

# Council Assessment Panel Agenda & Reports

**18 May 2020**

## **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

13 May 2020

### **To all Members of the Council Assessment Panel:**

- Mr Terry Mosel (Presiding Member)
- Ms Jenny Newman
- Mr Phil Smith
- Ms Fleur Bowden
- Mr John Minney

### **NOTICE OF MEETING**

I wish to advise that pursuant to Clause 7.4 of the Terms of Reference, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

**Monday 18 May 2020, commencing at 7.00pm.**

Please advise Kate Talbot on 8366 4562 or email [ktalbot@npsp.sa.gov.au](mailto:ktalbot@npsp.sa.gov.au) if you are unable to attend this meeting or will be late.

Yours faithfully



Mark Thomson  
**ASSESSMENT MANAGER**

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City of  
**Norwood  
Payneham  
& St Peters**

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**VENUE** Council Chambers, Norwood Town Hall

**HOUR**

**PRESENT**

**Panel Members**

**Staff**

**APOLOGIES**

**ABSENT**

- 1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 20 APRIL 2020**

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/146/2020 – KEYLEND PTY LTD – 30 BEULAH ROAD, NORWOOD

<b>DEVELOPMENT APPLICATION:</b>	<b>155/146/20</b>
<b>APPLICANT:</b>	<b>Keylend Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>30 Beulah Road, Norwood (Certificate of Title Volume: 5873 Folio: 190)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Demolition of a warehouse and showroom and construction of a mixed use development comprising basement car parking, office accommodation and four (4) dwellings (non-complying)</b>
<b>ZONE:</b>	<b>Business Zone Beulah Road Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 3</b>

#### **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 demolition of a warehouse and showroom and construction of a mixed use development comprising basement car parking, office accommodation and four (4) dwellings.

Staff do not have delegated authority to determine the Application, as it is a Category 3 development application 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.

#### **Background**

At the meeting held on 17 February 2020, the CAP considered Development Application 155/739/19 for the construction of a mixed use development comprising basement car parking, office accommodation and five (5) dwellings on the subject land.

The CAP determined to refuse Development Application 155/739/19 for the following reasons:

1. *The scale of the building is excessive resulting in impacts on the residential property to the south.*
2. *The amount of car parking is inadequate*

Development Application 155/146/2020, which is the subject of this report, was lodged on 17 March 2020. The application is very similar to Development Application 155/739/19, with key differences being a reduction in the number of dwellings from 5 to 4 and an increase in the number of car parking spaces from 17 to 21.

### Subject Land Attributes

Shape:	rectangular
Frontage width:	19.28 metres
Depth:	33.48 metres
Area:	645.5m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	single storey warehouse and showroom
Existing Vegetation:	nil

The subject land is located on the corner of Beulah Road and Charlotte Place and contains a brick warehouse constructed in the mid to late twentieth century. The latest use included a showroom facing Beulah Road. There are no Council records of previous approvals, indicating that it was constructed prior to the introduction of a planning regime in the 1970's.

The warehouse/showroom is constructed to the northern, eastern and western boundaries of the subject land. Behind the warehouse is a hard-stand loading area and behind that, adjacent to the southern (rear) boundary is a right-of-way in favour of 26 Beulah Road, ranging in width from 2.74m to 2.82m.

### Locality Attributes

Land uses:	mix of commercial uses and some residential
Building heights (storeys):	one and two storey

The locality is considered to extend approximately 100 metres east and west of the subject land along Beulah Road and also include the section of Charlotte Place between Beulah Road and Fisher Street.

The portion of the locality along Beulah Road is located within the Business Zone (Beulah Road Policy Area) while Charlotte Place is located within the Residential Historic (Conservation) Zone (Norwood 1 Policy Area).

The locality on Beulah Road contains a mix of single and double storey office buildings constructed in a variety of architectural styles which have been constructed over different periods. A mixed use development comprising ground floor office areas and four residential apartments within a two storey building with undercover at-grade car parking is located at 27 Beulah Road, opposite the subject land. A Local Heritage Place (the former Salvation Army Hall, and now the Council's Beulah Road Community Hall) is located adjacent the subject land at 31 Beulah Road. Building setbacks along Beulah Road are generally in the order of 2- 3 metres

Charlotte Place contains dwellings in the form of single storey detached and semi-detached cottages, also with street setbacks in the order of 2-3 metres. Whilst making a positive contribution to the historic character of Charlotte Place, none of the dwellings in the street have any heritage listing.

A plan of the subject land and its surrounds is attached (**Attachment A**).

### Proposal in Detail

The Applicant seeks consent to demolish the existing warehouse/showroom and construct a mixed use development comprising basement car parking for twenty one (21) cars, office accommodation and four (4) dwellings.

The basement car parking area is almost entirely below ground at the northern end of the site adjacent Beulah Road and ramps up towards the southern end, such that it is up to 1.3 metres above ground adjacent to the right of way. Of the 21 car spaces provided, 7 are proposed to be associated with the dwellings and 14 are proposed to be associated with the office.

The office accommodation is approximately 1 metre above ground floor level at the northern end of the site adjacent Beulah Road, whilst at the southern end it is approximately 1.6m above ground level, to enable vehicular access to the car parking off Charlotte Place. The ceiling level is consistent across the entire office area, resulting in 3.3m high ceilings over the northern section and 2.7m high ceilings over the southern section.

The apartments are located above the office level and are accessed by a common lift and access foyer. All four apartments have two bedrooms. Clerestory windows provide access to northern sunlight to the inboard bedrooms of all apartments and each apartment has a balcony. A skylight provides access to natural light to the common foyer.

The proposal presents as an approximately 6 metre high detailed red brick building, with slightly recessed steel and glass above that, to a total height of 8 metres. The clerestory window sections protrude higher, to a total height of approximately 9.4 metres.

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	Office	Apartments	Development Plan Merit Assessment Quantitative Guideline
Site Area		645.5m <sup>2</sup>	N/A
Allotment Width		19.28 m	N/A
Allotment Depth		33.48m	N/A
External Wall Height*		8.0m	N/A
Maximum Overall Height (to roof apex)*		9.4m	Two storey
Floor Area (footprint)		580m <sup>2</sup>	N/A
Site Coverage		90%	N/A
Floor Area (total)	470m <sup>2</sup>	80.5m <sup>2</sup> – 102.8m <sup>2</sup>	N/A
Private Open Space	N/A	15.0m <sup>2</sup> – 29.3m <sup>2</sup>	10m <sup>2</sup> (1 bedroom) 12m <sup>2</sup> (2 bedroom)
Street Set-back	Nil	Nil	N/A
Side Set-back	Nil	Nil	N/A
Rear Set-back	2.8m	Nil	N/A
Car Parking Provision	14 spaces	7 spaces	19 spaces (office) 10 spaces (dwellings)

*\* 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 attached (**Attachment B**).

