

Development Assessment Panel Agenda & Reports

20 March 2017

Our Vision

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

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

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

15 March 2017

To all Members of the Development Assessment Panel:

- Mr Terry Mosel (Presiding Member)
- Mr Don Donaldson
- Mr Phil Smith
- Mr Kevin Duke
- Ms Evonne Moore
- Ms Jenny Newman
- Ms Fleur Bowden
- Mr Carlo Dottore
- Mr John Frogley

NOTICE OF MEETING

I wish to advise that pursuant to Section 56A of the *Development Act 1993*, the next Ordinary Meeting of the Norwood Payneham & St Peters Development Assessment Panel, will be held in the Mayor's Parlour, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 20 March 2017, commencing at 7.00pm.

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

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**

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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 20 FEBRUARY 2017**

2. **STAFF REPORTS**
 - Items to be starred (.....)
 - All unstarred items to be adopted (.....)

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/D005/2017 – MR GINO DOTTORE & MS CARMELA DUKE

DEVELOPMENT APPLICATION:	155/D005/2017
APPLICANT:	Mr Gino Dottore & Ms Carmela Duke
SUBJECT SITE:	148 Marian Road, Glynde (Certificate of Title - Volume: 5744, Folio: 387)
DESCRIPTION OF DEVELOPMENT:	Torrens title land division creating one (1) additional allotment
ZONE:	Residential Zone Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)
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 to divide a parcel of land into two (2) Torrens Titled allotments.

In September 2010, the Council considered and endorsed an amendment to the Panel's Terms of Reference, such that in circumstances where a Development Application is lodged by a Council Employee or an Elected Member, or a member of their immediate family, the Panel must determine the Application.

In this instance, one of the owners of the subject land is the wife of an Elected Member. 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:	22.86 metres
Depth:	45.72 metres
Area:	1046m ²
Topography:	essentially flat
Existing Structures:	detached dwelling and associated outbuildings
Existing Vegetation:	a mix of trees and shrubs

The subject land currently contains a 1920's bungalow with associated outbuildings.

The land contains a mix of trees and shrubs, none of which are considered to be regulated pursuant to the *Development Act 1993*.

Locality Attributes

Land uses:	entirely residential
Building heights (storeys):	predominantly single storey

Streetscape amenity pleasant amenity which is somewhat compromised as a result of the traffic associated with Marian Road

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

Proposal in Detail

The Applicant is seeking consent to create two (2) Torrens Titled allotments.

The relevant details of the proposal in terms of allotment areas and dimensions are set out in Table 1 below.

TABLE 1: Lot 50 DEVELOPMENT DATA Consideration	Lot 50	Lot 51	Development Plan Merit Assessment Quantitative Guideline
Site Area	523m ²	523m ²	330 m ²
Site Frontage	11.43m	11.43m	9m
Site Depth	45.72m	45.72m	N/A

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

Notification

Pursuant to Schedule 9 Part 1, 2(f) of the *Development Regulations 2008*, the proposal has been identified and processed as a Category 1 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 Medium Density Policy Area of the Residential Zone, as identified within 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 Zone Desired Character Statement
- Residential Zone Objectives: 1, 2 & 3.
- Residential Zone PDC's: 1, 2 & 3
- City Wide Objectives: 1, 2, 7, 10, 15, 16, 17 & 55-57
- City Wide PDC's: 20, 21, 22, 23, 24 & 185, 186.

City Wide Objective 15 sets out that land divisions should create allotments appropriate for the intended use of the land. The proposed land division is intended to cater for two (2) detached dwellings fronting Marian Road.

In order to determine whether the proposed allotments are suitable for their intended use, it is appropriate to consider:

1. whether the resulting dwelling types (which the land division caters for) are envisaged in the Residential Zone, and
2. if the site areas and frontage widths proposed are in accordance with the relevant policies for the Residential Zone.

The Desired Character Statement for the Residential Zone (in part) states:

“The zone will provide opportunities for a range of low-scale infill development to support population growth and provide a diverse range of housing, including affordable housing.

Most development within the zone will occur through the renovation of existing dwellings, the replacement of existing dwellings with one or two dwellings and to a lesser extent, new dwellings to the rear of existing dwellings.

The existing character of the zone is varied and is derived from a number of factors, including built form, allotment size, road widths and natural features such as vegetation, topography and waterways. Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a ‘suburban’ feel with a high level of amenity. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring ‘space’ to be established between buildings”

It is considered that the proposed allotments are consistent with the desired character statement of the Residential Zone and are considered to be appropriate for residential development with complementary site areas and frontages to other dwellings in the locality.

