

Council Assessment Panel Minutes

17 December 2018

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members Mr Terry Mosel
 Mr Phil Smith
 Ms Fleur Bowden
 Mr John Minney

Staff Mark Thomson Manager Development Assessment
 Kathryn Clausen Senior Urban Planner
 Nenad Milasinovic Senior Urban Planner
 Ellen de Souza Development Officer Planning

APOLOGIES Ms Jenny Newman

ABSENT

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT
 PANEL HELD ON 20 NOVEMBER 2018**

*Motion was put that the minutes of the Meeting of the Council Assessment Panel, held on
19 November 2018 be taken as read and confirmed.*

Seconded and carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/425/2018 – ACCORD PROPERTY – 136 PAYNEHAM ROAD, STEPNEY

| | |
|--------------------------------------|---|
| DEVELOPMENT APPLICATION: | 155/425/18 |
| APPLICANT: | Accord Property |
| SUBJECT SITE: | 136 Payneham Road, Stepney (Certificate of Title Volume: 5823 Folio: 89) |
| DESCRIPTION OF DEVELOPMENT: | Demolition of existing buildings and the construction of a two-storey childcare Centre (100 placements) associated car parking, acoustic fencing, signage, landscaping and tree damaging activity to two significant trees. |
| ZONE: | Local Office Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017) |
| PUBLIC NOTIFICATION CATEGORY: | Category 3 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of existing buildings and the construction of a two-storey childcare Centre (100 placements) associated car parking, acoustic fencing, signage, landscaping and tree damaging activity to two significant trees.

Staff do not have delegated authority to determine the Application, as it was subject to Category 3 public notification.

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

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

Subject Land Attributes

| | |
|----------------------|---|
| Shape: | regular |
| Frontage width: | 32.00 metres |
| Depth: | 45.72 metres |
| Area: | 1463m ² |
| Topography: | the land falls approximately 2 metres from east to west. |
| Existing Structures: | vacant single storey building and detached shed and carport |
| Existing Vegetation: | mix of trees and shrubs to the side and rear of the building, including a significant tree. |

The subject land contains a large inter-war (circa 1920's-1930's) building, which was originally a dwelling and was subsequently converted to use as consulting rooms. It is not known when the consulting rooms use commenced, however the former St Peters Council granted approval to 'alterations and additions to existing consulting rooms' in 1985. It is understood that the consulting rooms use ceased at least five years ago and that the site has been vacant since.

The area to the north and west of the building is occupied by a bitumen car parking area. Vehicular access to the car parking area is via a driveway crossover located approximately 10m south of Payneham Road. The surface of the car parking area slopes from east to west and the lowest point is approximately 250mm higher than the Loch Street footpath, retained by a concrete retaining wall/plinth, with a low galvanised metal pole barrier above.

A storage shed and carport is located at the southern end of the site, with an adjacent crossover providing vehicular access to both. Behind the shed and carport is a range of vegetation including non-regulated trees.

A significant tree is located on the western side of the building. The tree (referred to herein as Tree 1) is a *Quercus ilex* or holm oak and has a trunk circumference of 4.95m and a large spreading canopy.

Another significant tree is located adjacent to the subject land in the Council verge on Loch Street. The tree (referred to herein as Tree 2) is a *Quercus robur* or English oak and has a trunk circumference of 3.25m and a large spreading canopy.

A regulated tree is also located adjacent to the subject land in the Council verge on Loch Street, closer to the junction with Payneham Road. This tree (referred to herein as Tree 3) is also a *Quercus robur* and has a trunk circumference of 2.2m and a relatively one-sided canopy over Loch Street.

Locality Attributes

| | |
|-----------------------------|-----------------------------------|
| Land uses: | mix of residential and commercial |
| Building heights (storeys): | up to three (3) storeys |

The subject land is located at the junction of four different zones.

Apart from properties fronting Payneham Road, properties within Loch Street are within the Residential Character Zone. This includes a triangular Council reserve (Stanford Reserve), located diagonally adjacent to the subject land. Dwellings within Loch Street are varied and include single storey detached dwellings and two storey residential flat buildings.

The subject land and other land fronting the southern side of Payneham Road east of Loch Street, is located in the Local Office Zone. This includes a dwelling which has been converted to two dwellings at 138 Payneham Road, consulting rooms within a converted villa at 140 Payneham Road and an office within a converted villa at 140 Payneham Road.

Properties fronting the southern side of Payneham Road west of Loch Street are located in the District Centre (St Peters) Zone. Adjacent the subject land, at 134 Payneham Road, this includes shops within converted warehouses with mezzanine levels. Further west are more shops within single storey purpose-built shop buildings at 116-128 Payneham Road.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwellings on the site and construct a two storey childcare centre, with a total floor area of 477m² plus outdoor play areas of 143m² at ground floor and 453m² at first floor level. Portions of the outdoor play areas are covered with canopies.

At ground floor level, the building is set back as follows:

- 8.4 metres from Payneham Road (other than a small portion which is set back approximately 7 metres);
- 4.5 metres from Loch Street;
- 24 metres from the rear (southern) boundary; and
- 1 metre from the side (eastern) boundary.

At ground level, the areas between Payneham Road and the building and between Loch Street and the building, are proposed to be outdoor play areas. The area between the building and the rear (southern) boundary is proposed to be used for car parking, which has been designed in a manner intended to retain and protect Tree 1.

At first floor level, the building extends to within 4.2 metres of Payneham Road, 4.5 metres of Loch Street and 1m from both the side (eastern) and rear (southern) boundaries. The first floor level comprises a combination of indoor areas and outdoor play areas.

The child care centre is proposed to operate Monday to Saturday between the hours 6:30am – 6:30pm and is intended to cater for up to 100 children.

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.

Thirty three (33) representations were received in opposition to the application, copies of which are contained in **Attachment C**. The key concerns raised by representors are, in summary:

- The elevation drawings do not provide a true representation, as they do not take into account the sloping topography;
- a significant tree on the adjacent property at 2 Loch Street will be affected;
- the proposal will detrimentally affect the amenity of the neighbourhood and property values;
- the proposal will cause unsafe traffic conditions due to the narrow width of Loch Street and the location of the access relative to Payneham Road, Battams Street and a laneway;
- the proposal will increase pressure on existing on-street car parking, inconveniencing residents and causing economic loss to commercial occupants;
- the proposal will cause unsafe conditions for pedestrians using Loch Street;
- noise impacts from the proposal, from the child care centre, vehicle movements, car doors, people movement, service vehicles and entertainment, will be greater than what can reasonably be expected given the zoning of the land and adjoining neighbours;
- odours from rubbish bins, cooking and sewer vents;
- overshadowing;
- light overspill from illuminated signs and flood lighting;
- the proposal will impact on the significant holm oak tree on the subject land;
- overlooking;
- the building is too close to Loch Street and does not blend into the residential interface;
- the proposal will not provide architectural merit to the area due to cheap light-weight materials;
- the building is out of character and of larger bulk and scale than dwellings in the area;
- the amount of stacked parking is impractical;
- the amount of car parking is insufficient;
- on-street parking is already congested in Loch Street and Battams Street;
- the proposal will cause increased parking and traffic generation in surrounding streets;
- the proposal will impact on a significant tree on adjacent land at 138 Payneham Road;
- toxins from traffic on Payneham Road may cause health issues to children using outdoor play areas;
- the land is too small for the intended use;
- the proposal will impact on Olive Road, due to additional traffic. Olive Road is narrow with poor visibility;
- vehicles will queue along Loch Street and block Payneham Road;

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

- Ms Joanna Hone and Mr Michael Saunders
- Mr Tony Hart
- Mr Theodoros Kontos
- Ms Melanie Sacoutis

- Mr Nick Sacoutis
- Mr George Skrembos
- Mr Theodore Skrembos
- Mr Taxiarchis Skrembos
- Mr Chris Skrembos
- Mr Joseph Vannelli
- Ms Carol and Mr Aaelum Brice
- Mr David Winch

The Applicant has responded to the representations as follows:

- the proposal satisfies the parking rates referenced in the MFY study prepared for the Australasian Childcare Alliance, which identifies a parking range of one (1) space per 4.2 to 6.7 children;
- a survey has been undertaken of a similarly sized childcare centre in Seacliff which identified a peak demand of 1 space per 6.5 children (am peak) and 6 children (pm peak);
- the survey of the Seacliff centre identified that 61.5% and 64.3% of parking spaces were occupied by staff. This compares favourably with the proposed allocation of 58% of spaces as staff spaces;
- the tandem parking spaces are in accordance with the Australian Standards and sufficiently separated from access points;
- assuming 50% of traffic will access the site via Loch Street, this additional traffic will be in the order of 20-24 peak hour trips which is low and well within the capacity of the road network;
- the level of traffic generated by a consulting room, as per existing use rights, would exceed the level of traffic for the proposed childcare centre;
- the proposal will generate 5 additional right-turn movements or less during peak hour and DPTI have not raised any concern with queuing;
- the proposed access point re-uses an existing access and removes another existing one, maximising separation distance from Payneham Road;
- the proposal will not impact on the tree on the adjacent site at 2 Loch Street, due to the proposed permeable paving and directional drilling for drainage;
- the tree on the adjacent land at 138 Payneham Road is not a regulated tree;
- the proposed extent of encroachment into the Tree Protection Zones (TPZ's) of Trees 1, 2 and 3, is less than existing, due to the replacement of existing bitumen with permeable paving and a proposed pier and beam footing construction;
- levels within the carpark cannot be raised without further compromising access and carpark grades. Total compliance with the relevant Australian Standard would render the site undevelopable;
- the level of tree pruning required is negligible;
- a childcare centre is a form of commercial development which is highly compatible with uses contemplated in the Local Office Zone;
- small-scale childcare centres on arterial roads are envisaged in the adjacent Residential Character Zone;
- the Sonus acoustic report recommends acoustic treatments to ensure noise impacts achieve the relevant standards and those treatments are proposed;
- management practices will ensure odour will be appropriately managed;
- overlooking will be controlled through 1.5m window sill heights, a 2.4m high wall at the eastern end of the outdoor play area and a 1.5m high wall at the southern end of the outdoor play area. 1.5m is adequate as the space will be primarily occupied by children;
- the proposal achieves the overshadowing policies in the Development Plan;
- light spill to adjacent residential properties will not be excessive due to the location of illuminated signage and the limited time that the signs will be illuminated;
- the overall height of the building has been reduced from 6.8m to 6.55m;
- building materials have been amended to include knotwood and Cemintel products, selected for aesthetic appeal and low maintenance;
- revised elevations have been prepared, showing proposed floor levels relative to natural ground level along each boundary;
- there is no evidence to suggest that locating a childcare centre on an arterial road is harmful to children; and
- there is appropriate on-site provision for parking and pedestrian movement, to ensure pedestrian safety;

A copy of the Applicant's written response is contained in **Attachment D**.

State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development alters an access within 25 metres of a junction with an arterial road and is development which is likely to encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972. The Manager, Transport Assessment and Policy Reform of the Department of Planning, Transport and Infrastructure has responded on behalf of the Commissioner of Highways.

DPTI have advised that a 4.2m wide strip of land is highly likely to be required in the future for the widening of Payneham Road, together with a 4.5m x 4.5m cut off at the Payneham Road / Loch Street corner. Although the proposed building would not be affected by the future road widening, a large portion of the ground floor play area is located within the 4.2m requirement a small portion is located in the corner cut-off area.

DPTI have further advised that they are prepared to consent to the development as proposed, however that the development cannot rely on the portion of the outdoor play area located within the areas affected by the future road widening, particularly in terms of the outdoor play area to headcount ratio. A copy of the DPTI report is contained in **Attachment E**.

The applicant has acknowledged the advice of DPTI and advised that the acquisition of land for road widening will not jeopardise the ability of the development to function as a childcare centre, albeit at a reduced capacity commensurate with the loss of outdoor play space.

Discussion

The subject land is located within the Local Office 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:

| | |
|------------------------------|---------------------------------------|
| Local Office Zone Objective: | 1 |
| Local Office Zone DPC: | 1, 2, 3 |
| City Wide Objectives: | 1, 2, 3, 5, 7, 12, 26 & 27 |
| City Wide PDC's: | 1, 2, 3, 4, 5, 6, 12, 80, 82, 85 & 87 |

Local Office Zone Objective 1 and Principle of Development Control 1 state respectively:

"A zone primarily accommodating commercial and professional offices serving nearby residents. In the St Peters Area depicted on Map NPSP/1 (Overlay 1) development being limited to two-storeys."

and

"Development should be, primarily, commercial and professional offices serving nearby residents. In the St Peters Area shown on Map NPSP/1 (Overlay 1) development should be limited to two-storeys."

It is not clear what distinction the author of the above policies had in mind between commercial offices and a professional offices, however the list of complying forms of development may provide some insight. Included in the list (albeit for the Payneham Area, as there is no list for the St Peters Area) is bank, consulting room, office, post office and radio or TV studio.

With that in mind, it could be the case that the author referred to offices in the true legal sense as 'professional offices' and other 'office-like' uses such as a post office and bank, as 'commercial offices'. This interpretation assists in making sense of the 'serving local residents' part of the above policies, as banks and post offices fulfil that role.

The requirement to 'serve the local community' assists in understanding the scale of development which is anticipated in the zone. Also of assistance in this respect, is the two storey height limit and the requirement in Principle of Development Control 2, to 'not impair the amenity or residential character of adjoining residential zones.

A childcare centre is neither a professional office (true office), nor a commercial office (office-like land use). It is therefore not actively encouraged in the zone. That said, it is not a non-complying use in the zone and the words 'primarily' in Objective 1 and Principle 1 provide scope for consideration of compatible uses other than 'commercial and professional offices'.

In considering whether a childcare centre would be a compatible alternative land use within the Local Office Zone, regard should be had to the scale, ensuring it is also 'serving the local community', limited to two storeys and not likely to impair the amenity or residential character of adjoining residential zones.

The proposed childcare centre has a total floor area of 477m² excluding outdoor play areas and is intended to accommodate up to 100 children at any one time. Table 1 below provides a comparison of the proposal with recently approved childcare centres within the Council area:

TABLE 1: COMPARISON OF THE PROPOSAL WITH RECENTLY APPROVED CHILDCARE CENTRES WITHIN THE COUNCIL AREA

| Address | Capacity (children) | Site Area (approx.) |
|--|---------------------|---------------------|
| 395-399 Payneham Road, Marden | 110 children | 3200m ² |
| 255 Magill Road, Maylands | 152 children | 4200m ² |
| 59 Kensington Road, Norwood | 55 children | 2680m ² |
| 191-193 Portrush Road, Maylands | 40 children | 1560m ² |
| 97-99 Portrush Road, Evandale | 60 children | 1450m ² |
| 136 Payneham Road, Stepney (Proposed) | 100 children | 1463m ² |

Aside from the childcare centres at 395-399 Payneham Road and 255 Magill Road, the other three existing centres are relatively consistent in that they have a capacity ranging from 40 to 60 children. Although difficult to ascertain for certain, these three centres appear to be of a scale which is generally serving the local community.

By comparison, the centres at 395-399 Payneham Road and 255 Magill Road, with capacities of 110 children and 152 children respectively, appear to be of a scale which is likely to result in a catchment which is greater than just the local community.

Although the subject land is of a similar size to the properties containing the three existing childcare centres listed above which are considered to serve their local communities, the capacity is significantly greater, at 100 children. In this context, it is considered that the scale of the proposed childcare centre is greater than what is envisaged for land uses within the Local Office Zone.

Local Office Zone Principle of Development Control 2 states:

'Development in the St Peters Area shown on Map NPSP/1 (Overlay 1) should not impair the amenity or residential character of adjoining residential zones.'