**Notification**

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

Four (4) representations were received (1 in favour and 3 opposed) in response to this notification, copies of which are attached (**Attachment C**). The key issues of concern raised by representors are, in summary:

- Insufficient on-site car parking
- Conflict between residential and established non-residential uses

The following representors desire to be heard personally by the Council Assessment Panel (CAP):

- *Mr Martin Oldfield*

The Applicant has responded to the representations received and a copy of their response is attached (**Attachment D**).

A summary of the response is provided below:

- Car parking has been maximised on site through a full basement carpark and mechanical stackers at the northern end. End of trip facilities are also provided for employees who ride to work.
- The application is prepared to accept a condition to include double glazing for the dwellings, to address concerns regarding land use conflict;

### **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 a non-complying form of development, due to the office having a gross leasable area greater than 250m<sup>2</sup> (it is 470m<sup>2</sup>).

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, 3  
Business Zone Desired Character Statement  
Business Zone Principles of Development Control: 1, 3, 8, 12

City Wide Objectives: 1, 2, 3, 7, 67,  
City Wide Principles of Development Control: 3, 291, 303, 305, 306

Objectives 1 and 3 of the Business Zone state respectively:

*“Development providing a range of business and related activities, including offices, consulting rooms and retail showrooms.”*

and

*“Residential development located above compatible ground level non-residential development in identified locations along arterial road frontages, with some opportunity for wholly residential development in identified locations.”*

Relevant excerpts from the Desired Character Statement for the Business Zone are set out below:

*“The Business Zone accommodates a range of existing business activities in premises of variable nature and quality, with opportunity for the development and consolidation of offices and consulting rooms with some retail showrooms as well as for the upgrading, expansion and consolidation of business activities. Progressive improvements should be made to the environmental and servicing aspects of business, and development in the zone should progressively upgrade existing business areas and main road frontages.*

*Opportunities for residential development located above compatible non-residential land uses will be provided where identified in the West Norwood and Magill Road West Policy Areas along arterial road locations. In addition, wholly residential development located behind the arterial road frontage is appropriate within the Magill Road West Policy Area.”*



### **Beulah Road Policy Area**

*“Beulah Road Policy Area relates to established business development at the western end of Beulah Road and extends to encompass land on the eastern side of Sydenham Road. Development should achieve further consolidation of the existing office and warehouse functions with associated showrooms.”*

### **West Norwood Policy Area**

*“The West Norwood Policy Area comprises localities along the arterial road frontages of The Parade, Fullarton Road and Kensington Road in West Norwood should be consolidated as an area for high quality offices and consulting rooms. The establishment of residential dwellings above ground level non-residential land uses will be considered within this Policy Area.”*

### **Magill Road West Policy Area**

*“The area is generally an appropriate location for offices and warehouses. Additional industry or light industry should only be introduced in the context of reasonable on-site expansion of Caroma Industries, and having regard to the protection of the amenity of the residential development to the south of the site. Along the Magill Road frontage, the establishment of residential dwellings above ground level non-residential land uses will be considered within this Policy Area. Behind the Magill Road frontage, wholly residential buildings are appropriate.”*

Principle of Development Control 1 of the Business Zone states:

*“Development in the Business Zone should primarily be for offices, consulting rooms, retail showrooms and in identified locations, residential development above ground floor non-residential land uses.”*

Principle of Development Control 3 of the Business Zone states:

*“Development within the Business Zone should not include land uses which by their operation will adversely affect the amenity of the adjacent residential zones.”*

Principle of Development Control 8 of the Business Zone states:

*“For office and/or consulting room development, the gross leasable area should not exceed 250 square metres per individual building, except in the West Norwood Policy Area where the gross leasable area should not exceed 500 square metres per individual building.”*

The proposed use of the land for office and residential purposes is consistent with the objectives of the Business Zone generally. However, the proposed residential use is inconsistent with the stated policy for the Beulah Road Policy Area, as is the size of the proposed office use.

Residential development is only envisaged in the Business Zone where it is located above non-residential land uses and where it is located in either the West Norwood Policy Area or Magill Road West Policy Area.

Office development over 250m<sup>2</sup> is only envisaged in the West Norwood Policy Area, where it may be up to 500m<sup>2</sup> in area.

The Beulah Road Policy Area extends from Fullarton Road (not including properties fronting Fullarton Road) to Sydenham Road and includes some properties along the eastern side of Sydenham Road north and south of Beulah Road. On the other hand, the West Norwood Policy Area (where offices of the scale proposed and first floor dwellings are anticipated) includes part of Fullarton Road and Edmund Street and is approximately 100 metres away from the subject land. It also includes the southern side of The Parade west of Sydenham Road and the eastern side of Fullarton Road, south of The Parade.

The policy intent for not allowing first floor dwellings or offices greater than 250m<sup>2</sup> in the Beulah Road Policy Area is not clear. The adversity to dwellings in the policy is likely due to a concern that this section of Beulah Road and Sydenham Road contains several warehouse/showrooms with associated noise impacts which may not be compatible with residential use, whereas other policy areas have more of a focus on office uses, which are relatively low-impact.

In this respect, the section of Beulah Road in the immediate locality of the subject land contains mostly office uses and also includes residential development at first floor level opposite the subject land at 27 Beulah Road. The subject land is also on the border of the Residential Historic (Conservation) Zone. In this context, the introduction of dwellings as proposed, is considered to be appropriate and not likely to lead to land use conflicts. The adjacent hall at 31 Beulah Road is a potential conflict source, however the use of acoustic glazing as proposed in the response to representations is a suitable way of addressing this and in any event, the subject land is located further from the hall than several existing dwellings in the locality at 27 Beulah Road and in Runge Place.

The adversity to offices over 250m<sup>2</sup> in the policy is potentially aimed at encouraging larger office buildings along arterial roads, due to character considerations and/or a desire to promote those arterial road frontages as large-scale administration precincts. That said, Edmund Street is a nearby local street and is partly included in the West Norwood Policy Area where larger offices are envisaged.

