

Council Assessment Panel Minutes

15 March 2021

Our Vision

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

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

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

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



City of
Norwood
Payneham
& St Peters

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 FEBRUARY 2021	1
2.	STAFF REPORTS	2
2.1	DEVELOPMENT APPLICATION 155/705/2020 – ANDRASH PTY LTD – 133-137 PORTRUSH ROAD, EVANDALE	2
2.2	DEVELOPMENT APPLICATION 155/438/2020 – METRICON HOMES PTY LTD – 32 GEORGE STREET, NORWOOD	21
2.3	BUSINESS READINESS FOR THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016	32
3.	OTHER BUSINESS	35
4.	CONFIDENTIAL REPORTS	35
5.	CLOSURE	35

VENUE Council Chambers, Norwood Town Hall

HOUR 7:00pm

PRESENT

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

Staff Mark Thomson Manager Development Assessment
Nenad Milasinovic Senior Urban Planner
Adam Bowey Senior Urban Planner
Tala Aslat Planning Assistant

APOLOGIES

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 FEBRUARY 2021**

Seconded and Carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/705/2020 – ANDRASH PTY LTD – 133-137 PORTRUSH ROAD, EVANDALE

DEVELOPMENT APPLICATION:	155/705/2020
APPLICANT:	Andrash Pty Ltd
SUBJECT SITE:	133-137 Portrush Road, Evandale (Certificate of Title Volume: 5815,5843 and 5808 Folio: 199, 983 and 84)
DESCRIPTION OF DEVELOPMENT:	Construction of a service station comprising a retail building, covered petrol filling area, pylon and fascia signage, associated earthworks and fuel tanks, retaining, fencing and landscaping
ZONE:	Local Commercial Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
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 service station comprising a retail building, covered petrol filling area, pylon and fascia signage, associated earthworks and fuel tanks, retaining, fencing and landscaping.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	51.51 metres
Depth:	43.59 metres
Area:	2245.3m ²
Topography:	slight fall towards north western corner of subject land
Existing Structures:	Three detached dwellings and ancillary outbuildings
Existing Vegetation:	several mature trees and some small shrubs - none of which are identified as being Regulated Trees

133 & 135 Portrush road are residential properties, with 137 Portrush Road used as a builder's office and storage yard.

Locality Attributes

Land uses:	mixture of business and commercial uses along Portrush Road with residential land uses to the west fronting Edward Street and Janet Street.
Building heights (storeys):	Single Storey

The locality is characterised by a range of residential and commercial land uses fronting Portrush Road, including a veterinarian clinic, offices, consulting rooms and Trinity Gardens Primary School.

The built form along Portrush Road is defined by single storey dwellings with landscaping, and a mixture of open and impermeable fencing, with the exception to this being buildings located at Trinity Gardens Primary School, which are up to two storeys in height.

The subject land is located within the Local Commercial Zone, as identified within the Council's Development Plan.

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

Proposal in Detail

The Applicant seeks consent to demolish the single storey dwellings and office building across the three allotments and construct a service station comprising a retail building, covered petrol filling area, pylon and fascia signage, associated earthworks and fuel tanks, retaining, fencing and landscaping.

The proposed single-storey control building comprises a floor area of 250m². The building includes a combined petrol point-of-sale and retail shop area along with an office, store and bathroom facilities and is centrally located on the northern boundary, facing into the subject site.

To the west of this building is a fenced area utilised for waste storage.

The control building is to be constructed of a mix of tilt up concrete, tiles, powder coated aluminium cladding, feature brick and glass finished in a colour palette of muted greys, blacks and blues and features wall heights of up to 6.15 metres. The control building faces 8 petrol filling points (petrol bowsers) covered by a 6.6 metre high 300m² freestanding canopy.

The Application also includes illuminated and non-illuminated fascia signage to both the control building and the freestanding canopy, as well as the construction of a 6.2 metre freestanding sign in the north-eastern corner of the subject land fronting Portrush Road.

In terms of hours of operation, the Applicant seeks to operate from 5am till midnight, 7 days per week.

The proposal also includes the creation of 10 on-site car parking spaces (including 1 accessible space), located in front of the control building.

Access into the site is to be provided through two new access points, with a two-way access/egress point at the southern end of the Portrush Road frontage, and a one way egress only point at the northern end of the Portrush Road frontage.

A 3 metre high acoustic fence is to be installed on top of a retaining wall of up to 800mm high along the western boundary, with the remaining side boundaries to have 2.1 metre high fencing.

The proposal includes landscaping to the western and southern boundaries, and the central traffic island located between the proposed access points to Portrush Road.

Plans and details of the proposed development are contained in **Attachment B**, with a Planning report in support of the proposal prepared by APDS contained in **Attachment D**.

Notification

The Application was notified as a Category 3 form of development, as it is an undefined land use.

Forty seven (47) representations were received (in opposition) in response to this notification, copies of which are contained in **Attachment F**. The key issues raised by representors are, in summary:

- Location / suitability of proposed development
 - Other similar developments nearby
 - Do not want another service station to be constructed
 - Future vehicle purchasing trends (electric vehicles) which will not require petrol
- Environmental impacts
 - Potential soil and groundwater contamination
 - Petrol and vapour emissions
 - Air quality/pollution
- General impacts on amenity including:
 - Light spill
 - Noise (inc. traffic, plant and equipment) – would like 3 metre acoustic wall along boundaries
 - Odour from food outlets
 - Unpredictable patron behaviour/litter
 - 24/7 hours of operation – request closing time of 12am (midnight)
- ‘Heritage’ properties will be demolished
- Devaluation of nearby properties
- Potential traffic issues including:
 - Queueing along Portrush Road
 - Impacts to Edward Street, Coorara Avenue, Janet Avenue and Alexander Street
 - Increase in dangerous traffic conditions / pedestrian safety
 - Increased congestion
 - Potential parking shortfall
 - Potential under-estimation of traffic demand
 - Truck movements / turning
- Potential for signage and fence to block visibility of ‘vet’ sign on adjacent land – request height of fence between control building and Portrush Road to be 1.2 to 1.5 metres
- Request for increased landscaping (trees) in front of acoustic wall along western boundary to increase privacy.

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

- *Mr Charlie Di Tore*
- *Mr John Carruthers*
- *Mr Russell Smith*
- *Mr Andrew Minns & Ms Louise Seaman*
- *Mr David Parkin*
- *Mr Peter Strusi*
- *Mr Terry & Mrs Bev Dickeson*
- *Mr Tim Beazley*

Through their planning consultant, Mr Mark Kwiatkowski of APDS, the Applicant has responded to the representations received and a copy of their response is contained in **Attachment G**. In summary, the Applicant has responded as follows:

- Competition and number of similar developments nearby is not relevant;
- a vapour recovery system will address concerns environmental concerns and all EPA comments have been addressed;
- the impacts on amenity can be anticipated given the Local Commercial Zone context;
- all lighting will comply with AS 4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting;
- acoustic fencing will be installed and heavy vehicle delivery times will be limited, to achieve the Environment Protection (Noise) Policy;
- the hours of operation are appropriate, as the Environment Protection (Noise) Policy has been achieved;
- the buildings to be demolished are not heritage listed and have no demolition protection;
- visibility of the signage for the adjacent vet will be maintained; and
- concerns regarding traffic impacts have been addressed by MFY Traffic consultants.