Residential Zone Principle of Development Control 7 sets out the minimum quantitative criteria for new dwellings in the zone, including site area and frontage requirements for detached dwellings. It states:

“Except where a different parameter is provided in the relevant Policy Area, a dwelling should have a minimum site area (and in the case of group dwellings and residential flat buildings an average site area per dwelling) and a frontage to a public road of not less than that shown in the following table:

Dwelling Type	Site Area (square metres)	Minimum Site Frontage (metres)
<i>Detached Dwelling (with a double garage/carport)</i>	<i>350 minimum</i>	<i>12.5</i>
<i>Detached Dwelling (with a single garage/carport)</i>	<i>330 minimum</i>	<i>9</i>

Having regard to the quantitative provisions relating to allotment size and frontage widths, the proposed density is considered to be acceptable within the Residential Zone. Specific analysis relating to the provision of vehicle parking, private open space, setbacks and potential built form as discussed later in the report.

Streetscape/bulk/scale/height/character

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character insofar as they are relevant to the proposed land division:

- Residential Zone Desired Character Statement
- Residential Zone Objectives: 3
- Residential Zone PDC's: 6 & 8.

City Wide Objectives: 18, 19 & 20
City Wide PDC's: 28-32, 37, 39, 197 & 201

The proposed land division, if approved, would allow for the construction of two (2) detached dwellings.

Given the relatively generous size and frontage width of each allotment, it is considered that there is scope for any future dwellings to be constructed within the relevant Development Plan guidelines that apply to new dwellings.

Setbacks and Site Coverage

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

Residential Zone PDC: 8
City Wide PDC's: 204, 206.

Residential Zone Principle of Development Control 8 states that dwellings should have a minimum setback from the primary road frontage of 6.0 metres and a rear setback of 4.0m (6.0m upper level). Given the generous depth of each allotment it is considered that dwellings are able to be constructed on the subject and consistent with this setback policy.

Residential Zone Principle of Development Control 8 states that dwellings should have maximum site coverage of 60%.

Each proposed allotment is capable of accommodating generous dwellings within these setback and site coverage guidelines.

Private open space

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

City Wide PDC's: 222, 223, 224, 225, 229 & 230

Each allotment has an area of more than 250m² and as such, City Wide Principle of Development Control 225(a) prescribes a minimum of 20% of private open space per dwelling. The proposed allotments are sufficient in area to enable dwellings to be designed with the required amount of private open space.

The proposed land division pattern is likely to result in dwellings with north facing living areas and private open space areas, resulting in good access to northern sunlight.

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 PDC's: 53-58, 79, 164, 167-171

The subject land is not located in a recognised flood plain.

The topography of the subject land is essentially flat with the need for significant cut and fill unlikely as part of any future development of dwellings.

Car parking/access/manoeuvring

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

City Wide Objectives:	38
City Wide PDC's:	98, 101, 104, 118, 120, 122, 181, 189, 200 & 219
Table NPSP/8	

A Stobie pole and street tree are located in front of proposed allotment 51 (eastern allotment), but a vehicle crossover already exists between these two pieces of infrastructure for the existing dwelling.

It is considered that vehicle access is able to be provided to proposed allotment 50 as it is free of impediments.

Table NPSP/8 states that detached dwelling should be provided with two (2) spaces per dwelling (1 covered) set back no less than 5.5m from the primary street frontage. It is considered that the allotments are capable of accommodating dwellings that fulfil this requirement through the provision of a single width garage and vehicle parking space in front of the proposed dwelling.

Trees (regulated, mature & street) and landscaping

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

City Wide Objectives:	24, 117, 118
City Wide PDC's:	73, 74, 184, 189(e), 220 & 221, 395, 396

There are no regulated trees on the allotment or on adjoining allotments that are likely to be affected by the proposed development.

Given the generous proportions of the allotment it is considered that there is a reasonable opportunity for landscaping at the front of each of the proposed allotments and the street, which will enhance the amenity of the locality, in accordance with City Wide Principle of Development Control 221(a).

Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDC's:	67-72, 147, 148, 151 & 159.

Having regard to the orientation of the subject land, access to northern light in the winter months for both the internal living areas and the private open space areas associated with future dwellings will be able to be maximised in accordance with City Wide Principle of Development Control 68.

Summary

The proposed land division seeks to create new allotments that satisfy the quantitative requirements for site areas and frontage widths in the Residential Zone.

It is considered that the proposed allotments are readily able to be developed with dwellings that are consistent with the relevant Development Plan provisions aimed at achieving an acceptable future built form outcome within the locality, such as site coverage, setbacks, private open space and the like.

