

Council Assessment Panel Minutes

15 August 2022

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Panel Members Mr Terry Mosel
Mr John Minney
Mr Mark Adcock
Mr Ross Bateup
Ms Jenny Newman

Staff Mark Thomson Consultant Planner
Tala Aslat Planning Assistant

APOLOGIES

ABSENT

**CONFIRMATION OF THE MINUTES OF THE MEETINGS OF THE COUNCIL ASSESSMENT PANEL
HELD ON 20 JUNE 2022 AND 20 JULY 2022**

Seconded and Carried

2. STAFF REPORTS

**2.1 DEVELOPMENT NUMBER 22013251 – PRINCE ALFRED COLLEGE C/- FUTURE URBAN
– 25 COLLEGE ROAD, KENT TOWN**

DEVELOPMENT NO.:	22013251
APPLICANT:	Prince Alfred College C/- Future Urban
ADDRESS:	25 COLLEGE RD KENT TOWN SA 5067
NATURE OF DEVELOPMENT:	construction of a three building level car park and a retail shop.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Urban Corridor (Main Street) <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Affordable Housing • Design • Hazards (Flooding - General) • Noise and Air Emissions • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <p>Maximum Building Height (Metres) (Maximum building height is 18.5 metres)</p> <p>Minimum Building Height (Levels) (Minimum building height is 3 levels)</p> <p>Maximum Building Height (Levels) (Maximum building height is 5 levels)</p> <p>Minimum Primary Street Setback (Minimum primary street setback is 2m)</p> <p>Interface Height (Development should be constructed within a building envelope provided by a 30 degree plane, measured 3m above natural ground at the boundary of an allotment)</p>
LODGEMENT DATE:	5 May 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Norwood, Payneham and St. Peters
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	<ul style="list-style-type: none"> • Manager, Traffic & Integrated Transport

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DETAILED DESCRIPTION OF PROPOSAL:

The proposed development is for the construction of a car park building with three (3) building levels to be used exclusively for car parking associated with Prince Alfred College (PAC). The proposed car park is designed to accommodate 367 car parking spaces over the 3 building levels and the roof level (4 parking levels in total). The roof level is not counted as a building level, pursuant to the definition in the Administrative Terms and Definitions Table of the Planning & Design Code (the Code).

The car park building includes a shop on the first floor level with a floor area of 202m² fronting College Road. Due to the sloping topography of the land, the first floor level is at the level of College Road.

Two-way access is proposed on both the College Road frontage and the Little Young Street frontage. Internal ramps connect all levels, so parking at all levels has access to both access/egress points.

The proposed building is proposed to be set back 1 metre from College Road and 1 metre from Little Young Street at the rear. The car park building has a total height of 8.8 metres from natural ground level at the College Road frontage and 14.65 metres from natural ground level at the Little Young Street frontage.

The proposed car parking building is to have a textured natural concrete finish, contrasted with perforated metal screening on the College Road façade with expressed Aluminium extruded blades at the Little Young Street Façade, spaced to provide ventilation and articulation to the façade.

The car park is proposed to operate between 8am and 6pm, Monday to Friday. Outside of operation hours, the car parking building is proposed to be secured by roll down shutters. After hours access is proposed to be available via Little Young Street only with key-cards distributed to staff, students and borders of the school.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 25 COLLEGE RD KENT TOWN SA 5067

Title ref.: CT
6130/16

Plan Parcel: D49351
AL25

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

The subject land is an irregular 'L' shaped allotment located on the south-western side of College Road, Kent Town with a frontage to College Road of 56.5 metres and a secondary frontage to Little Young Street of 90.5 metres. It is 3375m² in area.

The subject land is currently vacant and was formerly occupied by the Bureau of Meteorology as a weather station. The land has sloping topography falling from College Road down to Little Young Street by nearly 4 metres over 48.5 metres.

Locality

The locality of the subject land is characterised by a mix of commercial, educational, residential and retail land uses.

The College Road streetscape is largely characterised by low- and medium-rise residential buildings in various architectural periods and forms along with small scale commercial and retail land uses. The north-eastern side of College Road adjacent to the subject land is subject to the Historic Area Overlay although with the exception of a Local Heritage Place at 34 College Road, contains few buildings of historic character.

Little Young Street is characterised by medium rise residential apartment buildings and commercial land uses and their ancillary open air car parking areas. The PAC Boarding House is located immediately to the south of the site.