It is noted that Mr Mark Kwiatkowski incorrectly references the 24/7 operation of the service station within his response to representations, and has confirmed with planning staff that the hours of operation are to remain from 5am till midnight, 7 days per week.

State Agency Consultation

The Application was referred to the Commissioner of Highways and the Environment Protection Authority pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development includes the construction of new access points to an arterial road (Portrush Road), and involved storage and retail sale of petroleum products.

The Commissioner of Highway's response is discussed under the heading *Car parking/access/manoeuvring* later in the report, while the Environment Protection Authority's response is discussed under the heading *Impact on residential amenity/noise and odour*.

A copy of the Commissioner of Highway's response is contained in **Attachment H**.

A copy of the Environment Protection Authorities response is contained in **Attachment I**.

Discussion

The subject land is located within the Local Commercial 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 Objectives:	1
Local Office Zone Principles of Development Control:	1, 2
City Wide Objectives:	2, 7, 26 & 27.
City Wide Principles of Development Control:	1, 4, 6, 83 & 84.

A petrol filling station is defined within the *Development Act 1993* as:

petrol filling station means land used for the purposes of fuelling motor vehicles and may include any associated land for the servicing of motor vehicles, or for the sale of goods where the area used for the sale of goods is not greater than 50 square metres, but does not include a motor repair station

Principle of Development Control 2 lists a petrol filling station as a Complying form of development, subject to being located in the St Peters Area Map NPSP/1 (Overlay 1) and compliance with the conditions prescribed in Table NPSP/1. These conditions are listed below:

1. *The site of the petrol filling station having a frontage to a public road of not less than 30 metres, and, if fronting a road designed as an arterial road on Map NPSP/1 (Overlay 1) Parts A & B, is distant at least 60 metres at its nearest point from any intersection or junction. (The words "intersection" and "junction" having the same meanings as those ascribed to them respectively by Section 5 of the Road Traffic Act, 1961).*
2. *Fuel pumps and other service facilities being so located on the site of the petrol filling station that there is no reasonable possibility that any part of any vehicle being serviced will encroach onto a public road.*

3. *Vehicular crossings providing access to a public road from the site of the petrol filling station being:*
 - (a) *located so that no more than two vehicular crossings are provided to one road frontage; and*
 - (b) *located so that every part of a vehicular crossing is not less than nine metres from any part of any other vehicular crossing; and*
 - (c) *located so that the vehicular crossings cannot be used for access from a parking area owned or occupied by a person other than the owners or occupiers of the site of the petrol filling station; and*
 - (d) *constructed to a width not exceeding nine metres measured along the kerb alignment; and*
 - (e) *constructed so that the angle between the centre line of every vehicular crossing and the road alignment is not less than 60 degrees.*

4. *A landscaped barrier, of at least two metres in width being constructed along the road alignment to prevent vehicles leaving or entering the site except by the vehicular crossings.*

5. *The planning authority having given a certificate that it is satisfied that conditions B and C have been complied with.*

Condition B relates to the number, location and design of access points being established to ensure the safety of the public and the free flow of traffic, while Condition C relates to the layout of the parking area.

The subject land is located within the St Peters Area Map NPSP/1 (Overlay 1). The petrol filling station component of the Application does not meet the criteria above and is therefore not a complying form of development, for the following reasons:

- The sites frontage is within 60 metres of an intersection; and
- the proposed vehicle crossings exceed nine metres width measured along the kerb alignment;

To understand the policy intent behind excluding petrol filling stations which have a frontage within 60 metres from an intersection or a vehicle crossing wider than 9 metres from being complying, advice was sought from the Councils Traffic Engineer, Gayle Buckby. Ms Buckby has advised:

Petrol filling stations are typically located on corner blocks at intersections and so the meaning of this criteria is not clear. It is somewhat out-of-date because the terms junction and intersection were removed from the Act in 1999. My only interpretation of this is that it aims to located entranceways into high traffic generating sites far enough away from an intersection, that a vehicle indicating left is clearly turning into the driveway and not the following junction – to reduce the potential for rear-end crashes. Given that there is a median in Portrush Road, right turns are not considered.

I reviewed other Development Plans and found the same criteria in the City of Port Adelaide Enfield DP. I called the Traffic Engineer at PAE and asked the meaning of it, but he also was perplexed and said he was not aware of it. I note that the Cities of Unley and Burnside do not include this criteria.

In relation to Criteria 3d, Ms Buckby has advised:

The width of each vehicle crossing (measured at the kerb alignment) is approximately 12 metres. It is my understanding that this criteria would intended to: a) maintain single vehicle entry and exit driveways, and b) reduce exposure to pedestrian conflict. It would appear from the MFY report (Figure 1), that the driveways are this wide to accommodate the 19m semi-trailer.

Having regard to the advice from Ms Buckby, it appears that the Complying development criterion which the proposed development does not achieve, are somewhat out-dated and relatively unimportant criteria in the context of modern service stations. If not for existence of those driveway crossover related criterion, the petrol filling station component of the proposed development would be Complying and could occur 'as of right' without any form of merit based assessment. Therefore, it is reasonable to conclude that the petrol filling component is an anticipated land use within a Local Commercial Zone.

With regard to the proposed retail component of the Application, Objective 1 of the Local Commercial Zone states:

Development undertaken in the Local Commercial Zone should be, primarily, local service activities which are compatible with the amenity of the locality.

A shop with a 250m² floor area is considered to be of a scale which is compatible with the amenity of the locality, considering that it is to be integrated with a petrol filling station and of a similar scale to other commercial buildings fronting Portrush Road.

The proposed hours of operation are 5am to midnight, 7 days per week. Given the subject lands location abutting an arterial road, provided that the interface issues to adjoining properties located within the Residential Character Zone are suitably addressed, the proposed land use is considered acceptable within the Local Commercial Zone.

Impact on residential amenity/noise and odour

The following Development Plan provisions provide guidance on mitigating impacts to residential amenity, noise and odour within the Development Plan:

City Wide Objectives;	26 & 27.
City Wide Principles of Development Control:	80, 82, 83, 84 & 85 Noise Generating Activities – 86, 87, 88 & 89. Air Quality – 90 & 91.

Noise

City Wide Principles of Development Control 80, 84, 86, 87 and 89 state the following respectively:

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.*

Non-residential development on land abutting a residential zone or within a residential zone should be designed to minimise noise impacts and achieve adequate levels of compatibility between existing and proposed uses.

Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location

Adjacent existing noise sensitive development property boundary

Desired noise level

Less than 8 dB above the level of background noise (L₉₀, 15min) in any octave band of the sound spectrum;

and

Less than 5 dB(A) above the level of background noise (LA₉₀, 15min) for the

Adjacent land property boundary

overall (sum of all octave bands) A-weighted level.

Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum;

or

Less than 8 dB above the level of background noise (L90, 15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.

The Applicant has provided an acoustic report by Resonate Consultants that details the extent of anticipated noise impact on adjacent residential occupiers as a result of the proposal. Subject to the installation of a 2.1 metre acoustic fence and limiting heavy vehicle deliveries to daytime hours, Mr Aidan Leith concludes that the proposal will meet the relevant environmental noise criteria at all noise sensitive receivers in the vicinity of the site during both the day and night time.

A copy of Mr Aidan Leith's report is contained in **Attachment C**.

Despite the initial Application achieving the relevant noise criteria, the Application was amended following the public notification period, by increasing the height of the acoustic fence to 3 metres, as requested by representors.