Accordingly, it is considered that the proposed Torrens Title Land Division 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 Number 155/D005/17 by Ms CR Duke and Mr G Dottore to undertake a Torrens Title Land Division in order to create one (1) additional allotment, on the land located at 148 Marian Road, Glynde, subject to the imposition of the following 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:

- Plan of Division marked Reference Number 18788 Drawing Number 18788-DIV Version 2 prepared by John C Bested & Associates Pty Ltd, received by the Council on 20 February 2017.

Development Assessment Commission Conditions

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$6676 into the Planning & Development Fund (1 allotment(s) @ \$6776/allotment).

Payment can be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Development Plan Consent Conditions

1. All buildings shall be demolished and removed prior to the issuing of Section 51 clearance.

Notes to Applicant

1. The postal addresses of the newly created allotments are:
 - Lot 50 = 148 Marian Road, Glynde
 - Lot 51 = 148A Marian Road, Glynde
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. This Development Plan Consent will lapse within 12 months of the date of this notice unless Land Division Consent and Development Approval have been obtained.

4. 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.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/905/2016 – KEEP ON TREKKING PTY LTD

DEVELOPMENT APPLICATION:	155/905/2016
APPLICANT:	Keep on Trekking Pty Ltd
SUBJECT SITE:	17 Beulah Road Norwood (Certificate of Title Volume: 5534 Folio:386)
DESCRIPTION OF DEVELOPMENT:	Alterations, additions and change of use of a warehouse building, comprising the construction of a dwelling at first floor level, retention of office space at the ground floor level, and conversion of ground level warehouse space to car parking space
ZONE:	Business Zone – Beulah Road Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)
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 alterations, additions and change of use of a warehouse building, comprising the construction of a dwelling at first floor level, retention of office space at the ground floor level, and conversion of ground level warehouse space to car parking space.

Staff do not have delegated authority to determine the Application, as the Application is a Category 3 form of development. 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:	13.11 metres
Depth:	31.93 metres
Area:	414.96m ²
Topography:	essentially flat
Existing Structures:	warehouse building
Existing Vegetation:	Some landscaping at the front of the building

The subject land currently contains a single-storey warehouse building with ancillary office space and amenities. The building was most recently used as a video production studio for several years, however this use appears to be unauthorised, as the Council has no record of development approval having been obtained to change the use of the building from a warehouse to a video production studio.

Development Approval 155/818/2016 was granted in February 2017 for the demolition of an existing canopy and the construction of a new canopy and decking at the front of the building. The subject land is essentially flat and enjoys rights over a right of way at the rear of the property, accessed from Edmund Street.

Locality Attributes

Land uses: mixed use
 Building heights (storeys): several two storey
 Streetscape amenity moderate – low due to mix of commercial development

The locality contains a mix of land uses, predominately office, warehouse, and residential. The subject land is adjacent to an office located at 19-21 Beulah Road, a pair of semi-detached dwellings located at 13-15 Beulah Road, and dwellings in a residential flat building to the north facing Edmund Street. The southern side of Beulah Road is predominately commercial. The locality includes both single storey and two-storey development.

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

Proposal in Detail

The Applicant seeks consent for alterations, additions and change of use of a warehouse building, comprising the construction of a dwelling at first floor level and conversion of ground level warehouse space to car parking space. The ground floor alterations also include a wider rear access door, demolition of a toilet and the demolition of internal walls to facilitate a car parking area within the existing warehouse building, and the removal of some existing office floor area.

The proposed first floor dwelling includes two bedrooms, a combined living/dining/kitchen, study nook, combined bathroom/laundry and a balcony. The first floor addition is proposed to be clad in Maxline Cladding in Monument colour, with colorbond roofing, and timber slats and obscured glass balcony balustrade.

The Applicant has advised that they do not intend to divide the land. The Applicant has also advised that they intend to occupy both the office and dwelling for the foreseeable future.

