

# Council Assessment Panel Minutes

**20 September 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.*

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters

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**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 16 AUGUST 2021**

Seconded and Carried

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 21008849 – ANDRASH PTY LTD – 133, 135 & 137  
PORTRUSH ROAD, EVANDALE

<b>DEVELOPMENT NO.:</b>	21008849
<b>APPLICANT:</b>	Andrash Pty Ltd
<b>ADDRESS:</b>	133 PORTRUSH RD EVANDALE SA 5069 135 PORTRUSH RD EVANDALE SA 5069 137 PORTRUSH RD EVANDALE SA 5069
<b>NATURE OF DEVELOPMENT:</b>	Construction of a Retail fuel outlet and associated advertising displays, freestanding signage and acoustic fencing and landscaping
<b>ZONING INFORMATION:</b>	<b>Zones:</b> • Suburban Business <b>Overlays:</b> • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Airport Building Heights (Regulated) • Hazards (Flooding - General) • Major Urban Transport Routes <b>Technical Numeric Variations (TNVs):</b> Maximum Building Height (Levels) (Maximum building height is 2 levels)
<b>LODGEMENT DATE:</b>	18 May 2021
<b>RELEVANT AUTHORITY:</b>	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>REFERRALS STATUTORY:</b>	Commissioner of Highways Environment Protection Authority
<b>REFERRALS NON-STATUTORY:</b>	Gayle Buckby – Traffic Josef Casilla – Stormwater

**CONTENTS:**

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Representations
ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Response to Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 6:	Prescribed Body Responses
ATTACHMENT 3:	Zoning Map		

## DETAILED DESCRIPTION OF PROPOSAL:

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 240m<sup>2</sup>. 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 proposed a fenced area to be 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 yellows and features wall heights of up to 6 metres. The control building faces 8 petrol filling points (petrol bowsers) covered by a 6.6 metre high 315m<sup>2</sup> 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 6.3 metre freestanding sign in the north-eastern corner of the subject land fronting Portrush Road.

The service station is proposed to operate from 5am until 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 one-way access point at the southern end of the Portrush Road frontage, and a one way egress 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 850mm in height 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 access points to Portrush Road.

Plans and details of the proposed development are contained in **Attachment 1** (Page 1 – 9), with a Planning report in support of the proposal prepared by APDS contained in **Attachment 1** (Page 10-91).

## BACKGROUND:

A development application was lodged under the *Development Act 1993* (155-705-2020) and approved by the Council Assessment Panel in March 2021 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.

A third party appeal was lodged by 24/7 Convenience Stores Pty Ltd to the Environment, Resources and Development Court, against the decision to grant planning consent.

That appeal is currently being held in abeyance by the ERD court while an outcome is determined for this subsequent development application, which will not be subject to third party appeal rights, as the application was lodged under the *Planning, Development and Infrastructure Act 2016*.

This current development application proposes ostensibly the same development as that which was proposed in development application 155-705-2020.

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 133 PORTRUSH RD EVANDALE SA 5069  
**Title ref.:** CT                      **Plan Parcel:** F135139                      **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS  
5815/199                      AL88

**Location reference:** 135 PORTRUSH RD EVANDALE SA 5069  
**Title ref.:** CT                      **Plan Parcel:** F135140                      **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS  
5843/983                      AL89

**Location reference:** 137 PORTRUSH RD EVANDALE SA 5069  
**Title ref.:** CT                      **Plan Parcel:** F135141                      **Council:** THE CITY OF NORWOOD PAYNEHAM AND ST PETERS  
5808/84                      AL90

Shape:	regular
Frontage width:	51.51 metres
Depth:	43.59 metres
Area:	2245.3m <sup>2</sup>
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

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 Suburban Business Zone, as identified within the Planning and Design Code.

A Subject Land Map is marked as **Attachment 2**, and a Zoning map is marked as **Attachment 3**.

### CONSENT TYPE REQUIRED:

Planning Consent

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  - Retail fuel outlet: Code Assessed - Performance Assessed
  - Advertisement: Code Assessed - Performance Assessed
  - Fences and walls
  - Fence: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
  - Code Assessed - Performance Assessed

- **REASON**  
P&D Code

## **PUBLIC NOTIFICATION**

- **REASON**  
The application does not satisfy Item 1 or 2 of Table 5 - Procedural Matters of the Suburban Business Zone, which relate to classes of performance assessed development that are excluded from notification. The proposed development is not of a class included in Table 5 and therefore was required to be subject to public notification.

- **LIST OF REPRESENTATIONS**

<b>Given Name</b>	<b>Family Name</b>	<b>Address</b>	<b>Wishes To Be Heard</b>	<b>In Support</b>
Charles	D'Alessio	43 Janet St Maylands	No	No
Charles	Gilchrist	73 Church Tce, Walkerville	No	No
David	Parkin	13 Edward St Evandale	Yes	No
Thomas	Chesterman	41 Janet St Maylands	No	No
Stephen & Rosa	Micallef	128 Portrush Rd Payneham South	No	No
Peter & Paul & Mario & Joe & Frank	Strusi	139 Portrush Rd Evandale	No	No
Francesca	Vettorel	145 Portrush Rd Maylands	No	No
Danielle	LeMire	3/14 Edward St Evandale	No	No
Pam	Melisi	42 Janet St Evandale	No	No

Representations marked as **Attachment 4**.

- **SUMMARY**

Nine (9) representations were received during the notification process, all of which were opposed to the proposal.

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
  - Want land retained for residential land uses
- 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
  - 24/7 hours of operation – request closing time of 12am (midnight)
- Heritage/Character properties will be demolished
- Devaluation of nearby properties

- Potential traffic issues including:
  - Impacts to Edward Street, Coorara Avenue, Janet Avenue and Alexander Street
  - Increase in dangerous traffic conditions / pedestrian safety
  - Increased congestion
  - Exit distances from major intersections
  - Truck movements / turning
- Request for increased landscaping (trees) in front of acoustic wall along western boundary to increase privacy.

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 5**. 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 proposal is an envisaged land use within DPF 1.1 of the Suburban Business Zone
- the impacts on amenity can be anticipated given the Suburban Business 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 as demonstrated within the Resonate environmental noise assessment.
- the proposal does not include fast food service, rather will sell heated food which emits minimal odours.
- the buildings to be demolished are not heritage listed and have no demolition protection;
- updated landscaping has been provided on the western boundary
- concerns regarding traffic impacts have been addressed by MFY Traffic consultants.

## AGENCY REFERRALS

The application was referred to the following agencies, in accordance with Schedule 9 of the PDI Regulations

- Commissioner of Highways
  - No Objection, with comments
- Environment Protection Authority
  - No Objection, with comments

Neither of the two agencies provided comments on the application, instead directing a series of conditions and notes which have been added to the staff recommendation.

## INTERNAL REFERRALS

- Gayle Buckby
- Josef Casilla

## PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Appendix 1**. While the construction of a petrol filling station is a defined land use within the Planning and Design Code, the Planning Portal has nominated this form of development as an “*all other code assessed*” type of application, such that all policies contained in the P&D Code are listed as relevant. For brevity, the list of policies contained in Appendix 1 has been condensed, to remove those policies which are clearly irrelevant to the application in a practical sense.



## Land Use / Interface Between Land Uses

Performance Outcome 1.1 of the Suburban Business Zone states:

*Shops, office, consulting room, low-impact industry and other non-residential uses are supported by a variety of compact, medium density housing and accommodation types.*

Designated Performance Feature (DPF) 1.1 (h) lists a Retail fuel outlet as an envisaged land use.

Performance Outcome 1.2 of the Suburban Business Zone states:

*Retail, business and commercial development is of a scale that provides a local convenience service without undermining the vibrancy and function of zones primarily intended to accommodate such development.*

Designated Performance Feature (DPF) 1.2 seeks a maximum floor area of 500m<sup>2</sup> for shops, offices and consulting rooms.

The proposed development includes the construction of a retail fuel outlet, which has a 240m<sup>2</sup> shop component within the control building, meeting both DPF1.1 and DPF 1.2 of the Suburban Business Zone. As such the proposal is consistent with the Planning and Development Code from a land use perspective.

With regard to offsite impacts, Performance Outcome 2.1 of General Development Policies – Interface Between Land Uses states:

*Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*

- (a) the nature of the development*
- (b) measures to mitigate off-site impacts*
- (c) the extent to which the development is desired in the zone*
- (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

It is considered that the potential for adverse impacts associated with the proposed development relate to noise, air pollution and to a limited extent, lighting. Each of these is discussed in turn below.

Designated Performance Feature 4.1 of General Development Policies – Interface Between Land Uses states:

*Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.*

The application seeks to operate from 5 am till 12 am midnight, 7 days per week. 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 3 metre acoustic fence and limiting heavy vehicle deliveries to daytime hours, Resonate have advised 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 periods. Therefore, based on the advice from Resonate, the proposed service station could operate 24 hours per day and achieve the relevant noise policy criteria.

Accordingly the proposal is considered to satisfy DPF 4.1 of General Development Policies – Interface Between Land Uses.