A large commercial building is located immediately to the west of the site (Them Advertising) at 26 The Parade West.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Other - Commercial/Industrial - Car park: Code Assessed - Performance Assessed
Shop: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
A car park is not a development type which is excluded from requiring public notification in the relevant table of the Code.
- **LIST OF REPRESENTATIONS**

Name	Address	Status	Wishes to be Heard?
David Baker and Kenn Fisher	PO Box 2486, Kent Town SA 5067	Opposed	Yes
Ardele Blignault	47 The Parade West, Kent Town	Opposed	Yes
Michael Connolly	24 Grenfell Street, Kent Town	Opposed	Yes
Skana Gallery	18 Grenfell Street, Kent Town	Opposed	Yes
Janine Kitson	1a Dew Street, Kent Town	Support with concerns	Yes
Greg and Jane Wilson	32 College Road, Kent Town	Opposed	Yes
Tessa Wood	2/31 Little Wakefield St, Kent Town	Opposed	Yes
Romas Beresnevicus	18 Grenfell Street, Kent Town	Opposed	No
Jake Blignault	47 The Parade West, Kent Town	Opposed	No
Ian Cameron	14 Grenfell St, Kent Town	Support with concerns	No
Monica Connolly	24 Grenfell St, Kent Town	Opposed	No
Meriel Custance	4 Park Crescent, Linden Park and 24 College Road, Kent Town	Support with concerns	No
Kathleen Eatts	32 Grenfell St, Kent Town	Support with concerns	No
Caitlin Fuller	1a Da Costa Avenue, Prospect	Opposed	No
Bodhi Maeder	34/A Grenfell Street, Kent Town	Opposed	No
Paul Schubert	15 College Road, Kent Town	Support with concerns	No
Sharyn Schubert	15 College Road, Kent Town	Support with concerns	No
Janet Shimmin	28 Grenfell Street, Kent Town	Support with concerns	No
David Shores	28 Grenfell Street, Kent Town	Support with concerns	No

- **SUMMARY**

Nineteen (19) representations were received. Of those 19 representations, eleven (11) representors are opposed to the development and eight (8) support the development with some concerns.

In summary, the concerns raised by representors relate to:

- Increased traffic;
- Increased noise, vibration and pollution;
- Increased light from car headlights;
- The development will put pressure on on-street parking;
- Queuing of cars in Little Young Street;
- Increase in litter;
- Concern that on-street parking may be restricted on The Parade West as a result of the development, thus causing difficulty for persons with a disability to access properties;
- Would like to see a level of parking included for the general public;
- Dew Street is too narrow to accommodate additional traffic which would result from the proposal;
- Safety concerns regarding the exit to Little Young Street due to inadequate sight lines;
- Potential for overlooking;
- Charging stations for electric cars should be required;
- The proposal serves only the school and not the community;
- The proposal encourages car use, which is unsustainable;
- 'dead' street frontages resulting from the proposal will attract graffiti and anti-social behaviour;
- The proposal is an under-utilisation of the land;

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- Manager, Traffic & Integrated Transport

PLANNING ASSESSMENT

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

Land Use

Performance Outcome 1.1 of the Urban Corridor (Main Street) Zone seeks:

"A vibrant mix of land uses adding to the vitality of the area and extending activities outside shop hours including restaurants, educational, community and cultural facilities and visitor and residential accommodation."

The associated designated performance feature, DPF 1.1, lists a range of land uses which are anticipated within the zone. A car park is not a land uses listed.

A shop is a listed desirable land use in DPF 1.1 and in addition Performance Outcome 1.2 seeks:

"Retail, office, entertainment and recreation related uses that provide a range of goods and services to the local community and the surrounding district."

Performance Outcome 1.3 encourages ground floor uses such as shops, offices and consulting rooms to contribute to safe, active and vibrant main streets.

Performance Outcome 1.4 encourages dwellings in conjunction with non-residential uses within the zone, particularly at upper levels and behind non-residential uses.

Performance Outcome 1.6 encourages land uses which promote movement and activity during daylight and evening hours.

Whilst a car park is not listed in DPF 1.1 it is important to recognise that pursuant to the rules of interpretation, the listed uses represent a guide as to what is generally considered to satisfy PO 1.1 but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

Therefore, despite not being listed in DPF 1.1, a car park could potentially contribute to and/or support “a vibrant mix of land uses adding to the vitality of the area and extending activities outside shop hours”

A review of all zones contained in the Code has been undertaken and no zones specifically list a car park as an anticipated land use. However, there are policies contained in the General Development Policies section of the Code which address multi-level car parking structures, ie. PO 15.1 and DPF 15.1 which address design considerations for such buildings. Therefore, the Code does anticipate multi-level car parking structures, albeit that it does not nominate in which zones they are appropriate.

The Urban Corridor (Main Street) Zone is considered to be an appropriate zone for a car park land use. Examples of existing multi-level car parks exist within the Urban Corridor (Main Street) Zone, including the Council car park between Webbe Street and Harris Street in Norwood and the Norwood Hotel car park on Osmond Terrace. Both of these examples are located on the edge of the zone, interfacing with the Established Neighbourhood Zone.