Based on the advice of the acoustic expert, the proposed development is not expected to generate noise impacts in excess of those contemplated in City Wide Principle of Development Control 89 or which will unreasonably impact on the amenity of occupants of adjacent residential properties.

Odour

City Wide Principles of Development Control 80(a), 90 and 91 state the following respectively:

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;

Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.

The Application includes a vapour recovery system, which is designed to be fitted to both the underground tanks and fuel bowsers and would direct vapours back into the tank during unloading, storage and fuelling of vehicles.

The Environment Protection Authority (EPA) has provided the following advice in response to referral of the Application:

"Given the distance to the nearest sensitive receivers and the proposed installation of both a Stage 1 and Stage 2 vapour recovery system, the EPA considers the petroleum storage would not result in unacceptable air quality impacts."

The EPA has also directed the Council to impose conditions which seek to ensure the vapour recovery system and storage tanks meet appropriate standards.

A copy of the EPA referral response is contained within **Attachment I**.

Having regard to the advice from the EPA, the proposal is considered to satisfy City Wide Principles of Development Control 83(a), 93 and 94 with respect to odour emissions.

streetscape/bulk/scale/height/character

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

Local Commercial Zone Objective:	1
Local Commercial Zone Principle of Development Control:	1
City Wide Objectives:	8, 18, 19 & 20
City Wide Principles of Development Control:	29 –33, 35, 37, 39, 40, 45, 46, 47 & 48

There is limited guidelines within the Local Commercial Zone related to streetscape, bulk, height and character other than Objective 1 and Principle of Development Control 1 which state respectively:

A zone primarily accommodating local service activities which are compatible with the amenity of the locality.

and;

Development undertaken in the Local Commercial Zone should be, primarily, local service activities which are compatible with the amenity of the locality.

In terms of the built form character of the locality, the predominant character is single storey dwellings.

The single-storey control building has a similar overall height to the adjacent vet building at 131 Portrush Road, while the fuel canopy has a similar overall height of the adjacent dwelling at 139 Portrush Road.

In addition, given that a petrol filling station can be a complying form of development within the Local Commercial Zone, the proposed built form is reasonably anticipated, with the proposed built form of a control building and fuel canopy commonly associated with a petrol filling station (albeit with a smaller shop component than that proposed).

Further guidance can be found through City Wide Principle of Development Control 30 which states the following:

Buildings should be designed to minimise their visual bulk and provide visual interest through design elements such as:

- (a) articulation;*
- (b) colour and detailing;*
- (c) materials, patterns, textures and decorative elements;*
- (d) vertical and horizontal components;*
- (e) design and placement of windows;*
- (f) window and door proportions;*
- (g) roof form and pitch;*
- (h) verandahs and eaves; and*
- (i) variations to facades.*

The contemporary design approach, visual bulk and architectural scale of both the control building and canopy is considered to be consistent with the above stated principle, in that the building complements the existing urban character of the Portrush Road locality and will not visually dominate the surrounding area.

On balance, the outwardly contemporary design of the single-storey building and canopy is considered to be acceptable from a bulk, scale and streetscape perspective, in that the resulting built form is not considered to have any unreasonable impacts on the character of the streetscape nor the amenity of adjacent property occupiers.

Setbacks

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

City Wide PDC's: 50, 51, 52 & 55.

Table NPSP/3

Table NPSP/3 specifies that the building set-back for development located in the St Peters area shown on map NPSP/1 (Overlay 1) located on both sides of Portrush Road should be 10.5 metres.

The control building is setback 7.45 metres from the Portrush Road frontage, while the fuel canopy is setback 4.5 metres from Portrush Road. This fails to meet the above requirement.

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.*

Buildings to the north of the subject land are built close to the Portrush Road frontage, while dwellings to the south of the subject land feature front setbacks in the order of 3.8 metres (139 Portrush Road) and 4.7 metres (141 Portrush Road). On this basis, the proposed development is considered to be consistent with City Wide Principle of Development Control 50, which requires buildings to be set back from public roads at a compatible distance to buildings on adjacent and nearby land, without comprising the appearance and character of the locality.

There is no quantitative or qualitative site setback requirements for development within the Local Commercial Zone. The control building is proposed to be located on the northern boundary, with wall heights ranging from 5.25 metres to 6.1 metres (6.6 metres from natural ground level) and extend for approximately 36 metres. Given that this wall abuts another commercial property within the same zone, and is located on the northern side boundary the extent of boundary walling is reasonably anticipated.

Overall, the proposed setbacks are considered to be in acceptable in that they are considered to complement the existing setbacks of buildings on directly adjacent and nearby land.

Signage

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

City Wide Objectives:	115, 116 & 117.
City Wide PDC's:	380 - 341

A 6.2 metre high pylon sign is proposed adjacent the Portrush Road frontage of the subject land, as well as a number of signs along the facades of both the control building and fuel canopy facing the Portrush Road Frontage and internally into the subject land.

The extent of proposed signage on the control building comprises a combination of business identification and food/product related advertising.

Given that the overall height of the proposed pylon sign corresponds with the overall height of the of the control building, and that the length of the Portrush Road frontage of the subject land is 51.51 metres, the proposed pylon sign is considered to be consistent with City Wide Principle of Development Control 380 and 384, which state the following respectively:

The location, siting, size, shape and materials of construction, of advertisements should be:

- (a) *consistent with the desired character of areas or zones as described by their objectives;*
- (b) *consistent with the predominant character of the urban landscape; or*
- (c) *in harmony with any building or site of historic significance or heritage value in the locality.*

and

The scale of advertisements should be compatible with the buildings on which they are situated and with nearby buildings and spaces.

Car parking/access/manoeuvring

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

City Wide Objective:	34
City Wide Principles of Development Control:	98, 100, 101, 102, 103, 104, 107, 109, 110, 112, 113, 115, 117, 118, 119, 120, 123, 124, 126, 127, 128, 129, 131 & 133.

Table NPSP/9A

There are currently three vehicle crossovers along the Portrush Road frontage of the subject land. The Applicant seeks to extinguish the existing central crossover, and widen/replace the two outlying crossovers to provide a two way entrance/exit at the southern end of the subject land, and exit only crossover at the northern end of the subject land. The proposal was referred to the Transport Assessment and Policy Reform branch of the Department of Infrastructure and Transport (DIT) pursuant to Schedule 8 of the *Development Regulation 2008*.

DIT advised the Council that they are supportive of the proposed development subject to inclusion of eleven (11) conditions of consent. In summary, the requested conditions relate to:

- location of crossovers and singular access/egress points
- Maximum size of delivery vehicles
- Signage Illumination levels and error detection
- Reinstatement of obsolete crossovers to kerb and gutter
- Stormwater discharge

A copy of DIT's report is contained in **Attachment I**.

In terms of the car parking provision, the Application includes 10 parking spaces (including 1 accessible space) adjacent the control building, 2 of which are tandem spaces and intended for employee parking.

Table NPSP/9 states that 5 car parking spaces per 100m² of gross leasable floor area should be provided for a shop, while it does not include a rate for a petrol filling station.

The Application was referred to Ms Buckby, to review the proposed parking provision and configuration of the proposed development from a traffic and parking perspective.

Ms Buckby initially had concerns regarding the two-way access arrangement of the southern crossover and a related concern that the space provided for vehicles queuing behind the south-westernmost fuel pump (closest Portrush Road) may be inadequate. These concerns have been overcome by the conditions which have been recommended by DIT, to limit access to a 'left in, left out' only. Ms Buckby has subsequently advised that she is supportive of the proposal.