In addition, City Wide Objective 26 and City Wide Principles of Development Control 80 state respectively:

'Development located and designed to minimise adverse impact and conflict between land uses;

and

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;*
- (b) noise;*
- (c) vibration;*
- (d) electrical interference;*
- (e) light spill;*
- (f) glare;*
- (g) hours of operation; or*
- (h) traffic impacts; and*

The subject land is bounded by a residential property to the south at 2 Loch Street, located within the Residential Character Zone. Other residential properties in close proximity include adjacent dwellings at 2 Battams Street and units at 4 Loch Street.

A childcare facility has the potential to result in noise impacts on the occupants of neighbouring residential properties, primarily from when children are playing outside in outdoor play areas and vehicle noise from car parking.

The Applicant has obtained an environmental noise assessment report from Mr Chris Turnbull of Sonus to assess the acoustic impacts on adjacent residential occupiers. In his analysis, Mr Turnbull has assumed that the childcare facility is operating at capacity (ie. 100 children) and considered the sound of children's voices, as well as noise associated with mechanical plant equipment and vehicle movements within the car parking area.

With respect to the outdoor play areas, Mr Turnbull had regard to *Guidelines for Community Noise* published by the World Health Organisation (as the *Environment Protection (Noise) Policy 2007* specifically excludes noise from children playing within this policy). With respect to the mechanical plant equipment and vehicle noise, Mr Turner had regard to the *Environment Protection (Noise) Policy 2007*, which takes into account existing background noise.

Mr Turnbull has recommended that acoustic treatment measures be undertaken in the following manner, in order to ensure the proposal achieves those standards and policies:

- construct acoustic barriers which are a minimum of 2.4m high above the outdoor play area, along the southern, western and eastern edges of the upper level; and
- Install acoustic absorption material to the barriers on the northern and eastern sides of the upper level outdoor play area.

A copy of Mr Turnbull's report is contained within **Attachment B**.

Having regard to the advice of Mr Turnbull, the proposed childcare centre, is not considered to result in unreasonable noise impact on adjoining residential properties, subject to the acoustic measures recommended.

Aside from noise generated at the subject land, the proposal also has the potential to result in conflict with nearby residential premises through a range of other impacts; most notably noise and inconvenience resulting from additional traffic and parking in the street. These impacts are discussed in the following section of this report.

Appearance/bulk/scale/character

The proposal is consistent with the two storey height limit for the zone. The proposed boundary setbacks are considered appropriate to the locality. The contemporary form of the building is considered acceptable in light of the zoning, which allows for two storey office buildings to be constructed.

The proposed materials and finishes are considered to be reasonably complementary to the context of the site. If the significant and regulated trees located on the subject land and adjacent the subject land in Loch Street were to be retained effectively without impact to their health and appearance, they would greatly soften the visual impact of the building.

Due to the levels, some of the treatments of fencing and raised decks appear to be poorly resolved and likely to result in a compromised pedestrian interface, particularly at the corner of Loch Street and Payneham Road.

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, 115, 120, 121, 122, 123,124, 126, 127, 129 & 130 |

The proposed development includes the provision of 23 car parking spaces on the site. Of those, 14 spaces are proposed to be staff parking spaces, in a tandem or 'stacked' configuration.

Table NPSP/9 of the Council's Development Plan provides off street vehicle parking requirements for non-residential land uses, however no rate is provided for a childcare facility.

Based on expert advice received on a number of recent applications for childcare centres, it is considered appropriate to apply the recommended car parking rate within the Child Care Centre Parking Rates Review undertaken for the Australian Childcare Alliance – South Australia by MFY Traffic Engineering Consultants. The Child Care Centre Parking Rates Review recommends a rate of one car parking space per 4.2 to 6.7 children for a childcare facility. Applying this rate, the proposal would generate a car parking demand of between 15 and 24 spaces.

The application was reviewed by the Council's traffic consultant, Mr Paul Simons of Tonkin Consulting. In relation to on-site car parking, Mr Simons acknowledges that the proposal is generally in accordance with the rates recommended in the MFY study, however notes that there is a 11 to 15 space shortfall based on a separate study by Aurecon for the LGASA.

Further, Mr Simons has advised that he considers the number of staff parks to general parks to be disproportionate, with a relatively small supply of parking (9-10 spaces) for parents/visitors and drop-off/pick-ups. As a result, he advised that he believes the development will rely on some level of on street parking to support its peak demands.

In response to these comments, CIRQA, on behalf of the applicant, has advised that the study by MFY is based on more thorough, relevant and reliable data than the study by Aurecon. In addition, a survey was undertaken of a similar scale childcare centre in Seacliff, to validate the rates in the MFY study. The survey found identified peak parking rates of 1 space per 6 to 6.5 children and that 61.5-64.3% of parking spaces were occupied by staff.

Mr Simons has reviewed the response by CIRQA and advised staff verbally that he accepts that the MFY study is more reliable than the Aurecon study. He also accepts that the suitability of the proposed ratio of staff parking to parent parking has been adequately demonstrated in the survey of the Seacliff childcare centre. That said, Mr Simons advised that the propensity of parents and/or staff to park in the street is influenced by a range of factors. In this instance, he considers that the extent of tandem staff spaces could result in some on-street parking by staff for greater convenience.

Having regard to the advice from CIRQA and Tonkins, the proposed number of off-street parking spaces appears to be consistent with the likely demand, based on the best available studies and surveys. That said, the layout of the car park, in particular the extent of tandem parking spaces, is of concern. It appears likely to result in some inefficiency in the use of the parking spaces. Due to inherent difficulties with coordinating staff use of the tandem spaces, despite the best intentions and management practices, it is considered likely that some staff would choose to park in the street, where they are able to come and go without the need to ask another staff member to move their car.

In terms of the proposed access, egress and the configuration of the car parking areas, Mr Simons has advised that these aspects comply with the relevant Australian Standards. Accordingly, this aspect of the proposal is consistent with City Wide Principles of Development Control 113 and City Wide Objective 34

A number of representors expressed concern that the proposal will cause a significant increase in traffic in local streets.

Cirqa have forecast peak hour trip generation rates of 48 vehicles in the am peak and 42 vehicles in the pm peak. They have assumed that 70% of the traffic generated by the proposal will travel west to Payneham Road, and the other 30% will travel east from the proposed site. Based on their assessment of the peak hour trip generation, this would result in approximately 14 vehicles per hour using Loch Street and other local streets east of the site in the am peak and 13 vehicles per hour in the pm peak. A copy of the initial report from Cirqa is contained within **Attachment B**.

Mr Simons initially queried the peak hour trip generation rates forecast by Cirqa, as they are based on a NSW guide, rather than the equivalent South Australian guide produced by DPTI. In response to this query, Cirqa advised that the DPTI guide contains errors and that DPTI now refer to the NSW guide. Mr Simons has subsequently confirmed that to be the case and is accepting of the generation rates forecast by Cirqa.

That said, Mr Simons does not accept the assumed ratio of vehicles heading west to Payneham Road to vehicles heading east along Loch Street. He has advised that:

“depending on the locality of clients to the child care centre, this may be an optimistic estimate of traffic that will travel via Payneham Road. For example, if 50% of future enrolments come from the east or south of the site, we would envisage a higher percentage potentially using the local street network. Drivers may also choose to use the local streets, rather than Payneham Road, if there is a perceived benefit in travel times. Congestion levels along Payneham Road and the ability to turn right to/from Loch Street will be a determinant in route choice.

Existing traffic volumes in Loch Street (between Payneham Road and Olive Road) are around 400vpd, with an even split between north and southbound traffic (source: Stepney Maylands Evandale Draft LATM report – data collected by Council).”

A copy of the advice from Mr Simons is contained in **Attachment F**.

Cirqa consider that, even if Mr Simons assumed 50:50 split is correct, the resulting increase in peak-hour traffic in Loch Street is only 20-24 trips, which they consider low and well within the capacity of the existing road network.

Neither traffic consultant has advised what the total daily traffic generation of the proposal is estimated to be. Instead, they have derived a peak 1 hour generation from the peak 2-hour trip generation rates in the NSW RMS Guide.