The first example given is a public car, which assists in achieving the performance outcomes sought for the Urban Corridor (Main Street) Zone, through providing car parking to cater for customers of shops and other anticipated land uses. Whilst the proposed car park does not provide the same direct benefit, it does so indirectly, as the provision of dedicated off-street parking for PAC would likely reduce pressure on on-street parking in the area. In turn, a reduction in on-street parking pressure would provide greater on-street capacity for customers and other visitors to the Kent Town area.

Building Height

Designated Performance Feature 3.1 of the Urban Corridor (Main Street) Zone allows for buildings up to 5 levels and 18.5 metres in height, while DPF 3.2 seeks a minimum building height of 3 levels. The proposed 3 level building is therefore consistent with the height criteria for the zone.

Performance Outcome 2.1 seeks buildings which sensitively frame the main street and public spaces, provide overall visual relief from building height and mass, and maintain a human scale for pedestrians. The associated DPF seeks a 2 building level podium or street wall, with any higher levels set back 2 metres. As the primary frontage of the subject land is College Road, this policy is most applicable that frontage. The proposal satisfies this requirement, with the building being 2 levels high adjacent to College Road.

Setbacks, Design & Appearance

Performance Outcomes 2.5 encourages buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street, with the occasional section of building set back to create opportunities for outdoor dining, visually interesting entrances and intimate but vibrant spaces. The proposed building is generally set back 1 metres from College Road, with small sections extending to the boundary. The setback is proposed to be landscaped. This is considered consistent with PO 2.5.

Performance Outcome 2.10 addresses setbacks from rear boundaries in the case of rear access ways and states that buildings should be setback to provide adequate manoeuvrability for vehicles. In this respect DPF 2.10 states that where an accessway is less than 6.5m wide, the building should be set back a sufficient distance to make the access way at least 6.5m wide. Little Young Street is 6.3 metres wide. Therefore, the building should be set back at least 200mm. The proposed setback is generally 1 metre, satisfying DPF 2.10.

Performance Outcome and DPF 2.8 encourage buildings to side boundaries to create a consistent established streetscape. The proposal is consistent with this.

Performance Outcome 2.3 seeks:

“Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the main street and maximise passive surveillance.”

The associated DPF states:

“The ground floor primary frontage of buildings provides at least 60% of the street frontage as an entry / foyer or display window to a shop or other community or commercial use that provides pedestrian interest and activation.”

Under the heading of Design In Urban Areas within the General Development Policies section of the Code, Performance Outcome 12.6 states:

“Street-facing building elevations are designed to provide attractive, high quality and pedestrian-friendly street frontages.”

The associated DPF states:

“Building street frontages incorporate:

- a) active uses such as shops or offices*
- b) prominent entry areas for multi-storey buildings (where it is a common entry)*
- c) habitable rooms of dwellings*
- d) areas of communal public realm with public art or the like, where consistent with the zone and/or subzone provisions.”*

Performance Outcome 15.1 is more specific to multi-level vehicle parking buildings and states:

“Multi-level vehicle parking structures are designed to contribute to active street frontages and complement neighbouring buildings.”

The associated DPF states:

“Multi-level vehicle parking structures within buildings:

- a) provide land uses such as commercial, retail or other non-car parking uses along ground floor street frontages*
- b) incorporate facade treatments in building elevations facing along major street frontages that are sufficiently enclosed and detailed to complement adjacent buildings.”*

The inclusion of a shop along approximately 75% of the frontage to College Road achieves the above policies. Although a tenant has not yet been nominated, there are a variety of shop types which would contribute to the vibrancy and street activation sought in the above policies.

Traffic Impact, Access and Parking

The policies contained within the Urban Corridor (Main Street) Zone under the heading of Movement Parking and Access address where access points should be located, in order to avoid disruption to the continuity of built form and streetscape activation. These policies do not deal with traffic impacts, which is likely because the zone is intended to accommodate high traffic generating uses.

The policies within the General Development Policies section of the Code under the heading of Transport, Access and Parking address traffic impacts by seeking to ensure development is designed to minimise its potential impact on the functional performance of the transport system (PO 1.1) and designed to discourage commercial and industrial vehicle movements through residential streets (PO 1.2).

The proposal will not generate commercial or industrial vehicle movements. The remaining question is therefore whether the volume of vehicle movements resulting from the proposal will impact unreasonably on the functional performance of the road network. In this respect, Cirqa have undertaken a study of the expected traffic impacts associated with the proposal and concluded that it is forecast to generate in the order of 278 peak hour trips which would be distributed between the two access points and surrounding roads and intersections. Their analysis indicates that such movements will be adequately accommodated on the adjacent road network without changing the nature or function of any adjacent roads.

