
- It is acknowledged that the gate has been set back from the Payneham Road property boundary to allow a vehicle to store on-site while waiting for the gate to open. This setback is sufficient to enable a vehicle to stop clear of any future footpath should the 2.3 metre MARWP requirement be taken in the future;
- The Council should be satisfied that an appropriate amount of car parks has been provided to service the proposed uses; and
- DPTI does not object in principle to the development, subject to a range of standard conditions.

A copy of DPTI's final response is contained in **Attachment F**.

The Application was also referred to the Council's consultant Traffic Engineer, Mr Paul Simons of Tonkin Consulting, for advice regarding the provision of car parking, access, manoeuvring and traffic generation. A summary of Mr Simons' advice is set out below:

- the provision of car parking is adequate to cater for the likely demands generated by the proposed development;
- the proposed development is likely to generate 40-50 vehicle movements per day (i.e. around 20-25 entry and 20-25 exit movements);
- access from Payneham Road is limited to entry only. Even if all entry is from Payneham Road (which is unlikely) then this is acceptable;
- the total number of new (additional) traffic movements in First Lane will be between 30 and 40 per day, which will equally distribute to Stephen Terrace and St Peters Street;
- overall, traffic generation and access arrangements are considered acceptable;
- the internal car parking layout is generally acceptable, with appropriate aisle widths and car park dimensions;
- the support columns should be set back a minimum of 750mm from the line of the aisle (the plans have been amended to meet this requirement); and
- a 'No Entry' sign should be placed near the one-way access driveway from Payneham Road to prevent vehicles from exiting the car parking in the wrong direction. The two-way painted arrows should be removed from the eastern end of the driveway to avoid confusion.

It is noted that one (1) of the representors raised a concern with access and egress to/from First Lane, as a result of the limited width of the lane (4.3 metres) and the proposed fence and gate abutting the lane boundary. Mr Simons has advised that vehicle movements will not be inconvenienced as the proposed driveway and gate is 6.5 metres wide, which will enable safe and convenient access and egress, albeit that simultaneous two-way movement may be difficult.

Given the proposed number of vehicle movements (up to 20-25 per day in each direction), the potential for conflict is minimal. In the unlikely event of a conflict, traffic movements within First Lane would only be momentarily disrupted.

The proposed access arrangements, manoeuvring areas and traffic generation are considered to be acceptable. It is noted that since Mr Simons reviewed the Application, some amendments have been made to the plans at the request of Council staff. These include:

- the removal of two (2) car parking spaces adjacent to the rear of Tenancy 1 to provide a dedicated delivery and bin storage area for the commercial tenancies;
- the establishment of a bin collection area adjacent First Lane for the storage of bins on collection day; and
- the establishment of a dedicated bicycle parking area within the at-grade car parking area.

It is noted that the car parking and delivery area has a clearance of 2.4 metres, which is likely to be reduced to 2.1 metres to ensure sufficient clearance for vehicles. As such, deliveries to the site are likely to be limited to vans and utility vehicles. Given the scale of the proposed tenancies, it is unlikely that larger vehicles would be required to access the site.

However, given that the clearance height will not be readily visible from Payneham Road, if the Panel determine to approve the development, it is recommended that a condition be imposed requiring the installation of a 'clearance bar' adjacent to the proposed gate, to enable larger vehicles to reverse back to Payneham Road if they are too high. Appropriate signage should also be established at both entry points to the subject land.

Waste collection vehicles would collect waste from First Lane at the rear of the site, with the provision of a collection zone adjacent to the lane, within the subject land. Waste collection vehicles already access this lane to collect waste from adjacent businesses.

Tables NPSP/8, NPSP/9 and NPSP/10 prescribe off-street vehicle and bicycle parking rates for a range of land uses and dwelling types.

Table NPSP/8 relates to vehicle parking for residential land uses and prescribes a rate of 2.5 spaces per dwelling for dwellings contained within residential flat buildings, comprised of two (2) dedicated spaces per dwelling and one (1) visitor space for every two (2) dwellings. Each of the proposed dwellings have two (2) dedicated car parking spaces located within private garages and would rely on two (2) of the fifteen (15) common spaces for visitor car parking.

Table NPSP/9 relates to vehicle parking for non-residential land uses and prescribes a rate of between two (2) and four (4) spaces per 100m² of floor space for retail showrooms; and a rate of four (4) spaces per 100m² of floor space for offices. The retail showrooms would create a theoretical demand for between 3.8 spaces and 7.6 spaces, while the office tenancies would create a theoretical demand for 10.12 spaces, resulting in an overall theoretical demand of between 13.92 (14) spaces and 17.72 (18) spaces for the commercial portion of the development.

The Applicant originally proposed eighteen (18) visitor car parking spaces in accordance with the theoretical demand, but has since amended the design to accommodate the road widening requirement of DPTI and to provide dedicated delivery and bin storage areas, as well as bicycle storage facilities. As a result, the proposed development now includes fifteen (15) visitor car parking spaces.

Notwithstanding, given that the Council's consultant Traffic Engineer, Mr Simons, has indicated that the proposed retail showroom is likely to be at the low end of the car parking generation spectrum, the provision of fourteen (14) visitor car parking spaces is considered to be adequate to cater for the likely demands of the commercial tenancies.

This leaves the residential portion of the proposed development one (1) visitor space short during business hours. Outside of business hours, visitors of the residential units would have ample on-site car parking.

City Wide PDC 136 states:

“In mixed use buildings, the provision of vehicle parking may be reduced in number and shared where the operating hours of commercial activities complement the residential use of the site.”

In this instance, the shortfall of one (1) visitor space during business hours is considered to be negligible, particularly given that the proposed development now includes dedicated delivery and bin storage areas, a waste collection area and dedicated bicycle storage. It is also noted that the proposed development is located adjacent to a frequent public transport route.

Table NPSP/10 relates to bicycle parking for a range of land uses and prescribes a rate of one (1) space for every two (2) dwellings, one (1) space for every 100m² of leasable office floor area and one (1) space for every 150m² of leasable shop (or retail showroom) floor area. The prescribed rates result in a theoretical bicycle parking demand of two (2) for the dwellings, 2.5 for the offices and 1.3 for the retail showrooms, resulting in a total of 5.8 (6) bicycle parking spaces. The proposed development provides space for ten (10) bicycles to be stored on-site.

Overall, the provision of car parking, bicycle storage, traffic generation, vehicle movements, and access arrangements are all considered to be acceptable.

Finished floor levels/flooding/retaining

The following Development Plan provisions provide guidance with respect to considerations relating to floor levels, flooding and retaining:

City Wide Objectives:	9 & 51.
City Wide PDC's:	7, 10, 59-61, 82, 150, 162, 165 & 171.