According to the NSW RMS Guide, the peak 2 hours in the morning are 7:00-9:00am, while in the afternoon the peak 2 hours are 4:00 to 6:00pm. Based on the rates in the guide, the 2 hour trip generation of the proposal is 80 movements in the am 2-hour peak and 70 movements in the pm 2-hour peak.

If there were no other traffic movements generated by the proposal throughout the day, the total daily traffic generation would therefore be 150 movements. If 50% of those movements use Loch Street east of the site, that is an increase of 75 vehicles. That represents an increase of 19% above the current volume of 400 vehicles. Whilst the volumes predicted are well within the capacity of the street, an increase of around 20% is likely to be readily perceivable by residents within the street and cause some loss of amenity.

Overshadowing/Overlooking

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

City Wide PDC's: 11, 31, 71, 72, 195, 196, 235 & 236.

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 occupiers of the neighbouring property to the east at 2 Loch Street have expressed concern that the proposal will cause excessive overshadowing and overlooking of their property. Shadow diagrams provided with the application, demonstrate that the level of overshadowing is consistent with the relevant provisions of the Development Plan, as set out in the applicant's response to representations.

With respect to overlooking, 1.5m high screening is proposed along the eastern edge of the upper level outdoor play area, with clear glass above. The applicant considers this height to be adequate, as users of the outdoor play space would be primarily children. Whilst that is no doubt the case, there would also be adult users of the space on a reasonably regular basis, including staff and parents. Therefore, if the Panel determines to consent to the application, it is recommended that a condition be imposed, requiring the screening to be at least 1.7m high.

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 - 411 |

A report by Mr Martin Ely of Tree Environs was submitted with the application, assessing the impact of the proposal on Trees 1, 2 and 3 (as described in the description of the subject land earlier in this report). This initial report is contained within **Attachment B**.

The report was reviewed by Colin Thornton of Treevolution on behalf of the Council. Mr Thornton expressed concern that the proposal would impact unreasonably on Trees 1 and 2, in terms of the extent of required pruning of canopies and disturbance to the Tree Protection Zone (TPZ).

In response to those concerns, Mr Ely provided a further assessment, which was included in the applicant's response to representations. This further assessment was in turn reviewed by Mr Thornton. Mr Thornton provided subsequent advice, which is summarised as follows:

- due to the location of the building and deck structure, Tree 2 will require substantial pruning to facilitate the development. While the applicant's arborist has suggested that minimal pruning will be required, due to the location of the tree combined with the proposed development it is concluded that major pruning will be required to the eastern aspect of the crown structure of Tree 2. The majority of the eastern crown structure will need to be removed to facilitate the building construction.
- When the level of the deck and boundary fence line are considered, additional pruning will be required, due to the location and height at which the branching structure is formed. The deck is shown to be 732mm above the existing ground level, which then supports a 1.8 metre colorbond fence in addition to the deck structure, providing minimal clearances over the proposed deck.
- The use of excavation to achieve the levels of the car park will ultimately result in compromising the fine non woody feeder roots of Tree 1, and to a lesser extent the large structural roots closer to the tree's stem.
- The use and benefits of using a permeable paving structure will be negated by any proposed excavation. The purpose of using a permeable paving structure is to allow the existing ground levels to be used to assist in maintaining the rooting structure of the tree. The diagram identified for the permeable paving identifies that the subgrade of the soil profile will need to be compacted. The purpose of using an ecocell and permeable paving structure is to minimise the impacts of compaction. Compaction significantly impacts on tree root health and restricts normal growth and metabolic processes.

- The development in its current form cannot be supported from an arboricultural perspective, due to the amount of pruning that will be required for the regulated trees on and adjacent to the site, combined with the impact that the car park and the built form will have on the trees root systems, both of which will impact on their visual amenity and overall health.

Copies of Mr Thornton's initial and subsequent reports are contained in **Attachment G**.

It appears evident that Mr Thornton has given closer consideration to the specific impacts of the proposal on the two significant trees and one regulated tree. He has carefully assessed the amount of pruning required to canopies and the impact of surface excavation and compaction required to create the car parking area, notwithstanding the use of permeable paving.

Therefore, based on the advice of Mr Thornton, it appears that the proposal will have an unreasonably impact on the health an appearance of the trees. The trees are considered to make an important contribution to the character and amenity of the locality and as such, tree damaging activity should be avoided.

Stormwater Management

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

| | |
|-----------------------|--|
| City Wide Objectives: | 42, 43 & 44. |
| City Wide PDC's: | 147, 148,149, 151, 154, 155, 157, 160 & 161. |

No specific stormwater disposal details have been provided with the Application. If the Panel determines to grant consent to the Application, it is recommended that a condition be imposed, requiring that a stormwater management plan be provided to the reasonable satisfaction of the Council, prior to the granting of Development Approval, ensuring that the stormwater discharge rate achieves the 1 in 5 year Average Recurrence Interval stormwater system discharge rate prescribed in City Wide Principle of Development Control 160.

Summary

A childcare centre is considered to be an appropriate use for the subject land despite not being an actively encouraged use within the zone. However, the scale of the proposed centre is considered to be greater than that of a childcare centre which services the local community and this results in impacts on the amenity and residential character of the adjoining residential zone.

In accordance with advice from Sonus, the proposed childcare centre is not considered likely to result directly in excessive noise impacts on nearby residential properties, from operations on the subject land. However, noise from increased traffic and parking in Loch Street is likely to result in some reduction in residential amenity.

The proposed amount of on-street parking appears to be generally sufficient, however the inconvenient layout is such that consistent use of all of the car parking spaces is questionable.

The amount of traffic which the proposal is likely to generate within local streets is within the general capacity of local streets, however represents a reasonably significant increase over existing traffic, which would result in some loss of residential amenity.

The proposal is likely to detrimentally impact on two significant trees, both of which make an important contribution to the character and amenity of the area.

A smaller scale childcare centre would likely be able to resolve most, if not all of the above concerns. As such the proposal is considered to be too large in scale and too intense for the subject land.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan but does not sufficiently accord with the relevant provisions of the Development Plan to merit 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 **refused** to Development Application No 155/425/18 by Accord Property to demolish existing buildings and construct a two-storey childcare Centre (100 placements) associated car parking, acoustic fencing, signage, landscaping and tree damaging activity to two significant trees, on the land located at 136 Payneham Road, Stepney, for the following reasons:

Reasons for Refusal

1. The proposed childcare centre is not of a scale which serves the local community.
2. The proposal will impair the amenity and residential character of the adjoining residential zone.
3. The on-site car parking layout is inconvenient, which is likely to result in inefficient and inconsistent use of car parking spaces and in turn, reliance on on-street parking; and
4. The proposal will result in increased traffic and parking in Loch Street and other nearby local streets, causing a loss of residential amenity.

Mr Michael Saunders addressed the Panel from 7:02pm until 7:09pm

Representors of the Accord Property Group (Ekistics) addressed the Panel from 7:11pm until 7:27pm.

Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/425/18 by Accord Property to demolish existing buildings and construct a two-storey childcare Centre (100 placements) associated car parking, acoustic fencing, signage, landscaping and tree damaging activity to two significant trees, on the land located at 136 Payneham Road, Stepney, for the following reasons:*

Reasons for Refusal

1. *The proposed childcare centre is not of a scale which is intended by the objectives of the zone.*
2. *The proposal will impair the amenity and residential character of the adjoining residential zone.*
3. *The on-site car parking layout is inconvenient, which is likely to result in inefficient and inconsistent use of car parking spaces and in turn, reliance on on-street parking; and*
4. *The proposal will result in increased traffic and parking in Loch Street and other nearby local streets, causing a loss of residential amenity.*

Seconded and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/910/2017 – YOGO DESIGN & CONSULTING PTY LTD – 31 LOWER PORTRUSH ROAD, MARDEN

| | |
|--------------------------------------|--|
| DEVELOPMENT APPLICATION: | 155/910/17 |
| APPLICANT: | Yogo Design & Consulting Pty Ltd |
| SUBJECT SITE: | 31 Lower Portrush Road, Marden (Certificate of Title - Volume: 5615, Folio: 696) |
| DESCRIPTION OF DEVELOPMENT: | Construction of a mixed use building comprising three (3) three-storey dwellings and a two-storey office with associated car parking and landscaping |
| ZONE: | Residential Zone – Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 19 December 2017) |
| PUBLIC NOTIFICATION CATEGORY: | Category 3 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a mixed use building comprising three (3) three-storey dwellings and a two-storey office with associated car parking and landscaping.