The Cirqa report has been reviewed by the Council's Manager Traffic and Integrated Transport, Ms Gayle Buckby. Ms Buckby has advised that both Little Young Street and College Road have the capacity to safely accommodate the additional traffic generated by the proposed car park. In relation to Dew Street, Ms Buckby has advised that given the narrow road width and presence of road humps, it is anticipated that additional traffic resulting from the proposal would not be significant.

Ms Buckby did raise a concern regarding the impact of the proposal on vehicle sight lines for cars exiting an adjacent property at 44 The Parade West, upon completion of a development which has been approved for that property. That concern was brought to the attention of the applicant and a response has been received from Cirqa. In particular, confirmation has been provided that the proposal maintains appropriate sight lines in accordance with the relevant standards.

Environmental Factors

Noise Emissions

The Interface between Land Uses Section of the Code includes Designated Performance Feature regarding hours of operation, to ensure non-residential development does not unreasonably impact on adjacent residential development. Specifically, DPF 2.1 specifies hours of 7:00am to 9:00pm on weeknights and from 8:00am to 5:00pm on weekends. The applicant has advised that they would be accepting of the imposition of a condition which requires the proposed shop to accord with those hours.

It is not considered reasonable or practical to seek to limit the hours of access to the car park. Given that it is associated with the school, the primary hours of operation of the car park will be governed by school hours. That said, the car park would also be used to a lesser extent outside of school hours. In light of the nature of the Urban Corridor (Main Street) Zone whereby land uses are sought which extend activities outside shop hours (PO 1.1), any impacts resulting from parking outside of school hours is considered reasonable.

CONCLUSION

The proposed car park is not a land use type which is specifically sought for the Urban Corridor (Main Street) Zone, however it is considered to be compatible and complementary to the range of land uses which are.

The car park has been designed with relatively attractive facades and in particular provides for a good level of street activation along the primary street frontage, College Road. The height of the building is at the lower end of the range of heights envisaged for the zone and provides an appropriate 2 level presentation to College Road.

The proposal will result in an increase in traffic in the adjacent local streets. This has been modelled by the applicants Traffic Engineer and found to be within the capacity of adjacent roads. The Council's Manager Traffic and Integrated Transport concurs with the findings.

The proposal is considered to sufficiently accord with the Planning & Design Code to merit consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP 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 22013251, by Prince Alfred College C/- Future Urban 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. The shop shall not operate outside the hours of 7:00am to 9:00pm Monday to Friday and from 8:00am to 5:00pm on weekends.
 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 within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, 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.
-

Mr Newman declared a conflict of interest for item 2.1 and left the meeting at 7:06pm

Dr Baker addressed the Council Assessment Panel from 7:08pm until 7:14pm

Ms Blingnault addressed the Council Assessment Panel via teleconference from 7:15pm until 7:24pm

Mr Beresnevicus addressed the Council Assessment Panel from 7:25pm until 7:29pm

Ms Gallery addressed the Council Assessment Panel from 7:30pm until 7:39pm

Mr Wilson addressed the Council Assessment Panel from 7:41pm until 7:49pm

Mr Vounasis addressed the Council Assessment Panel from 7:50pm until 7:56pm

Mr Wilson addressed the Council Assessment Panel from 7:57 until 7:58pm

MOVED

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 22013251, by Prince Alfred College C/- Future Urban 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. *The shop shall not operate outside the hours of 7:00am to 9:00pm Monday to Friday and from 8:00am to 5:00pm on weekends.*
 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 which shall be selected in consultation with the Council within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, 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.*
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4. *All lighting shall be in accordance with the Australian Standard for the obtrusive effect of outdoor lighting.*

Seconded and Carried

Ms Newman returned to the meeting at 8:27pm

2. STAFF REPORTS

2.2 DEVELOPMENT NUMBER 22013637 – GOSIA ZEBROWSKA-BOGUSZ & NATALIE SCINTO – 136 PAYNEHAM ROAD, STEPNEY

DEVELOPMENT NO.:	22013637
APPLICANT:	Gosia Zebrowska-Bogusz Natalie Scinto
ADDRESS:	136 PAYNEHAM RD STEPNEY SA 5069
NATURE OF DEVELOPMENT:	Construction of a two storey mixed use office and residential building with car parking landscaping and fencing and land division creating two allotments from one existing.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Business Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Future Road Widening • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	12 May 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Norwood, Payneham and St. Peters
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
REFERRALS STATUTORY:	Commissioner of Highways South Australian Water Corporation SPC Planning Services
REFERRALS NON-STATUTORY:	City Arborist

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APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 5:	Response to Representations
ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Prescribed Body Responses
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 7:	Internal Referral Advice
ATTACHMENT 3:	Zoning Map		
ATTACHMENT 4:	Representations		

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development comprises the construction of a two storey mixed use office and residential building with car parking landscaping and fencing and land division creating two allotments from one existing.