If the policy intent behind restricting office size relates to character, the proposal does not present as a typical large office building. Its design is sympathetic to the mix of building types in the street, including warehouse/showroom buildings. If, on the other hand, the policy intent relates to promoting other locations as large-scale administration precincts, then it is acknowledged that the proposal is inconsistent with that intent. Allowing offices of the size proposed within the Beulah Road Policy Area could lead to less demand in the West Norwood Policy Area, where larger scale offices are envisaged.

That said, despite being greater than the 250m<sup>2</sup> threshold for offices in the policy area, the proposal is for only one (split) floor level and is not of a scale which is considered incongruous with surrounding offices in the locality. It also would seem consistent with the objective of the policy area to achieve further consolidation of the existing office and warehouse functions.

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 Principles of Development Control: 4, 5, 6, 7, 9

City Wide Objectives: 18-22,

City Wide Principles of Development Control: 28-47

Principle of Development Control 7 of the Business Zone states:

*“Development in the Business Zone should not exceed two storeys in height above mean natural ground level, except where identified in the West Norwood Policy Area and the Magill Road West Policy Area, where development incorporating a residential component above ground level non-residential land use/s, should not exceed three (3) storeys above natural ground level.”*

City Wide Principle of Development Control 32 states:

*“The height of buildings, structures and associated component parts should not exceed the number of storeys or height in metres above the natural ground level prescribed in the relevant Zone and/or Policy Area.*

*For the purposes of this Principle, ‘storey’ refers to the space between a floor and the next floor above, or if there is no floor above, the ceiling above. A mezzanine floor level shall be regarded as a floor. A space with a floor located below natural ground level shall be regarded as a storey if greater than one metre of the height between the floor level and the floor level above is above natural ground level.”*

As the floor level of the office is more than 1 metre above natural ground level at the southern end of the building, the proposed building is considered three storeys at that point. However, overall, the building is considered to appear as a two storey building and is compatible with the scale of two storey buildings in the locality.

The use of brick for the ground level and upper level balcony balustrades, creates a 6.0m high street wall, which is approximately the same height as the existing warehouse/showroom building on the subject land and lower than most 2 storey buildings in the locality. The visually recessive glass and steel sections above the red brick take the height to 8.0m which is taller than some two storey buildings in the locality, but akin to the adjoining building at 26 Beulah Road. The clerestory window/roof sections are further recessed and unlikely to be readily visible in the streetscape.

The height of the proposed building is therefore considered appropriate, despite being technically more than two storeys for a small section.

Principles of Development Control 5 and 6 of the Business Zone state respectively:

*“Car parking and service areas should be located at the rear of buildings or in the form of basements or part-basements except in the West Norwood Policy Area east of Charles Street, Beulah Road Policy Area and Magill Road East Policy Area, where car parking and service areas in basements, part-basements or at-grade beneath occupied areas of buildings should not be included in development.”*

and

*“Where development includes basement, part-basement or at-grade beneath-building car parking, it should not interrupt the continuity of the streetscape in both the horizontal and vertical planes and should be visually screened from the street.”*

The policy intent behind not allowing car parking in basements, part basements or at grade beneath occupied areas of buildings in certain parts of the zone (including the Beulah Road Policy Area) is likely to relate to the streetscape impact that such an arrangement typically has. In particular, the basement is typically visible at street level through the need for ventilation, resulting in poor levels of street activation and a relatively poor streetscape outcome.

In Development Application 155/739/19, the basement was entirely below ground, other than a section facing Charlotte Place, where the office floor was raised, to provide ventilation and access to the car park. In the current proposal, the office floor ranges in height above ground from 1.0 to 1.4 metres. The reason that the office floor level is not at ground level at the northern end adjacent Beulah Road, is because stacker car parking spaces are now proposed at that end. In addition, the applicant has received advice from a Traffic Engineer, that the ramp down to the stacker spaces could not be made any steeper.

As a result, whilst the building is no higher than it was in the previous application, the Beulah Road facade differs insofar as the windows no longer begin at ground level. Instead, they begin 1m above ground, with narrow openings (with steel flat bars) below to provide ventilation to the basement. The same treatment is used for the Charlotte Place façade. This treatment is considered to have a minimal impact on the character of the locality and is considered acceptable.

It is also noted that the mixed-use building opposite the subject land at 27 Beulah Road has ‘at grade beneath occupied areas of building’ parking off Runge Place contrary to PDC 5 and forms part of the established character of the area.

Principle of Development Control 9 of the Business Zone states:

*“Development should incorporate architectural features and variations in set-back on street frontages so as to break-up facades and enhance the streetscape. Long, continuous facades of greater than 20 metres should not be developed.”*

The proposal is considered to be consistent with Principle 9. Although the building does not have large variations in setbacks, it is very well detailed, with a high level of visual interest, using high quality materials and finishes.

Principle of Development Control 4 of the Business Zone states:

*“Development adjacent to the Kensington 1 and Kensington 2 Policy Areas of the Residential Historic (Conservation) Zone should be compatible in design and scale with the character sought for that Zone and those Policy Areas.”*

There is no such requirement for development adjacent to the Norwood 1 Policy Area of the Residential Historic (Conservation) Zone.

The proposed building is considered to make a positive contribution to the streetscape of both Beulah Road and Charlotte Place.

Setbacks/Overshadowing/overlooking

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

Business Zone Principle of Development Control: 4

City Wide Principles of Development Control: 11, 31, 35, 71, 195, 196 & 235

The occupier of the adjoining residential property at 1 Charlotte Place, which is located in the Residential Historic (Conservation) Zone, raised concern that the previous proposal in Development Application 155/739/19 would cause excessive overshadowing of windows and solar panels. The current proposal addresses that concern, by reducing the number of dwellings, allowing an increase in the setback of the upper level from the property at 1 Charlotte Place to the south from 2.8 metres to 6.6 metres, whilst retaining a curved wall to further reduce overshadowing. The result of this change is access to winter sunlight to the south facing windows of the dwelling at 1 Charlotte Place. The occupier of 1 Charlotte Place submitted a representation on the current proposal and thanked the applicant for the changes to the plan in response to her concerns regarding access to sunlight.

City Wide Principle of Development Control 46 states:

*“Development adjacent to the boundary of a Residential Historic (Conservation) Zone, should provide a transition down in scale and mass to complement the built form within the Residential Historic (Conservation) Zone.”*

The current application is considered to sufficiently address Principle 46.