The subject land falls approximately one (1) metre from the Payneham Road property boundary to the rear of the site. The proposed finished floor levels of the commercial building and the residential flat building have been staggered to follow the natural contours of the land, which would reduce the need for any significant retaining walls.

The proposed Civil Plan indicates that a small portion of the north-eastern side boundary would require a retaining wall of up to 500mm in height, with all remaining boundaries requiring little or no retaining.

The Application was referred to the Council's Civil Projects Manager, Matthew Kildea, for comment. A summary of Mr Kildea's response is set out below:

- the subject land is not located within a recognised flood affected area, therefore there are no specific requirements for finished floor levels;
- the site was previously predominantly impervious (prior to being cleared). As such, a 95% impervious post development site is likely to have minimal, if any, difference. Therefore, there are no requirements for on-site detention;
- stormwater must not be discharged to the rear lane;
- the commercial portion of the development has no requirement for stormwater re-use; and
- the residential portion of the proposed development should capture and re-use stormwater, where practicable.

The Applicant has noted on the Civil Plan that each dwelling will be provided with a 2000 litre rainwater tank, to be plumbed to a toilet, water heater or laundry cold water outlet, in accordance with the advice of the Council's Civil Projects Manager and City Wide Principle of Development Control 161.

The Applicant has also noted that all stormwater collected from the site will drain to sumps and will be pumped directly to the adjacent Side Entry Pit (SEP) within Payneham Road, in accordance with the advice of DPTI. This also satisfies the Council's Civil Projects Manager's advice that no stormwater be directed to the rear lane.

A copy of the proposed Civil Plan is contained in Attachment B5.

The Applicant has proposed 1800mm high Colorbond side fencing, which will complement other fencing within the locality. No front or side fencing is proposed forward of the commercial building alignment. The Applicant has also proposed 1800mm high front and rear gates. The front gates are to be located ten (10) metres from the Payneham Road boundary and are to be constructed with black iron spires. The rear gates are to be constructed with satin black powder coated aluminium pointed spears.

Both gates are to be locked in the open position at all times when the commercial tenancies are open. If the Panel determines to approve the proposed development, a condition is recommended to ensure to this effect. Outside of business operating hours, the gates will be controlled automatically and by an intercom system with the residential apartments.

Trees (regulated, mature & street) and landscaping

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, street trees and landscaping:

City Wide Objectives:	24 & 25.
City Wide PDC's:	42, 44, 76-81, 183, 239 & 248.

The subject land has been cleared of all vegetation and there are no regulated or mature trees on adjacent land that would be affected by the proposed development. There are also no street trees located adjacent to the subject land.

The Applicant has provided a detailed landscaping plan and elevations, which illustrate a range of trees, shrubs, ground covers and vertical gardens (or 'grow walls'). The proposed landscaping includes the following species:

- Trees – Bradford Pears, Chanticleer (Ornamental) Pears and Pencil Pines;
- Climbers – Magnifica Singapore and Star Jasmine;
- Shrubs and ground covers – Little Ruby, Plum Gorgeous and Blue Heaven; and
- Reeds – Goddess, Tas Reed and Tanika Matt Rush.

The proposed landscaping plans and elevations are contained in Attachments B2 and B3.

If the Panel determines to approve the Application, it is recommended that a condition be imposed requiring that the landscaping be established prior to the occupation of the premises and maintained to the reasonable satisfaction of the Council.

The provision of an extensive landscaping plan is considered to be a positive aspect of the proposed development, which will improve the character of the locality and the amenity of future occupants of the dwellings.

Environmental Sustainability

The following Development Plan provisions provide guidance with respect to environmental sustainability considerations:

City Wide Objectives:	23 & 42.
City Wide PDC's:	70, 71, 72, 73, 149, 150, 151, 153, 157 & 161.

The private open space and internal living areas of each dwelling have a predominantly north-eastern aspect to maximise access to natural light, which is considered to be a positive aspect of the proposed development, consistent with City Wide Principle of Development Control 71. Window openings within the north-western elevation of Dwelling 1 have been minimised to reduce the reliance on artificial cooling in summer months.

Each dwelling is to incorporate a 2000 litre rain water tank, which will be plumbed into the dwelling in accordance with City Wide Principle of Development Control 161.

The establishment of vertical gardens or 'grow walls' and a high quality of landscaping is also considered to be of significant benefit to the micro-climate, within of the locality.

Summary

The proposed mixed use development, comprising of retail showrooms, offices and residential units is considered to be appropriate from a land use perspective within the Mixed Use Historic (Conservation) Zone. The density of the proposed dwellings is also considered to be acceptable, given the Development Plan seeks a variety of housing types and configurations and the subject land has good access to public transport, local shopping and other services.

The proposed commercial building is set back slightly behind, and has good separation from, the adjacent Local Heritage Place, such that the context and prominence of the Local Heritage Place will not be unreasonably affected. The contemporary rectilinear form of the proposed buildings will complement the non-heritage building stock within the locality and will provide a contrast to the adjacent heritage places, without detrimentally impacting on the overall character of the locality.

The use of pre-cast tilt up concrete panels as a building material is considered to be a negative aspect of the proposed development. However, given the proposed colour scheme and the vertical gardens, this is not considered to be fatal to the overall merit of the proposed development.

The proposed building setbacks are considered to be acceptable, the proposed development will not result in any unreasonable overshadowing or overlooking and each dwelling will be provided with adequate private open space in the form of ground level courtyards and first floor terraces with good links to the living areas of the dwellings.

The provision of on-site car parking is considered to be acceptable and vehicles will be able to access and egress the site in a safe and convenient manner. Traffic generation created by the proposed development is considered to be minimal and will not result in any unreasonably congestion in local streets. Delivery vehicles and waste collection services will be able to service the site.

The provision of landscaping is considered to be a positive aspect of the proposed development and the vertical gardens will assist in softening the appearance of the buildings. The establishment of a stand of medium sized trees adjacent to the south-western side boundary will improve the visual outlook from the residential dwellings and the overall amenity of the site.

The dwellings are well oriented for solar access, incorporate stormwater re-use and the building design will create the opportunity of solar collectors to be established on the roof should the future tenants desire to do so. Stormwater will be collected by sumps and overflow will be pumped directly to the Side Entry Pit in Payneham Road.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/0078/14 by Mr V Rocca to construct of a two-storey commercial building, comprising retail showrooms at ground level and offices at first floor level; and a two-storey residential flat building comprising four (4) dwellings; with associated car parking, fencing and landscaping; on the land located at 113A-115 Payneham Road, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- plans and elevations prepared by Superior Land Projects, Job code 69014, received by the Council on 1 April 2015;
- the landscaping plans prepared by Adelaide Landscape, Plan No. AL-1508, received by the Council on 7 April 2015; and
- the Civil Plan prepared by MQZ Consulting Engineers, Project No. 140912, received by the Council on 1 April 2015.