The proposed building is to be sited adjacent to Payneham Road (set back 4.2m). It is to comprise 230m² of office at ground floor and 123m² of office at first floor. Also proposed at first floor are two dwellings, each with two bedrooms.

A car parking area for 12 cars is proposed behind the building, with access via a new crossover on Loch Street.

The application includes a Torrens Title land division, to divide the existing allotment into two allotments; one with frontages to both Payneham Road and Loch Street accommodating the development described above and the other with a 16m frontage. This second allotment is shown on the plans as a "residential site" however the current Development Application does not include any use or built form for this site.

The purpose of the outline of a dwelling shown on the plans and the reference to residential site is to indicate what the applicant intends to do with that site, however a separate Development Application will need to be lodged and assessed for any such future proposal.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 136 PAYNEHAM RD STEPNEY SA 5069

Title ref.: CT
5823/89

Plan Parcel: F135073
AL22

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

The subject land is currently vacant, having recently been cleared. The subject land has two crossovers, both located adjacent Loch Street. The north-eastern crossover is located approximately 10 metres from the junction of Payneham Road and Loch Street. The south-western crossover is located approximately 5.6 metres from the south-eastern rear boundary.

The subject land contains a significant tree (a *Quercus ilex* or holm oak). The significant tree has a trunk circumference of 4.95m and a large spreading canopy.

Another significant tree is located adjacent to the subject land in the Council verge on Loch Street. The tree is a *Quercus robur* or English oak and has a trunk circumference of 3.25 metres and a large spreading canopy.

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

Locality

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

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

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

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

CONSENT TYPE REQUIRED:

Planning and Land Division Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Land division
 - New housing
 - Office
 - Land division: Code Assessed - Performance Assessed
 - Residential flat building: Code Assessed - Performance Assessed
 - Office: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

- **REASON**
 - office exceeds 250m² Gross Leasable Floor Area (GLFA).
- **LIST OF REPRESENTATIONS**

Name	Address	Status	Wishes to be Heard?
Muhammad Ehsan	1A Westminster Street, St Peters	Support with concerns	No
Michael Saunders	2 Loch Street, Stepney	Support with concerns	Yes
Samina Tariq	1A Westminster Street, St Peters	Opposed	No
Joseph Vannelli	1 Wheaton Rd, Stepney SA	Support with concerns	Yes

- **SUMMARY**

In summary, the concerns raised by representors relate to:

 - potential for overlooking;
 - potential for overshadowing;
 - two storey not in keeping with existing character;
 - architecture of the building not as good as previous proposal for the site;
 - proposed allotment for future residential too small and may result in excessive future boundary development;
 - potential for impact on Significant Tree.

AGENCY REFERRALS

- Commissioner of Highways
- South Australian Water Corporation
- SPC Planning Services

The Commissioner of Highways opposed the first version of the application, as it encroached within a future road widening corridor. The application has since been amended and the Commissioner of Highways is now supportive of the application.

INTERNAL REFERRALS

- City Arborist

The application was referred to the City Arborist for advice on the impact of the proposed development on the Significant Tree on the subject land and the two adjacent street trees; one of which is a Significant Tree and the other of which is a Regulated Tree. The City Arborist concurs with the advice of the applicant's Arborist and as such has raised no concern with the application, subject to conditions of consent consistent with the recommendations of the applicant's Arborist.

PLANNING ASSESSMENT

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

Land Use/Interface Between Land Uses

Business Neighbourhood Zone Desired Outcome 01 states:

A variety of housing and accommodation types and compatible employment generating land uses in an environment characterised by primarily low-rise buildings

Performance Outcome 1.1 of the Business Neighbourhood Zone states:

Housing and accommodation types appropriate to the locality complemented by shops, offices, consulting rooms and other non-residential uses that do not materially impact residential amenity.

Designated Performance Feature 1.1(d) lists both offices and dwellings as envisaged land uses.

Performance Outcome 1.2 states:

"Business and commercial land uses complement and enhance the prevailing or emerging neighbourhood character."

Designated Performance Feature 1.2 seeks a maximum gross leasable floor area of 250m² for shops, offices and consulting rooms (or any combination thereof). The proposed two-storey building has a gross leasable floor area of 353m².

The subject land is located adjacent to the Suburban Activity Centre Zone on the opposite corner of Loch Street and Payneham Road. Desired Outcome 1 of the Suburban Activity Centre Zone states:

An active commercial precinct supporting neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community. Buildings and pedestrian areas create a high quality, activated public realm that is integrated with pedestrian and cycle networks and establish well-defined connections to available public transport services.