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	Existing Office to remain	Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	414.96m ²	185.84m ² (dwelling and balcony) plus car parking spaces	N/A
Allotment Width		13.11m	N/A
Allotment Depth		31.93m	N/A
External Wall Height*	4.45m (existing)	7.7m	N/A
Maximum Overall Height (to roof apex)*		7.7m	N/A
Floor Area (total)	39.2m ² office floor area 14.28m ² amenities	133.87m ² internal floor area 51.97m ² balcony	N/A
Site Coverage		73.2%	N/A
Private Open Space	N/A	51.97m ² 0% uncovered	12m ² City Wide Principle of Development Control 226(b)
Street Set-back	5.8m (no change)	15.8m	N/A

Side Set-back	1.28m western setback Nil eastern setback	N/A
Rear Set-back	Nil	N/A
Car Parking Provision	0 undercover & visitor	2 undercover & 0 visitor Office: 2 spaces (Table NPSP/9) Residential: 2 spaces plus 0.5 visitors

** 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 however no representations were received.

State Agency Consultation

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

Discussion

The subject land is located within the Business 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:

Business Zone Objectives: 1, 2 & 3.
 Business Zone PDC's: 1, 2, 3, & 8

City Wide Objectives: 1, 7, 26
 City Wide Principles of Development Control: 3, 4, 81

There are numerous examples of existing residential development located within the immediate locality, including the semi-detached dwellings at 13-15 Beulah Road, and residential flat buildings at 32-40 Edmund Street and 3 Runge Place. The existing office land use is proposed to be maintained at ground level on the subject land, albeit that instead of being associated with a warehouse (or the unauthorised video production studio), it would be used as an office in its own right.

Business Zone Objectives 3 and Principle of Development Control 1 both anticipate residential development above ground floor non-residential land uses in the zone in certain areas. The subject land is not within an identified location; rather the identified locations include properties along portions of The Parade, Fullarton Road, Kensington Road and Magill Road.

Whilst the subject land is not located in an identified location, it is considered to be an appropriate location for first floor level residential development, as:

- it is well separated from obtrusive or noisy commercial uses,
- it will continue to incorporate a commercial use at lower level, providing an active frontage to the street, and

- represents an efficient use of the subject land, as it is unlikely that additional commercial floor area at the upper level would be possible, due to on-site car parking limitations.

Accordingly, an upper level dwelling is considered to be an appropriate additional land use for the subject land and will contribute to housing diversity in the area.

streetscape/bulk/scale/height/character

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

Business Zone Objectives: 7

City Wide Objectives: 8, 18-20

City Wide Principles of Development Control: 28, 29, 30, 32

Business Zone Principle of Development Control 7 anticipates two-storey development and the immediate locality contains a number of two-storey buildings in a variety of materials and colours, with a variety of roof forms. The proposed two-storey built form has a contemporary rectilinear form incorporating Maxline cladding in a monument colour. The upper level is set back 10 metres from the front of the existing building and 15.8 metres from the front boundary. As such, the upper level will be a visible, but not visually dominant, element within the streetscape.

In this context, it is considered that the proposed building addition will make a positive contribution to this portion of the Beulah Road streetscape and is consistent with City Wide Objective 8 and 20 in that the proposal results in compatible design appearance in the context of the locality and displays a contemporary architectural design approach.

Setbacks

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

Business Zone PDC: 9

City Wide PDC's: 50, 204, 206 & 207.

The Business Zone does not specify minimum front setbacks however Principle of Development Control 9 states that development should incorporate variations in set-back on street frontages so as to break-up facades and enhance the streetscape. The proposed upper level front setback of 15.8 metres is considered to be consistent with this provision. The Business Zone does not specify minimum side or rear setbacks.

City Wide Principle of Development Control 50 states the following:

The setback of buildings should:

- (a) *be similar to, or compatible with, the setbacks of buildings on adjoining land and the predominant setback of buildings in the locality, unless otherwise specified in the relevant Zone and/or Policy Area;*
- (b) *contribute positively to the existing or desired streetscape character of the locality; and*
- (c) *not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.*

The immediate area is characterised by buildings being close to and/or abutting the property boundaries and several buildings occupy the majority of their sites. The proposed upper level will maintain the existing side setbacks of 1.28 metres to the western boundary and nil to the eastern boundary. The impact of the eastern boundary wall is considered acceptable as it is adjacent to an office building and associated car parking area. The proposed western upper level setback has a greater opportunity for visual impact for the occupants of the semi-detached dwellings at 13 and 15 Beulah Road. The dwelling at 15 Beulah Road is located approximately 900mm away from the boundary shared with the subject land. Given the close proximity of the windows of 15 Beulah Road to the subject land, it is unlikely that occupants of the dwelling

will be able to view the full extent of the proposed upper level. As such, the visual impact is likely to be limited to the rear yard area which is partially occupied by a carport. On balance, the impact on these dwelling occupants is not considered unreasonable in the context of the typical siting of buildings within the Business Zone.

The proposed covered balcony is located on the rear boundary, however the 2.44 metre wide right of way is considered to provide adequate visual separation to the rear courtyard of the dwelling at 40 Edmund Street. The proposed first floor dwelling will be visible from the dwellings located at 3 Runge Place, however the subject land is primarily adjacent to a common driveway area. As such, the visual impact on the residential properties to the north is not considered unreasonable.