DPTI Conditions

1. The Payneham Road access shall be 3.5 metres in width and angled at 70 degrees to the kerb to ensure ingress-only movements in accordance with 'Block Plan and Ground Floor, SLP, Job Code: 69014, Drawn: GR, rec. by Council 23/2/15.'
2. The site shall be appropriately signed and / or line marked in order to encourage the desired traffic flow.
3. All vehicles shall enter and exit the site in a forward direction.
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Payneham Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Conditions

1. The portion of all north-east (side) and north-west (rear) facing first floor windows and balconies, which are less than 1.7 metres above the floor level, shall be treated or screened prior to the occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels and opaque glass).
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building. In all instances, the stormwater drainage system shall be directly connected into the Payneham Road underground pipe drainage system via the adjacent Side Entry Pit.
3. Surface water from the car parking and paved area shall be collected and discharged directly to the Payneham Road side entry pit via sump and pump arrangements, in accordance with the following requirements:
 - a) the pump system shall be designed to ensure that at a minimum the 1 in 20 year ARI event is safely discharged to the Payneham Road side entry pit without overflowing onto neighbouring properties. This can be achieved by pumping the peak rainfall intensity duration in full to the Payneham Road side entry pit or utilising onsite storage (above or below ground) and pumping a smaller flow rate;
 - b) where the pump system relies on surface storage for flood peaks, ponding of water shall only occur for events having a 1 in 5 year ARI or greater;
 - c) sufficient storage (above or below ground) shall be provided to safely contain runoff from the contributing catchments for a 10 year, 30 minute duration rainfall event in the event of power failure; and
 - d) pump systems shall incorporate two pumps each capable of discharging the design flow (to cater for the failure of one of the pumps).
4. No stormwater shall be discharged into First Lane.

5. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, an eight kilolitre (8000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan, herein approved, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
7. The proposed car parking gates shall be locked in the open position at all times when the businesses are operating to make it clear that the car parking area is available for customers and visitors of the commercial building. After hours, the car parking gates may be operated automatically and by intercom with the residential dwellings.
8. All of the car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to the occupation of the premises.
9. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping, to the reasonable satisfaction of the Council or its delegate.
10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
11. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
12. A 'clearance bar' should be installed adjacent to the Payneham Road entry gate, herein approved, to prevent high vehicles from entering the car parking area. Clearance height signs shall also be established adjacent to all vehicular entry points.
13. The two-way arrows proposed to be painted on the surface of the car parking area, adjacent to the commercial building at the south-eastern end of the car parking area, should be removed to ensure that it is clear that vehicles cannot exit the site to Payneham Road. A 'no entry' sign shall be installed at the south-eastern end of the car parking area, adjacent to the Payneham Road access driveway, to further clarify the traffic flow.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.

4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
6. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

DPTI Notes

1. The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 5.0 metres in width may be required from the Payneham Road frontage of this site for possible future road purposes. Additionally, the Plan makes provision for a further requirement of a strip of land up to 4.5 metres in width from the said frontage for the possible future upgrading of the Payneham Road / Stephen Terrace / Nelson Street intersection. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6.0 metres of the possible requirements.

DPTI has recently reviewed that concept for the future upgrade of the Payneham Road / Stephen Terrace / Nelson Street intersection. Whilst there is no funding for the upgrade at present, it has been determined that a 2.3 metre strip will be required from the site to facilitate the future upgrade.

The plans show the new building works clear of the 2.3 metre requirement, but within the consent area. Subsequently, should Council approve the development in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.

2. Illuminated signage applications should be designed in accordance with DPTI "Advertising Signs – Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:

http://www.dpti.sa.gov.au/data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf

Mr Jakub Janowski, on behalf of Mr Cary Hay, addressed the Panel from 7:08pm until 7:15pm.

Mr Phil Brunning, on behalf of Mr Vince Rocca, addressed the Panel from 7:15pm until 7:26pm.

Ms Newman moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/0078/14 by Mr V Rocca to construct of a two-storey commercial building, comprising retail showrooms at ground level and offices at first floor level; and a two-storey residential flat building comprising four (4) dwellings; with associated car parking, fencing and landscaping; on the land located at 113A-115 Payneham Road, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the Development Act 1993 and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- plans and elevations prepared by Superior Land Projects, Job code 69014, received by the Council on 1 April 2015;
- the landscaping plans prepared by Adelaide Landscape, Plan No. AL-1508, received by the Council on 7 April 2015; and
- the Civil Plan prepared by MQZ Consulting Engineers, Project No. 140912, received by the Council on 1 April 2015.

DPTI Conditions

1. The Payneham Road access shall be 3.5 metres in width and angled at 70 degrees to the kerb to ensure ingress-only movements in accordance with 'Block Plan and Ground Floor, SLP, Job Code: 69014, Drawn: GR, rec. by Council 23/2/15.'
2. The site shall be appropriately signed and / or line marked in order to encourage the desired traffic flow.
3. All vehicles shall enter and exit the site in a forward direction.
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Payneham Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Conditions

1. Ambient lighting shall be provided within the at-grade car parking area to provide for a safe environment and to improve the living amenity for residents. The lighting shall be shielded and of a level that does not cause any unreasonable overspill into adjacent properties.
2. The portion of all north-east (side) and north-west (rear) facing first floor balconies shall be treated to a height of 1.7 metres above floor level prior to the occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels and opaque glass).
3. The portion of the kitchen window to Residence 1 which is less than 1.7 metres above the floor level, shall be treated or screened prior to the occupation of the building in a manner that permanently restricts views to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels and opaque glass).

4. *The window sills to the meals, family and kitchen area of Residence 4 on the south eastern elevation be lowered to enable passive surveillance to be provided*
5. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building. In all instances, the stormwater drainage system shall be directly connected into the Payneham Road underground pipe drainage system via the adjacent Side Entry Pit.*
6. *Surface water from the car parking and paved area shall be collected and discharged directly to the Payneham Road side entry pit via sump and pump arrangements, in accordance with the following requirements:*
 - a) *the pump system shall be designed to ensure that at a minimum the 1 in 20 year ARI event is safely discharged to the Payneham Road side entry pit without overflowing onto neighbouring properties. This can be achieved by pumping the peak rainfall intensity duration in full to the Payneham Road side entry pit or utilising onsite storage (above or below ground) and pumping a smaller flow rate;*
 - b) *where the pump system relies on surface storage for flood peaks, ponding of water shall only occur for events having a 1 in 5 year ARI or greater;*
 - c) *sufficient storage (above or below ground) shall be provided to safely contain runoff from the contributing catchments for a 10 year, 30 minute duration rainfall event in the event of power failure; and*
 - d) *pump systems shall incorporate two pumps each capable of discharging the design flow (to cater for the failure of one of the pumps).*
7. *No stormwater shall be discharged into First Lane.*
8. *Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres), or alternatively, an eight kilolitre (8000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
9. *All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan, herein approved, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.*
10. *The proposed car parking gates shall be locked in the open position at all times when the businesses are operating to make it clear that the car parking area is available for customers and visitors of the commercial building. After hours, the car parking gates may be operated automatically and by intercom with the residential dwellings.*
11. *All of the car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to the occupation of the premises.*
12. *Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping, to the reasonable satisfaction of the Council or its delegate.*
13. *Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.*
14. *All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.*