Within the Suburban Activity Centre Zone, an office is an anticipated land use but unlike the Business Neighbourhood Zone, there is no maximum floor area for an office and as such, the P&D Code anticipates offices greater than 250m² within the neighbouring Suburban Activity Centre and not the Business Neighbourhood Zone.

An office land use is considered to provide for a reasonable transition between residential land uses and more intense land uses such as those found within the Suburban Activity Zone. In particular, offices are generally less intensive in terms of traffic generation than other commercial land uses such as shops and consulting rooms.

An office is considered to be an acceptable land use for the subject land, provided that Performance Outcome 1.2 is achieved, insofar as it complements and enhances the prevailing neighbourhood character. According to the rules of interpretation of the Planning & Design Code, the 250m² floor area limit in DPF 1.2 provides a guide as to what is generally considered to satisfy Performance Outcome 1.2, but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

Despite having a GLFA which is 40% greater than DPF 1.2, in this instance it is considered that PO1.2 is achieved. The site is relatively large and the footprint of the building is relatively small, allowing for generous landscaped setbacks from boundaries and preservation of existing large trees on and adjacent the site. With a GLFA of 350m² the proposed office use generates a demand for 11 car spaces, compared to 8 spaces for a 250m² office achieving the DPF. The difference in associated impacts (traffic generation) is minimal. The proposed office use is therefore considered to complement and enhance the prevailing neighbourhood character.

Aside from being listed as an appropriate land use for the Business Neighbourhood Zone, there are no further zone level policies related to dwellings as a land use. Therefore, the proposed two dwellings are considered appropriate from a land use perspective.

Building Height

Performance Outcome 3.1 of the Business Neighbourhood 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 the locality.

Designated Performance Feature 3.1 envisages a maximum of two (2) building levels within the Business Neighbourhood Zone.

The proposed two level building is consistent with the two storey Designated Performance Feature. As the Business Neighbourhood Zone is a strip along Payneham Road in this instance, it is difficult for the desire for “taller buildings positioned towards the centre of the zone and away from any adjoining neighbourhood type zone” as expressed in PO 3.1, to be achieved.

Due to the slope of the land, the wall height of the building is up to 9.2 metres at the closest point to Loch Street. This is relatively tall for a two storey building. That said, the proposal to create a separate allotment between the site of the proposed building and the Established Neighbourhood Zone provides the opportunity for an appropriate scale transition to be achieved. Therefore, the proposal is considered consistent with Performance Outcome 3.1.

Setbacks, Design & Appearance

Performance Outcome 3.2 of the Business Neighbourhood Zone states:

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

Designated Performance Feature 3.2(a) states:

The building line of a building 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 proposed new building is set back between 4.2 and 4.8 metres from the Payneham Road property boundary. To the northeast, the adjoining single-storey building at 138 Payneham Road has a setback of approximately 6 metres from Payneham Road. To the southwest, the adjacent two-storey building (ie. the other side of Loch Street) at 134 Payneham Road is set back approximately 8.7 metres from Payneham Road (excluding the verandah). The average setback of these two adjoining buildings is 7.4 metres.

The front setbacks of existing buildings within the wider locality of Payneham Road vary and includes buildings sited on the Payneham Road boundary at 116, 120, 124, 126 and 128 Payneham Road. Directly to the northwest (ie. on the other side of Payneham Road) the three-storey residential flat building at 181 Payneham Road has a front setback ranging between 3 – 4.0 metres whereas the retained facade of the Jam Factory at 167-169 Payneham Road to the southwest abuts the Payneham Road frontage.

In this context, whilst the proposed front setback is not consistent with Designated Performance Feature 3.2(a), the setback is considered to be consistent with the existing streetscape and therefore satisfies the relevant performance outcome.

Performance Outcome 3.3 of the Business Neighbourhood Zone states:

Buildings set back from secondary street boundaries (other than rear laneways) contribute to a consistent streetscape.

Designated Performance Feature 3.3(a) states:

Building walls are set back from the secondary street frontage:

the average of any existing buildings on adjoining sites having frontage to the same street

The proposed building is set back 8.1 metres from Loch Street (excluding verandah and balcony).

The building on the adjoining site at 2 Loch Street is a single-storey detached dwelling which is set back approximately 13.5 metres from Loch Street. The proposal to create an allotment between the site of the proposed building and 2 Loch Street provides the opportunity for a transition in setbacks to be achieved with the future development of that allotment.

Performance Outcome 3.6 of the Business Neighbourhood Zone states:

Buildings are set back from side boundaries to provide:

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

Designated Performance Feature 3.6 states:

Other than walls located on a side boundary, building walls are set back at least 900mm from side boundaries.

The north-eastern side of the building is proposed to be 1 metre from the side boundary at both levels, consistent with the Designated Performance Feature.