The proposal is therefore considered to satisfy City Wide Principle of Development Control 50 with respect to siting.

Overshadowing/overlooking

The following Development Plan provisions provide guidance with respect to overshadowing and overlooking considerations:

City Wide PDC's: 11, 195, 196 & 235.

The Applicant has provided shadow diagrams which indicate that the proposed development will result in some overshadowing to the shared rear yard area of the dwellings at 13 15 Beulah Road in the morning and to a much lesser extent at noon.

City Wide Principle of Development Control 196 states:

"Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that at least half of the ground level private open space of existing dwelling(s) receive direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements."

The proposed development will increase the extent of private yard space affected by shadow in the morning which is considered a negative aspect of the proposal. However approximately half of the private yard area should retain access to sunlight at midday and afternoon.

The dwelling incorporates high level windows and the proposed balcony incorporates a 1.7 metre high obscured glass balustrade to the sides and rear to prevent views into adjacent residential properties consistent with City Wide Principle of Development Control 235. Timber slat screening is also proposed on the sides of the balcony to improve privacy for occupants using the balcony.

Private open space

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

City Wide PDC's: 222-224, 226, 230

City Wide Principle of Development Control 226 states (in part):

"Residential development in the form of apartments within a multi storey building should have associated private open space of sufficient area and shape to be functional and capable of meeting the likely needs of the occupant(s) and should be in accordance with the following requirements:..

(b) two bedrooms, a minimum area of 12 square metres of private open space;.."

The proposed balcony provides the dwelling with 51.97m² of private open space which is directly accessible from both the living area and the bedroom consistent with City Wide Principles of Development Control 226(b) and 224. The balcony has a good northerly aspect but will also have access to eastern and western light also consistent with City Wide Principle of Development Control 224. The entire balcony is covered with a solid roof however the Development Plan provision requiring private open space to have a portion open to the sky is applicable to ground level private open space only. On balance the proposed balcony area is considered to provide an appropriate private open space area for future occupants.

Carparking/access/manoeuvring

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

Business Zone Principles of Development Control: 5, 6

City Wide Objective: 34

City Wide Principles of Development Control: 113, 120-124, 130, Table NPSP/8, Table NPSP/9 & Table NPSP/10

Vehicle access to the subject land is available via a right of way accessed from Edmund Street. The subject land does not currently provide for any formalised car parking however there is room for one (1) vehicle to park at the rear of the property, albeit this parking space is not consistent with Australian Standard 2890.1:2004. Applying car parking rates provided in Table NPSP/9, the current car parking demand associated with the warehouse and ancillary office is 5 spaces.

The proposed development will result in the current warehouse area being used for car parking only, and a reduction of the existing office floor space resulting in a car parking demand of 3 spaces for the business use. Table NPSP/8 states that the proposed dwelling should be provided with two (2) on-site car parking spaces plus 0.5 visitor parking spaces (i.e. 3 spaces when rounded up to the nearest whole number). As such, the total car parking demand associated with the proposed development is 6 spaces which is a net increase in demand of one (1) car parking space compared to the existing situation.

The Applicant originally proposed a total of six (6) car parking spaces; four (4) spaces inside the building and two (2) spaces at the rear of the building. A review by Council's traffic consultant indicated that none of the proposed car parking spaces were consistent with manoeuvring requirements of AS 2890.1:2004. As such, the Applicant amended the proposal so that it now includes a wider vehicle access door and two (2) car parking spaces have been provided within the building which allows vehicles to enter and exit the site in a forward direction. Additional cars could be provided in a stacked configuration, however the Applicant has indicated that they are now proposing two (2) designated spaces only.

City Wide Principle of Development Control 121 states:

"Development in the nature of additions to existing non-residential premises should provide on-site car parking in accordance with the principles of development control to serve new floor area while maintaining existing car parking numbers for the existing floor area."

Although the above policy is normally applied to additional non-residential floor area to a commercial tenancy, it is considered appropriate to apply the policy to the proposed addition of a dwelling. That is, to be consistent with the underlying intent of the above mentioned policy, the current car parking provision for the existing office should be maintained and additional car parks should be provided to service the dwelling.

In this respect, the development provides two (2) on-site car parking spaces for the dwelling but does not provide any car parking spaces for the office use. The proposal does not provide an on-site visitor parking space for the dwelling, which is inconsistent with Principle of Development Control 121 and Table NPSP/8, however, residential visitors are most likely to attend the site outside of usual business hours when on-street parking is in much lower demand.