No design/methodology of construction has been provided for the 3 metre high acoustic fence, either in the acoustic report by Resonate or separately by the applicant. A condition of consent has been recommended (condition 11) which requires this construction/design detail and corresponding acoustic advice to be provided to the reasonable satisfaction of the Council, prior to the issuing of Development Approval.

Performance Outcome 5.1 of the General Development Policies, Interface Between Land Uses states;

*Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.*

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.

In its referral response, The EPA has directed the Council to impose conditions which seek to ensure Stage 1 and Stage 2 vapour recovery system and storage tanks meet appropriate standards (Condition 1 & 2).

Subject to the imposition of the conditions directed by the EPA, the proposal is considered to satisfy PO 5.1 of the General Development Policies, Interface Between Land Uses and satisfies concerns related to air pollution.

Performance Outcome 6.1 and 6.2 of Interface Between Land Uses – General Development Policies relate to light spill and state:

*External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).*

and

*External lighting is not hazardous to motorists and cyclists.*

The applicant has advised that all external lighting will comply with AS4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting and AS1158.1 Public Lighting Code, and has advised that they are willing to accept a condition to this effect in the response to representations.

A condition has been recommended to this effect which references the current standard, AS/NZS 4282:2019. Subject to the imposition of this condition, the proposal is considered consistent with PO 6.1 and 6.2.

The proposed retail fuel outlet is an envisaged form of development within the Suburban Business Zone and incorporates measures to mitigate off-site impacts through the construction of acoustic fencing, the incorporation of vapour recovery systems and the appropriate installation of lighting, which is considered to satisfy both Performance Outcome 2.1 and Desired Outcome of General Development Policies – Interface Between Land Uses. As such the proposal is considered to sufficiently resolve interface issues with adjacent development.

A copy of the report by Resonate is marked as **Attachment 1** (Pages 98-115)

### **Building Height**

Performance Outcome 3.1 of the Suburban Business Zone states:

*Buildings are generally of low-rise construction, with taller buildings positioned towards the centre of the zone and away from any adjoining neighbourhood-type zone to positively contribute to the built form character of a locality.*

Designated Performance Feature (DPF) 3.1 envisages a maximum of two building levels within the Suburban Business Zone.

The proposed control building and fuel canopy are single storey, with a maximum height of 6.4 metres for the control building, and 6.6 metres for the fuel canopy. This is of a similar overall height to the adjacent vet building at 131 Portrush Road, and the adjacent dwelling at 139 Portrush Road and are considered consistent with both the PO and DPF.

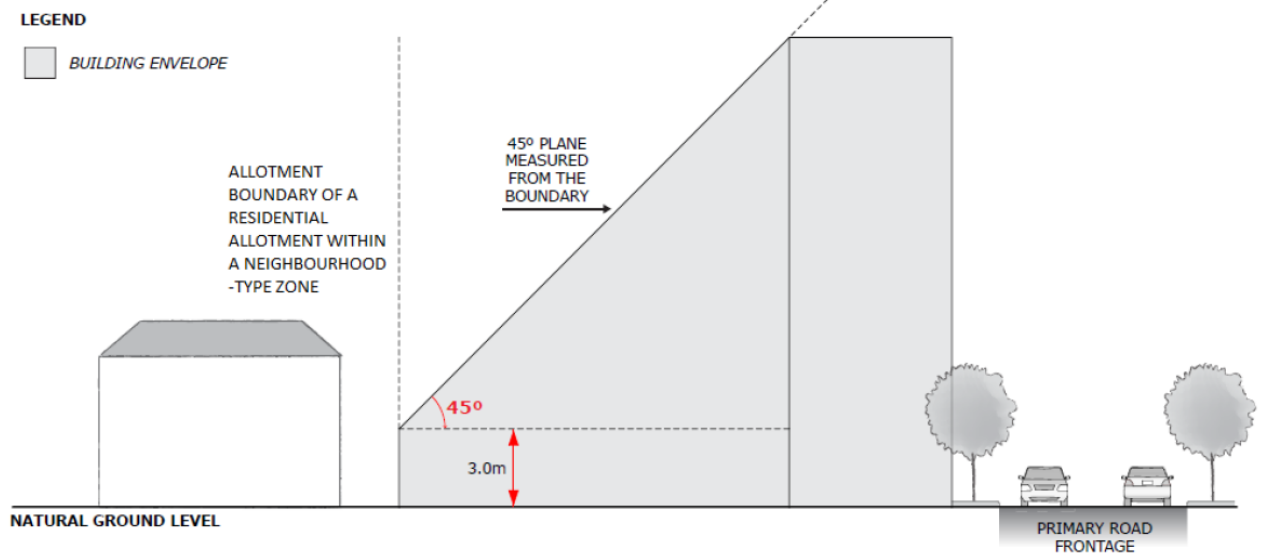
### Setbacks, Design & Appearance

Performance Outcome 3.2 of the Suburban Business Zone states:

*Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.*

And Designated Performance Feature 3.2 states:

*Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary, or where this boundary is the primary street boundary)*



The western boundary of the subject land abuts dwellings located in the Established Neighbourhood Zone (a neighbourhood type zone), while the northern and southern boundaries abut properties located within the same Suburban Business Zone as the subject land.

The proposed control building is set off the western boundary by 11.1 metres, while the fuel canopy is set 8 metres from the western boundary. Both of these structures exceed the requirements of DPF 3.2 and as a result, PO 3.2 is considered to be satisfied.

With relation to front setbacks, Performance Outcome 3.4 of the Suburban Business Zone states:

*Buildings are set back from primary street boundaries to contribute to a consistent streetscape.*

and;

Designated Performance Feature 3.4 of the Suburban Business Zone states:

*The building line of a building is set back from the primary street frontage:*

*(a) the average of any existing buildings on either of the adjoining sites having frontage to the same street*

*or*

*(b) not less than 6m where no building exists on an adjoining site.*

The control building is setback 7 metres from the Portrush Road frontage, while the fuel canopy is setback 4.5 metres from Portrush Road. 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 5.2 metres (139 Portrush Road) and 6 metres (141 Portrush Road). On this basis, the proposed development is considered to be consistent with PO 3.4.

Side setbacks are dictated by Designated Performance Feature 3.6, which envisages minimum setbacks of 900mm other than walls located on a side boundary. All development on the northern side boundary is located on the boundary of the allotment, while all development along the southern side boundary exceeds this requirement.

Like most commercial zones within the Planning and Design Code, the Suburban Business Zone does not provide guidance on boundary development on side boundaries. The Control building is located on the northern boundary of the allotment for a length of 25.2 metres and height of 6.2 to 6.6 metres above natural ground level, with additional boundary walling for the bin area extending for an additional 9.7 metres at a height of 4.7 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 considered appropriate.

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.

Performance Outcome 2.1 of the Suburban Business Zone states:

*Building scale and design complement surrounding built form, streetscapes and local character.*

And Performance Outcome 2.2 of the Suburban Business Zone states:

*Development with high visual and environmental amenity, particularly along arterial roads and the boundaries of adjoining zones is primarily intended to accommodate sensitive receivers.*

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 outcomes, in that the building complements the existing urban character of the Portrush Road locality and will not visually dominate the surrounding area.

The proposal requires retaining along the western boundary in the order of 500-850mm to facilitate the levels proposed. 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 3.85 metres.

This retaining wall and fence is located on the interface boundary between the Established Neighbourhood Zone and the Suburban Business Zone, with the proposed levels required to resolve flooding concerns and assist with storm water drainage.

Guidance on fences and walls is found within Performance Outcome 9.1 of Design in Urban Areas, which states:

*Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.*

The 3 metre acoustic fence 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 being located on a side boundary of the residential allotments along a north-south orientation where it will have a limited impact to sunlight, is considered to accord with PO9.1.

An illuminated 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.

Performance Outcome 5.1 and Designated Performance Feature 5.1 state respectively:

*Freestanding advertisements identify the associated business without creating a visually dominant element within the streetscape.*

and;

*Freestanding advertisements:*

*(a) do not exceed 6m in height*

*(b) do not have a sign face that exceeds 4m<sup>2</sup> per side*

The proposed sign exceeds both of the parameters of DPF 5.1, with a height of 6.3 metres and surface area of 12.3m<sup>2</sup>. 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 Performance Outcome 5.1, despite the departure from DPF 5.1.

On balance, the outwardly contemporary design of the single-storey building and canopy and fencing details is considered to be acceptable from a setbacks, design & appearance 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.

### **Traffic Impact, Access and Parking**

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 Commissioner of Highways in accordance with Schedule 9 (3)(7) of the PDI Regulations, Development Affecting Transport Routes and Corridors.

The Commissioner of Highways advised the Council that they are supportive of the proposed development and directed the inclusion of eleven (11) conditions of consent. In summary, the conditions relate to:

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

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 1 of Transport, Access and Parking applies a rate of 3 spaces per 100m<sup>2</sup> of gross leasable floor area for a retail fuel outlet. The proposal contains 240m<sup>2</sup> of floor area, which results in a demand of 7.2 parking spaces, which is exceeded by the proposal.