15. *A 'clearance bar' should be installed adjacent to the Payneham Road entry gate, herein approved, to prevent high vehicles from entering the car parking area. Clearance height signs shall also be established adjacent to all vehicular entry points.*
16. *The two-way arrows proposed to be painted on the surface of the car parking area, adjacent to the commercial building at the south-eastern end of the car parking area, should be removed to ensure that it is clear that vehicles cannot exit the site to Payneham Road. A 'no entry' sign shall be installed at the south-eastern end of the car parking area, adjacent to the Payneham Road access driveway, to further clarify the traffic flow.*

Notes to Applicant

1. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.*
2. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.*
3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*
4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.*
5. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
6. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

DPTI Notes

1. *The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 5.0 metres in width may be required from the Payneham Road frontage of this site for possible future road purposes. Additionally, the Plan makes provision for a further requirement of a strip of land up to 4.5 metres in width from the said frontage for the possible future upgrading of the Payneham Road / Stephen Terrace / Nelson Street intersection. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6.0 metres of the possible requirements.*

DPTI has recently reviewed that concept for the future upgrade of the Payneham Road / Stephen Terrace / Nelson Street intersection. Whilst there is no funding for the upgrade at present, it has been determined that a 2.3 metre strip will be required from the site to facilitate the future upgrade.

The plans show the new building works clear of the 2.3 metre requirement, but within the consent area. Subsequently, should Council approve the development in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.

2. *Illuminated signage applications should be designed in accordance with DPTI "Advertising Signs – Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:*

http://www.dpti.sa.gov.au/data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf

Seconded by Mr Smith and carried.

4. STAFF REPORTS

4.4 DEVELOPMENT APPLICATION 155/941/2014 – MS B LANGFORD – 59 KENSINGTON ROAD, NORWOOD

DEVELOPMENT APPLICATION:	155/941/2014
APPLICANT:	Ms B Langford
SUBJECT SITE:	59 Kensington Road, Norwood (Certificate of Title Volume:5082 Folio:962)
DESCRIPTION OF DEVELOPMENT:	Change of use to a child care centre, internal work to the existing building (Local Heritage Place), creation of car parking, installation of play equipment and landscaping
ZONE:	Mixed Use 'B' Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for change of use to a child care centre, internal work to the existing building (Local Heritage Place), creation of car parking, installation of play equipment and landscaping.

Staff do not have delegated authority to determine the Application, as it is a Category 3 form of development for public notification purposes. As such, the Application is referred to the Panel for determination.

In making its determination, the Panel is required to consider whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Subject Land Attributes

Shape:	irregular
Frontage width:	41.91 metres
Depth:	50.9 – 71.62 metres
Area:	2690m ²
Topography:	essentially flat
Existing Structures:	Two-storey building (Local Heritage Place) and freestanding outbuilding
Existing Vegetation:	mature trees and vegetation

The subject land contains a two-storey Victorian building known as 'Rosemont House' which is identified as a Local Heritage Place within the Council's Development Plan. The building was originally a dwelling but has been used for commercial purposes since approximately 1980, primarily for offices and consulting rooms. Most recently the building was occupied by the head office of 'Janesce' and by medical/therapeutic consultants.

A freestanding garage and a concrete car parking area are located north of the main building. The side and front gardens contain well established landscaping including several mature trees. The subject land also incorporates a 557m² area north of the main building which is currently separated by fencing. This portion of land is vacant apart from some small but established trees.

Locality Attributes

Land uses: mixed use
 Building heights (storeys): several two storey
 Streetscape amenity moderate due to mixture of building types and traffic associated with Kensington Road

A number of zones cover the locality, including Mixed Use 'B', Local Centre (Norwood), Residential and Local Business Zone within the City of Burnside on the southern side of Kensington Road. The subject land is located within the Mixed Use B Zone.

Land uses within the broader locality include retail, office, residential and light industry. The building stock is varied incorporating both single and two-storey buildings of varying styles.

A plan of the subject land and its surrounds is contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent to change the use of the land to a child care centre with associated works including the expansion of the existing car parking area, construction of a play area and additional landscaping. The alterations to the car parking area will also require modifications to the existing northern gate.

The child care centre is proposed to cater for up to 55 children aged from 6 months to five years with no more than 12 staff members present at any one time. The Applicant has proposed a maximum of 55 children due to child care centre licencing requirements relating to the ratio of children to floor area. The operating hours of the child care centre are proposed to be 8:00am to 6:00pm Monday to Friday. The existing car parking area will be used in addition to the proposed car park expansion. The outdoor play area will be established in the northern portion of the land which is currently vacant.

The relevant details of the proposal in terms of areas, setbacks and the like are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed	Development Plan Merit Assessment Quantitative Guideline
Site Area	2690m ²	N/A
Allotment Width	41.91m	N/A
Allotment Depth	50.9 – 71.62m	N/A
Floor Area (total)	460m ²	N/A
Site Coverage	No change	N/A
Car Parking Provision	17 including 2 parks in the garage	N/A

Plans and details of the proposed development are contained in **Attachment B** including the original report by Botten Levinson Lawyers on behalf of the Applicant contained in B4-B13, and subsequent amendments contained in B14-B16

Notification

The proposal has been identified and processed as a Category 3 form of development.

At the time of public notification, four (4) representations were received (all opposed) copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- Traffic congestion in adjacent streets;
- Availability of on-street parking; and
- Traffic management, particularly the originally proposed arrangement of the car park gates being closed during portions of the day.

The Applicant has responded to the representations by amending the traffic management for the proposal. An internal fence is now proposed around the outdoor play area allowing the car park to remain open and accessible when the centre is open. A copy of the Applicant's written response is contained in **Attachment D**.

In response to this amendment, the representors have advised that their concerns have been resolved, as they are satisfied the revised arrangements will provide adequate parking. A copy of this correspondence is included in **Attachment E**.

State Agency Consultation

The *Development Regulations 2008* do not require consultation with State Government Agencies.

Discussion

The subject land is located within the Mixed Use 'B' Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

The key issues, specific to this Development Application, are discussed in detail below.