The Applicant has also provided a traffic report by Melissa Mellen from MFY. A copy of her report is contained in **Attachment E**.

Based on Ms Mellen's report, the layout and configuration of the car park areas are generally consistent with *Australian/New Zealand Standard 2890.1: 2004 Parking facilities Part 1: Off-street car parking*, in terms of the bay lengths, bay widths and aisle widths. Overall, the car parking provision is considered acceptable and the development is considered to enable safe and convenient access/egress to the subject land and therefore accords with City Wide Objective 34 and Principles of Development Controls 113 respectively.

Finished floor levels/flooding/retaining/fencing

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

City Wide Objectives:	25 & 42.
City Wide Principles of Development Control:	10, 53, 56, 57, 58 147, 148, 149, 151, 152, 153, 154, 155, 156, 162, 165 & 166.

A relatively small portion of the subject land between the boundaries of 133 and 135 Portrush Road is situated within the 1 in 100 year ARI flood plain.

In terms of stormwater requirements, the proposed development is to be situated on a site that has minimal hard surfacing (33.5% roof area/concreted area).

The Stormwater Management Plan (**Attachment B6, B7**) prepared by Sagero was reviewed by the Council's Project Manager, Civil, who has advised that in principle, he is satisfied that the proposal conforms to the Council's Urban Services stormwater management requirements, with respect to managing volumes of stormwater discharged from the site.

The Environment Protection Authority has also provided comment on the Stormwater Management Plan as part of the referral process and concluded that:

The provided Stormwater Plan, Notes, Legend and Schedule, Grading Plan and Details, prepared by Sagero (Drawing number SA200048,C01E, C02F, C03C) identifies that all runoff from hardstand areas would be collected via a series of grated inlet pits and pass to a Purceptor Class 1 full retention oil/water separator (or equivalent). It is proposed that this has a 10,000 litre capacity retention tank to capture a major spill on site from a delivery truck. A series of detention tanks are also proposed for outflow to the street stormwater system. This is satisfactory to the EPA and a condition to this effect is directed below.

The proposal is considered to satisfy Development Plan requirements with relation to stormwater requirements.

City Wide Principle of Development Control 57 and 58 state respectively:

The height of any retaining wall should not exceed:

- (a) 1 metre; and*
- (b) where practicable, the area immediately adjacent to a retaining wall should incorporate landscaping to soften its appearance.*

And:

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

The proposal requires retaining along the western boundary in the order of 600-800mm to facilitate the levels proposed. In addition, the Applicant has detailed that a 3 metre high fence will be provided along the western boundary, which creates a combined fence and retaining height of 3.8 metres, 1.4 metres taller than envisaged by Principle 58.

This fence height has been increased as a result of requests by adjacent properties on Edward Street and Janet Street, which were received as part of the notification process.

This retaining wall and fence is located on the interface boundary between the Residential Character Zone and the Local Commercial Zone, with the proposed levels required to resolve flooding concerns and assist with stormwater detention, consistent with Principle 57. The 3 metre acoustic wall is designed to protect the residential amenity from noise impacts associated with the operation and day to day function of the proposal and has been specifically requested by adjoining properties, and on balance, is considered acceptable despite the departure from Principle 58.

Details of the acoustic walling can be found in **Attachment G6 and G20**.

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:	73 – 78.

There are no significant or regulated trees on the subject land. There are mature trees and shrubs within the rear yards of 133 and 135 Portrush Road, and mature street trees located adjacent the Portrush Road frontage. While the trees on the subject land are to be removed to facilitate the development, the street trees will be maintained which is a positive aspect to the proposal.

The Application includes a landscaping plan, which details a range of plantings (ground covers, low shrubs and trees) along the western and southern boundaries of the subject land, and a central landscaping strip adjacent the Portrush Road frontage between crossovers.

A copy of the landscaping plan can be found in **Attachment B4**

Summary

The proposed development is considered to be acceptable from a land use perspective. The bulk and scale of the proposed development is compatible particularly with other existing single-storey development on Portrush Road as well as the existing urban character and amenity of the locality as a whole.

The proposed front setbacks are complementary to other development within the locality.

The on-site car parking provision satisfies the quantitative requirement of the Development Plan. Vehicular access and egress is considered to be safe and convenient as confirmed by the DIT referral and by Council's traffic engineer.

The proposal is not anticipated to result in any unreasonable noise impacts upon the living amenity of directly nearby residents, given that the proposed acoustic measures have been verified by the Council's independent acoustic engineer.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/705/2020 by Andrash Pty Ltd to Construction of a service station comprising a retail building, covered petrol filling area, pylon and fascia signage, associated earthworks and fuel tanks, retaining, fencing and landscaping, on the land located at 133-137 Portrush Road Evandale, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations prepared by Hodge Collard Preston Architects
 - Site Plan (Drawing Number SK-01 and dated 17 February 2021);
 - Floor Plan (Drawing Number SK-02 and dated 17 February 2021);
 - Elevations (Drawing Number SK-03 and dated 17 February 2021);
 - Landscape Plan (Drawing Number SK-04 and dated 27 November 2020);
- Stormwater Plan (Project Number SA200048, Drawing No. C01; Issue D; and dated October 2020; and
- Grading Plan (Project Number SA200048, Drawing No. C02; Issue D; and dated October 2020; and
- Concrete Joints Plan (Project Number SA200048, Drawing No. C03; Issue D; and dated October 2020;

DIT Conditions

1. The access locations on Portrush Road shall be constructed in accordance with and Hodge Collard Preston Site Plan, Project No. 124.20, Drawing No. SK01, Revision A dated 17 February 2021.
2. The Portrush Road entry and exit points shall cater for left turn in and left turn out movements only as identified in the MFY Traffic Report, MLM/20-0152, Figure 1, dated 26 October 2020. These access points shall be suitably signed and line-marked to reinforce the desired traffic flow through the site. Chevron line-marking shall also be incorporated in the design to reduce the width of the access for passenger vehicles while still permitting access for delivery vehicles.
3. All vehicles shall enter and exit the site in a forward direction.
4. The largest vehicle permitted on-site shall be a 19.0 metre articulated vehicle.
5. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
6. The 6.2m high illuminated pylon sign that incorporates fuel pricing shall utilise white characters on a black background only. The fuel prices may change on an as-needs basis
7. All illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e. < 150Cd/m²), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m²) Max
<i>Sunny Day</i>	40000	6300
<i>Cloudy Day</i>	4000	1100
<i>Twilight</i>	400	300
<i>Dusk</i>	40	200
<i>Night</i>	<4	150

8. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
9. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with AS2890.2-2018.
10. Any obsolete crossover/s (or any portion thereof) on Portrush Road shall be closed and reinstated to Council's kerb and gutter standards at the Applicant's expense prior to operation of the development.

11. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the Applicant's expense.

EPA Conditions

1. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
2. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refuelling.
3. All underground fuel storage tanks must be double-walled and fitted with a leak detection system.
4. Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system.
5. Stormwater runoff from all hardstand areas (including the refuelling and fuel delivery areas) must be managed in accordance with the provided Stormwater Management Plans (Drawing number SA 200048, C01E, C02E, C02F, C03C) prepared by Sagero and must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
 - a. Has a minimum spill capture capacity of 10,000 litres
 - b. Reduces oil content in the outlet to less than 5mg/L (as confirmed by independent third party scientific testing)
 - c. Operates effectively in the event of a power failure.
6. Any sludge or oily residue collected within the Class 1 full retention oil/water separator must be removed by an EPA licenced waste transporter to a licensed waste depot.