Also applicable is City Wide Principle of Development Control 71, which states:

*“Development should maintain solar access, for a minimum of 3 hours between 9am and 3pm on 21 June, to:*

- (a) any existing solar collectors (such as solar hot water systems and photovoltaic cells) on adjoining properties; or*
- (b) an area of at least 10m<sup>2</sup> on the north facing roof of the existing building/s, in the event that there are no existing solar panels and/or photovoltaic cells on the adjoining property; and in any case development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.”*

Drawing number SKDA 12 and the shadow diagram perspectives, show that the proposal will maintain solar access during the winter solstice (21 June) to the entirety of the existing photovoltaic cells on the adjoining property, throughout the day.

With respect to overlooking, the private open space at the rear of 1 Charlotte Place is enclosed with a shade structure, such that overlooking of this area from the office and/or apartments windows will not result in a loss of privacy. Similarly, the two windows on the northern side of the dwelling at 1 Charlotte Place comprise obscure lead-light. As such, it is considered that privacy screening is not required for the proposed balconies at the southern end of the building.

Private open space

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

City Wide Principles of Development Control: 222, 223, 224, 226, 227, 228, 230

City Wide Principle of Development Control 226 states:

*“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:*

- (a) studio (no separate bedroom) or one bedroom, a minimum area of 10 square metres of private open space;*
- (b) two bedrooms, a minimum area of 12 square metres of private open space; or*
- (c) three bedrooms or greater; a minimum area of 15 square metres of private open space.”*

The proposal accords with Principle 226, with the two-bedroom apartments having balconies ranging in area from 15m<sup>2</sup> to 29.3m<sup>2</sup>. The dimensions of the balconies accord with City Wide Principle of Development Control 222, as they have a depth of at least 2.0 metres.

Carparking/access/manoeuvring

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

Business Zone Desired Character Statement

City Wide Objective: 34

City Wide Principles of Development Control: 98, 102, 113, 115, 118, 120, 122, 123, 124, 130, 134

The Desired Character Statement for the Beulah Road Policy Area states:

*“Vehicular movement is dominated by Beulah and Sydenham Roads which should provide the primary point of access for delivery, service and visitor vehicles, in preference to access via adjoining residential areas.”*

The above statement is directed at delivery, service and visitor vehicles. Unlike the current warehouse/showroom, the proposed office use will not have any significant associated delivery or service vehicle movements. Unlike a retail showroom, which is also envisaged in the zone, any visitor vehicle movements associated with the proposed office and residential use would also be minimal. On balance, the impact on the amenity of the adjoining residents on Charlotte Place resulting from vehicular movements associated with the proposed development, is likely to be similar to impacts associated with the existing use.

With respect to the adequacy of the proposed amount of car parking spaces, City Wide Principles of Development Control 120 and 122 respectively state:

*“Development should provide off-street vehicle parking in accordance with rates contained in Tables NPSP/8 and 9.”*

and

*“A lesser on-site car parking rate may be applied to applicable elements of a development in any of the following circumstances:*

- (a) development includes affordable housing or student accommodation; or*
- (b) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop; or*
- (c) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times; or*

- (d) *the proposed development is on or adjacent to the site of a heritage place, or includes retention of a desired traditional building and its features, which hinders the provision of on-site parking or the most effective use of the spaces within the site; or*
- (e) *the parking shortfall is met by contribution to a Car Parking Fund (where one is available); or*
- (f) *the development qualifies for certification under the Green Energy rating program, or similar program; or*
- (g) *where it can be demonstrated that it would not result in a greater demand for on-street car parking on existing streets in the locality.”*

The following table outlines the car parking demand and supply associated with each element of the proposal.

<b>Element</b>	<b>Tables NPSP/8 and 9</b>	<b>Required</b>
Office	4 spaces per 100m <sup>2</sup>	19
Apartment occupants	2 spaces per 2 bedroom dwelling	8
Apartment visitors	1 space (exclusive of vehicle manoeuvring areas) for every 2 dwellings	2
<b>Total Demand</b>		<b>29</b>
<b>Proposed</b>		<b>21</b>

The proposal qualifies for discounting of car parking in accordance with clause (c) of Principle 122, as:

- the proposal is a mixed use development including residential and non-residential development with respective peak demands for parking occurring at different times.

While Principle 122 does not quantify the amount of discounting which should apply, in a practical sense, the visitors to the dwellings would use the office car parking spaces outside of business hours. Therefore, discounting of 2 spaces (ie. the amount of visitor parking required for the dwellings) is considered reasonable. This lessens the shortfall from 8 spaces to 6 spaces.

As the subject land is located in close proximity to the Urban Corridor Zone and District Centre (Norwood) Zone, it is considered reasonable to consider the car parking rates which apply to development within those zones. Frequent public transport along The Parade and Magill Road is within a reasonably short walking distance of the subject land. In addition, Beulah Road is a cycling route. The following table outlines the car parking demand and supply associated with each element of the proposal, if the Urban Corridor /District Centre (Norwood) Zone rates were applied:

<b>Element</b>	<b>Table NPSP/9A</b>	<b>Required</b>
Office	3 spaces per 100m <sup>2</sup>	14
Apartment occupants	1 per dwelling	4
Apartment visitors	0.25 per dwelling	1
<b>Total Demand</b>		<b>19</b>
<b>Proposed</b>		<b>21</b>

Whilst it may not be appropriate to strictly apply the above rates, since the subject land is not in the Urban Corridor Zone or District Centre (Norwood) Zone, given the close proximity and similar characteristics of the locality, applying a similar car parking rate would not be unreasonable.

Another approach to the assessment of car parking adequacy, is to consider City Wide Principle of Development Control 121, which 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.”*

The intent behind Principle 121, is to ensure enable any existing on-site car parking shortfalls associated with an existing non-residential site, carry through when additions are undertaken, provided that those existing shortfalls are not worsened.

Applying the rates in Table NPSP/9, the current warehouse/showroom has a car parking demand of 1 space per 100m<sup>2</sup> for the warehouse and a rate of 2-4 spaces per 100m<sup>2</sup> for the showroom. This results in a demand for approximately 6-9 spaces. The rate for all non-residential uses in the Urban Corridor /District Centre (Norwood) Zone (Table NPSP/9A) is 3/100. Applying this rate, the current warehouse/showroom has a demand for 12 spaces.