Land Use

The following Development Plan provisions provide guidance on the type and density of residential development that is envisaged within the Development Plan:

Mixed Use B Zone Objectives: 1, 2
Mixed Use B Zone Desired Character Statement
Mixed Use B Zone Principles of Development Control: 1, 2

City Wide Objectives: 1, 2, 3, 5, 6, 7, 26, 27, 52, 53, 82, 84,
City Wide Principles of Development Control: 1, 2, 3, 4, 6, 83, 86, 87, 333, 334

Objective 1 of the Mixed Use B zone anticipates primarily small scale offices and consulting rooms together with residential use. Childcare centres are not listed as a non-complying use within the Mixed Use B Zone and are therefore a use to be considered on merit.

City Wide Objective 82 seeks community facilities conveniently accessible to the population they serve. The subject land is considered to be appropriately located for the proposed use, as it is adjacent to an arterial road, within a mixed use zone, where commercial activities and associated impacts are reasonably anticipated, whilst at the same time being adjacent to a residential zone, making it easily accessible to local families.

Mixed Use 'B' Zone Principle of Development Control 2 states:

"Development involving non-residential use should restore and rehabilitate existing buildings and any expansion should take the form of compact extensions of existing buildings."

The proposed development is consistent with this provision as the Applicant intends to use the existing Local Heritage Place and no external works to the main building are proposed.

Noise

City Wide Objective 26 seeks development which minimises adverse impact and conflict between land uses. The proposed development has the potential to result in noise impacts on the occupants of adjacent residential properties when children are playing outside. The Applicant has advised that the designated outdoor play times would be 12pm to 1:30pm and 4pm to 5pm and not all of the children would be outside at any one time. It is noted, however that these times may change over time, especially if the child care centre is under different ownership in the future.

The ambient noise of the locality is higher than what would be the case in the heart of a residential zone, due to traffic noise on Kensington Road and the surrounding commercial land uses. The nearest wholly residential property is located at 2 Rosemont Street and is separated from the subject land by a portion of an adjacent motor repair station.

Having regard to the ambient noise levels and the proximity of residential properties to the subject land, the proposed land use is not considered likely to result in an unreasonable impact on surrounding residential properties.

Potential Contamination from 126 Sydenham Road

City Wide Objectives 52 and 53 seek appropriate assessment and remediation where necessary to ensure land is suitable for the proposed use to protect human health.

The property at 126 Sydenham Road is currently used for car engine and mechanical repairs. A search on the property history provided a record of a licence for two underground external petrol storage tanks. Council staff requested the Applicant provide a report illustrating whether the subject land is suitable for its proposed use given the potential for soil and groundwater contamination from the adjacent site at 126 Sydenham Road.

The Applicant has provided a report from Mott MacDonald which is contained in **Attachment F**, accompanied by a covering letter from Botten Levinson on behalf of the Applicant.

The report from Mott MacDonald found that the underground external petrol storage tanks have not been used since 1980, when they were filled with cement slurry. Testing results did not indicate the presence of gross or widespread volatile compounds and as such, the risk of significant or gross widespread soil contamination from fuel related compounds is low and the northern portion of the subject land would be suitable for the proposed use. Based on this information, it is considered the development satisfies City Wide Objectives 52 and 53.

Heritage

The following Development Plan provisions provide guidance with respect to heritage considerations:

City Wide Objectives: 111, 112

City Wide Principles of Development Control: 361, 370, 371

City Wide Objective 112 seeks the continued use, or adaptive reuse, of State and Local Heritage Places that supports their ongoing retention and conservation. The Applicant is seeking to make minor internal modifications to the building; the proposed landscaping/play area, new car parking area and modified northern gate is well separated from the main building. The Applicant has confirmed that the existing established landscaping around the sides and front of the building will be retained. The proposed physical work is not considered to compromise the heritage value of the building and the continued commercial use is considered acceptable.

The Application has been referred to the Council's Heritage Advisor, David Brown, who is of the view that the proposed changes will not have an impact on the heritage value of the Local Heritage Place. A copy of Mr Brown's report is contained in **Attachment G**.

Carparking/access/manoeuvring

The following Development Plan provisions provide guidance with respect to car parking access and manoeuvring considerations:

City Wide Objectives: 31, 32, 34,

City Wide Principles of Development Control: 101, 126, 127, 130, 131, 132,

Table NPSP/9 of the Council's Development Plan provides off street vehicle parking requirements for non-residential land uses, however no rate is provided for a child care centre. Consideration has instead been given to the Planning Bulletin: Parking Provision for Selected Land Uses prepared by Planning SA, which provides a recommended rate for a child care centre of one (1) park for every four (4) children. Based on this rate and the proposed maximum capacity of 55 children, the proposal would require 13.75 or 14 car parking spaces.

A total of 17 spaces are proposed including 12 existing spaces to be retained and 5 additional spaces to be created. These parking spaces include two (2) spaces in the existing garage which are more likely to be used by staff rather than visitors, and an accessible park directly east of the building. The proposed parking spaces are consistent with AS 2890.1:2004.

Access is currently provided via a crossover on Sydenham Road. An additional gate is located north of the existing access but there is no crossover in this location. The applicant proposes to widen the existing northern gate to meet sight line criteria (the gate will be replaced using the same material) and a new crossover will be installed. The entry and car park aisle will be designated as one-way with drivers entering the site via the existing crossover and exit the site via the northern gate. Should the Panel determine to approve the proposed development, it is recommended that a condition of consent be imposed requiring that the one-way entry and exit be clearly sign posted.

The Applicant provided a report from Melissa Mellen, a traffic engineer, regarding the likely car parking demand of the proposal and the proposed access and parking arrangements. Ms Mellen's report is contained in **Attachment H** accompanied by a second report reflecting the amendments to the car park access arrangements.

The proposed access and egress arrangements are considered to be safe and convenient and the car parking spaces provided are sufficient for the needs generated by the development, consistent with City Wide Principles of Development Control 101 and City Wide Objective 34.

The Application did not require a referral to the Department of Planning Transport and Infrastructure as the proposed crossover is greater than 25 metres from Kensington Road.

Trees (significant, mature & street) and landscaping

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, street trees and landscaping:

City Wide Objectives: 24, 98, 117, 119

City Wide PDC's: 76, 81, 239, 240, 355, 357

There are no regulated trees that will be affected by the proposed development on the subject land or adjacent land.

The proposed northern crossover will require a minimum clearance of 2.7 metres to the centre of the adjacent street tree to the north and 2.8 metres to the centre of the adjacent street tree to the south and this can be achieved.

As outlined above, the existing established landscaping to the sides and front of the building is proposed to be retained. The trees in the outdoor play area are also proposed to be retained along with new landscaping to be established. The combination of existing and proposed landscaping is considered to be sufficient, given the minimal external changes which will occur as a result of the development.