In summary, the existing development generates a demand for five (5) spaces and one (1) non-conforming car parking space is provided on site, resulting in a shortfall of four (4) spaces. The proposed land uses generate a demand of six (6) spaces and the development provides two (2) car parking spaces which comply with AS 2890.1:2004 maintaining a shortfall of four (4) spaces noting that the development now provides AS 2890.1:2004 compliant spaces. On balance, the proposed car parking provision is considered acceptable.

Business Zone Principle of Development Control 5 states that car parking areas should be located at the rear of buildings and that parking spaces provided at-grade beneath occupied areas of buildings should not be included in development within the Beulah Road Policy Area. Although the proposed development

provides car parking spaces beneath an occupied area of the building, the parking area will not be visible from the street so will not have a detrimental impact on the appearance of the building from Beulah Road.

The building will provide sufficient space for onsite bicycle parking, consistent with Table NPSP/10.

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: 42

City Wide Principles of Development Control: 148, 151, 159

The subject land is not within a recognised flood plain.

The proposed development will maintain the predominantly impervious surface area over the subject land.

Stormwater from the new dwelling can be directed to the adjacent Beulah Road watertable via a gravity fed system. The development also provides a 2000 litre rainwater tank for the dwelling, consistent with City Wide Principle of Development Control 159.

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, 117 & 118

City Wide PDC's: 73-75, 220 & 221

No regulated trees will be affected as a result of the proposed development.

The proposal does not include any changes to the existing landscaping area at the front of the property, however changes to the front of the building have been approved as part of a separate Development Application.

Environmental Sustainability

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

City Wide Objectives: 23 & 42

City Wide PDC's: 70-72 & 159

All rooms within the proposed dwelling have access to natural light, the main living area having a good northerly aspect, and a skylight has also been provided above the kitchen/dining area. The roof over the balcony will provide protection from direct northern sunlight and west facing windows are limited to the wet areas only.

As outlined in the *Finished floor levels/flooding/retaining* section of this report, a 2000 litre rainwater tank has been provided for the dwelling consistent with City Wide Principle of Development Control 159.

Summary

The proposed alterations to an office and warehouse and the construction of a first floor dwelling is consistent with the Development Plan provisions which seek a variety of housing types and configurations in appropriate areas. Although the subject land is not within an area specifically anticipated by the Business Zone policies for residential use, the immediate locality already incorporates a balance of residential and commercial uses, the proposed dwelling is not proposed near any obtrusive commercial activities and the site will maintain an active commercial frontage.

The two-storey building height is consistent with the relevant Zone provisions and is compatible with other two-storey commercial and residential buildings within the immediate area. The selected materials and building form are also considered to complement the mix of building types within the locality.

Although the proposal does not provide car parking in accordance with the relevant rates within the Development Plan, the existing on-site car parking shortfall associated with the subject land is not worsened by the proposal and the proposed car parking spaces are considered to be an improvement on the current situation.

The proposed private open space provision is considered to be adequate to service the needs of the likely occupiers by providing an area for entertaining, clothes drying etc.

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 155/905/2016 by Keep on Trekking Pty Ltd for alterations, additions and change of use of a warehouse building, comprising the construction of a dwelling at first floor level, retention of office space at the ground floor level, and conversion of ground level warehouse space to car parking space on the land located at 17 Beulah 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 (SK02), Ground floor plan (SK04), prepared by Hardy Milazzo, Job No 6846-1, dated 16 February 2017
- Demolition plan (SK03), First Floor Plan (SK05), East Elevation (SK06), North Elevation (SK07), West Elevation (SK08), South Elevation (SK09), prepared by Hardy Milazzo, Job No 6846-1, dated 22 December 2016

Conditions

1. The portion of the upper floor windows less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
2. The portion of the upper floor balcony less than 1.7 metres above the floor level of the balcony shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
3. 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. All roof and site surface waters are to be directed to the street watertable through appropriately designed pit and pipe systems. This includes water runoff from the rear open space areas of each allotment.

4. The new dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres), with storm water plumbed 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.
5. 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.

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

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/205/16 – D & C HOMES PTY LTD

DEVELOPMENT APPLICATION:	155/205/16
APPLICANT:	D & C Homes Pty Ltd
SUBJECT SITE:	189 Payneham Road, St Peters (Certificate of Title, Volume: 5808 Folio: 982)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey office building with associated car parking and landscaping
ZONE:	Local Office Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 15 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide details to the Panel on a compromise proposal which has been submitted in relation to a Development Application that was refused by the Panel at its meeting held on 21 November 2016 and which is the subject of an Appeal to the Environment Resources and Development (ERD) Court.