There are no on-site car parking spaces on the subject land currently. Whilst the area between the rear of the building and the right-of-way has been used for parking of vehicles, it is a loading/unloading area associated with the warehouse. Therefore, depending on what rates are used, the current use rights associated with the subject land result in a car parking shortfall of between 6 and 12 spaces. At the lower end, this is a similar shortfall when applying the rates in Table NPSP/9, while at the higher end it is a significantly greater shortfall.

Accordingly, the proposal is not likely to result in a greater demand for on-street parking than what would result from a use of the building consistent with existing use rights. On balance, the amount of car parking proposed is considered appropriate.

### Summary

The proposed development is non-complying, due to the office component having a floor area greater than 250m<sup>2</sup>. Despite this, the policy intent of providing a floor area cap is considered to be achieved, as the proposed building is of a scale which conforms with the character of the locality.

The residential component of the proposal is not envisaged in the Beulah Road Policy Area, however the character of the immediate locality is considered to be compatible with residential use, particularly taking into account adjoining and adjacent residential uses and a prevalence of low-impact office uses nearby.

Basement car parking is not envisaged in the Beulah Road Policy Area, however has been designed in such a way as to not detract significantly from the streetscape and car parking below occupied areas of buildings forms part of the established character of the locality.

Minimal overshadowing will result over the adjacent residential property at 1 Charlotte Place, which in the context of the zoning of the subject land and the land uses (and associated buildings) which can be anticipated, is considered an acceptable impact.

The extent of car parking is considered to be appropriate, taking into account the existing shortfall associated with the site and the proximity of the site to alternative transport modes.

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 155/7146/20 by Keylend Pty Ltd to demolish a warehouse and showroom and construction of a mixed use development comprising basement car parking, office accommodation and four (4) dwellings (non-complying), on the land located at 30 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:

- plans and elevations (Project Number 484KEY and dated 16 March 2020) prepared by Alexander Wilkinson and received by the Council on 17 March 2020.
- Statement of Effect (dated 17 March 2020) prepared by Alexander Wilkinson.

### Conditions

1. All four (4) dwellings are to incorporate suitable acoustic measures by way of insulation, glazing or other similar treatments so as to reduce the impacts of non-residential activity and noise within the immediate area to the reasonable satisfaction of the Council or its delegate, prior to Development Approval being granted.
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 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.

### Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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

### 2.2 DEVELOPMENT APPLICATION 155/C008/2020 & 155/792/2019 – NORWOOD DEVELOPMENTS – 10-12 STEPHEN STREET, NORWOOD

<b>DEVELOPMENT APPLICATION:</b>	<b>155/C008/20 and 155/792/19</b>
<b>APPLICANT:</b>	<b>Norwood Developments</b>
<b>SUBJECT SITE:</b>	<b>10-12 Stephen Street, Norwood (Certificate of Title Volume: 6153 Folios: 844, 858 and 859)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>155/C008/20: Community Title land division (creating seven additional allotments)</b>  <b>155/792/19: Construction of a three storey residential flat building containing eight dwellings</b>
<b>ZONE:</b>	<b>Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 3</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on two separate Development Applications. The first (155/C008/20) is for a Community Title land division creating seven additional allotments. The second (155/792/19) is for the construction of a three storey residential flat building containing eight dwellings.

Staff have delegated authority to determine the land division application, however do not have delegated authority to determine the built form/land use Application (DA 155/792/19), as it was subject to Category 3 public notification.

As the Panel will be aware, it is necessary for the land division Application to be determined prior to determination of the built form / land use Application. On this occasion, staff determined not to exercise their delegated authority for the land division application, as to do so would effectively pre-determine the outcome of the built form / land use Application. This is due to the fact that the land division is a Community Strata division, which creates detailed building envelopes across four (4) different levels. It would not be feasible for the land to be developed in a manner other than ostensibly what is proposed in the built form / land use application, if the land division was approved.

On this basis, there are two (2) recommendations at the end of this report – one for the proposed community division and one for the proposed built form/land use. The Panel must determine each Application in the order presented.

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:	32.65 metres
Depth:	19.57 metres
Area:	639m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	nil
Existing Vegetation:	non-regulated trees

The subject land is a portion of a large site with frontages to Stephen Street to the north and Muller Street to the south. A Torrens Title land division was approved by the CAP at its meeting held on 16 September 2019, creating the subject land fronting Stephen Street and four allotments fronting Muller Street to accommodate semi-detached dwellings.

The subject land is relatively flat and is currently vacant. It was previously used for car parking associated with the former Caroma site on the northern side of Stephen Street. The site was recently remediated and cleared by an environmental auditor for residential use. There is a stand of non-regulated Desert Ash trees on the site, adjacent to the Stephen Street boundary.

### Locality Attributes

The locality contains a mix of commercial and residential development.

To the north of the subject land is a very large vacant property (former Caroma site), on which approval has recently been granted by the State Commission Assessment Panel (SCAP) for an Aldi supermarket with associated at-grade car parking, an apartment building, a row of townhouses fronting Stephen Street and a public reserve. To the west of that property, is the Alma Hotel and associated at-grade car parking.

To the east of the subject land is a group of townhouses owned and operated by the South Australian Housing Trust. A common driveway which provides for vehicular access to the rear of the townhouses, abuts the eastern boundary of the subject land.

To the west of the subject land is a vacant allotment at 8B Stephen Street and an office/warehouse/cellar door at 14 Sydenham Road.

To the south of the subject land are dwellings on the southern side of Muller Street. These dwellings are mostly single storey character cottages, both detached and semi-detached.

A plan of the subject land and its surrounds is attached (**Attachment A**).

### Proposal in Detail

Development Application 155/C008/20 is for a Community Strata land division comprising the creation of eight Lots at first and second floor level and various lot subsidiaries at ground level (for car parking, storage and air conditioning), as well as common property for visitor parking, vehicle manoeuvring, bicycle parking entry corridor and lobby.

Development Application 155/792/19 is for the construction of a three-storey residential flat building containing eight dwellings with associated basement car parking and lobby.

At ground level, seventeen (17) car parking spaces are proposed, together with storage facilities, bicycle parking, a lobby, corridor and lift access to apartments at first and second floor levels. Each apartment is configured over two levels facing Stephen Street. A corridor along the rear of the site provides access to the apartments from the lift.

Each apartment has open-plan kitchen/living/dining and balcony at first floor level and two bedrooms with ensuite bathrooms at second floor level.