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

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

Background

The Applicant lodged Community Title Land Division Application 155/C009/18 which comprised the creation of four (4) community lots. The Community Title Land Division Application was determined by staff under delegated authority, pursuant to Clause 9.1 of the Panel's Terms of Reference, as the land division met the relevant quantitative Development Plan criteria with respect to site area and frontage. The land division application was determined to be sufficiently in accordance with the Development Plan to merit consent and was granted Development Plan Consent on 3 October 2018.

If the Panel was to determine that Development Application 155/910/17 does not merit consent in its current form and subsequent changes to the built form were proposed to overcome the Panel's concerns, which in turn necessitated amendments to the land division, it would be necessary for the Applicant to first seek a variation to the Development Plan Consent which has been issued to the land division.

A copy of the land division plan which has been granted Development Plan Consent is contained in **Attachment A**.

Subject Land Attributes

| | |
|-----------------|---------------|
| Shape: | parallelogram |
| Frontage width: | 19.51 metres |
| Depth: | 36.88 metres |

| | |
|----------------------|--------------------------------|
| Area: | 681m ² |
| Topography: | essentially flat |
| Existing Structures: | vacant land |
| Existing Vegetation: | several small trees and shrubs |

The subject land is located on the north-eastern side of Lower Portrush Road, approximately 90 metres north-west of Marden Shopping Centre. The land is currently vacant and has a very slight fall of 250mm from the rear boundary down to the front boundary.

The land is serviced by an existing driveway crossover situated adjacent the south-eastern side boundary.

Locality Attributes

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

Both sides of Lower Portrush Road are characterised by residential development, predominantly in the form of detached dwellings, the majority of which were constructed in the 1960's - 1970's. Directly to the northwest (33A and 33B Lower Portrush Road), is the most recent example of infill development in the form of a pair of single-storey semi-detached dwellings that were approved in September 2014.

Towards the south-east and along both sides of Lower Portrush Road, there is a mix of business and shopping facilities including the Marden Shopping Centre complex which is located approximately 90 metres from the subject land. These non-residential land uses are located within the District Shopping Zone.

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

Proposal in Detail

The Applicant proposes to construct a mixed use building comprising three (3) three-storey dwellings and a two-storey office with associated car parking and landscaping. The two-storey office component is proposed to front Lower Portrush Road, with the three (3) dwellings situated behind the office.

The proposed building is distinctly contemporary in design, with the office incorporating a partially framed-out front facade comprising both Scyon Matrix cladding (Dulux colour "Surfmist") and seasoned timber cladding along with Hebel walls (Dulux colour "Timeless Grey"). The dwellings are more traditional in form and appearance with pitched roofs and a range of materials including "Woodland Grey" coloured colorbond roofing (as does the office), rendered hebel wall cladding (colours "Timeless Grey" and "Woodland Brown") and Scyon Matrix cladding (colour "Surfmist") to the facades and powder coated aluminium framed windows. The garages for each dwelling are to incorporate panel lift doors with a "Woodland Brown" colour finish.

The overall office floor area is 113m². In addition, a balcony area of 21m² is proposed in association with the office. Four (4) car parking spaces are proposed in association with the office. More specifically, two (2) dedicated spaces (one secured and one unsecured) are proposed underneath a portion of the first floor office area and two (2) spaces are proposed at the rear of the property, to be shared with the dwellings. These spaces are proposed to be available for staff and/or visitors of the office during business hours and visitors to the dwellings outside of business hours. The approved land division caters for this arrangement, with those car parking spaces being designated as common property.

All of the dwellings contain:

- a study, a laundry, a garage and carport at ground level;
- a combined kitchen/meals/living area, a bathroom and two bedrooms at the first floor level; and
- a third bedroom (with ensuite and walk-in-robe) at the second floor level.

The proposal includes a landscaping scheme which includes a range of trees, shrubs and ground covers.

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

TABLE 1 (part a): DEVELOPMENT DATA:

| Consideration | Office | Dwelling 1 – 3 | Development Plan Merit Assessment Quantitative Guideline |
|---|---|--|---|
| Site Area | 152m ² | Dwelling 1 and 2 - 79m ² Dwelling 3 - 106m ² | no minimum |
| Site Width | 12.16 – 12.85m | Dwelling 1 and 2 – 6.47m Dwelling 3 – 6.47 – 9.39m | no minimum |
| Site Depth | 10.4 – 14.55m | Dwelling 1 and 2 – 12.16 – 13.46m Dwelling 3 – 12.54 – 13.46m | no minimum |
| External Wall Height* | 7.2m | 6.8m | N/A |
| Maximum Overall Height (to roof apex)* | 10.2m | 10.5m | three-storey |
| Floor Area (total) | 134m ² (of which 21m ² is balcony area) | Dwelling 1 and 2 – 103m ² Dwelling 3 – 122m ² | Dwellings - 100m ² minimum total floor area |
| Floor Area (footprint) | 85m ² | 59.3m ² | N/A |
| Site Coverage | | 44% overall | 70% dwelling forms other than detached and semi-detached. No maximum for commercial development |
| Private Open Space (POS) | N/A | Dwelling 1 and 2 - 32m ² Dwelling 3 – 54m ² All POS 100% uncovered | 35m ² per dwelling 50% uncovered |
| Street Setback | 2.6 – 4.1m | N/A | N/A |
| North-western side setback (ground level) | Nil & 3.0m | 3.0m | 3.0m |
| North-western side setback (First level) | 3.0m | 3.0m | 3.0m |
| North-western side setback (Second level) | N/A | 2.0m to eaves | 3.0m |
| South-eastern side setback (Ground level) | 6.3m | 6.3m | 3.0m |

TABLE 1 (part a): DEVELOPMENT DATA *continued*...

| Consideration | Office | Dwelling 1 – 3 | Development Plan Merit Assessment Quantitative Guideline |
|---|----------|----------------|--|
| South-eastern side setback (First level) | 5.1m | 5.0m | 3.0m |
| South-eastern side setback (Second level) | N/A | 3.9m to eaves | 3.0m |
| North-eastern rear setback (Ground level) | N/A | 3.7 – 6.7m | 3.0m |
| North-eastern rear setback (First level) | N/A | 3.7 – 7.1m | 3.0m |
| North-eastern rear setback (Second level) | N/A | 3.0 – 7.0m | 3.0m |
| Car Parking Provision | 4 spaces | 2 spaces | Residential - 2 spaces per dwelling plus 1 visitor space for every 2 dwellings. Office – 4 spaces per |

** 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.

Two (2) representations were received (opposing the development) in response to this notification, a copy of which is contained in **Attachment C**. The key issues raised by representors are, in summary:

- the proposed three-storey construction; and
- the proposal has insufficient car parking provision.

The representors have advised that they do not wish to address the Panel in support of their representations.

Mr Graeme Gibson, of State Surveys, has responded to the representations on behalf of the Applicant. A copy of Mr Gibson's response is contained in **Attachment D**.

State Agency Consultation

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

Discussion

The subject land is located within the 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:

Medium Density Policy Area (PA) Desired Character Statement

Medium Density PA Objectives: 1
Medium Density PA PDC's: 5, 6

Residential Zone Desired Character Statement

Residential Zone Objectives: 1, 2
Residential Zone PDC's: 1, 3

City Wide Objectives: 1, 2, 7, 8, 10, 26, 55-57
City Wide PDC's: 1-4, 80, 82

With respect to the residential component of the proposed development, the Desired Character Statement for the Medium Density Policy Area states (in part):

“Whilst detached and semi-detached dwellings will continue to be developed within the Medium Density Policy Area, more flexible development parameters for other forms of housing (including group dwellings, row dwellings and residential flat buildings) are included and will provide additional opportunities for increasing residential densities in these locations”

In relation to the area of the Medium Density Policy Area around the Marden District Centre, the desired character statement states:

“Development within this part of the Policy Area will provide a range of residential dwellings and along arterial road frontages, some small-scale non-residential land uses.”