Council Conditions

1. The extent of noise resulting from the development herein approved, shall be limited to the following criteria:

Receptor	Noise EPP Criteria, dB(A)	
	Day (7:00am to 10:00pm)	Night (10:00pm to 7:00am)
Residences on Portrush Road	L _{eq} 57	L _{eq} 50
Residences on Edward/Janet Street	L _{eq} 52	L _{eq} 45/L _{max} 60

2. Waste collection/heavy vehicle deliveries to and from the subject land may only occur between 9am and 7pm on Sunday or other public holiday, or 7am and 7 pm on any other day.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
6. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

7. Access to buildings and designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428.
8. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
9. All car parking spaces, driveways, and vehicle manoeuvring areas shall be maintained in a good condition at all times to the reasonable satisfaction of the Council or its delegate.
10. A three metre high acoustic fence shall be installed along the western property boundary, in accordance with email correspondence received by the Council on 2 March 2021.
11. The hours of operation shall be limited to 5am to 12am midnight 7 days per week.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
5. This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.
6. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Mr Carruthers addressed the Council Assessment Panel from 7:08pm until 7:09pm

Mr Hill addressed the Council Assessment Panel from 7:10pm until 7:14pm

Mr Bishop addressed the Council Assessment Panel from 7:15pm until 7:17pm

Mr Strusi advised the Panel that his views have been represented by previous speakers

Mr Minns addressed the Council Assessment Panel from 7:17pm until 7:19pm

Mr Dickeson addressed the Council Assessment Panel from 7:22pm until 7:24pm

Mr Kwiatkowski addressed the Council Assessment Panel from 7:25pm until 7:28pm

Ms Mellen addressed the Council Assessment Panel from 7:29 until 7:56pm

MOVED

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/705/2020 by Andrash Pty Ltd to Construction of a service station comprising a retail building, covered petrol filling area, pylon and fascia signage, associated earthworks and fuel tanks, retaining, fencing and landscaping, on the land located at 133-137 Portrush Road Evandale, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations prepared by Hodge Collard Preston Architects
 - Site Plan (Drawing Number SK-01 and dated 17 February 2021);
 - Floor Plan (Drawing Number SK-02 and dated 17 February 2021);
 - Elevations (Drawing Number SK-03 and dated 17 February 2021);
 - Landscape Plan (Drawing Number SK-04 and dated 27 November 2020);
- Stormwater Plan (Project Number SA200048, Drawing No. C01; Issue D; and dated October 2020; and
- Grading Plan (Project Number SA200048, Drawing No. C02; Issue D; and dated October 2020; and
- Concrete Joints Plan (Project Number SA200048, Drawing No. C03; Issue D; and dated October 2020;

DIT Conditions

1. The access locations on Portrush Road shall be constructed in accordance with and Hodge Collard Preston Site Plan, Project No. 124.20, Drawing No. SK01, Revision A dated 17 February 2021.
2. The Portrush Road entry and exit points shall cater for left turn in and left turn out movements only as identified in the MFY Traffic Report, MLM/20-0152, Figure 1, dated 26 October 2020. These access points shall be suitably signed and line-marked to reinforce the desired traffic flow through the site. Chevron line-marking shall also be incorporated in the design to reduce the width of the access for passenger vehicles while still permitting access for delivery vehicles.
3. All vehicles shall enter and exit the site in a forward direction.
4. The largest vehicle permitted on-site shall be a 19.0 metre articulated vehicle.
5. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
6. The 6.2m high illuminated pylon sign that incorporates fuel pricing shall utilise white characters on a black background only. The fuel prices may change on an as-needs basis
7. All illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e. < 150Cd/m²), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100

Twilight	400	300
Dusk	40	200
Night	<4	150

8. *Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.*
9. *The internal manoeuvring areas for commercial vehicles shall be designed in accordance with AS2890.2-2018.*
10. *Any obsolete crossover/s (or any portion thereof) on Portrush Road shall be closed and reinstated to Council's kerb and gutter standards at the Applicant's expense prior to operation of the development.*
11. *Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the Applicant's expense.*

EPA Conditions

1. *Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.*
2. *Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refuelling.*
3. *All underground fuel storage tanks must be double-walled and fitted with a leak detection system.*
4. *Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system.*
5. *Stormwater runoff from all hardstand areas (including the refuelling and fuel delivery areas) must be managed in accordance with the provided Stormwater Management Plans (Drawing number SA 200048, C01E, C02E, C02F, C03C) prepared by Sagero and must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:*
 - a. *Has a minimum spill capture capacity of 10,000 litres*
 - b. *Reduces oil content in the outlet to less than 5mg/L (as confirmed by independent third party scientific testing)*
 - c. *Operates effectively in the event of a power failure.*
6. *Any sludge or oily residue collected within the Class 1 full retention oil/water separator must be removed by an EPA licenced waste transporter to a licensed waste depot.*

Council Conditions

1. *The extent of noise resulting from the development herein approved, shall be limited to the following criteria:*

Receptor	Noise EPP Criteria, dB(A)	
	Day (7:00am to 10:00pm)	Night (10:00pm to 7:00am)
Residences on Portrush Road	L_{eq} 57	L_{eq} 50
Residences on Edward/Janet Street	L_{eq} 52	L_{eq} 45/ L_{max} 60

2. *Waste collection/heavy vehicle deliveries to and from the subject land may only occur between 9am and 7pm on Sunday or other public holiday, or 7am and 7 pm on any other day.*

3. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
4. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
5. *Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.*
6. *Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.*
7. *Access to buildings and designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428.*
8. *All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.*
9. *All car parking spaces, driveways, and vehicle manoeuvring areas shall be maintained in a good condition at all times to the reasonable satisfaction of the Council or its delegate.*
10. *A three metre high acoustic fence shall be installed along the western property boundary, and the first 1.762 metres of the Northern boundary (measured from the Western end) in accordance with email correspondence received by the Council on 2 March 2021.*
11. *The hours of operation shall be limited to 5am to 12am midnight 7 days per week.*
12. *All external lighting shall comply with Australian Standard AS 4282 Control the Obtrusive Effects of Outdoor Lighting.*
13. *The pylon sign shall be relocated to improve the visibility of signage on the adjacent property to reasonable satisfaction of the Council or its delegate.*
14. *The section of the Northern boundary fence located between the retail building and the Portrush Road boundary, shall be no greater than 1.2 metre in height.*

Notes to Applicant

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

4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.*
5. *This Development Plan Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.*
6. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate*

Seconded and Carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/438/2020 – METRICON HOMES PTY LTD – 32 GEORGE STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/438/2020
APPLICANT:	Metricon Homes Pty Ltd
SUBJECT SITE:	32 George Street, Norwood (Certificate of Title Volume: 6236 Folio: 679)
DESCRIPTION OF DEVELOPMENT:	Construction of a two storey dwelling and associated masonry and metal infill fencing
ZONE:	Residential Historic (Conservation) Zone (Norwood 4 Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two storey dwelling and associated masonry and metal infill fencing.

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in a Historic (Conservation) Zone.