The application also includes two bicycle parking racks adjacent the control building which facilitate the parking of four bicycles, and exceeds the requirements of Table 3 – Off-Street Bicycle Parking Requirements, which satisfies the requirements of Designated Performance Feature 9.1 of General Development Policies, Transport, Access and Parking.

The application provides a similar access/egress arrangement as that approved as part of Development Application 155/705/2020.

The Application was referred to Ms Gayle Buckby, the Councils Manager, Traffic & Integrated Transport, to review the proposed parking provision and configuration of the proposed development from a traffic and parking perspective.

Ms Buckby has advised that there are no changes to the design (from the previous development application 155/705/2020) that raise any new concerns from a traffic perspective, and is supportive of the proposal, provided that a condition is imposed to ensure left-in turning movements only from the southern access point and provide chevron markings to minimise pedestrian conflict. The applicant has amended the plans to provide this detail. To reinforce these measures, a condition of consent has been recommended.

The Applicant has also provided a traffic report by Melissa Mellen from MFY. A copy of her report is contained in **Attachment 1** (Pages 92-97).

Ms Mellen's report states that 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 Desired Outcome 1 of General Development Policy, Traffic, Access and Parking.

### **Environmental Factors**

#### Flooding (Hazards)

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, which has triggered the Hazards (Flooding – General) Overlay requirements.

Performance Outcome 2.1 of the Hazards (Flooding – General) Overlay states:

*Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.*

Which is further clarified by Designated Performance Feature (DPF) 2.1 which states:

*Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than:*

*In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.*

The control building is located approximately 250mm above a 1% AEP event, which fails the requirements of DPF 2.1, however levels provide sufficient freeboard as advised by Councils Project Manager, Assets which therefore are considered to satisfy PO2.1.

Performance Outcome 3.1 states:

*Buildings and structures used either partly or wholly to contain or store hazardous materials are designed to prevent spills or leaks leaving the confines of the building during a 1% AEP flood event to avoid potential environmental harm.*

and

Designated Performance Feature 3.1 states:

*Development involving the storage or disposal of hazardous materials is wholly located outside of the 1% AEP flood plain or flow path.*

The proposed crossover levels are currently inadequate to provide sufficient height above the street water table to ensure that flows from the roadway (Portrush Road) do not overtop the crossover and enter the site. While this was brought to the attention of the Applicant, the plans were not able to be updated prior to the agenda distribution. City Assets have confirmed that an adjustment to crossover levels would mitigate the flooding risk, in a similar manner to that approved as part of Development Application 155/705/2020. This has been conditioned as part of the planning consent (Condition 13). With the adoption of this condition, the proposal is considered to satisfy the requirements of DPF3.1 above and in turn satisfy Desired Outcome 1 of the Hazards (Flooding – General) Overlay.

Landscaping

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.

General Development Policies, Design in Urban Areas Performance outcome 3.1 states:

*Soft landscaping and tree planting are incorporated to:*

- (a) minimise heat absorption and reflection*
- (b) maximise shade and shelter*
- (c) maximise stormwater infiltration*
- (d) enhance the appearance of land and streetscapes.*

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 and on the arterial road reserve.

Due to the extensive areas of hard surfacing for vehicle manoeuvring areas, the landscaping is limited to the peripheral areas of the site, which provides for limited planting areas. Considering the nature of the proposal, the proposal is considered generally consistent with Performance Outcome 3.1

## **CONCLUSION**

Desired Outcome (DO) 1 of the Suburban Business Zone states:

*A business and innovation precinct that includes a range of emerging businesses which have low level off-site impacts. Residential development within the area is subordinate to employment uses and generally includes medium-density housing designed to complement and not prejudice the operation of existing businesses.*

The proposed development is considered to be acceptable from a land use perspective as an envisaged land use within the zone. 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 Councils traffic engineer.

The proposal is not anticipated to result in any unreasonable noise, air pollution or light overspill impact upon the living amenity of directly nearby residents, given the proposed acoustic measures, vapour recovery systems and compliance with relevant standards for lighting designs.

Accordingly, it is considered that the proposal is sufficiently accords with the Desired Outcome of the Zone, and General Development Policies of the Planning and Design Code to warrant consent.

## RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21008849, by Andrash Pty Ltd is **granted** Planning Consent subject to the following conditions:

## CONDITIONS

Planning Consent

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation detailed below;
  - Site Plan by Hodge Collard Preston Architects – EX & Demolition SK01– Revision B
  - Site Plan by Hodge Collard Preston Architects, SK02 – Revision C
  - X Con Floor Plan by Hodge Collard Preston Architects SK03 – Revision B
  - Elevations by Hodge Collard Preston Architects SK04 – Revision D
  - Signage Details by Hodge Collard Preston Architects SK05 – Revision D.
  - Engineering plans by SAGERO Civil Structural – Project No. SA 200048
    - DWG C01 – F
    - DWG C02 – G
    - DWG C03 - D

except where varied by conditions below.

2. 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	Leq 57	Leq 50
Residences on Edward/Janet Street	Leq 52	Leq 45/Lmax 60

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



4. 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.
5. 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.
6. 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.
7. 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.
8. Access to buildings and designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428.
9. 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.
10. 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.
11. A three metre high acoustic fence shall be installed along the western property boundary, and the first 1.54 metres of the Northern boundary (measured from the Western end).
12. Construction details/design of the 3 metre high acoustic fence and acoustic advice confirming its suitability are to be provided to the reasonable satisfaction of the Council, prior to the issuing of Development Approval.
13. Vehicle directional arrows and chevron line marking shall be implemented and maintained in accordance with Drawing Number SK02 dated 27 May 2021.
14. The 'Grading Plan and Details' Project No. SA200048 Dwg. No. C02 by SAGERO Civil Structural shall be amended to prevent flood water entry from Portrush Road into the subject land, to the reasonable satisfaction of the Council, prior to the issuing of Development Approval.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

15. 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.
16. 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.
17. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
18. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

19. Stormwater runoff from all hardstand areas of the retail petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with the Planning Report prepared by Adelaide Planning and Development Solutions (APDS) dated 2 May 2021, the Code Compliance Statement: (Appendix A) prepared by Adelaide Planning and Development Solutions (APDS Pty Ltd), the Stormwater Plan Notes, Legend and Schedule prepared by Sagero (Project Number SA 200048, Drawing Number C01 Issue (F)) dated October 2021, the Grading Plan and Details prepared by Sagero (Project Number SA 200048, Drawing Number C02 Issue (G)) dated October 2021 and the Site Plan prepared by Hodge Collard Preston - Architects, marked Project Number 124.20 (Dwg Number SK02 Revision A) dated 17 February 2021, and must be directed via kerb and gutter, surface grade change and grates/piped drainage system to a forecourt full retention oil/water separator (no bypass function) that:

- a. has a minimum spill capture capacity of 10,000 litres
- b. has an audible/visible alarm
- c. reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third-party scientific testing)
- d. operates effectively in the event of a power failure
- e. is maintained in accordance with the manufacturer operational and maintenance requirements to ensure design capacity and treatment standards are available at all times.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

20. The access points to Portrush Road shall be constructed as shown on Hodge Collard Preston, Site Plan, Project No. 124.20, Drawing No. SK02, Revision C, dated 27 May 2021.
21. All vehicles shall enter and exit the site in a forward direction.
22. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Portrush Road access points.
23. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
24. Commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018.
25. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
26. The signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.
27. The illuminated signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
28. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from Portrush Road shall be limited to a low level of illumination (i.e. < 150Cd/m<sup>2</sup>), except in the case of electronic LED signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions Sign Illuminance Vertical Component (Lux) Sign Luminance (Cd/m<sup>2</sup>)

Sunny Day 40000 6300  
Cloudy Day 4000 1100  
Twilight 400 300  
Dusk 40 200  
Night <4 150

29. All LED electronic signage shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
30. 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.
31. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without impacting the adjacent arterial road network.

#### ADVISORY NOTES

##### General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

##### Planning Consent

4. 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.
5. The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.
6. The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.
7. 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 pursuant to the Local Government Act 1999 prior to any works being undertaken. Further information may be obtained by contacting Council's Graduate Building Inspector on 8366 4576.
8. The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

9. This Planning Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.
10. 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.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

11. The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
12. The applicant/owner/operator are reminded that any sludge or oily residue collected within the forecourt full retention oil/water separator is required to be removed by an EPA licensed waste transporter to a licensed waste depot.
13. An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email [EPALicensing@sa.gov.au](mailto:EPALicensing@sa.gov.au) for information about the licensing application process and requirements.
14. A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
15. More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

16. While the site is not affected by a requirement shown on the Metropolitan Adelaide Road Widening Plan, DIT can advise that a planning study is currently being undertaken to identify potential future improvements options for Portrush Road. While the study is not finalised any impacts/alterations to this section of Portrush Road are not yet determined.

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## **MOVED**

*It is recommended that the Council Assessment Panel resolve that:*

1. *Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and*
2. *Development Application Number 21008849, by Andrash Pty Ltd is **granted** Planning Consent subject to the following conditions:*

## **CONDITIONS**

### *Planning Consent*

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except where varied by conditions below.