The proposed three (3) dwellings within a mixed-use building are consistent with the desire for 'other forms of dwellings' which 'provide additional opportunities for increasing residential densities'.

Medium Density Policy Area Principle of Development Control 5 sets out the minimum site area and frontage requirements for new dwellings in the Policy Area. In relation to residential flat buildings, Principle 5 states that there is no minimum site area per dwelling, provided that the development site has a minimum frontage of 18.0 metres. Whilst the proposed building is not a residential flat building (as it contains both dwellings and a commercial premises), it has similar attributes to a residential flat building and as such, it is considered that 18m is an appropriate benchmark for the minimum site frontage, in lieu of one being provided for a mixed-use building.

In this instance, the subject land has an allotment frontage of 19.51 metres, consistent with the requirement for a residential flat building.

Medium Density Policy Area Principle of Development Control 6 states that dwellings contained within a residential flat building with three (3) bedrooms should have a minimum floor area per dwelling of 100m². The proposed floor areas range between 103m² (for Dwellings 1 – 2) and 122m² (for Dwelling 3). Again, whilst the proposed building is not a residential flat building, it is considered that Principle 6 is an appropriate benchmark for the minimum floor area of dwellings, in lieu of one being provided for dwellings in a mixed-use building.

The other considerations referred to in the Desired Character Statement (private open space, communal space, car parking and the design of the built form) are discussed in greater detail under their relative headings later in the report. However, in summary, those considerations are considered to be reasonably consistent with the relevant Development Plan policies.

In terms of the office component, the Desired Character Statement for the Residential Zone states:

“along arterial roads, some opportunity for the establishment of non-residential uses will be provided through the conversion of existing dwellings, small-scale purpose built buildings and on the ground floor of mixed-use buildings in close proximity to centres”

As previously set out, in relation to the area of the Medium Density Policy Area around the Marden District Centre, the desired character statement states:

“Development within this part of the Policy Area will provide a range of residential dwellings and along arterial road frontages, some small-scale non-residential land uses.”

Residential Zone Principle of Development Control 15 further defines the opportunities outlined in the Desired Character Statement, by designating offices as non-complying in the zone other than (amongst other circumstances):

“(d) within the Medium Density Policy Area, where located on the ground floor of a mixed use building that fronts an arterial road and where the gross leasable floor area does not exceed 500 square metres.”

Accordingly, in relation to the subject land, which is located within the Medium Density Policy Area, the Development Plan anticipates either an office up to 250m² with no caveat that it be on the ground level of a mixed use building, or between 250m² and 500m², provided that it is on the ground level of a mixed use building. The proposed 113m² of total office area at both ground and upper level is therefore consistent with the Residential Zone policies from a land use perspective.

The proposed office is consistent with City Wide Principle of Development Control 82, which states that non-residential development in residential zones should not compromise the living amenity of adjacent and nearby residential occupiers. The office is relatively small in scale and activities within the office are unlikely to result in significant noise or other impacts on the occupants of adjacent dwellings. The proposed office also provides for a “buffer” between the traffic noise on Lower Portrush Road and the three (3) proposed dwellings behind.

From a land use perspective, both the dwellings (in the form of a residential flat building) and the office are considered to be acceptable within the Medium Density Policy Area of the Residential Zone.

Streetscape/bulk/scale/height/character

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

Medium Density PA Desired Character Statement
Medium Density PA Objectives: 2, 4
Medium Density PA PDC's: 1, 3, 7

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

The Desired Character Statement for the Medium Density Policy Area states (in part):

“Building heights within this part of the Policy Area (ie. Marden District Centre) will be up to two (2) storeys, however, along arterial road frontages and on sites fronting Broad Street, Marden and Marden Road (south of Kent Street), development of up to three (3) storeys will be considered where an appropriate built form transition can be provided to adjacent residential land outside of the Policy Area and in the case of arterial roads, where it comprises a mix of residential and non-residential land uses..”

Medium Density Policy Area Principle of Development Control 7 states that three-storey development is envisaged within the Policy Area where a site fronts and arterial road. The proposed overall building height of three-stories is therefore consistent with the anticipated maximum height specified in both the Desired Character Statement and Medium Density Policy Area PDC 7.

The proposed building form is larger than adjacent and nearby single-storey residential development located on both sides of Lower Portrush Road within the locality.

The current Medium Density Policy Area provisions were introduced on 2 July 2015 to provide opportunities for a higher density of development, facilitated by two and three storey development. In this policy context, the proposed scale of the development is considered to be appropriate, notwithstanding that it will constitute a 'first intrusion' within this particular locality.

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

"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.

An exception to this 'suburban' character will be found along arterial roads, especially in close proximity to centres, where the introduction of commercial development in small-scale purpose built buildings and mixed-use buildings will develop a more 'urban' character. The front set-back of buildings along these roads will be closer to the street edge, while still allowing sufficient room for landscaping.

A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape."

The design appearance of the proposed building is distinctly contemporary in its form and finishes, contributing to an 'urban' character, as is promoted in the Desired Character statement for arterial road frontages. The finishes and articulation to the overall built form are considered to provide visual interest consistent with City Wide Principle of Development Control 30 and the proposed building materials (ie. feature cladding, rendered walls and simple colorbond hipped roof forms), complement the existing residential urban character of within the immediate area as called for by City Wide Principle of Development Control 29.

On balance, the proposed development is considered to be acceptable from a bulk, scale and streetscape perspective.

Setbacks and Site Coverage

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

Medium Density PA PDC's: 7

City Wide PDC's: 50, 202, 203, 208 & 273

Medium Density Policy Area Principle of Development Control 7 states that development fronting an arterial road within the Medium Density Policy Area should be designed with a minimum setback of 6.0 metres, however, a closer set-back may be provided for mixed- use buildings on arterial roads that comprise non-residential uses at ground level.

In relation to development along arterial roads within the Residential Zone, the desired character statement states:

“The front set-back of buildings along these roads will be closer to the street edge, while still allowing sufficient room for landscaping.”

In addition to this provision, City Wide Principle of Development Control 50 states:

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 proposed office component (located at ground and upper level) of the development is set back between 2.6 and 4.1 metres from the Lower Portrush Road frontage. The adjacent semi-detached dwellings at 33 Lower Portrush Road are set back in the order of 6.8 – 8.0 metres from Lower Portrush Road. The adjacent detached dwelling at 29 Lower Portrush Road is set back in the order of 7.0 – 8.2 metres from Lower Portrush Road.

Front setbacks of existing buildings on this portion of Lower Portrush Road are relatively consistent as shown on **Attachment A1**. That said, the proposed development is considered to be consistent with Medium Density Policy Area Principle of Development Control 7, in that a lesser front setback of 6.0 metres is anticipated and is also consistent with the Residential Zone desired character statement and City Wide Principle of Development Control 50, as sufficient room is provided for landscaping and the setback is not considered to detrimentally impact on the appearance and character of the locality.

The recently gazetted (ie. on 19 December 2017) *Inner and Middle Metropolitan Corridor (Design) Development Plan Amendment* introduced new planning policies for medium density developments in to order improve their design quality and integration, provide better outcomes for local streetscapes and the public realm, improve the form and appearance of new developments and provide better relationships between nearby medium developments. These policies are contained in the City Wide section of the Development Plan under the heading of Medium and High Rise Development (3 or More Storeys), on pages 54-59.

Included in these policies, is criteria for siting of buildings and separation from boundaries, which differ from the ‘regular’ criteria that applies to residential development, contained in the City Wide section of the Development Plan under the heading of Residential Development, on pages 38-54.

With respect to side and rear setbacks, under the sub-heading of Building Separation and Outlook, City Wide Principle of Development Control 273 states:

“Residential buildings (or the residential floors of mixed use buildings) should have habitable rooms, windows and balconies designed and positioned with adequate separation and screening from one another to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.