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:	10.55 metres
Depth:	20 – 23.05 metres
Area:	309m ²
Topography:	slight fall (approximately 600mm) from south to north
Existing Structures:	Nil
Existing Vegetation:	vacant land

The subject land comprises the south-western section of the land at 145-157 Beulah Road, resulting from a land division (155/D046/19) which was approved by the Panel on 21 October 2019. More particularly, the subject land comprises Allotment 4 in that approved land division; a copy of which is contained in **Attachment A**.

The subject land has a primary frontage of 10.55 metres to George Street and a secondary frontage of 20 metres to Beulah Road and is located in the north-eastern junction of these two roads.

Locality Attributes

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

The locality is considered to extend approximately 100 metres north and south of the subject land along George Street. The streetscape in the locality is characterised to a large extent by mature White Cedar trees, particularly along the eastern side.

Adjacent to the subject land on the western side of George Street, is a very large site spanning the entire block from Beulah Road to Clara Street, containing a Local Heritage Place listed villa facing Beulah Road. On the northern side of Clara Street, the western side of George Street is characterised by Victorian era cottages and villas. On the south-western corner of George Street and Beulah Road is another very large site containing an inter-war period tudor.

Adjoining the subject land on the eastern side of George Street are vacant allotments resulting from the same land division which created the subject land. Further north at 24 George Street, is an inter-war period tudor. North of that is a single storey mid-twentieth century cream-brick residential flat building on the corner of Prosser Avenue. Further north the road contains more varied dwelling stock, including some federation era, inter-war era and post-war dwellings. All are single storey.

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

Proposal in Detail

The Applicant seeks consent to construct a two storey dwelling and an associated masonry and metal infill fence that is situated along the George Street property boundary and returns along a portion of the Beulah Road boundary.

The dwelling has three bedrooms (one at ground level and two at first floor level), an open-plan living/dining/kitchen area at ground level and a retreat at first floor level. A garage is proposed on the southern side of the dwelling, with vehicular access to Beulah Road.

The dwelling has a generally traditional appearance resembling the form and proportions of a double-fronted cottage at the front, before transitioning to a rectilinear two storey form at the rear. The roof over the front single storey section is hipped at 30 degrees and clad in corrugated profile roofing in a dark grey colour (Colorbond Basalt). The external walls are to be constructed of face brick (PGH Nightfall Wolf) and split face stonework (Traverntine Sahara Crème), with the exception of the upper level, which is to be clad in a vertically grooved light-weight material (Axon and colour Dulux Basalt). The garage door is to be Colorbond Timber Look (colour chestnut) and the cantilevered front verandah proposed to be (Colorbond Basalt).

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	309m ²	200m ²
Allotment Width	10.55 – 13.64m	N/A
Allotment Depth	20 - 23.05m	N/A
External Wall Height*	3.6 – 3.9m (single storey portion) 7.3m (two-storey portion)	N/A
Maximum Overall Height (to roof apex)*	7.3m	two storeys
Floor Area (ie. footprint)	225.61m ²	N/A
Site Coverage	73%	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Private Open Space	65m ² 21% of site area of which 54% is open to the sky	20% of site area
George Street Set-back	4.4m to canopy/verandah 5.1m to main face	Complement the predominant pattern established by the surrounding heritage places and contributory items
Northern Side Set-back	1m to ground level 4.6m to upper level	N/A
Southern side/Beulah Road Setback	1.4m to garage 3.0m to ground level 2.5m to upper level	
Eastern Rear Set-back	600mm to garage 3.2m to alfresco 3.2m to upper level	N/A
Car Parking Provision	2 undercover	CWPDC 217: Unless the desired character of an area provides otherwise, garages and carports fronting the secondary street on a corner allotment, should be set back a minimum of 0.9m from the secondary street frontage and should be sited so as to minimise the visual impact of the structure when viewed from the street or the neighbouring dwelling.

** 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 C**.

Notification

The Development Application has been identified and processed as a Category 1 form of development for public notification purposes.

As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

The subject land is located within Norwood 4 Policy Area of the Residential Historic (Conservation) 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:

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objectives:	1
Norwood 4 Policy Area PDC's:	2, 3 5
RH(C)Z Desired Character Statement	
RH(C)Z Objectives:	1.
RH(C)Z PDC's:	1, 2, 7 & 8.
City Wide Objectives:	1, 2, 7, 8 & 10.
City Wide PDC's:	1, 2, 3, 4, 16, 18 & 19.

Principle of Development Control 8 of the Residential Historic (Conservation) Zone states:

"The introduction of new dwellings in the zone should only occur where:

- (a) land is vacant or under-utilised and the development can be achieved without adverse impact on the established residential amenity and the historic character of the relevant policy area;*
- (b) it replaces a building or use of land which does not contribute significantly to the heritage value, historic character and the desired character of the zone; or*
- (c) it involves the conversion of an existing building to row dwellings, or semi-detached dwellings, where such conversion will enhance the historic character of the zone."*

The proposal is consistent with part (a) of Principle 8, in that the land is currently vacant. The extent to which the proposal impacts on the established residential amenity and historic character of the policy area is discussed under the relevant headings further in this report.

The proposal is considered appropriate from a land use perspective.

streetscape/bulk/scale/height/character/heritage

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area PDC's:	1, 4
Residential H(C)Z Desired Character Statement	
Residential H(C)Z Objectives:	1 & 5.
Residential H(C)Z PDC's:	1, 2, 13-19, 22, 23, 25 & 26.
City Wide Objectives:	18, 19 & 20.
City Wide PDC's:	29-35, 39, 41, 43, 48 & 196.

Principle of Development Control 4 of Norwood 4 Policy Area states:

"Development in Norwood 4 Policy Area should not exceed two storeys in height above natural ground level"

The proposed two storey dwelling is therefore consistent with the height policy for the Policy Area.

Residential Historic (Conservation) Zone Principle of Development Control 17 states (in part):

"Development of a new building or building addition should result in dwellings that have a single-storey appearance along the primary street frontage, where these are predominant in the locality, but may include:

- (a) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or*
- (b) second storey components located to the rear of a building; and*

(c) *in either of these instances:*

- (i) *should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
- (ii) *should not result in an excessive mass or scale that would adversely affect the visual outlook from adjoining residential properties;*

The design approach of the proposed dwelling is consistent with part (b) of PDC 17, in that the second storey component is located to the rear of the building. In particular, the second storey commences 6.2 metres behind the single storey facade. This is considered to be sufficient to result in a dwelling that has a single storey appearance along the primary street frontage, despite the fact that the second storey would be visible within the streetscape.

In some other locations/contexts within the Residential Historic (Conservation) Zone, the setback of the upper level from the single storey facade would not be considered appropriate. In this instance, the setback is considered acceptable, for the following reasons:

- the dimensions of the development sites in the approved land division will result buildings sited close together and close to the street, limiting views of the rear of dwellings; and
- the dense street tree canopy across the street frontage will reduce the visibility of upper levels in the streetscape.

With respect to part (i) of PDC 17(c), the height, scale and form of the proposed dwelling is considered compatible with the existing single storey development in the zone, despite the upper level being only 6.2 metres behind the single storey facade. Established dwellings in the locality are large villas and tudors, with high walls and roof forms.

The design of the proposed dwelling references historic buildings within the locality, comprising a similar double-fronted design with a contemporary front verandah element and hipped roof form.

Overall, the street presentation of the dwelling:

- has a bulk and scale, which is akin to the nearby buildings within the locality;
- reflects (without directly replicating) traditional design; and
- has a relatively simple overall form, which does not compete with the surrounding historic building stock and incorporates materials and finishes which complement dwellings in the locality.