2. 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)
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5. 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.
6. 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.
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11. A three metre high acoustic fence shall be installed along the western property boundary, and the first 1.54 metres of the Northern boundary (measured from the Western end).
12. Construction details/design of the 3 metre high acoustic fence and acoustic advice confirming it's suitability are to be provided to the reasonable satisfaction of the Council, prior to the issuing of Development Approval.

13. *The Southern vehicle crossover shall be entry only and the Northern vehicle crossover shall be exit only. Directional arrows and chevron line marking shall be implemented and maintained in accordance with Drawing Number SK02 dated 27 May 2021.*
14. *The 'Grading Plan and Details' Project No. SA200048 Dwg. No. C02 by SAGERO Civil Structural shall be amended to prevent flood water entry from Portrush Road into the subject land, to the reasonable satisfaction of the Council, prior to the issuing of Development Approval.*
15. *All external lighting shall comply with Australian Standard AS 4282 Control the Obtrusive Effects of Outdoor Lighting.*

*Conditions imposed by Environment Protection Authority under Section 122 of the Act*

16. *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.*
17. *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.*
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20. *Stormwater runoff from all hardstand areas of the retail petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with the Planning Report prepared by Adelaide Planning and Development Solutions (APDS) dated 2 May 2021, the Code Compliance Statement: (Appendix A) prepared by Adelaide Planning and Development Solutions (APDS Pty Ltd), the Stormwater Plan Notes, Legend and Schedule prepared by Sagero (Project Number SA 200048, Drawing Number C01 Issue (F)) dated October 2021, the Grading Plan and Details prepared by Sagero (Project Number SA 200048, Drawing Number C02 Issue (G)) dated October 2021 and the Site Plan prepared by Hodge Collard Preston - Architects, marked Project Number 124.20 (Dwg Number SK02 Revision A) dated 17 February 2021, and must be directed via kerb and gutter, surface grade change and grates/piped drainage system to a forecourt full retention oil/water separator (no bypass function) that:
  - a. *has a minimum spill capture capacity of 10,000 litres*
  - b. *has an audible/visible alarm*
  - c. *reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third-party scientific testing)*
  - d. *operates effectively in the event of a power failure*
  - e. *is maintained in accordance with the manufacturer operational and maintenance requirements to ensure design capacity and treatment standards are available at all times.**

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<i>Ambient Conditions</i>	<i>Sign Illuminance</i>	<i>Vertical Component (Lux)</i>	<i>Sign Luminance (Cd/m<sup>2</sup>)</i>
<i>Sunny Day</i>	<i>40000</i>	<i>6300</i>	
<i>Cloudy Day</i>	<i>4000</i>	<i>1100</i>	
<i>Twilight</i>	<i>400</i>	<i>300</i>	
<i>Dusk</i>	<i>40</i>	<i>200</i>	
<i>Night</i>	<i>&lt;4</i>	<i>150</i>	
30. *All LED electronic signage shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.*
31. *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.*
32. *The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without impacting the adjacent arterial road network.*

#### ADVISORY NOTES

##### General Notes

1. *No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.*
2. *Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.*
3. *A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—*
  - a. *until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or*
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    - i. *until the appeal is dismissed, struck out or withdrawn; or*
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### Planning Consent

4. *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.*
5. *The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.*
6. *The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.*
7. *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 pursuant to the Local Government Act 1999 prior to any works being undertaken. Further information may be obtained by contacting Council's Graduate Building Inspector on 8366 4576.*
8. *The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.*
9. *This Planning Consent will lapse within 24 months of the date of this notice unless full Development Approval has been obtained.*
10. *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.*

### Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

11. *The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.*
12. *The applicant/owner/operator are reminded that any sludge or oily residue collected within the forecourt full retention oil/water separator is required to be removed by an EPA licensed waste transporter to a licensed waste depot.*
13. *An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.*
14. *A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.*



15. More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

*Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act*

16. While the site is not affected by a requirement shown on the Metropolitan Adelaide Road Widening Plan, DIT can advise that a planning study is currently being undertaken to identify potential future improvements options for Portrush Road. While the study is not finalised any impacts/alterations to this section of Portrush Road are not yet determined.

Seconded and Carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 21012859 – CASEY SPRICK – 75 EDWARD STREET, NORWOOD

<b>DEVELOPMENT NO.:</b>	21012859
<b>APPLICANT:</b>	Casey Sprick
<b>ADDRESS:</b>	75 EDWARD ST NORWOOD SA 5067
<b>NATURE OF DEVELOPMENT:</b>	construction of a detached dwelling over three levels, comprising one level below ground and two levels above ground
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Character Area</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (8m)</li> <li>• Minimum Site Area (500 sqm)</li> <li>• Maximum Building Height (1 level)</li> </ul>
<b>LODGEMENT DATE:</b>	8 Jun 2021
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Norwood, Payneham & St. Peters
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

**CONTENTS:**

<b>APPENDIX 1:</b>	Relevant P&D Code Policies	<b>ATTACHMENT 5:</b>	Representations
<b>ATTACHMENT 1:</b>	Application Documents	<b>ATTACHMENT 6:</b>	Response to Representations
<b>ATTACHMENT 2:</b>	Subject Land Map		
<b>ATTACHMENT 3:</b>	Zoning Map		
<b>ATTACHMENT 4:</b>	Overlay and Building Height Map		

## DETAILED DESCRIPTION OF PROPOSAL:

The applicant proposes to construct a detached dwelling over three levels, comprising one level below ground and two levels above ground.

The basement level includes two bedrooms a cellar and a store. The ground level includes a large garage and an open-plan living/dining/kitchen area. The upper level includes a further two bedrooms (bringing the total to 4), a retreat and two studies. The total floor area of the dwelling is 407m<sup>2</sup>. The footprint of the dwelling is 236.3m<sup>2</sup> in area.

A replacement masonry front fence is proposed, to a height of 2.0 metres. The majority of the fence is proposed to be rendered. A 2.6 metre long section of the fence containing an entry gate is proposed to be recessed from the boundary 1 metre and constructed of stone.

A 2.0 metre high wall is also proposed along a portion of the Kingsborough Lane frontage and returning to the garage in a curve, to conceal

The proposed development is reliant upon the demolition of an existing cottage on the site, however such demolition is excluded from the definition of development pursuant to Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* and hence does not require any form of development authorisation.

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 75 EDWARD ST NORWOOD SA 5067

**Title ref.:** CT 5796/880    **Plan Parcel:** F139043 AL63    **Council:** THE CITY OF NORWOOD  
PAYNEHAM AND ST PETERS

Shape:	rectangular
Frontage width:	11.58 metres
Depth:	33.53 metres
Area:	388.28m <sup>2</sup>
Topography:	slight fall from front to rear (east to west)
Existing Structures:	single storey cottage with lean-to addition and outbuildings
Existing Vegetation:	small non-regulated trees in front yard

The subject land is located on the southern corner of Edward Street and Kingsborough Lane, Norwood. It is a relatively small site, containing a modest single storey cottage with lean-to addition and a brick outbuilding and garage. The total floor area of buildings on the site is approximately 200m<sup>2</sup>, excluding a non-roofed pergola structure.

A solid 2 metre high masonry fence with a timber pedestrian gate is located on the Edward Street boundary, returning along the Kingsborough Lane frontage approximately 4 metres. The remainder of the Kingsborough Lane boundary has a 1.8m high sheet metal fence. Vehicular access to the site is via Kingsborough Lane, to a double-width garage set back approximately 1 metre from the lane.

### Locality:

The locality is characterised by predominantly character homes, comprising late 19<sup>th</sup> and early 20<sup>th</sup> century cottages and villas. Despite both sides of Edward Street containing a similarly high concentration of character homes, only the western side is subject to the Character Area Overlay, as shown in Attachment 4. There are a number of Local Heritage Places in the locality, including those at 65, 80, 84, 86 95, 96B and 98 Edward Street.

A significant aberration to the relatively consistent character of this part of Edward Street, is a pair of three level semi-detached dwellings adjoining the subject land at 77 Edward Street. These dwellings have under-croft car parking whereby the garaging is partially below ground, resulting in a building height of 2.5 storeys above ground.

The subject land is located approximately 40 metres diagonally opposite the car parking area of the Norwood Mall shopping centre (currently being redeveloped) and directly opposite the entrance to Coke Park reserve.

Kingsborough Lane is characterised by garaging and side and rear fencing.

## CONSENT TYPE REQUIRED:

Planning Consent

## CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Detached dwelling: Code Assessed - Performance Assessed  
New housing
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

## PUBLIC NOTIFICATION

- **REASON**  
The building height exceeds the maximum building height Technical Numeric Variation (TNV) of 1 building level.

- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Wishes To Be Heard	In Support
Mr Charles	Gilchrist	73 Church Tce, Walkerville 5081	No	No
Dr Nicolas	Grguric	22 Lower Nixon Street, Nairne 5252	No	No
Mr Christian	Robazza	73 Edward Street, Norwood 5067	No	Yes (with concerns)
Ms Brigitte	Squire	16 Church Ave, Norwood 5067	No	No
Mr Alexander	Wilkinson	112 Osmond Terrace, Norwood 5067	Yes	No

- **SUMMARY**

The key issues raised by representors are, in summary:

- Potential for overlooking of the adjacent property at 73 Edward Street from upper level windows
- The proposed dwelling is visually imposing;
- The proposed dwelling will overshadow surrounding properties;
- The proposed dwelling is close to boundaries;
- The proposed dwelling will increase on-street parking uptake in the area;

- The proposed dwelling does not fit with the character of the area;
- Loss of historical building stock in the area;
- A three storey house should not be allowed;
- The façade is dominated by glass whereas it should be stone and brick;
- The existing cottage should be incorporated into the design;

## AGENCY REFERRALS

Nil

## INTERNAL REFERRALS

Nil

## PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

### Land Use

Desired Outcome 1 for the Established Neighbourhood Zone is:

*“A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.”*

Performance Outcome 1.1 for the Established Neighbourhood Zone seeks:

*“Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.”*

The Designated Performance Feature associated with PO 1.1, is for development to comprise one or more of the following:

- a) Ancillary accommodation
- b) Community facility
- c) Consulting room
- d) Dwelling
- e) Office
- f) Recreation area
- g) Shop.

The proposal is for a dwelling and is therefore consistent with the Planning and Design Code from the perspective of land use.

### Building Height

Performance Outcome 4.1 of the Established Neighbourhood Zone states:

*“Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.”*

The Designated Performance Feature associated with PO 4.1, is for building height to be no greater than a specified height, according to the relevant Technical Numeric Variation (TNV). In the case of the subject land, the relevant TNV is:

*“Maximum building height is 1 level”*

This 1 level TNV is applied to all properties located within the Character Area Overlay and the suburb of Norwood.

Performance Outcome 10.2 of the Established Neighbourhood Zone states:

*“The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.”*

Performance Outcome 2.2 of the Character Area Overlay states:

*“Development is consistent with the prevailing building and wall heights in the character area.”*

Performance Outcome 1.1 of the Character Area Overlay states:

*“All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.”*

Character Area Statements are contained within the Planning and Design Code, to describe the prevailing character of the relevant area, thereby assisting in the application of relevant policy; most notably PO 1.1. The Character Statement applicable to this development application states the following in relation to building height:

*“Generally single storey streetscape appearance.”*

There are two ways in which the height policies which are set out above could possibly be interpreted:

- Approach 1     Despite the zone level TNV of 1 level building height, the more specific Character Area Overlay envisages sensitively designed two storey dwellings (ie. 2<sup>nd</sup> level at the rear), by virtue of noting in the character area statement that single storey *streetscapes* are important (as opposed to single storey *period*); or
- Approach 2     The zone level TNV is 1 level building height and nothing in the Character Area Overlay states that a 2 level building is appropriate, so therefore the entire dwelling should be 1 level.

Advice has been sought from Norman Waterhouse Lawyers as to which approach is most appropriate. Their response is summarised below.

*“In construing the P&D Code, the Rules of Interpretation state that in the event of any inconsistency the provisions of an overlay will prevail over all other policies applying. The Character Area Overlay seek to regulate streetscape appearance and characteristics, as set out in Development Outcome 1... In relation to building height it (the Character Area Statement) states “Generally single storey streetscape appearance”. You have suggested below that this may be interpreted as envisaging sensitively designed two storey dwellings. Whilst that may be the case in certain zones, the Character Area Overlay is only concerned with what can be seen from the street, so it does not need to go any further than speaking of building height as it relates to streetscape appearance. Therefore we are of the view that it doesn’t speak for or against two-storey development that is not visible from the street.*

*On the other hand, the zone descends into a greater level of detail and is not just concerned with streetscape appearance, but overall building height. Designated Performance Features are just one way of satisfying a performance outcome. DPF 4.1. picks up the TNV which provides a maximum building height of 1 level. Accordingly, if the proposed dwelling is single storey, DPF 4.1 will be satisfied and PO 4.1 is therefore satisfied. However, just because a proposed dwelling exceeds 1 level and DPF 4.1 is not met, does not mean that PO 4.1 is not met.*

*For example, the prevailing character of the neighbourhood may include multiple examples of two storey dwellings and therefore PO 4.1 may be met notwithstanding departure from the TNV applying to DPF 4.1. Alternatively, you might form the view that with regard to DO 1 and PO 4.1 that some form of two-storey built-form is sympathetic or complementary to the prevailing character and therefore appropriate.*

*Unfortunately having the TNV within the DPF means it does not carry as much weight as if it was captured in a PO. The failure to meet the TNV has some relevance in assessing if PO 4.1 is satisfied, and in our view it should not be departed from lightly, but it does not mean that “all dwelling should be 1 level”.*

*To summarise, we are of the view there is no inconsistency between the Character Area Overlay and the Established Neighbourhood Zone in this instance. It will be DO 1 and 2 and PO 4.1 and 10.2 in particular of the Established Neighbourhood Zone that will determine whether a sensitively designed two-storey dwelling is appropriate in this location.”*

Therefore, Norman Waterhouse have advised that Approach 2 is the appropriate approach. Put simply, DPF 4.1 states that dwellings in their entirety (not just what is seen from the street) should be single storey and the reference to single storey streetscape appearance in the Character Area Statement does not override that.

However, Norman Waterhouse have also advised that Performance Outcome 4.1 and other relevant policies (including PO 10.2) could be achieved in some circumstances, despite a building exceeding the TNV of 1 building level. The example given is where the prevailing character of the neighbourhood may include multiple examples of two storey dwellings.

Two storey dwellings do not feature in the prevailing character of the locality of the subject land. Despite this, it is considered that there are circumstances which result in the proposed two storey (above ground) dwelling achieving Performance Outcomes 4.1 and 10.2 of the Established Neighbourhood Zone. Specifically, the subject land is in between a site containing a 2.5 storey (above ground) pair of semi-detached dwellings on one side and a laneway on the other side. In addition, the dwelling has been designed in a manner which reduces the visual prominence of the upper level; not only from Edward Street but also from the laneway.

Earlier versions of the plans concentrated on ‘hiding’ an outwardly two storey rear section when viewed directly in front of the site on Edward Street. In the amended (current) plans, whilst the rear section is still obviously two storey, the overall height has been reduced and more of the upper level is concealed within roof space. The central section, which is not concealed within the roof space, is set further back from Kingsborough Lane. As a result, it is considered that the building will, as a whole, appear as a predominantly single storey building.

Accordingly, the proposed dwelling is considered to achieve the relevant Performance Outcomes in relation to height, despite exceeding the TNV of one building level.

### **Setbacks, Site Coverage, Siting**

Performance Outcome 3.1 of the Established Neighbourhood Zone states:

*“Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.”*

The Designated Performance Feature for PO 3.1 is that development does not result in site coverage exceeding 50%.

The proposed dwelling would result in 60.8% site coverage. Despite exceeding the 50% criteria in DPF 3.1, it is considered that the Performance Outcome is achieved, as the extent of site coverage is consistent with several other properties in close proximity to the subject land, as set out below:

- 73 Edward Street – 59% site coverage;
- 77 Edward Street – 66% site coverage;
- 79 Edward Street – 62% site coverage;
- 81 Edward Street – 62% site coverage.

The relatively high site coverage within the locality is attributable to the allotment sizes, many of which are below the minimum site area applicable to new development of 500m<sup>2</sup>. The subject land is one such example, with an area of only 388m<sup>2</sup>.

Performance Outcome 5.1 of the Established Neighbourhood Zone states:

*“Buildings are set back from primary street boundaries consistent with the existing streetscape.”*

The Designated Performance feature for PO 5.1 is that the building line be set back from the primary street boundary at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment).

The following measurements have been taken of the setbacks of the building lines of the dwellings on adjoining sites, as well as the existing dwelling on the subject land:

- 75 Edward Street (existing dwelling) = 5.3m
- 73 Edward Street = 6.7m
- 77 Edward Street = 5.5m

The average setback of the two adjoining dwellings is 6.1 metres. The proposed dwelling has a setback of 6.1 metres, consistent with the Designated Performance Feature and is therefore appropriate.

Performance Outcome 6.1 of the Established Neighbourhood Zone states:

*“Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.”*

The Designated Performance Feature for PO 6.1 is that buildings are set back from secondary streets no less than 900mm, or less if a dwelling on an adjoining allotment is closer. The proposal achieves this criteria

Performance Outcome 7.1 of the Established Neighbourhood Zone states:

*“Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.”*

The Designated Performance Feature for PO 7.1 is that side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:

- i. side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height
- ii. side boundary walls do not:
  - A. exceed 3.2m in height from the lower of the natural or finished ground level
  - B. exceed 8m in length
  - C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary
  - D. encroach within 3m of any other existing or proposed boundary walls on the subject land.