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	Residential Flat Building	Development Plan Merit Assessment Quantitative Guideline
Site Area	639m <sup>2</sup>	No minimum
Site Width	32.65m	18m (total development site frontage)
Site Depth	19.57m	N/A
External Wall Height*	10m	N/A
Maximum Overall Height	10m	Two-storey
Floor Area (total)	106m <sup>2</sup> - 110m <sup>2</sup>	70m <sup>2</sup> minimum internal living
Site Coverage	94%	N/A
Private Open Space	12m <sup>2</sup> – 13m <sup>2</sup>	12m <sup>2</sup> per dwelling
Street Set-back	1.15m	N/A
Side Set-back (southern side)	Nil	N/A
Side Set-back (northern side)	Nil	N/A
Rear Set-back	Ranges from Nil to 2.9m	4.0m (single-storey) 6.0m (two-storey)
Car Parking Provision	2 spaces per dwelling (except dwelling No.5 which has 1 space) and 2 visitor spaces	2 spaces per dwelling plus 1 visitor space for every 2 dwellings

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.

One representation was received in response to the notification, supporting the application. A copy of the representation is contained in **Attachment C**.

### State Agency Consultation

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

### Discussion

The subject land is located within the Residential Character (Norwood) 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:

Residential Character (Norwood) Zone Objective: 1, 2 & 3  
Residential Character (Norwood) Zone Desired Character Statement  
Residential Character (Norwood) Zone PDC: 1 & 10

City Wide Objectives: 1, 2, 3, 5 & 7  
City Wide PDC's: 1, 2, 3, 4, 5, 6, 12, 20, 21, 23-26, 364 & 366

The following are the objectives for the Residential Character (Norwood) Zone:

Objective 1:

*"A residential zone that continues to include a mix of housing from different eras of development and, in identified localities, ensures the continuation of the character derived from pre-1940s dwellings. "*

Objective 2:

*"Infill development in specified localities, including affordable housing, providing a variety of housing types and densities, which enhances the character of the locality.*

Objective 3:

*"Development that contributes to the desired character of the zone."*

Also of assistance in considering the type and density of residential development that is envisaged within the zone, are the following extracts of the Desired Character Statement:

*"The zone will continue to support a mix of old and new development and provide opportunities for a range of housing types and allotment sizes. The remaining pockets of housing pre-dating 1940 that make an important contribution to the mixed character of Norwood are identified (by site) on Concept Plan Fig RC(N)/1. Additional development guidelines will apply to new development within these identified localities and further land division will not occur, except where it involves the redevelopment of an existing multi-unit site or the conversion of an existing dwelling into two (or more dwellings) where the building and the front yard maintain the original external appearance to the street."*

*"Outside of the localities identified on Concept Plan Fig RC(N)/1, opportunities will be provided for increasing the density of a site."*

The subject land is not identified in Concept Plan Fig RC(N)/1 as a 'character pocket' of housing pre-dating 1940.

This means that a number of development guidelines which apply to development within 'character pockets' do not apply to development on the subject land. These guidelines which do not apply include those which:

- prevent further sub-division;
- restrict development to having a single storey appearance from the street;
- require new buildings to reference the architectural detail of pre-1940's dwellings, including roof forms, verandahs, window proportions, materials and finishes.

Principle of Development Control 10 sets out minimum site area and frontage requirements for sites containing residential flat buildings. In particular, Principle 10 states that there is no minimum site area per dwelling, provided that the development site has a minimum frontage of 18.0 metres.

The subject land has a frontage width of 32.65 metres, consistent with Principle 10.

Principle of Development Control 11 states that dwellings contained within a residential flat building with two bedrooms, should have a minimum floor area per dwelling of 70m<sup>2</sup>. In this respect, the proposed two bedroom dwellings range in floor area from 106m<sup>2</sup> to 110m<sup>2</sup>.

To summarise, the Residential Norwood (Character) Zone policies allow for further subdivision of sites outside of 'character pockets'. The subject land is located outside of a 'character pocket'. Sites outside of 'character pockets' with a frontage width greater than 18m may accommodate residential flat buildings with no minimum site area per dwelling, provided that each dwelling meets certain minimum floor area guidelines. The subject land exceeds the site frontage and floor area per dwelling requirements. The proposal is therefore consistent with the Development Plan from the perspective of land use and density.

Streetscape/bulk/scale/height/character

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

Residential Character (Norwood) Zone Objectives:	3
Residential Character (Norwood) Zone PDC's:	5, 7, 9, 12, 15 & 18
City Wide Objectives:	8, 18 – 20 & 114
City Wide Principles of PDC's:	28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 346, 349, 359, 360 & 361

Residential Character (Norwood) Zone Principle of Development Control 12 allows for the development of buildings fronting a public road to be up to two storeys in height. Unlike development in 'character pockets', there is no requirement for the building to maintain a mostly single storey appearance along the primary street frontage. The Desired Character Statement for the zone provides further guidance on height and states (in part):

*"Building heights of up to two (2) storeys may occur, however, where proposed, consideration will be given to the impact of second storey walls from neighbouring properties. In this context, it will be important that the height and length of upper storey walls are minimised and finished and articulated in such a way so that they are visually recessive and do not create any unreasonable overshadowing impacts. In some cases, this may limit the extent of upper level floor area in new dwellings or dwelling extensions.*

Being three storeys in height, the proposal is inconsistent with Principle 12. That said, it is considered that there is good reason to deviate from the expressly stated height policy in this instance, due to the unique locality in which the subject land is situated. In particular:

- immediately adjacent the subject land to the north, three storey townhouses are under construction within the Urban Corridor Zone;
- adjoining the subject land to the west is a builders yard within the Mixed Use (A) Zone;
- adjoining the subject land to the east is a 6m wide common access driveway for a group of townhouses which face a Council reserve; and
- adjoining the subject land to the south, is a development site where approval has recently been given to the same applicant, for two storey townhouses facing Muller Street. Whilst the approvals would not be linked, any purchaser of one of those townhouses would be aware (if they were to enquire) of what is to be constructed on the subject land. This is a very different scenario to an 'over-height' development being proposed adjacent to established dwellings.

From a streetscape character perspective, the proposal is the same height (ie. three storeys) as the townhouses under construction on the opposite side of Stephen Street and as such, would not look out of place or detract from the character or visual amenity of the locality.

From the perspective of visual impact of the proposed three storey building to adjacent townhouse occupiers to the west, the 6m wide access driveway is considered to provide a suitable 'buffer', particularly as the rear of those townhouses is a further 11-14 metres away from the access driveway. The side wall of the proposed building, which the townhouse occupiers would look onto, comprises a tilt-up concrete lower section and powder coated metal cladding upper section, assisting to reduce the overall visual bulk.