Given that the subject land is located within a Historic (Conservation) Zone, advice was sought from the Council's Heritage Advisor regarding the heritage aspects of the proposal. The Heritage Advisor is generally supportive of the proposal, advising that:

"The house takes the form of a simple double fronted cottage. The roof form of the single level front section is a simple hip, with a feature steel structure acting as the verandah element.

The rear two level portion of the house is a contemporary rectilinear structure set towards the Beulah Road boundary as it also contains part of the garage on the ground level.

The front verandah element is a simple cantilevered design set symmetrically on the front facade..."

and

"The proposed new dwelling in its now modified form is considered acceptable in this context in terms of its impact on the streetscape and the nearby Local Heritage Places."

A copy of Mr Brown's advice is contained in **Attachment D**.

Setbacks and Site Coverage

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

RH(C)Z PDC's: 10, 11 & 12.
City Wide PDC's: 212, 216 & 221.

Principle of Development Control 10 and 11 of the Residential Historic (Conservation) Zone respectively state:

“Dwellings should be setback from the allotment boundary on the primary street frontage:

- (a) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres; or*
- (b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres.*

and

“Where a consistent building set-back is not evident in a particular locality, development should incorporate front and side setbacks that complement the predominant pattern established by the surrounding heritage places and contributory items, but in any case should not project forward of an adjacent heritage place or contributory item.”

As the sites adjoining the subject land are vacant, Principle 10 is not relevant.

Therefore, it is appropriate to consider whether the proposed street setback complements the predominant pattern established by the surrounding heritage places and contributory items. In this respect:

- the side wall of the adjacent Local Heritage Place at 143 Beulah Road is set back approximately 4.5m from George Street;
- the façade of the Local Heritage Place at 21 George Street is set back approximately 4m from George Street; and
- the façade of the Local Heritage Place at 20 George Street is set back approximately 6m from George Street.

There are no contributory items within the locality of the subject site.

In this context, the proposed front setback, which ranges from 4.4 to 5.1 metres, is considered to complement the predominant pattern established by the surrounding original residential building stock.

Mr Brown has advised:

“The front set back appears to be in accordance with the other approved houses along this stretch of George Street. The side setback from Beulah Road is quite generous for the single level portion of the house, apart from the garage, which given it faces on to a side street is an acceptable outcome.”

The proposed side setbacks are considered to be reasonably reflective of the pattern established by detached dwellings in the locality.

With respect to site coverage, the proposed dwelling covers 73% of its site. There is no quantitative maximum site coverage for the Norwood 4 Policy Area. It is therefore required that the site coverage of buildings, be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character, in accordance with Principle 12 of the zone. Whilst the proposal has site coverage that is relatively higher than the majority of original building stock within the locality and therefore at odds with Principle 12, this shortcoming of the proposal is not considered to be fatal to the merits of the Application overall.

Overshadowing/overlooking

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

Residential Historic (Conservation) Zone PDC: 17
City Wide PDC's: 11, 206 & 235.

Given that that the subject land is on the northern side of Beulah Road, the most significant shadowing will occur across the footpath and the Beulah Road verge area and not on the currently vacant adjoining allotments.

City Wide Principle of Development Control 206 states:

“Unless otherwise specified in the relevant Zone and/or Policy Area, the set-back of dwellings from their side and rear boundaries should be progressively increased as the height of the building increases:

- (a) to minimise the visual impact of the building from adjoining properties;*
- (b) to minimise the overshadowing of adjoining properties;*
- (c) to ensure adequate natural light and winter sunlight is available to the main activity areas and private open space of adjacent dwellings.”*

The upper floor level of the proposed dwelling is considered to be set back a suitable distance from both the northern side boundary (ie. 4.6 metres) and the eastern rear boundary (ie. 3.2 metres) as called for by Principle 206.

With respect to privacy, the proposed upper level windows on the eastern rear elevation, the three windows are to be treated with permanently fixed obscured treatment up to 1.7 metres above the internal finished floor level of Bedroom 2 as called for by City Wide Principle of Development Control 235(b). In this regard, the proposed two-storey dwelling will not result in any loss of privacy to future occupants of the directly adjacent vacant allotment to the east.

Private open space

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

City Wide PDC's: 225, 241, 243, & 248.

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

Dwellings (other than residential development 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:

- (a) a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres; or*
- (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; and*

The proposed dwelling has access to 65m² of private open space, equating to 21% of the site area, which is consistent with the quantitative guideline provided in Principle 225(a).

Furthermore, 54% of the private open space is covered which is consistent with the 50% open to the sky requirement detailed in City Wide Principle of Development Control 229.

Car parking/access/manoeuvring

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

City Wide Objectives: 34.
City Wide PDC's: 101, 116, 123, 217, 237, 238 & 265.

Table NPSP/8.

City Wide Principle of Development Control 217 states:

“Unless the desired character of an area provides otherwise, garages and carports fronting the secondary street on a corner allotment, should be set back a minimum of 0.9m from the secondary street frontage and should be sited so as to minimise the visual impact of the structure when viewed from the street or the neighbouring dwelling.”

The proposed two-car garage is to be set back 1.4 metres from the Beulah Road (ie. the secondary frontage) which is consistent with Principle 217. The two on-site car parking spaces is consistent with the criteria for a detached dwelling as detailed in Table NPSP/8.

Finished floor levels/flooding/retaining/fencing

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

City Wide PDC's: 60, 61, 140, 151, 165, 166 & 171.

The land is currently vacant and has been partially cleared. The proposed dwelling is to have a finished floor level that is in the order of 555mm above the adjacent George Street top-of-kerb level. The proposed floor level of the dwelling results in retaining along the northern side and eastern rear boundaries ranging in height up to 425mm and 600mm respectively. The plans show new fencing along the northern side and eastern boundaries as 1.8 metre high Colorbond fencing. Should the Panel determine to approve the proposed development it is recommended that a condition of consent be imposed requiring that the fencing incorporate a corrugated profile.

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:

Residential H(C)Z PDC's: 36 & 37.

City Wide Objectives: 24.

City Wide PDC's: 73 - 76, 220 & 221.

By way of background, the Development Application was lodged back in July 2020. The design of the new dwelling has been amended on several occasions since then. Since July 2020, a juvenile street tree had been planted in the location of the proposed driveway crossover in or around September 2020. Authorisation for the removal of the juvenile street tree is currently being sought from the Council's delegate for such matters, the Manager, Development Assessment. At the time of writing that process had not been completed, however as there is a reasonable likelihood that tree removal will be authorised, the Development Application is not hypothetical and the Panel may proceed to make a determination.

The Applicant has proposed to plant the front yard and the southern side yard with a combination of Crepe Myrtle trees, shrubs (ie. Little Cate, Silver Senna, Japanese barberry and Cigar Flower) and drought tolerant turf. Given the size of the proposed dwelling relative to the size of the allotment, opportunities for soft landscaping is somewhat minimal. The extent of the proposed landscaping within the front yard and along the secondary street frontage will go some way to providing an appropriate level of soft treatment to the dwellings consistent with City Wide Principle of Development Control 220.

Overall, the provision of landscaping is considered to be acceptable, consistent with Residential Historic (Conservation) Zone Principle of Development Control 37 and City Wide Principles of Development Control 220 and 221.

Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDC's:	70, 71, 72, 159 & 161.

The northern side of the dwelling has a northern aspect, allowing for passive heating in winter of all rooms along that side, including the dining/living area and the alfresco area.