The proposed dwelling includes boundary walls of the garage on the southern side boundary and the rear boundary. The wall on the southern boundary achieves all aspects of part ii above, with the exception of height, as it is proposed to be 3.6 metres high. This wall is directly adjacent to a covered verandah at the rear of the adjoining property at 77 Edward Street. The pergola is partially enclosed on the side facing the subject land, with vertical timber slats extending down from the fascia to near the top of the boundary fence. In this context, the difference in impact on the occupants of 77 Edward Street between a 3.2 metre high and 3.6 metre high boundary wall would be negligible.



The garage wall on the rear boundary does not achieve the Designated Performance Feature, as it is up to 4.3 metres in height and is 10.8 metres long. A portion of this wall is in the same location as an existing carport on the subject land, adjacent to the front yard of the adjoining townhouse at 4/8 Kingsborough Lane. Due to the increase in height of the proposed wall (compared to the existing carport), this would result in some loss of morning sun to the yard area, however access to northern and western sun for the remainder of the day would be unaffected. The remaining portion of the wall would be adjacent to the side of the townhouse where there is no outlook and no windows to be overshadowed. Accordingly, Performance Outcome 7.1 is considered to be achieved despite the extent of boundary walling proposed.

In relation to side setbacks, Performance Outcome 8.1 of the Established Neighbourhood Zone states:

*“Buildings are set back from side boundaries to provide:*

- a) separation between buildings in a way that complements the established character of the locality*
- b) access to natural light and ventilation for neighbours.”*

The Designated Performance Feature for PO 8.1 is that (other than boundary walls), building walls are set back no less than 900mm for ground level walls (up to 3m) and in the case of south facing upper level walls, a distance of 1.9m plus 1/3 of the wall height above 3m.

The proposed dwelling is set back 1.0 metre from the southern side boundary and has a wall height of 4.0 metres. As there is no upper level wall as such, there is no requirement to be set back 1.9m plus 1/3 of the wall height above 3m. The proposed setback of 1m is considered appropriate for the 4m wall height, taking into account that the locality is characterised by villas with similar wall heights located a similar distance away from side boundaries.

### **Design & Appearance**

Performance Outcome 10.1 states:

*“Garages and carports are designed and sited to be discrete and not dominate the appearance of the associated dwelling when viewed from the street.”*

The proposed dwelling achieves PO 10.1, with the garaging being at the rear of the site, off Kingsborough Lane.

Performance Outcome 10.2 states:

*“The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.”*

The dwelling on the adjacent property at 73 Edward Street is typical of the height of character cottages and villas in the locality and was measured as having a wall height of 3.75 metres. The existing cottage on the subject land is a relatively modest proportioned cottage and has a wall height of 3.5 metres. A recently constructed development at 90 Edward Street which was designed to be compatible with surrounding character homes has a wall height of 3.9 metres.

The proposed dwelling has a wall height facing Edward Street of 3.7 metres above floor level, which is approximately 200mm lower than ground level and therefore 3.5 metres above existing ground level. It therefore has essentially the same wall height as the existing cottage on the land.

The existing cottage has a relatively low roof pitch compared to other character cottages and villas in the locality. It is estimated that the pitch is approximately 25-27 degrees. The Council’s Heritage Advisor, David Brown, has advised that that traditional roof slopes from the 1860s-1915 varied between 30 and 40 degrees (sometimes lower, rarely ever higher), with the typical roof pitch of cottages in the Norwood area being 30-35 degrees. The proposed roof pitch is 35 degrees and therefore considered appropriate.

Performance Outcome 2.3 of the Character Area Overlay states:

*“Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.”*

The proposed dwelling reflects the basic form and proportion of character homes in the locality, as well as reflecting traditional building materials with brick walls and corrugated iron roof. That said, the façade design is not consistent with the prevailing architectural detailing of character homes in the locality. Rather than having vertically proportioned window openings in a masonry façade, the proposed façade is entirely glazed.

The impact of the entirely glass façade on the streetscape and any potential resultant incompatibility with the prevailing character, is largely mitigated by the proposed 2.0 metre high masonry front fence. In most instances of new dwellings within the Character Area Overlay, high solid front fences such as the one proposed would not be appropriate. Performance Outcome 6.2 states:

*“development maintains the valued landscape pattern and characteristics that contribute to the character area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.”*

The Character Area Statement notes the following in relation to fencing:

*“Low, open-style fencing that allows connectivity to the street. Front fencing and side fencing (between the front of a dwelling and the street) and landscaping are important components of streetscape character. Some more solid forms of fencing along arterial roads.”*

In addition, Performance Outcome 21.1 and Designated Performance Feature 21.1 of the Design in Urban Areas section of the General Development Policies (which in turn reference Table 1), require that 60m<sup>2</sup> of private open space is located behind the building line for a site exceeding 300m<sup>2</sup>. The proposed development includes 43m<sup>2</sup> of private open space behind the building line and a further 70m<sup>2</sup> in front of the building line.

The proposed high front fence and use of the front yard for private open space is considered acceptable in this instance, as the subject land is located in very close proximity to the Urban Corridor (Main Street) Zone, with associated high levels of vehicular and pedestrian traffic; especially that associated with the Norwood Mall shopping centre. It is also acknowledged that the existing masonry wall could potentially be retained as of right.

Performance Outcome 22.1 states:

Soft landscaping is incorporated into development to:

- a) minimise heat absorption and reflection
- b) contribute shade and shelter
- c) provide for stormwater infiltration and biodiversity
- d) enhance the appearance of land and streetscapes.

The Designated Performance Feature for PO 22.1 in relation to sites of between 200 and 450m<sup>2</sup> area is that development incorporates soft landscaping with a minimum dimension of 700mm, at a rate of 20% of the site area, with at least 30% of the land between the primary street boundary and the building line being soft landscaped.

The proposal is not consistent with this first part of this Designated Performance Feature, with 13% of the site area dedicated to soft landscaping. The second part is achieved, with 75% of the land between the building line and Edward Street being dedicated to soft landscaping. As per the discussion in relation to site coverage, the shortfall in total percentage of soft landscaping is characteristic of small sites in the locality and therefore not considered problematic in this instance.

## Heritage

The subject land is located adjacent to Local Heritage Places on the opposite side of Edward Street. The traditional form of the building as it presents to Edward Street is considered to be compatible with the adjacent Local Heritage Places.

## Traffic Impact, Access and Parking

Performance Outcome 5.1 and Designated Performance Feature 5.1 of the Transport, Access and Parking section of the General Development Policies (which in turn reference Table 1 General Off-street Parking Requirements), require a detached dwelling with 2 or more bedrooms to have 2 spaces per dwelling, 1 of which is to be covered. The proposal achieves this, with up to 4 spaces provided within the proposed garage. There is no separate requirement for dedicated visitor parking for detached dwellings.

## Overlooking

The owner/occupier of the dwelling at 73 Edward Street has expressed concern regarding overlooking from the upper level windows of the proposed dwelling. The applicant has responded, noting that the private open space of the property at 73 Edward Street is in the north-western corner of that property, behind their carport and therefore protected from overlooking. In relation to the south facing windows of the dwelling at 73 Edward Street, they are alongside the laneway where the fence allows laneway users to overlook currently.

Despite the fact that privacy to the windows of 73 Edward Street is currently compromised, the opportunity exists for the current or future owner to provide privacy by increasing the height of the laneway fence slightly. However, if the upper level windows of the proposed dwelling did not have privacy treatment, they would continue to overlook the adjacent windows of 73 Edward Street. It is also considered that the loss of privacy resulting from the occasional person using the lane, is less than that associated with a large expanse of windows permanently visible.

Therefore, if the Panel determines to grant consent to the application, it is recommended that a condition be imposed, requiring privacy treatment be installed in the form of externally fixed louvers, with details to be provided to the reasonable satisfaction of the Assessment Manager, prior to the granting of Development Approval.

## CONCLUSION

The proposed dwelling is inconsistent with aspects of the Planning and Design Code relating to height, site coverage, the extent of boundary walling, the use of the front yard as private open space and the extent of soft landscaping. The architectural detailing of the front façade (in terms of solid to void ratio) is also inconsistent.

On the other hand, the proposal presents to Edward Street with proportions, form and materials which are consistent and compatible with character homes in the locality. Two storey elements would be visible from views within the lane and when travelling south along Edward Street across the lane, however this is considered acceptable against the backdrop of the 2.5 storey semi-detached dwellings to the south at 77 Edward Street. The site coverage and soft landscaping shortfalls are considered to be justified due to the small size of the site and established pattern of other small sites in the locality. The high front fence is also considered acceptable.

On balance, the proposal is considered to be sufficiently in accordance with the Planning and Design Code to merit consent.

## RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21012859, by Casey Sprick is **granted** Planning Consent subject to the following conditions

## CONDITIONS

### Planning Consent

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
2. Final details of colours and materials for all external finishes shall be provided to the reasonable satisfaction of the Assessment Manager, prior to the granting of Development Approval.
3. The upper level north facing windows shall have privacy treatment permanently installed to a height of 1.5 metres above floor level in the form of external louvers with details to be provided to the reasonable satisfaction of the Assessment Manager prior to the granting of Development Approval.