Designated Performance Feature 3.7 states:

Buildings walls are set back from the rear boundary at least:

- (a) 3m for the first building level*
- (b) 5m for any second building level.*

The rear boundary of the site of the proposed building is the boundary between the two proposed allotments. The rear of the building is proposed to be set back 14 metres from this boundary at ground level and 6.5 metres at upper level. The proposed rear setbacks are therefore consistent with Designated Performance Feature 3.7.

Performance Outcome 2.1 of the Business Neighbourhood Zone states:

Buildings are of a scale and design that complements surrounding built form, streetscapes and local character.

In addition to this, Design in Urban Areas Performance Outcome 1.1 states:

Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).

Payneham Road Character

The adjacent buildings at 138, 140 and 142 Payneham Road are a combination of villas and/or bungalows whereas the buildings to the southwest at 116, 120, 124, 126 and 128 Payneham Road are predominantly original shop buildings and have front verandahs situated over the footpath area.

In this context, the proposed development is of a contrasting style and bulk to the existing development within the immediate locality, displaying a distinctly contemporary commercial appearance. The wider locality contains a broad range of architectural styles and includes buildings of a similar scale and rectilinear style to that which is proposed, particularly on the opposite side of Payneham Road.

Performance Outcome 2.1 seeks *compatibility* in the scale and design of new buildings, as opposed to consistency as is sought for some other zones. Given the range of buildings scale and style within the broader locality, the proposal is considered to achieve this performance outcome.

The solid external elements of the proposed building primarily comprise red face brick, painted render and painted 'Axon' cladding. The combination of materials is considered appropriate. In particular, the proposed brickwork assists in achieving compatibility with residential buildings within the locality.

The proposed building is reasonably well articulated and incorporates a good proportions of fenestration. It is considered that the high quality appearance of the building, combined with the proposed landscaping, will ensure that the character and visual amenity of the locality is maintained.

There is adequate space between the adjacent single-storey building at 138 Payneham Road, as well as the two-storey saw tooth roof building at 134 Payneham Road (situated on the other side of the junction of Loch Street) and the proposed building, to provide an appropriate rhythm of building spacing along Payneham Road.

Loch Street Character

The bulk and scale of the proposed building is larger than that of the adjacent dwelling at 2 Loch Street as well as the surrounding detached/semi-detached dwellings fronting Loch Street, all of which are located within the Establish Neighbourhood Zone. The only exception to this established built form character is the outwardly two-storey residential flat building at 4 Loch Street.

The proposed building is well separated from the adjacent residential development, in that it is to be set back 22.5 metres from the boundary. The proposed allotment within this setback provides the opportunity for a future building to achieve a suitable transition in scale.

Combined with a good degree of proposed landscaping, including the retention of the existing regulated and significant street trees along the Loch Street frontage, the proposal is considered to result in an acceptable built form interface with the adjacent Established Neighbourhood Zone.

Traffic Impact, Access and Parking

Transport, Access and Parking, Table 2 - Off-Street Car Parking Requirements in Designated Areas, prescribes the following rates for sites located within a Business Neighbourhood Zone:

- 3 spaces per 100m² of gross leasable floor area;
- 1 space per 2 bedroom dwelling for the residential component of a multi-story building.

Applying the above rates equates to a car parking demand of 12.5 spaces (13 rounded up). The proposed development includes the provision of a total of 12 car parking spaces at-grade. As such, there is a shortfall of 1 car parking space. Whilst a negative aspect of the application, the shortfall is relatively minor.

The proposed crossover to provide access to the car parking is approximately 25 metres from Payneham Road and replaces a crossover located only 14 metres from Payneham Road. This is a positive aspect of the proposal, as it reduces the potential for queuing vehicles to conflict with vehicle movements on Payneham Road.

Overlooking and Overshadowing

Two representors, both located at 1A Westminster Street raised concern that the proposed building will result in a loss of privacy due to overlooking. 1A Westminster Street is located on the opposite side of Payneham Road and diagonally opposed to the subject land. Oblique views of the property at 1A Westminster Street would be possible from the windows of the upper level office tenancy and the balcony of one of the proposed upper level dwellings.

The Planning & Design Code contains policies within the General Development Policies section (ie. PO/DPF's 10.1 and 10.2) to ensure privacy of adjoining properties only, not properties which are separated by a public road. These policies are set out below.

PO 10.1

Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

DPF 10.1

Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:

- a) *are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*
- b) *have sill heights greater than or equal to 1.5m above finished floor level*
- c) *incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.*

PO 10.2

Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

DPF 10.2

One of the following is satisfied:

- a) *the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace*
or
- b) *all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:*
 - i. *1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land*

- or
ii. 1.7m above finished floor level in all other cases

It is understood that these policies are intended to strike a balance between providing for amenity for occupants of buildings and maintaining a reasonable degree of privacy for adjacent residential properties.