The Applicant has prepared a subsequent compromise proposal with revised plans and additional traffic engineering advice for the consideration of the Panel.

The Panel is required to consider the amended plans and advise the ERD Court as to whether or not the amended plans satisfactorily address the concerns identified with the Application, such that consent would now be warranted.

Background

A Development Application (Development Application No. 155/205/2016) was lodged with the Council for the construction of a two-storey office building with associated car parking and landscaping.

The Panel considered the Application at its meeting held on 21 November 2016 and determined to refuse the Application for the following reasons:

- 1. The proposed development would be contrary to Development Plan provisions regarding orderly access and circulation of traffic generated to and from the site so as to compromise safety of pedestrians and traffic, particularly concerning First Lane.*
- 2. The proposed development would be contrary to Local Office Zone Principle of Development Control 2 in so far as it would impair the amenity or residential character of the adjoining residential zone*

The Applicant submitted a compromise proposal to for the Panels consideration at the meeting held on 19 December 2016. This compromise proposal was rejected on the same grounds as the original proposal.

A copy of the relevant section of the Minutes of the Panel meetings held on 21 November 2016 and 19 December 2016, including the refused plans, are contained in **Attachment A**.

Following the consideration of the first compromise proposal by the Panel, the Applicant has prepared a subsequent compromise proposal, which is the subject of this report.

A copy of the amended plans, traffic engineers advice and a summary letter prepared by the Applicant's Lawyer is contained in **Attachment B**.

A summary of the proposed amendments is provided below:

- The car parking spaces and the vegetated landscaping areas in the rear car park adjoining First Lane have been "reversed", to improve sight distances and traffic circulation;
- The undercover parking area has been reconfigured to provide bicycle rails and now provides four stacked staff parking spaces in the undercroft garage;
- Four additional bicycle rails have been provided forward of the proposed office building near Payneham Road;;
- The rear car park has been further reconfigured to provide a turning bay for the stacked under cover parking spaces;
-
- Feature brickwork has been added to the rear elevation facing First Lane;
- The rear garage has been re-designed to accommodate the new undercroft parking arrangement.
- Details of the location of air-conditioning plant and equipment are now shown on the "Proposed Roof Plan"

Discussion

The Panel was concerned that the proposed development would have detrimental impacts on the amenity of occupants of dwellings in First Avenue, to the north of the subject land, as a result of the proposed parking arrangements being almost exclusively accessed via the rear lane. In particular, the Panel expressed concern that the number of vehicular movements that the proposed development would generate within First Lane, would cause inconvenience to existing users of the lane and potentially create unsafe conditions for pedestrians within the lane. In addition, concerns were raised regarding the setback of the vehicle access gate and the level of landscaping.

The Applicant had provided a report from Mr Frank Siow in support of the original proposal. The Applicant has now provided a report from Ms Melissa Mellen, from MFY, in support of the compromise proposal.

The revised proposal is for six (6) car parking spaces at the rear of the property, to be accessed via First Lane plus an additional four (4) spaces within the building, giving a total of ten (10) spaces accessed via First Lane. It was previously proposed that there be six (6) spaces at the rear of the property, plus an additional three (3) within the building, totalling nine (9).

As was previously proposed, three (3) parking spaces are proposed in front of the building accessed via Payneham Road, including one (1) accessible space.. The provision of car parking is consistent with Table NPSP/9. The Applicant has included dedicated bicycle parking bays areas. The provision of bicycle parking is consistent with Table NPSP/10.

The revised car parking layout appears to go some way towards addressing the Panel's concerns relating to the amenity and safety of occupiers of adjoining residential properties. In particular, -increased levels of landscaping adjacent the rear lane will improve the view of the site from the adjoining Residential Historic (Conservation) Zone and improved vehicle sight lines have been achieved, which will improve pedestrian safety.

The revised and reversed landscaping buffers as well as the increased setback of the vehicle access gate are positive attributes of the compromise and are considered to address the Panel's concerns regarding driver sight lines within the lane.

Should the Panel be of a mind to support the compromise proposal, it is recommended that the Court be advised that an additional landscaping bed no more than 900mm wide, should be established in the rear car parking area adjacent the northern boundary.