A 5,000 litre rainwater tank has been proposed which in turn exceeds the 2,000 litre requirement, specified in City Wide Principle of Development Control 159.

Overall, it is considered that the design of the dwelling has a good focus on environmentally sustainable principles.

Summary

The proposal for a detached dwelling on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone and Norwood 4 Policy Area.

The design of the dwelling has been considered in the context of the existing built form character of the locality and is supported by the Council's Heritage Advisor.

On balance, it is considered that the proposal reflects a similar bulk and scale as buildings in the locality by way of incorporating common architectural elements, and uses materials and finishes which complement the built form in the locality. It is considered that the design will not detract from the historic streetscape character in the immediate or broader locality.

It is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords with the provisions of the Development Plan to warrant Development Plan 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 155/438/20 by Metricon Homes Pty Ltd to construct a two storey dwelling and associated masonry and metal infill fencing, on the land located at 32 George Street, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations (Revision Number 4 and dated 26 February 2021) prepared by Metricon Homes Pty Ltd.
- Siteworks Plan (Job Number C29767 and Issue Number B) prepared by RCI Consulting Engineers.

Conditions

1. A rainwater tank with a storage capacity not less than 5 kilolitre (5,000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.

2. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix of trees, shrubs and ground covers, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
3. The proposed northern side and eastern rear boundary 1.8 metre high Colorbond fencing shall be corrugated in profile.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.
5. The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).
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

*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 155/438/20 by Metricon Homes Pty Ltd to construct a two storey dwelling and associated masonry and metal infill fencing, on the land located at 32 George Street, Norwood, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *plans and elevations (Revision Number 4 and dated 26 February 2021) prepared by Metricon Homes Pty Ltd.*
- *Siteworks Plan (Job Number C29767 and Issue Number B) prepared by RCI Consulting Engineers.*

Conditions

1. *A rainwater tank with a storage capacity not less than 5 kilolitre (5,000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
2. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix of trees, shrubs and ground covers, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
3. *The proposed northern side and eastern rear boundary 1.8 metre high Colorbond fencing shall be corrugated in profile.*

Notes to Applicant

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

2. STAFF REPORTS

2.3 BUSINESS READINESS FOR THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4567
ATTACHMENTS: A & B

PURPOSE OF REPORT

The purpose of this report is to present a number of matters to the Council Assessment Panel (CAP) for determination related to the transition of the planning system to the Planning, Development and Infrastructure Act 2016 (the PDI Act). These matters include updated delegations to the Assessment Manager and authorising the Assessment Manager to attend to the conduct of all administrative tasks associated with appeals to the ERD Court.

BACKGROUND

As Members are aware, the State Government has been implementing the new planning and development system across the state under the PDI Act. The implementation program has been staged with elements of the system being progressively 'turned on' since 2016. The final stage of the program, referred to as Phase 3, will be the introduction of the new Planning and Design Code with the associated development assessment pathways to metropolitan Adelaide. This phase has been delayed from the original implementation date of July 2020, to a new date of 19 March 2021.

At the CAP meeting held on 10 February 2021, the Panel resolved to delegate various functions to the Assessment Manager, largely in accordance with a template prepared by the Local Government Association of South Australia (LGA).

On 18 February 2021, the LGA wrote to Councils, advising that an updated template has been prepared for delegations from Council Assessment Panels to Assessment Managers.

DISCUSSION

Planning Assessment Delegations

The changes which have been made to the instrument of delegations by the LGA are summarised below.

Section 135(2)(d) of the PDI Act has been added to the delegations. This is a power to issue a direction if urgent building work is undertaken by a person and that person lodges a retrospective Development Application and that Development Application is refused and the Council wants the person to take some form of action other than reinstate the building.

Regulation 38(2) of the PDI General Regulations has been added to the delegations. This is a power to lapse an application.

Regulation 65(1) of the PDI General Regulations has been replaced with Regulation 65(1)(a) in the delegations. This change limits the extent of the delegation to part (a) only (ie. to approve a minor variation), which is actually the only aspect of 65(1) that involves the execution of a power in any event.

Regulation 99 of the PDI General Regulations has been added to the delegations. This is a power to notify an applicant that Building Rules Consent cannot be issued until CITB levy has been paid in situations where it hasn't been paid.

Regulation 7 of the PDI (Fees) Regulations has been removed from the delegations. This removes the delegation to waive and refund fees with respect to Applications for which the CAP is the relevant authority.

These changes have been prepared by Norman Waterhouse Lawyers on behalf of the LGA. A copy of the updated Instrument of Delegations is contained in **Attachment A**. The changes are relatively minor and inconsequential to the operations of the CAP. It is therefore recommended that they be adopted.

Administration of ERD Court Appeals

As the Council Assessment Panel is a relevant authority in its own right under the PDI Act, in lieu of an alternative arrangement, the CAP would need to attend to the various administrative tasks associated with being a party to an appeal to the Environment Resources and Development Court (ERD Court).

Mr Gavin Leydon from Norman Waterhouse Lawyers has advised Council staff, that an authorisation from the CAP would constitute a suitable alternative arrangement. As such, it is recommended that the CAP resolves to authorise the Assessment Manager or his or her delegate and that such authorisation be reflected in the Panel's Terms of Reference. A copy of amended Terms of Reference containing the change is contained in **Attachment B**.

RECOMMENDATION

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed as Attachment A to the Report entitled *business readiness for the Planning, Development and Infrastructure Act 2016*) are hereby delegated this 15th of March 2021 to the person occupying the position of Assessment Manager of the Council subject to the conditions and/or limitations, if any, specified in the Schedule of Conditions in the proposed Instrument of Delegation.
2. The Council Assessment Panel authorises the Assessment Manager or his or her delegate to attend to the conduct of all administrative tasks associated with appeals to the Environment Resources and Development Court, including but not limited to appearing on behalf of the Council Assessment Panel at conferences and directions hearings in the Court and engaging legal representation and experts to represent the Panel.
3. That, pursuant to 83(1)(f) of the *Planning, Development and Infrastructure Act 2016*, the City of Norwood Payneham & St Peters Council Assessment Panel adopt the Council Assessment Panel Terms of Reference, contained in Attachment B to this report, until reviewed further by the Panel.

MOVED

1. *In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed as Attachment A to the Report entitled business readiness for the Planning, Development and Infrastructure Act 2016) are hereby delegated this 15th of March 2021 to the person occupying the position of Assessment Manager of the Council subject to the conditions and/or limitations, if any, specified in the Schedule of Conditions in the proposed Instrument of Delegation.*
8. *The Council Assessment Panel authorises the Assessment Manager or his or her delegate to attend to the conduct of all administrative tasks associated with appeals to the Environment Resources and Development Court, including but not limited to appearing on behalf of the Council Assessment Panel at conferences and directions hearings in the Court and engaging legal representation and experts to represent the Panel.*

9. *That, pursuant to 83(1)(f) of the Planning, Development and Infrastructure Act 2016, the City of Norwood Payneham & St Peters Council Assessment Panel adopt the Council Assessment Panel Terms of Reference, contained in Attachment B to this report, in addition to amendments to references to public notification types to address the terminology used in the Planning Development and Infrastructure Act 2016 until reviewed further by the Panel.*

Seconded and Carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 9:00pm

Terry Mosel

PRESIDING MEMBER

Mark Thomson

MANAGER DEVELOPMENT ASSESSMENT