Summary

The proposed child care centre is considered to be an appropriate use for the subject land in the context of the variety of uses within the locality, its proximity to Kensington Road and proximity to the Residential Zone for convenient access for local residents. The proposal incorporates sufficient on-site car parking spaces to cater for the likely demand of the proposed use and access and egress is considered to be safe and convenient.

The child care centre has the potential to result in some noise impacts on nearby residents while children are in the outside play area, however these potential impacts are not considered unreasonable and will be during limited times of the day. The development will not detrimentally affect the heritage value of the existing building and the retention of the existing landscaping is considered a positive aspect of the development.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and does sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/941/2014 by Barbara Langford for a change of use to a child care centre, internal work to the existing building (Local Heritage Place), creation of car parking, installation of play equipment and landscaping on the land located at 59 Kensington Road Norwood subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- Site plan prepared by MFY, Drawing No MFY_14-0380_03 dated 30 January 2015, received by the Council 2 February 2015;
- Landscaping plan prepared by Sculpt Landscape Services, Drawing SK02, received by the Council 2 February 2015
- Floor plans prepared for Barbara Langford, received by the Council 27 November 2015;
- Supporting documentation prepared by Botten Levinson, dated and received by the Council 27 November 2014 and dated 30 January 2015 received by the Council 2 February 2015

Conditions

1. Operating hours for child care services, herein approved, shall be limited to the following times:
Monday – Friday: 7:30am – 6:00pm
2. The vehicle entrance and exit of the car parking area shall be clearly marked with directional signs indicating the flow of traffic.
3. The car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
4. The existing and proposed landscaping shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

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

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

At the request of the Presiding Member, Mr Jamie Botten and Ms Melissa Ray on behalf of the Applicant, addressed the Panel from 7:59pm until 8:17pm.

Mr Duke moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/941/2014 by Barbara Langford for a change of use to a child care centre, internal work to the existing building (Local Heritage Place), creation of car parking, installation of play equipment and landscaping on the land located at 59 Kensington Road Norwood subject to the following requirements, conditions and notes:*

Relevant Plans

Pursuant to Section 44 (2) and (3) of the Development Act 1993 and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- *Site plan prepared by MFY, Drawing No MFY_14-0380_03 dated 30 January 2015, received by the Council 2 February 2015;*
- *Landscaping plan prepared by Sculpt Landscape Services, Drawing SK02, received by the Council 2 February 2015*
- *Floor plans prepared for Barbara Langford, received by the Council 27 November 2015;*
- *Supporting documentation prepared by Botten Levinson, dated and received by the Council 27 November 2014 and dated 30 January 2015 received by the Council 2 February 2015*

Conditions

1. *Operating hours for child care services, herein approved, shall be limited to the following times:

Monday – Friday: 7:30am – 6:00pm*
2. *The vehicle entrance and exit of the car parking area shall be clearly marked with directional signs indicating the flow of traffic.*
3. *The car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.*
4. *The existing and proposed landscaping shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
5. *All stormwater from paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.*

Notes to Applicant

1. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.*
2. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.*
3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*

4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.*

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

5. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*

Seconded by Mr Dottore and carried.

4. STAFF REPORTS

4.5 DEVELOPMENT APPLICATION 155/653/2014 – SLP PTY LTD – 31 GARDINER AVENUE, ST MORRIS

DEVELOPMENT APPLICATION:	155/653/2014
APPLICANT:	SLP Pty Ltd
SUBJECT SITE:	31 Gardiner Avenue, St Morris (Certificate of Title Volume: 5779 Folio:613)
DESCRIPTION OF DEVELOPMENT:	Construction of two (2) single storey detached dwellings with associated retaining walls and fencing.
ZONE:	Residential 3 Zone Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of two (2) detached dwellings with associated retaining walls and fencing.

Staff do not have delegated authority to determine the Application, as it comprises the creation of an additional allotment that is less than the minimum area and dimensions set out in the Panel's Terms of Reference. Specifically, each of the proposed allotments has a frontage of less than 10.0 metres.

As such, the Application is referred to the Panel for determination.

In making its determination, the Panel is required to consider whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Subject Land Attributes

Shape:	regular
Frontage width:	18.28 metres
Depth:	50.29 metres
Area:	919.30m ²
Topography:	sloping in the order of 1.0 metre from front (east) to rear (west)
Existing Structures:	single-storey detached dwelling and two (2) outbuildings
Existing Vegetation:	landscaping and an established tree

The subject land contains a single-storey red brick bungalow and two (2) outbuildings. A number of mature trees (none of which are identified as Regulated trees pursuant to the *Development Regulations 2008*) are located adjacent the existing side and rear property boundaries.

Locality Attributes

Land uses:	entirely residential
Building heights (storeys):	predominantly single-storey, with some examples of two-storey construction
Streetscape amenity	moderate - due to the mixture and varied construction eras of the building stock

The locality is predominately characterised by single-storey dwellings predominantly in the form of detached dwellings with some group dwellings and residential flat buildings also having been developed over time. The locality is considered to have a mixed architectural character, with a number of original Interwar dwellings as well as dwellings dating between 1960 and the 1990's. The most recent examples of infill development are at 47 and 48 Gardiner Avenue, which comprise both single-storey and two-storey construction in the form of detached dwellings.

Beyond the immediate area, the Korean Adelaide Church is located at the north-eastern corner of the intersection of Third Avenue and Gardiner Avenue.

A plan of the subject land and its surrounds is contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent to construct two (2) single-storey detached dwellings each with associated retaining walls and perimeter fencing on the subject land.

The proposed dwellings each comprise a combined kitchen/dining/living area, a separate living area, three (3) bedrooms (Bedroom 1 incorporates an ensuite and walk-in-robe), bathroom, laundry, a small covered outdoor living area and single vehicle garaging.

Each dwelling is to have a single-vehicle garage. Vehicular access to the proposed garages is intended via the construction of a new crossovers adjacent the Gardiner Avenue frontage.

The proposed dwellings are to be brick veneer construction with a combination of rendered quins and sandstone to the front elevations. The rendered sections are to be painted a "cream" colour. The dwellings are to have 25 degree pitched colorbond roof sheeting in a "slate grey" colour, aluminium framed windows (black in colour) and panel lift doors to the garages (colour "cream").

The Applicant has provided a specific landscaping schedule, which illustrates a range of small trees, shrubs and ground covers within the front yard areas of both of the proposed dwellings.