The Appellants lawyer, Mr Crompton has provided the following statement outlining the operations of the site:

- *My client is a building company who specialise in residential development. Their present administrative and office headquarters are located at 18 Fullarton Road, Norwood.*
- *My client seeks approval for the proposed development in order to accommodate its existing nine office and administrative staff in a more comfortable, modern and convenient office building.*
- *The reason for my client's purchase of the site at 189 Payneham Road was due to its Local Office zoning and the double road frontage to Payneham Road and First Lane.*
- *My client's proposal is that only office and administrative staff vehicles are to be parked in the rear car parking area. The staff use ordinary, domestically-sized (B-85) vehicles.*
- *No tradespeople or building work contractors visit the site. They do not need or want to access the site as they are employed on construction jobs elsewhere.*
- *Waste from the site will be collected by ordinary Council kerb-side collection. Accordingly, there will be minimal or no need for larger, non-domestic vehicles accessing the site.*
- *Visitors to the site will predominantly be clients of D&C Homes Pty Ltd. Visitors will only use the front visitor car parks at the front of the site near Payneham Road. Visitor car parking is also available on Payneham Road.*
- *Visitors to the site attend by appointment only. My client typically only experiences approximately one or two client appointments per week on average, which would continue at this site. Most client interactions are conducted in display home villages located elsewhere. Client appointments on the site would typically run for no more than about one hour each.*
- *Clients would only need to visit the site to discuss selections for new homes (i.e., fit out selections for a new home such as tiling, masonry, electrical works, bathroom fitouts, plumbing and so forth).*

Summary

The proposed amendments go some way to addressing the Panel's reasons for refusing the Application, related to safety and convenience within the rear lane.

The Applicant has sought advice from a second traffic engineer, which has resulted in the location and arrangement of the car parking areas being amended. The amendments are considered to result in improvements to the safety and convenience of users of the lane.

The proposed amendments are considered an improvement over the original and second proposal and it remains the opinion of staff that the proposed development, as amended, sufficiently accords with the Development Plan to warrants Development Plan Consent.

RECOMMENDATION

That the Environment Resources and Development Court be advised that the Development Assessment Panel is satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, subject to the following conditions:

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 Inspire Design Studio, received by the Council on 1 December 2016;
- Elevations prepared by Inspire Design Studio, received by the Council on 1 December 2016 and
- Civil Computation prepared by Intrax dated 29 March 2016

DPTI Conditions

1. All vehicular access to/from the site being gained via First Lane, with the exception of the disabled car park located at the front of the site.
2. The car park located forward of the building shall be designated as disabled parking only and shall be consistent with AS/NZS 2890.6:2009. A bollard shall be provided within the shared space to prevent vehicles utilising this space as vehicle parking.
3. The Payneham Road access point shall not be utilised by vehicles larger than B99 passenger vehicles. All service vehicles shall gain access via First Lane.
4. Vehicles larger than a 6.4 Small Rigid Vehicle (SRV) shall not be permitted on site.
5. Suitable line marking and signage shall be installed designating the parking area forward of the building for disabled use only.
6. All vehicles shall enter and exit the site in a forward direction.
7. All car parking shall be designed and installed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
8. Any landscaping located along the Payneham Road property boundary shall be low growing so as not to restrict driver sightlines.
9. The signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall be included in the design of signs.
10. The signage shall not contain any element that flashes, scrolls, moves or changes.
11. All illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ($\leq 200\text{cd/m}^2$).
12. All signage shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
13. No stormwater from this development is permitted to discharge on-surface to Payneham Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

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 the Payneham Road underground pipe drainage system.

2. All stormwater discharged from the land shall remain at pre-development levels with 1 in 5 year ARI events detained on-site and pumped back to the Payneham Road underground stormwater pipe system.
3. The car parking area shall be graded such that surface stormwater does not enter First Lane, whilst maintaining a convenient grade for vehicles to egress the land into First Lane. Details of the car parking area levels and stormwater disposal shall be provided to the reasonable satisfaction of the Council prior to the issuing of Development Approval.
4. A landscaping bed adjacent the northern boundary (adjacent the rear carpark) shall be created with a minimum width of 600mm and planted with a mixture of Manchurian Pears and Cherry Plum trees (as nominated on the approved landscaping plan) to the reasonable satisfaction of the council
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
6. All plants existing and/or 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.
7. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of all parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
8. 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.
9. Any air conditioning units or other plant and equipment associated with the development, herein approved, shall be adequately screened such that noise levels do not exceed 45db(a) when measured at adjoining residential property boundaries.

Notes to Applicant

5. 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.
6. 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.
7. 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.
8. 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.

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

3. **OTHER BUSINESS**
(Of an urgent nature only)
4. **CONFIDENTIAL REPORTS**
Nil
5. **CLOSURE**