One way of achieving this is to ensure any habitable room windows and/or balconies are separated by at least 6 metres from one another where there is a direct ‘line of sight’ between them and be at least 3 metres from a side or rear property boundary. Where a lesser separation is proposed, alternative design solutions may be applied (such as changes to orientation, staggering of windows or the provision of screens or blade walls, or locating facing balconies on alternating floors as part of double floor apartments), provided a similar level of occupant visual and acoustic privacy, as well as light access, can be demonstrated.”

In terms of the upper level walls of both the office and dwellings, the proposed building has a separation from the north-western side boundary and the south-eastern side boundary of 3.0 metres and 5.0 metres respectively. With respect to the north-eastern rear boundary, the proposed building has a separation ranging between 3.0 and 7.0 metres. Accordingly, the proposed separation from the side and rear boundaries is consistent with the quantitative criteria prescribed in Principle 273.

In terms of site coverage, Medium Density Policy Area Principle of Development Control 7 states that the site coverage for dwellings other than detached and semi-detached dwellings (and ancillary structures) within the Policy Area should not exceed 70%. The site coverage of the three (3) proposed dwellings results in an overall site coverage for the mixed use building of 44%. Accordingly, the proposal satisfies Policy Area Principle of Development Control 7.

Overshadowing/Overlooking

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

City Wide PDC's: 11, 31, 71, 72, 195, 196, 235, 236

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 Applicant has provided shadowing diagrams to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. In relation to the directly adjacent property at 29 Lower Portrush Road, the diagrams show:

- the rear private open space area would experience negligible shadowing between 9:00am and midday; and
- between 1:00pm and 3:00pm, overshadowing would gradually increase to the rear yard area.

The overshadowing diagrams show that 29 Lower Portrush Road will receive at least two(2) hours of direct sunlight (between 9:00am and 12:00midday) to its rear yard area during the winter solstice.

City Wide Principle of Development Control 71 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 10m² 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.”

The neighbouring dwelling at 29 Lower Portrush Road contains solar collectors on the north-eastern facing section of its roof area. The shadow diagrams demonstrate that between 9:00am and midday the solar panels will not be overshadowed. From 1:00pm the extent of overshadowing will gradually increase and by 2:00pm, the solar panels will be overshadowed. Notwithstanding this, the extent of overshadowing to the neighbouring dwelling's solar panels is consistent with the prescribed criteria in Principle 71.

A copy of the shadow diagrams is contained in **Attachment B10**.

In terms of visual privacy from the proposed dwellings, all of the side and rear facing upper level windows either incorporate 1.7 metre high sill levels or contain fixed obscure glazing to all portions of the windows below 1.7 metres above the internal upper floor level. The proposed first floor window treatment is consistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1.7 metres. In any event, if the Panel determine to approve the proposed development, it is recommended that a condition be imposed reiterating that the upper floor dwelling windows on the northern, southern and western elevations be fixed and obscured.

With respect to the upper level office area, the north-western side windows incorporate 1.7 metre high fixed obscure glazing. In terms of the south-eastern side, a 1.7 metre high sill level window is proposed and a 1.7 metre high screen is proposed to the balcony area which in turn, is consistent with Principle 235.

Private open space

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

City Wide PDC's: 222-225, 227, 229, 230

City Wide Principle of Development Control 225 states (in part):

“Dwellings (other than residential flat buildings in the form of apartments within a multi storey building) should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:

(b) a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres;”

All of the proposed dwellings have site areas of less than 250m² and, as such, should have a minimum area of private open space of 35m². The proposed private open space areas range between 32m² for Dwellings 1 and 2 and 54m² for Dwelling 3. Whilst this is a shortcoming of the proposal, the private open space associated with Dwellings 1 and 2 is of useable dimensions, consistent with City Wide PDC 225(b) and is accessible directly from the ground floor study areas of the dwellings, such that the 3.0m² shortfall is not considered to be fatal to the overall merit of the proposal.

The private open space areas associated with the three (3) dwellings has excellent orientation for solar access throughout the day.

City Wide Principle of Development Control 229 states that 50% of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments. All of the proposed private open space areas associated with each dwelling are ‘open to the sky’ which in turn accords with Principle 229.

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, 198, 200 & 219

Tables NPSP/8 and NPSP/9

Pursuant to Schedule 8 of the *Development Regulations 2008* and more specially, Section 3 —Development adjacent to main roads, comprising the alteration of an existing access, the proposal was referred to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI). In terms of modifying the existing crossover in order to provide access to and from Lower Portrush Road, the Development Division reviewed the proposal and advised that the development should be serviced by a single shared access/egress points that is 6.0 metres in width by 6.0 metres in depth.

A copy of DPTI's advice is contained in **Attachment E**.

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 dwellings in multi-storey buildings, Table NPSP/8 states that two (2) on-site car parking spaces should be provided for each three (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.

Each of the proposed three (3) dwellings are provided with two (2) exclusive car parking spaces, in the form of a garage and an unenclosed space beneath the relevant dwelling. In addition, the proposed dwellings are to have access to the two (2) open-air car parking spaces designated with the office for visitor car parking purposes outside of office operation hours.

The proposed residential component of the development results in a theoretical demand for 1.5 visitor spaces, which is required to be rounded up to two (2) according to Table NPSP/8. Accordingly, the proposed car parking demand associated with the dwellings satisfies the requirements detailed in Table NPSP/8, outside of business hours.

In terms of the proposed office component, the overall floor area equates to 113m² (excluding the balcony area of 21m²). As stated previously, the proposed office is to have four (4) designated car parking spaces during business hours. Table NPSP/9 states that an office should be provided with four (4) spaces per 100m². In applying the prescribed rate to the overall floor area of 113m², the office would generate a demand of five (5) car parking spaces. The proposed calculated car parking results in a shortfall of one (1) space.

The shortfall of one (1) on-site parking space for the office, is a negative aspect of the application.

That said, City Wide Principle of Development Control 122 states:

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 mixed use nature of the proposed development will typically result in visitors to the dwellings arriving at different peak times to the peak times associated with the office use component and as such, the proposal is considered to be consistent with part (c) of Principle 122. In this context, although the development results in a shortfall of one (1) car parking space, the shortfall is not considered fatal to the Application.

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for battleaxe style allotments, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common driveway, Principle 189 states that the driveway should have a 6.0 metre x 6.0 metre paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. This is also a request made by DPTI.

Unfortunately the Applicant was not able to provide an amended site plan (ie. **Attachment B1** and **B2**) in sufficient time for the Panel agenda to be finalised. That said, the Applicant has advised the Council's Planning staff in writing that they intend to amend the proposed development so *"that the first 6m of the common driveway will be clear of obstructions (landscaping, letterboxes etc) so as to provide clear access and egress from the site."*

In this regard if the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring an amended site plan detailing the 6.0 metre x 6.0 metre paved carriageway at the front of the property be provided to the Council's Planning staff for consideration prior to Development Approval being granted.

Principle 189 also states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposal has a 5.5 metre wide carriageway adjacent to 800mm of landscaping along the south-eastern side boundary. The proposed landscaping within this section (discussed under the heading of "Trees (significant, mature & street) and landscaping)" is considered to be satisfactory, despite the 200mm shortfall in width.

The 85th percentile vehicle turning templates within the Australian Standard for off-street car parking have been applied to the manoeuvring areas and it has been determined that vehicles are able to conveniently access and egress all car parking spaces.

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 vacant and is essentially flat. The Applicant has nominated the same finished floor level for each of the three (3) proposed dwellings. The nominated finished floor level of the office is to be 150mm lower than that of the dwellings. In terms of the dwellings, the proposed finished floor level is between 320 - 400mm below the existing ground level. On this basis, the proposed finished floor levels for the dwellings will result in the need for retaining walls along the north-eastern side boundary ranging between 120 - 200mm in height.

The Applicant has indicated that 1.8 metre high 'Good-neighbour' colorbond fencing is to be used for the replacement of side and rear fencing where required. The resulting combined height of retaining and fencing at the boundaries of the site (up to 2.0 metres on the northern side boundary) and the resulting level of fill are consistent with City Wide Principles of Development Control 58 and 164 respectively.