The relevant details of the proposal in terms of areas, setbacks and the like are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
Site Area	459.65m ²	459.65m ²	N/A
Allotment Width	9.14m	9.14m	N/A
Allotment Depth	50.29m	50.29m	N/A
External Wall Height*	2.8 – 3.0m	2.8 – 3.0m	N/A
Maximum Overall Height (to roof apex)*	4.8m	4.8m	N/A
Floor Area (total)	168.17m ²	168.17m ²	N/A
Site Coverage	37%	37%	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
Private Open Space	189.9m ² 41% of site area 93% uncovered	189.9m ² 41% of site area 93% uncovered	20% of the site area and 50% open to the sky (City Wide PDC 244(a) & PDC 248)
Street Set-back	8.0m (facade)	8.0m (facade)	Not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres. (City Wide PDC 213(b))
Side Set-back	1.1m (northern side) Nil & 1.0m (garage and dwelling respectively – southern side)	1.1m (northern side) Nil & 1.0m (garage and dwelling respectively – southern side)	At least 1 metre on one side (City Wide PDC 215)
Rear Set-back	18.2m	18.2m	N/A
Car Parking Provision	1 undercover & 1 visitor	1 undercover & 1 visitor	2 (1 covered) on-site parking spaces – Table NPSP/8.

Plans and details of the proposed development are contained in **Attachment B**.

Notification

Pursuant to Schedule 9 Part 1(2)(a) of the *Development Regulations 2008* the dwellings have been identified and processed as Category 1 form of development. With respect to the associated retaining walls and fencing, this has been identified as minor form of development. As such, no public notification was undertaken.

State Agency Consultation

The *Development Regulations 2008* do not require consultation with State Government Agencies.

Discussion

The subject land is located within the Residential 3 Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

The key issues, specific to this Development Application, are discussed in detail below.

Land Use and Density

The following Development Plan provisions provide guidance on the type and density of residential development that is envisaged within the Development Plan:

Residential 3 Zone Objectives:	1
Residential 3 PDC's:	1
City Wide Objectives:	1 7 55 56 57 & 58
City Wide PDC's:	1-4 6 & 189

The Residential 3 Zone anticipates the construction of detached dwellings (as well as other forms of dwellings) at densities ranging from low to medium. The locality is predominantly characterised by detached dwellings at relatively low densities. Although the proposed dwellings are to be situated on allotments that are of greater density than the prevailing allotment pattern along Gardiner Avenue, the proposal is for detached dwellings at medium density, consistent with Objective 1 of the Residential 3 Zone and as such, is considered suitable from both land use and density perspectives.

streetscape/bulk/scale/height/character

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character:

City Wide Objectives:	8, 18 19 & 20
City Wide Principles of Development Control:	29, 30, 31, 33, 35, 37, 42, 48, 227, 228

The Residential 3 Zone provisions do not provide any specific guidelines on the appropriate height or scale of new buildings. Gardiner Avenue contains predominately single storey dwellings with some examples of two-storey development. The proposed dwellings are single storey with 3 metre floor to ceiling heights, which is considered to result in a scale which will complement buildings in the locality. The dwellings have been designed as a modern interpretation of a villa, using materials and features which are common or complementary to buildings within the area including Colorbond roofing at 25° pitch, sandstone, render, and a bullnose verandah. The proposed dwellings are considered to be consistent with City Wide Objective 18 and Principles of Development Control 29 and 31.

The proposed dwellings each include a single width garage set behind the main face of the building and behind the verandah, consistent with City Wide Principle of Development Control 227 and 228.

Setbacks and Site Coverage

The following Development Plan provisions provide guidance with respect to set-backs and site coverage considerations:

City Wide Principles of Development Control: 51 52 212 213 214 215 216 217 & 221.

City Wide Principle of Development Control 213 states (in part):

“Where the Zone and/or Policy Area does not specify a minimum distance, dwellings should be set back from the allotment boundary on the primary street frontage:...

(b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres;”

The dwelling at 29 Gardiner Avenue is set back 4 metres at the closest point to the street and the dwelling at 33 Gardiner is has a front setback of 7 metres to the verandah and 9 metres to the front wall. In order to be consistent with the above provision, the proposed dwellings would need to be set back at least 6.5 metres. The proposed front setback of 8 metres is considered acceptable and will provide an adequate transition between the two adjoining dwellings.

City Wide Principle of Development Control 215 states:

“Unless otherwise specified in the relevant Zone and/or Policy Area, side boundary setbacks should reflect the predominant character in the locality. Where a consistent building setback is not evident development should complement the predominant pattern established by surrounding dwellings and in any case, should be set back at least 1 metre from one side boundary.”

The side setbacks of dwellings in the immediate locality are varied and include some boundary development, particularly for carports and garages. The proposed dwellings are each set back from the northern boundary 1.1 metres which is considered to provide adequate space around the dwellings from a streetscape perspective. The side setbacks are also considered to provide adequate visual separation for adjacent property occupants.

The dwellings are proposed with generous rear setbacks of 18 metres, which, while less than the adjacent dwellings, are considered to be adequate to avoid a negative impacting the visual outlook of the adjacent occupants. The rear setback also provides sufficient private open space as discussed in more detail below.

The development will result in 36.5% site coverage which will maintain sufficient soft landscaping area, space around the dwellings and opportunities for future verandahs, outbuildings and the like.

Private open space

The following Development Plan provisions provide guidance with respect to private open space considerations:

City Wide Principles of Development Control: 241 242 243 244 246 & 248.

City Wide Principle of Development Control 244(a) states that for dwellings with a site area of greater than 250m², 20% of the site area should be private open space. Each dwelling is proposed with a total of 189m² comprising a rear yard, small rear verandah and a southern courtyard. The private open space equates to 41% of the site areas and has generous dimensions in the rear yard which will provide a good level of amenity for future occupants. The proposed verandahs are very small and will not provide good useable covered outdoor space, however the Applicant has amended the levels to increase the area of flat ground at the rear of the property to provide adequate opportunity for a larger covered area in the future.

The rear yards will have access to northern light however the courtyards, being located to the south of the dwellings, will be in shade throughout the day. However, this courtyard could be used for clothes drying, bin storage, or other similar activities, removing the need for these to occur in the main rear yard.

Car parking/access/manoeuvring

The following Development Plan provisions provide guidance with respect to car parking access and manoeuvring considerations:

City Wide Objective: 34

City Wide Principles of Development Control: 123, 126, 127, 229

Table NPSP/8 states that the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered. Each proposed dwelling will accommodate one (1) car parking space in the garage with room for a visitor park in the driveway. The garages have an internal width of 2.9 metres which is inconsistent with Principle of Development Control 229 and the relevant Australian Standard, both of which state single car garages should have an internal width of 3 metres. This is a minor negative aspect of the proposal symptomatic of the relatively narrow allotment widths, resulting in slightly less convenient yet still functional garages.