## ADVISORY NOTES

### General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

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Mr Wilkinson addressed the Council Assessment Panel Members from 7:34pm until 7:40pm

Mr Ferraretto addressed the Council Assessment Panel Members from 7:41pm until 7:43pm

**MOVED**

*Development Application Number 21012859, by Casey Sprick is refused Planning Consent for the following reasons:*

- 1. The development is inconsistent with Established Neighbourhood Zone Desired Outcome 1, as it is not sympathetic to the "predominant built form character and development patterns"*
- 2. The development is inconsistent with Established Neighbourhood Zone Desired Outcome 2, as it would not maintain the predominant streetscape character, specifically roadside plantings and front yards due to the 2m high front fence.*
- 3. The development is inconsistent with Established Neighbourhood Zone Performance Outcome 3.1, as the building footprint extends front to back and side to side and the site coverage is excessive.*
- 4. The development is inconsistent with Established Neighbourhood Zone Performance Outcome 4.1, as the building height does not contribute to the prevailing character of the neighbourhood or complement the height of nearby buildings.*
- 5. The development is inconsistent with Established Neighbourhood Zone Performance Outcomes 7.1 and 8.1, as the setbacks and boundary walls would result in inadequate separation between buildings and excessive impacts to neighbouring properties in terms of visual and overshadowing impacts, inadequate access to natural light and ventilation.*

*Seconded and Carried*

## 2. STAFF REPORTS

### 2.3 DEVELOPMENT APPLICATION 155/151/2021 – HOUSE AND LAND SA – 120 SIXTH AVENUE, JOSLIN

<b>DEVELOPMENT APPLICATION:</b>	155/151/2021
<b>APPLICANT:</b>	House and Land SA
<b>SUBJECT SITE:</b>	120 Sixth Avenue, Joslin (Certificate of Title: Volume 5774 Folio 548)
<b>DESCRIPTION OF DEVELOPMENT:</b>	Construction of a single-storey detached dwelling and an inground swimming pool
<b>ZONE:</b>	Residential Historic (Conservation) Zone – Joslin/Royston Park Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 21 March 2019)
<b>PUBLIC NOTIFICATION CATEGORY:</b>	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 new single-storey detached dwelling and an inground swimming pool.

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:	18.29 metres
Depth:	43.59 metres
Area:	797.20m <sup>2</sup>
Topography:	slightly sloping from front (southeast) to rear (northwest)
Existing Structures:	single-storey detached dwelling and several outbuildings
Existing Vegetation:	an established garden at the rear of the property

The subject land is a regular shaped allotment on the north-western side of Sixth Avenue. The land is currently occupied by a detached dwelling that was not identified in the Development Plan as having any heritage status. Vehicular access is intended via a new crossover located adjacent the north-eastern side boundary.

#### Locality Attributes

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

The locality is characterised by predominantly single-storey detached dwellings with the only notable exceptions being two pairs of two-storey semi-detached dwellings located 122 and 145 Sixth Avenue. There are ten dwellings (ie. those at 118, 124, 125, 127, 129, 131, 135, 137, 141 and Sixth Avenue) in the locality that are listed in the Development Plan as Contributory Items; the majority of which are located on the south-eastern side of Sixth Avenue. The locality is considered to have a high level of residential amenity and heritage value.

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

### Proposal in Detail

The Applicant seeks consent to construct a new single-storey detached dwelling on the subject land.

The proposed dwelling presents to the street as a modern interpretation of a 1920's bungalow, with an attached two-vehicle garage on the north-eastern side. The dwelling incorporates hipped roof forms pitched at 30 degrees and clad in Colorbond custom orb profile (colour "Monument"). The facade of the dwelling incorporates banding to the lower walls (face brickwork, PGH "Liquorice") and sandstone cladding with horizontal timber battens to the gable elements (painted "Monument"). The wall heights (measured from ground level to the underside of the fascia) of the front of the dwelling are 3.3 metres. The height of the garage walls is 3.0 metres. Two traditionally proportioned windows (commercial aluminium and colour black) to the front elevation and a panel-lift door (Colorbond colour "Surfmist") is proposed to the garage.

Internally, the proposed dwelling comprises a combined kitchen/dining/living area, a master bedroom (with an ensuite and walk-in-robe), three additional bedrooms, two separate living areas, a bathroom and a laundry. A small alfresco area is situated to the rear of the dwelling and is accessible from the combined kitchen/dining/living room area.

A landscaping plan has been submitted with the Application. The proposed landscaping includes a range of ornamental trees, shrubs and groundcovers.

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	797.20m <sup>2</sup>	600m <sup>2</sup>
Allotment Width	18.29m	18m
Allotment Depth	43.59m	N/A
External Wall Height*	3.0 - 3.3m	N/A
Maximum Overall Height (to roof apex)*	6.7m	Single-storey
Floor Areas	363m <sup>2</sup>	N/A
Site Coverage	46%	50%
Private Open Space	294m <sup>2</sup> (37%)	20%
Street Set-back	4.5m – verandah 6.0 – 11.2m – facade 11.2m - garage	N/A
Side Set-back	<u>North- eastern</u> 600mm – 3.4m  <u>South-western</u> 9.4m	N/A

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
<b>Rear Set-back</b>	12.4m	N/A
<b>Car Parking Provision</b>	2 undercover and 2 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage

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

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

**Notification**

The proposed development has been identified and processed as a Category 1 form of development.

The single-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) & (d) of the *Development Regulations 2008*. Accordingly, no public notification was undertaken.

**State Agency Consultation**

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

**Discussion**

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

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

Land Use and Density

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

Joslin/Royston Park Policy Area Desired Character Statement  
 Joslin/Royston Park Policy Area Objectives: 1  
 Joslin/Royston Park Policy Area PDC's: 2, 3, 5 & 7

Residential Historic (Conservation) Zone Desired Character Statement  
 RH(C)Z Objectives: 2, 4, 6  
 RH(C)Z PDC's: 7, 8, 30

City Wide Objectives: 1, 2, 7, 8, 10 & 55-57  
 City Wide PDC's: 1, 2, 3 & 4

The Joslin/Royston Park Policy Area Principle of Development Control 2 states:

*“Development should comprise the erection, construction, conversion, alteration of, or addition to a detached dwelling.”*

The construction of a detached dwelling is consistent with Principle of Development Control 2 of the Joslin/Royston Park Policy Area.



Residential Historic (Conservation) Zone Principle of Development Control 8 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.”*

As the subject land is currently occupied by a building that does not contribute to the heritage value of the zone, the introduction of a new dwelling is consistent with part (b) of Principle of Development Control 8.

Streetscape/heritage/bulk/scale/height/character

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

Joslin/Royston Park Policy Area Desired Character Statement

Joslin/Royston Park Policy Area Objectives: 1

Joslin/Royston Park Policy Area PDC's: 1, 3 & 4

Residential Historic (Conservation) Zone Desired Character Statement

Residential H(C)Z Objectives: 1, 3 & 5

Residential H(C)Z PDC's: 1, 2, 3, 13-19, 22, 23, 25 & 26

City Wide Objectives: 18, 19 & 20

City Wide PDC's: 28-32, 37, 39, 41, 191 & 209-216

The proposed dwelling has been designed in the context of the historic nature of dwellings in the locality, including the use of pitched corrugated roof forms, feature gable roof elements, a masonry framed front verandah and bungalow-like proportioned window openings in the front facade. The front facade incorporates face brickwork at the base of the walls and sandstone cladding to the walls. Brickwork and sandstone are traditional building materials, which have been typically used in the construction of historic dwellings in the locality.

The Desired Character Statement for the Residential Historic (Conservation) Zone states:

*“New development will complement and reinforce the traditional colours and materials such as stone, brick and rendered masonry. It will be set in a sympathetic landscaped setting and will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock.”*

As the dwelling is located within the Residential Historic (Conservation) Zone, the Application was referred to the Council's Heritage Advisor, David Brown. Mr Brown has concluded that the proposed dwelling will result in a relatively positive and complementary contribution to the existing streetscape.

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

The proposed dwelling has wall heights, along with an overall scale and roof form that are compatible with existing bungalows in the locality, as is demonstrated in the streetscape elevation drawing provided, which provides a reasonable illustration of the bulk and scale of the proposed dwelling and the relationship with the neighbouring bungalow (a Contributory Item) at 118 Sixth Avenue.