With respect to the architectural style of the building, the Desired Character Statement states (in part):

*“The design of buildings will be innovative and contemporary, however, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties.”*

The rectilinear design of the residential flat building is distinctly contemporary in its form, consistent with the Desired Character Statement.

The upper level walls have not been ‘minimised’ in length, however they are well articulated and finished so as to be visually recessive. In particular, the proposed building is highly articulated across the street façade at all three floor levels. The extent of articulation is considered to sufficiently avoid ‘large unbroken expanses of glass or walling’ consistent with the Desired Character Statement. The range of materials and colours proposed is considered to sufficiently avoid monochromatic colour schemes, also consistent with the Desired Character Statement.

The proposed rear elevation includes a boundary wall ranging in height from 3.0 to 3.2 metres above the approved finished ground level of the adjoining property to the south. Located 800mm further back from the boundary, is proposed a metal clad wall ranging in height from 4.2 to 4.4 metres above the approved finished ground level of the adjoining property to the south. The main rear façade of the building is proposed to be set back 3 metres from the rear boundary and finished in render at the second storey and metal cladding at the third storey. 1m deep canopies are proposed within this 3 metre setback. This is considered to result in a reasonable outlook for the future occupiers of the approved semi-detached dwellings on the land to the south.

Residential Character (Norwood) Zone Principle of Development Control 18 states that undercroft or below ground garaging should only be developed on the western side of Osmond Terrace. It is understood that this policy was adopted as undercroft garaging has the potential to have an impact on the streetscape, by creating large voids forward of dwellings, in place of traditional at-grade driveways. The western side of Osmond Terrace was excluded from the policy, as there are several examples of existing undercroft garaging in that location.

Despite the understood policy intent, the term undercroft can apply to garaging which is at ground level beneath occupied areas of building above, as is proposed.

The proposed inclusion of undercroft garaging is therefore at odds with Principle 18. However, the impact of the proposed undercroft garaging on the streetscape has been minimised through design details including the use of face brick, fenestration and landscaping, to essentially disguise the garaging and make it appear as a more active use. The proposal was also amended to include the waiting lobby where a car parking space was previously proposed, to create street activation. These treatments are considered to adequately address City Wide Principle of Development Control 267, which deals with street activation for medium density (3 or more storey) development and states:

*“Development facing the street should be designed to provide attractive, high quality and pedestrian friendly street frontage(s) by:*

- (a) incorporating active uses such as shops or offices, prominent entry areas for multi-storey buildings (where it is a common entry), habitable rooms of dwellings, and areas of communal public realm with public art or the like where consistent with the Zone and/or Policy Area provisions;*
- (b) providing a well landscaped area that contains a deep soil zone space for a medium to large tree in front of the building (except in a High Street Policy Area or other similar location where a continuous ground floor façade aligned with the front property boundary is desired).*
- (c) designing building façades that are well articulated by creating contrasts between solid elements (such as walls) and voids (for example windows, doors and balcony openings);*
- (d) positioning services, plant and mechanical equipment (such as substations, transformers, pumprooms and hydrant boosters, car park ventilation) in discreet locations, screened or integrated with the façade;*
- (e) ensuring ground, undercroft, semi-basement and above ground parking does not detract from the streetscape;*
- (f) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and impacts on street trees and pedestrian areas.”*

City Wide Principles of Development Control 261, 262 and 263 also apply to medium density (3 or more storeys) development and state:

*“In repetitive building types, such as row housing, the appearance of building facades should provide some variation, but maintain an overall coherent expression such as by using a family of materials, repeated patterns, facade spacings and the like.”*

*“Windows and doors, awnings, eaves, verandas or other similar elements should be used to provide variation of light and shadow and contribute to a sense of depth in the building façade.”*

and

*“Buildings should:*

- (a) achieve a comfortable human scale at ground level through the use of elements such as variation in materials and form, building projections and elements that provide shelter (for example awnings, verandas, and tree canopies);*
- (b) be designed to reduce visual mass by breaking up the building façade into distinct elements;*
- (c) ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank facades.”*

The proposal is considered to adequately address Principles 261-263, providing a good variety in finishes, projections and fenestration and to create depth and break up the scale of the building.

On balance, the proposed residential flat building is considered to be acceptable from a bulk, and scale perspective, the building is considered to sit reasonably comfortably within the Stephen Street streetscape and result in acceptable visual impacts to adjacent properties.

#### Street Setback and Site Coverage

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

Residential Character (Norwood) Zone PDC: 12  
City Wide PDC's: 50, 204, 205, 206 & 208.

The Residential Character (Norwood) Zone does not specify minimum front setbacks. As such, City Wide Principle of Development Control 205 applies and states:

*“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:*

- (a) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres;*
- (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; or*
- (c) the same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey.”*

The northernmost townhouse on the adjoining site to the east is sited on the Stephen Street boundary. There is no dwelling on the adjoining site to the west. The proposed setback of 1.15m to the main facade and 0.4-0.8 metres to the balconies is therefore consistent with Principle 205.

The Residential Character (Norwood) Zone does not prescribe any quantitative site coverage assessment criteria. The proposed building has a site coverage of 94%. Existing development in the locality has widely varying extents of site coverage. Given the range in the locality and the lack of guidance on site coverage in the development plan, the extent of site coverage is considered acceptable.

### Private open space

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

City Wide PDC's: 222-225, 227, 228 & 230

City Wide Principle of Development Control 226 states:

*“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:*

- (a) studio (no separate bedroom) or one bedroom, a minimum area of 10 square metres of private open space;*
- (b) two bedrooms, a minimum area of 12 square metres of private open space; or*
- (c) three bedrooms or greater; a minimum area of 15 square metres of private open space.”*

All of the proposed apartments have two bedrooms and balconies ranging from 12m<sup>2</sup> to 13m<sup>2</sup> in area, consistent with Principle 226.

City Wide Principle of Development Control 230 states that balconies should make a positive contribution to the internal and external amenity of residential buildings and should be located adjacent main living areas to extend the living space of the dwellings. The private open space areas of each dwelling are directly accessible from the living areas of the respective dwellings, which in turn accords with Principle 230.