A copy of the Civil Plan, which contains the proposed levels and stormwater sump locations, is contained in **Attachment B11**.

The Applicant has proposed to direct roof runoff to 2,000 litre rainwater tanks for each dwelling, which are to be plumbed back to each dwelling for reuse, with overflow directed to a main stormwater collection pipe located beneath the common driveway. Surface water collected from the ground surrounding each dwelling is also proposed to be directed to the main stormwater collection pipe and pumped to the Lower Portrush Road water table.

Given the relatively high percentage of land that will be covered with impervious surfaces compared with the existing condition, it is considered appropriate that on-site detention be provided to ensure that stormwater leaving the site in a high rainfall event does not exceed current levels, consistent with City Wide Principle of Development Control 160.

The Council's Project Manager, Assets, has advised that the proposed levels and stormwater disposal is considered to be acceptable in principle, but the Applicant should be required to prepare a Stormwater Management Plan to ensure that stormwater disposal is maintained at pre-development levels.

As such, if the Panel determines to approve the development proposal, it is recommended that a condition be imposed requiring a Stormwater Management Plan be submitted with the documentation for Building Rules Consent, which confirms that stormwater disposal will be maintained at pre-development levels.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24
City Wide PDC's: 76, 220, 221 & 288

There are no regulated trees located on the subject land or adjacent land.

The proposed development includes a landscaping scheme that proposes a range of trees, shrubs and ground covers including Tuckeroos, Common Hornbeam, Hebe, Dwarf Oriental Arborviate and roses. The proposed landscaping will assist in softening the development when viewed from adjacent land.

City Wide Principle of Development Control 288 states:

"Unless separated by a public road or reserve, development site(s) adjacent to any zone that has a primary purpose of accommodating low rise (1-2 storey) residential activity should incorporate deep soil zones along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more storeys in height.

One way of achieving this is for development comprising building elements of three or more storeys in height to be setback at least 6 metres from a zone boundary, and incorporate a deep soil zone area capable of accommodating medium to large trees with a canopy spread of not more than 8 metres when fully mature."

With this policy in mind, the Applicant has indicated that eight (8) Tuckeroos (an evergreen species with an elliptic-oblong form) are to be planted adjacent both the north-western side and north-eastern rear boundaries. In this context, the Tuckeroos are considered to provide screening and visual relief to the occupiers at 33A Lower Portrush Road, 16 and 18 Peter Court which is consistent with Principle 288.

The proposed landscape scheme and schedule is considered to provide for a good level of amenity for future occupants of both the dwellings and office, as specified by City Wide Principle of Development Control 221(a).

As detailed in the "Car parking/access/manoeuvring" section of the report, City Wide Principle of Development Control 189 states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0 metre of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development does not comply with this guideline insofar as the proposed landscaping adjacent to the driveway has a total combined width of only 800mm. For the first 300mm, the applicant is proposing to introduce grass/turf in order to provide a "buffer/separation" to the Hebe (35 in total) and Common Hornbeam (12 in total) plantings. The proposed landscaping in this section is considered to enhance the amenity of the proposed development, particularly given the extent of hard paving associated with the common areas as part of the development proposal. In this context, the provision of an 800mm landscaping section is considered to be acceptable notwithstanding the 200mm shortfall specified by Principle 189.

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

The proposed dwellings and their private open space areas are well oriented for solar access.

None of the three (3) proposed dwellings incorporate covered alfresco/verandah areas to their rear yards. That said, it is highly likely that future owners of the dwellings would construct pergolas and/or verandahs in these locations, based on their personal preference and needs, which would provide sun and wet-weather protection to the ground level north-western facing window/door areas of the three (3) dwellings.

On the north-western elevation, the three (3) dwellings along with the side elevation of the office are afforded minimal protection from direct sunlight (ie. heat loading). Whilst ultimately the development will need to achieve the required energy rating in order to be granted Building Rules Consent, this is considered to be a negative aspect of the proposed development.

The predominant extent of glazing associated with the office is situated on the south-western front elevation. As such, the extent of heat loading in the summer months will be limited to the later afternoon hours which is considered to be acceptable.

The proposed dwellings are each provided with a 2,000 litre rainwater detention tank, which are to be plumbed back to each dwelling in accordance with City Wide Principle of Development Control 159.

Summary

The Medium Density Policy Area is intended to accommodate a greater range of dwelling types, at a higher density than the general Residential Zone. At a zone level, a small-scale office with a frontage to an arterial road is reasonably anticipated.

The proposed dwelling density is considered to be acceptable, as the proposed dwellings all meet the minimum dwelling floor area provisions and the dwellings generally meet the other relevant quantitative provisions of the Development Plan. The proposed three-storey residential built form is consistent with Principle 7 of the Medium Density Policy Area.

The proposed development meets the minimum quantitative provisions of the Development Plan, with the exception of a shortfall of one (1) car parking space associated within the office, Dwellings 1 and 2 having less than 35m² of private open space (ie. they have 32m²) and the landscaping adjacent the vehicle carriageway is not 1.0 metre in width (ie. it is 800mm).

In terms of the qualitative provisions of the Development Plan, positive aspects of the proposal are the orientation of the internal living areas and private open space areas for the three (3) dwellings and the complementary architectural design approach in relation to other residential development within the locality, through the incorporation of pitched roofs, building materials and finishes.

Other negative aspects include the unprotected northwest facing windows for both the dwellings and the office and the extent of hard paved surfaces, albeit that the impact of stormwater runoff will be addressed via a stormwater management plan at the Building Rules stage.

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

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 155/910/17 by Yogo Design & Consulting Pty Ltd to construct a mixed use building comprising three (3) three-storey dwellings and a two-storey office with associated car parking and landscaping, at 31 Lower Portrush Road, Marden, 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:

- plans and elevations (Project Number Y7170906 – Revision G) prepared by Yogo Design & Consulting Pty Ltd and received by the Council on 5 December 2018; and
- Site and Drainage Plan (Reference Number 118813) prepared by Intrax Consulting Engineers Pty Ltd and received by the Council on 20 November 2018.

Conditions

1. The 6.0 metre x 6.0 metre entry portion of the common driveway, when measured from the junction of the south-eastern side boundary and the south-western front boundary, shall remain clear of landscaping and/or communal services.

Reason: to accord with City Wide Principle of Development Control 189(d)(ii).
2. The portion of all upper floor windows on the north-western, north-eastern and south-eastern elevations, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings and office area 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 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
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 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.
4. 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 at pre-development levels. On-site retention 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.
5. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), shall be installed for each of the dwellings or alternatively, an 10 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained 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.

Moved

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 155/910/17 by Yogo Design & Consulting Pty Ltd to construct a mixed use building comprising three (3) three-storey dwellings and a two-storey office with associated car parking and landscaping, at 31 Lower Portrush Road, Marden, subject to the following conditions:*

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Conditions

1. *The 6.0 metre x 6.0 metre entry portion of the common driveway, when measured from the junction of the south-eastern side boundary and the south-western front boundary, shall remain clear of landscaping and/or communal services.*

Reason: to accord with City Wide Principle of Development Control 189(d)(ii).
2. *The portion of all upper floor windows on the north-western, north-eastern and south-eastern elevations, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings and office area, with the exception of the level one north west window of dwelling 3 which shall be fully obscure, 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 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)*
3. *The balustrade of the terraces at level two shall be obscure to a minimum height of 1.7m above floor level to the reasonable satisfaction of Council or its delegate.*
4. *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.*
5. *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 at pre-development levels. On-site retention 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.*
6. *A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), shall be installed for each of the dwellings or alternatively, an 10 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
7. *All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the 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.*
8. *Kerbing shall be provided adjacent to the visitor car parking spaces at the rear of the site to prevent vehicles from damaging the rear boundary fence.*

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.*

Seconded and carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:24pm

Terry Mosel
Presiding Member

Mark Thomson
Manager Development Assessment