Residential Historic (Conservation) Zone Principle of Development Control 31 and City Wide Principle of Development Control 211 provide the most guidance regarding the development of garages within the zone and state respectively:

*“Development of carports and garages or other outbuildings should, without necessarily replicating the historic detailing of the surrounding Heritage Places or Contributory Items:*

- (a) *be set behind the main face of the dwelling and may be freestanding;*
- (b) *be designed and sited to ensure garage doors do not visually dominate the primary or secondary street frontage of the dwelling;*
- (c) *not extend design elements such as verandahs, roof forms or historic detailing at the same alignment as the main face of the principal building;*
- (d) *exhibit architectural and roof form designs, and exterior finishes to enhance and not diminish the historic character of the locality; and*
- (e) *not incorporate undercroft parking or other parking or access arrangements that are not in keeping with the historic character of the area.”*

and

*“Unless the desired character of an area provides otherwise, garages and carports fronting a primary street should:*

- (a) *be of a width that is minimised relative to the width of the dwelling frontage and in any case, should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 50 per cent (or 40 per cent in a Residential Historic (Conservation) Zone) of the allotment or building site frontage width, whichever is the lesser distance; and*
- (b) *be set back at least 0.5 metres behind the main face of the associated dwelling, unless the main face incorporates projecting elements such as a portico or verandah, in which case the garage or carport may be in line with the main face of the associated dwelling; and*
- (c) *be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking.”*

The width of the garage (ie. 32%) and its setback from the facade (ie. 5.2 metres) is consistent with City Wide Principle 211. The roof over the garage is also lower than the height of the roof over the principle dwelling, consistent with part (c) of Residential Historic (Conservation) Zone Principle 31. Although uncharacteristic of historic dwellings in the locality, the garage design is consistent with the clearly specified provisions of the Development Plan and therefore considered acceptable.

On balance, the proposal is considered to be acceptable from a streetscape heritage and character perspective.

#### Setbacks and Site Coverage

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

Joslin/Royston Park Policy Area PDC's:	6 & 8
Residential H(C)Z PDC's:	10, 11, 12 & 20
City Wide PDC's:	50, 204-206, 208 & 218

The facade of the dwelling is proposed to be set back between 6 – 11.2 metres from the Sixth Avenue property boundary, with a front verandah extending to 4.5 metres from the street boundary. The garage component is also set back 11.2 metres from the Sixth Avenue boundary.

The Joslin/Royston Park Policy Area Principle of Development Control 8 states:

*“The front and side setbacks of new dwellings should reflect the pattern established by the adjoining dwellings and should be sited at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item. Where a site is between two heritage places or contributory items the greater of the two set-backs should be applied.”*

The adjacent Contributory Item at 118 Sixth Avenue has a front setback to the primary facade of 7.2 metres. To the northeast at 120 Sixth Avenue, the two-storey dwelling (non-heritage listed building) is set back in the order of 8.4 -.10 metres from Sixth Avenue.

The portion of the main face that is setback 6.0 metre spans a width of 5.1 metres whereas the remaining portion of the main face that is setback 11.2 metres spans a width of 10.1 metres. At the closest point the new dwelling is to be closer to the street than the adjacent dwelling at 118 Sixth Avenue, however, the majority of the main face (ie. which is equivalent to 55% of the allotment frontage) will be set back 4 metres behind the main face of the Contributory Item. In this context, whilst the proposed front setback is not strictly consistent with Principle 8, the front setback is considered to be acceptable in this instance.

Residential Historic (Conservation) Zone Principle of Development Control 20 states:

*“Building to side boundaries (other than for party walls in semi-detached or row dwellings) or to the rear boundary is generally inappropriate, but may be considered where it is demonstrated that it assists in the retention of a heritage place and where there will be no detrimental effect on the residential amenity of adjoining properties.”*

With regard to side setbacks, the proposed dwelling does not incorporate any boundary development and as such, is consistent with Principle 20.

In terms of the proposed dwelling has a setback of 938mm from the south-western side boundary. On the north-eastern side and when measured at the closest point, the proposed dwelling (ie. the outer wall of the garage) has a setback of 600mm with the remainder of the side setback being 3.4 metres. In the context of existing development within the locality, some of which incorporates single-storey walls close to side boundaries, the proposed side setbacks are considered to be a positive aspect of the proposed development.

In terms of site coverage, Joslin/Royston Park Policy Area Principle of Development Control 6 states that *“buildings should not cover more than 50 percent of the total area of the site.”* The proposed dwelling has an overall site coverage of 46%, which is well within the quantitative criteria of this Principle.

#### Overshadowing/overlooking

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

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

The proposed dwelling is not considered to present unreasonable overshadowing or overlooking issues for the occupiers of the adjacent properties, due to the single-storey nature of the dwelling combined with the topography of the land and the setbacks from the side boundaries of the subject land.

As such, the proposal is considered to be consistent with City Wide Principles of Development Control 11 and 31.

#### Private open space

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

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

The proposed dwelling includes approximately 294m<sup>2</sup> of private open space. The main private open space area (located within the rear yard area) includes rear alfresco area (24m<sup>2</sup>) situated under the main roof of the new dwelling. The private open space areas are linked with the open plan kitchen/dining/living area of the dwelling.

The proposed area of private open space equates to 37% of the site area, therefore satisfying the minimum provision of 20%, prescribed by City Wide PDC 225(a).

Car-parking/access/manoeuvring

Residential H(C)Z PDC's:	32
City Wide Objectives:	34
City Wide PDC's:	98, 101, 104, 118, 120, 181, 198 & 218

Table NPSP/8

Table NPSP/8 prescribes that the proposed detached dwelling should be provided with two on-site car parking spaces, of which at least one should be covered. The proposed dwelling can accommodate two undercover car parks and two visitor parks in the driveway, which exceeds the requirements specified in Table NPSP/8.

The development involves creating a new crossover adjacent the north-eastern side boundary of the property. Access to and from the driveway and garage area has been determined to be safe and convenient.

Finished floor levels/flooding/retaining

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

City Wide PDC's:	53-58, 79, 164, 167-171
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The subject land is not within a recognised flood plain.

The subject land has a gentle fall from southeast to northwest. In terms of stormwater from both the roof and ground surface areas, a gravity fed stormwater disposal system to Sixth Avenue can be achieved.

The proposed finished floor level of the new dwelling is to be higher than that of the previous dwelling on the land by approximately 250mm.

In terms of the side and rear fencing, the Applicant has advised that they will lodge a separate Application for both the fencing and retaining walls. Retaining will likely be required along all the side and rear boundaries and will range in height up to 270mm on the north-eastern side, up to 480mm on the south-western side and between 430 – 510mm on the north-western rear boundary. Combined with 1.8 metre high fencing, the overall combined retaining wall and fencing heights along the side and rear boundaries would be consistent with City Wide Principle of Development Control 58 which states:

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

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's:	36 & 37
City Wide Objectives:	24, 98, 117, 118 & 119
City Wide PDC's:	220, 221, 396, 398- 400

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

In terms of landscaping, the Applicant has provided a landscaping plan and schedule, which identifies a range of small trees and shrubs, which will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B14**.

The proposed landscaping is considered to complement the development and the locality and is considered to be consistent with City Wide Objective 24, which anticipates development enhanced with appropriate landscaping. In addition to this, the owners are intending to retain the existing established garden located within the eastern section of the property.

### Environmental Sustainability

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

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

The subject land runs northwest to southeast, which in turn allows for a reasonable orientation of the dwelling as well as reasonable access to northern sunlight given that the private open space provision is located both to the rear and the north-eastern side of the proposed dwelling. The main living areas are directly linked to both of the private open space areas.

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The Applicant has nominated a 1,000 litre rainwater tank as part of the proposal. Given that the proposed development includes relatively large areas of impervious surfaces (ie. compared to the previous dwelling that occupied the land), it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that a rainwater tank with a minimum capacity of 2,000 litres be installed in accordance with City Wide Principle of Development Control 159.

In general terms, the environmental performance of the dwelling is considered to be reasonable.

### **Summary**

The proposed dwelling is an appropriate form of development in the Residential Historic (Conservation) Zone. The dwelling design reflects the basic scale and proportions of existing historic character dwellings within the locality. In addition, the proposed dwelling demonstrates a compatible visual relationship with buildings that contribute to the historic character of locality, through consistent setbacks and the incorporation of a traditional roof form, a front verandah and a combination of brick and sandstone clad external masonry walls.

On balance, the proposed dwelling will fit comfortably into the existing streetscape and will not unreasonably impact on adjacent residential properties.

The provision of private open space and the resulting site coverage satisfy the quantitative guidelines.

The proposal is not considered to be seriously at variance with the Development Plan and is considered to be sufficiently in accordance 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 155/151/21 by House and Land SA, to construct a single-storey detached dwelling and an inground swimming pool, on the land located at 120 Sixth Avenue, Joslin, 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 House & Land SA and received by the Council on 16 August 2021; and
- SiteWorks Plan (Job Number: C30882) prepared by RCI Consulting Engineers and received by the Council on 9 September 2021.

#### Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. A 2,000 Litre rainwater tank shall be 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.
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. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

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#### **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 155/151/21 by House and Land SA, to construct a single-storey detached dwelling and an inground swimming pool, on the land located at 120 Sixth Avenue, Joslin, subject to the following requirements, conditions and notes:*

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5. *That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.*

Seconded and Carried

**3. OTHER BUSINESS**

Nil

**4. CONFIDENTIAL REPORTS**

Nil

**5. CLOSURE**

The Presiding Member declared the meeting closed at 8:08pm

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**Terry Mosel**  
**PRESIDING MEMBER**

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**Mark Thomson**  
**MANAGER DEVELOPMENT ASSESSMENT**