The development relies upon the construction of two (2) new crossovers for vehicular access.. The driveway and crossover for Dwelling 1 is adequately separated from the northern most street tree (adjacent the centre of the subject land). The crossover for Dwelling 2 will require the removal of the southernmost street tree as discussed in more detail in the Trees (significant, mature & street) section of this report.

Finished floor levels/flooding/retaining

The following Development Plan provisions provide guidance with respect to considerations relating to floor levels, flooding and retaining:

City Wide Objectives: 9 & 51.

City Wide PDC's 7, 10, 59-61, 82, 150, 162, 165 & 171.

The subject land falls approximately one (1) metre from the Gardiner Avenue property boundary to the rear of the site. The proposed finished floor levels of the dwelling is lower than the adjacent top of kerb level, which will assist to reduce the height of retaining walls associated with the development.

The proposed Site Drainage Plan indicates that retaining walls of up to 500mm in height will be required along both the northern and southern side boundaries. The rear yard is proposed to be battered such that there is no need for any retaining along the rear boundary.

A copy of the proposed Site Drainage Plan is contained in **Attachment B3**.

City Wide Principle of Development Control 61 states:

“The combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels).”

The Applicant has indicated that the side and rear boundary fencing will be replaced with 1.8 metre high Colorbond ‘good neighbour’ fences, above the proposed retaining walls. The maximum combined height of retaining walls and fencing will be 2.3 metres adjacent to the rear of the dwellings.

Given that the land falls to the rear of the site, sumps are required across the driveway and at the rear of the allotment to collect surface water runoff, which is then proposed to be pumped back to the Gardiner Avenue water table. If the Panel determines to approve the proposed development, it is recommended that a condition be imposed to ensure that the sump and pump is established in accordance with appropriate engineering standards.

Roof runoff will be able to drain to the Gardiner Avenue water table through a sealed system or by draining to a sump. The subject land is not within a recognised flood affected area.

Trees (significant, mature & street) and landscaping

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, street trees and landscaping:

City Wide Objectives:	24
City Wide PDC's:	76-78, 239 & 240

The subject land contains a number of mature trees (none of which are Regulated Trees) located adjacent the existing side and rear property boundaries, which will be removed to accommodate the development.

The Applicant has proposed landscaping areas in the front yards and a small portion in the court yards of each dwelling. The landscaping will consist of grass cover, small shrubs, and medium and tall screening plants and is considered adequate to ‘soften’ the appearance of the dwellings and hard paved areas.

As outlined previously, the proposed southern crossover will require the removal of a street tree. Despite the site plan (Attachment B) showing the street tree being retained, it is evident from the survey plan (Attachment B3) that the tree would need to be removed to accommodate the crossover. The Application has been reviewed by the Council’s Horticultural and Arboricultural Services Coordinator who is supportive of the removal of the tree, on the basis that there are no reasonable alternative design solutions to accommodate the proposed development whilst retaining both street trees. If the Panel determines to approve the Application, it is recommended that a condition be imposed, requiring that the street tree be replaced at the Applicant’s cost.

Environmental Sustainability

The following Development Plan provisions provide guidance with respect to environmental sustainability considerations:

City Wide Objectives:	23, 42
City Wide Principles of Development Control:	70, 71, 72, 149, 150, 161

Given the orientation of the allotments, both dwellings will have some internal access to northern light however Dwelling 2 will be overshadowed to some extent by Dwelling 1. The rear verandahs will provide some protection to the west facing rear windows and all other windows will be provided with some protection from the eaves.

City Wide Principle of Development Control 161 states that each dwelling should be provided with 2,000 litre rainwater tanks. The proposal includes the installation of 1,000 litre rainwater tanks for each dwelling. Given that the proposed development includes large areas of impervious surfaces, it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that at a rainwater tank with a minimum capacity of 2,000 litres be installed for each dwelling, in accordance with City Wide Principle of Development Control 161.

Summary

The proposed development of two (2) single storey detached dwellings is considered to be appropriate from a land use and density perspective within the Residential 3 Zone and in the context of the locality. The built form, when viewed from the street, generally complements the surrounding dwellings in terms of bulk, scale, architectural style and materials.

The proposed dwellings are of a scale and siting that is not considered to result in an unreasonable visual impact on adjacent property occupants. Each dwelling has more than the anticipated amount of private open space with good access to natural light. Internally the dwellings will also have access to natural light however this will be somewhat compromised for Dwelling 2.

Each dwelling is provided with sufficient on-site car parks and access is considered to be safe and convenient, however the southern driveway will require the removal of a street tree.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/653/2014 by SLP Pty Ltd the construction of two (2) single storey detached dwellings with associated landscaping and fencing on the land located at 31 Gardiner Avenue, St Morris, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- Site plan and floor plan prepared by SLP, Sheet No. 1 & 2, Job Code 69914, Received by the Council 2 March 2015
- Elevations prepared by SSLP, Sheet No 3, Job Code 69914, Received by the Council 27 March 2015
- Site Drainage Plan prepared by Lelio Bibbo, Ref No. 141146, Dated 1 April 2015, received by the Council 1 April 2015

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system
2. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each dwelling. Water shall be plumbed to each dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.

3. Areas not shown as paving on the approved plans shall be planted with a suitable mix and density of shrubs and groundcovers as indicated in the landscaping schedule prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.

All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

4. All costs associated with the removal and replacement of the southernmost street tree adjacent the subject land shall be borne by the Applicant.
5. All stormwater (ie. surface water from driveway and rear yard areas) shall be collected and discharged from the subject land at pre-development levels with 1 in 5 year ARI events detained on-site and pumped back via sump and pump arrangements to the Gardiner Avenue watertable.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

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

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.

The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

Mr Duke moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/653/2014 by SLP Pty Ltd the construction of two (2) single storey detached dwellings with associated landscaping and fencing on the land located at 31 Gardiner Avenue, St Morris, subject to the following requirements, conditions and notes:

Relevant Plans

Pursuant to Section 44 (2) and (3) of the Development Act 1993 and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

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Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system
2. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each dwelling. Water shall be plumbed to each dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
3. Areas not shown as paving on the approved plans shall be planted with a suitable mix and density of shrubs and groundcovers as indicated in the landscaping schedule prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.

All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

4. All costs associated with the removal and replacement of the southernmost street tree adjacent the subject land shall be borne by the Applicant.
5. All stormwater (ie. surface water from driveway and rear yard areas) shall be collected and discharged from the subject land at pre-development levels with 1 in 5 year ARI events detained on-site and pumped back via sump and pump arrangements to the Gardiner Avenue watertable.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

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

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The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*
4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.*

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

5. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*

Seconded by Ms Newman and carried.

5. OTHER BUSINESS

Nil

6. CONFIDENTIAL REPORTS

Nil

7. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8:26pm.

Terry Mosel
Presiding Member