### Overshadowing/Overlooking

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

City Wide PDC's: 11, 31, 71, 72, 196, 235, 236 & 273

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 land to the south of the subject land is currently vacant, with development approval having been recently given for four semi-detached dwellings facing Muller Street. The private open space of those dwellings would be to the rear, adjacent the subject land. As those dwellings have not been constructed (and as with all approved development, there is no certainty that they will be), it was not considered necessary for the applicant to provide overshadowing diagrams showing the extent of overshadowing to those dwellings.

However, it is clear that the proposed three storey building, set back 3 metres from the boundary, would result in overshadowing of the rear yards of the approved semi-detached dwellings when the sun is at a low angle in winter. This is a negative aspect of the proposal, however as is the case with the visual impact of the proposed building on those future dwelling occupiers, this impact is considered reasonable on the basis that purchasers/occupants would be aware of the impact in advance.

In terms of visual privacy from the proposed dwellings, the third storey rear windows are proposed to have sill heights of 1.55 metres above floor level. This is not considered adequate and as such, a condition is recommended that the height be increased to 1.7 metres. The first floor level common corridor along the rear of the building is screened to a height of 2.1m above floor level.



Car parking/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 PDC's: 98, 101, 113, 120, 121, 122, 123, 124, 126, 127, 129 & 130

Table NPSP/8

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to residential flat buildings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided for each 2-3 bedroom dwelling, of which at least one (1) should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings.

This results in a requirement for 16 occupant spaces and 4 visitor spaces. The proposal includes 16 occupant spaces and 2 visitor spaces. There is therefore a shortfall of 1 occupant space and 2 visitor spaces.

City Wide Principles of Development Control 122(b) states:

*"A lesser on-site car parking rate may be applied to applicable elements of a development in any of the following circumstances:*

- (h) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop"*

The subject land is located approximately 220 metres of a bus stop on Magill Road. Whilst slightly further than the distance stated in Principle 122(b), it is within convenient walking distance.

As the subject land is located directly adjacent to the Urban Corridor Zone, it is considered reasonable to consider the car parking rates which apply to development within that zone. In this respect, the car parking requirement for apartments in the Urban Corridor Zone is 1 space per apartment, plus one visitor space per 4 apartments. Therefore, 8 occupant spaces and 2 visitor spaces would be required.

Whilst it may not be appropriate to strictly apply the above rates, since the subject land is not in the Urban Corridor Zone, given the immediate adjacency and similar characteristics of the locality, applying a similar car parking rate would not be unreasonable.

The Applicant has submitted a traffic and parking assessment report prepared by Phil Weaver and Associates, a copy of which is contained in **Attachment D**.

Trees (significant, 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, 120 & 121  
City Wide PDC's: 73, 74, 75, 76, 77, 78, & 409 - 415

There are no regulated trees on the subject land.

There are two mature, non-regulated ash trees located on the subject land, adjacent the street boundary. The applicant intends to retain one of the trees, adjacent to the pedestrian entrance to the building. Given the close proximity of the tree to the proposed building, the success of this retention is not certain and as such, a condition is recommended, that in the event that the tree dies, it be replaced with a new tree.

Also proposed in the front setback of the building are seven (7) crimson spire trees and various ground cover plants.

### Waste Collection

The applicant has provided a waste management plan, prepared by Colby Phillips, who in turn have liaised with the Council's waste collection service provider, Eastwaste. Sufficient waste storage area has been provided within the ground level of the building and collection is to occur on Stephen Street to the east of the subject land, as has been agreed for the townhouses under construction on the opposite side of Stephen Street. A copy of the report by Colby Phillips is contained in **Attachment E**.

### 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, 154, 159 & 160.

Having regard to the orientation of the subject land it is considered that the siting of the residential flat building and the proposed floor and balcony area layouts, the proposal will optimise exposure to northern sunlight for all proposed dwellings.

City Wide Objective 42 seeks development that is designed to maximise the harvest and use of stormwater and Principle of Development Control 159 prescribes that new dwellings should be provided with a 2000 litre rainwater tank, or a communal 16,000 litre tank, which is plumbed to the dwellings for reuse. The Applicant has shown the location of communal tanks at ground level, however the capacity of the tanks has not been specified.

As such, it is recommended that if the Panel determine to approve the proposed development, that a condition be imposed to require the Applicant to install communal tanks with a capacity of 16,000 litres, in accordance with Principle 159.

### **Summary**

The Residential Character (Norwood) Zone is intended to accommodate infill development comprising a mix of housing forms at varying densities, in areas not designated as 'character pockets'. The subject land is not located in a 'character pocket'.

The proposed dwelling density is considered to be acceptable, as the proposed dwellings all exceed the minimum dwelling floor area requirements for two and three bedroom dwellings.

The zone anticipates development up to two-storeys in height and does not require a single-storey streetscape presentation outside of 'character pockets'. The proposal is three storeys, however due to the unique characteristics of the locality, this height is considered acceptable.

The building is generally well articulated and is considered to result in acceptable outlooks from adjacent properties, for the reasons set out in this report. It is also considered to provide appropriate street activation.

Notable shortcomings of the proposal, aside from the additional height, include undercroft parking, a shortfall of one occupant and two visitor car parking spaces and overshadowing of the land to the south.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan and the development sufficiently accords with the Development Plan to merit consent.

### **RECOMMENDATION 1**

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/C008/20 by Norwood Developments to undertake a Community Strata land division creating seven additional allotments, on the land located at 10-12 Stephen Street, Norwood, 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 prepared by State Surveys, Reference 19196, sheets 1 to 4, version dated 11 May 2020.

### Conditions

Nil.

## **RECOMMENDATION 2**

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 155/792/19 by Norwood Developments to Construct a three storey residential flat building containing eight dwellings at 10-12 Stephen Street, Norwood, 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, except where varied by the following conditions of consent:

- Plans by Nic Design Studio, Drawing Numbers N2006-SD01-SD11, dated 27 March 2020;
- Waste management plan by Colby Phillips dated 28 April 2020;
- Traffic and Parking assessment by Phil Weaver and Associates dated 26 March 2020.

### Conditions

1. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
2. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the final landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
3. The existing mature ash tree adjacent Stephen Street which is shown on the plans to be approved, shall be replaced with another tree to the reasonable satisfaction of the Council in the event that it becomes diseased or dies following construction.
4. A sixteen kilolitre (16000 litres) communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m<sup>2</sup> 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.
5. The portion of the upper floor windows facing south, less than 1.7 metres above the floor levels, shall be treated prior to 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.

Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. 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.
3. 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.
4. 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.
5. 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.
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. 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.

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