Privacy treatment in the form of window sill heights and obscure glass to a height of at least 1500mm above floor level is proposed for all north-east and south-east facing windows.

A representor from 1 Wheaton Road raised concern that the proposed building will result in a loss of light at their property. 1 Wheaton Road is located approximately 20 metres east of the proposed building at the closest point. As such, any loss of light resulting from the proposed building would be negligible. The majority of shadow which would be cast by the proposed building would be over the proposed allotment located to the south-east of the site of the proposed building.

Land Division

Performance Outcome 4.1 of the Business Neighbourhood Zone states:

“Land division and / or site amalgamation creates allotments that vary in size and are suitable for a variety of residential and commercial activities and improve the level of development integration.”

There is no Designated Performance Feature associated with PO 4.1.

The proposed land division creates sites of dimensions which are readily capable of accommodating residential and commercial uses, while achieving the relevant zone criteria for setbacks and boundary wall impacts. It is considered that this has been adequately demonstrated with the indicative outline of a dwelling on the proposed south-eastern allotment.

Environmental Factors

Significant and Regulated Trees

Regulated and Significant Tree Overlay Performance Outcome 2.1 states:

Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

A report by Mr Ben Seamark of Tree Inspection Services was submitted with the application, assessing the impact of the proposal on significant Holm Oak on the subject land and the significant and regulated street trees, both of which are English Oaks, located on the Loch Street verge area.

Mr Seamark has concluded that the proposed mixed use building will not impact on the adjacent Regulated and Significant Trees, subject to appropriate measures being put in place during construction. Mr Seamark has flagged that some design modifications will likely be required for a future dwelling on the proposed allotment, so as to ensure the *Quercus ilex* (Holm oak) is not impacted. Such changes could comprise a change to the siting and/or non-invasive construction such as pier and beam footings.

The report was reviewed by the Council's City Arborist, Matthew Cole. Mr Cole has concurred with the arboricultural recommendations that been detailed by Mr Seamark.

Landscaping

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 Applicant has proposed landscaping beds adjacent to both the Payneham Road frontage and the Loch Street frontage. In addition, landscaping is proposed adjacent to the proposed car parking area, ranging in width from 600mm and 1 metre. The landscaping includes a mixture of shrubs, small trees and ground covers which in overall terms, is considered to be generally consistent with Performance Outcome 3.1.

Stormwater Management

Design in Urban Areas Performance Outcome 42.3 states:

Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.

The subject land was largely covered with roof structures and bituminised car parking and manoeuvring areas up until mid-2021, when all the buildings were demolished and the land was cleared (ie. except for the significant Holm Oak tree). In this context, the amount of impervious area proposed does not exceed that of the pre-development state of the subject land.

CONCLUSION

Desired Outcome 1 of the Business Neighbourhood Zone states:

A variety of housing and accommodation types and compatible employment generating land uses in an environment characterised by primarily low-rise buildings

The proposed office and residential development is considered to be acceptable from a land use perspective, insofar as offices and dwellings are envisaged in the Business Neighbourhood Zone.

The proposed setbacks are compatible with other development within the locality. No unreasonable overlooking will result from the upper level areas of the development into adjoining residential properties. The proposed car parking provision is slightly (1 space) below the relevant quantitative on-site parking criteria. The proposed car parking configuration and the proposed vehicular access and egress arrangements are considered to be reasonably safe and convenient.

The scale of the proposed office building is greater than the relevant Designated Performance Feature for office uses anticipated within the Business Neighbourhood Zone. That said, the scale of the office use is considered to be compatible with the character of the locality.

The proposal retains large significant and regulated trees both on the subject land and adjacent street trees, which combined with proposed landscaping assists with the compatibility of the building with existing streetscape character.

It is considered that the proposal sufficiently accords with the Planning and Design Code to merit consent.

RECOMMENDATION 1

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 22013637, by Gosia Zebrowska-Bogusz and Natalie Scinto is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Conditions Imposed by the Council

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 (if any).
2. 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 within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, 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.
3. Tree Protection Zones shall be established around the *Quercus ilex* (Holm oak) located on the subject land and the two adjacent street trees and the following shall occur:
 - a) Undertaking any works within any Structural Root Zone (SRZ) with extreme care and under arborists supervision.
 - b) Non-destructive root investigations using hydroexcavation is required when excavation within any SRZ.
 - c) Reduce as much as practicable excavation requirements and use high permeable paving (Ecotrihex ®) for carpark area.
 - d) Locate underground service outside of any Tree Protection Zone (TPZ) or install using non-destructive methods such as hydro excavation or directional boring.
 - e) Direct stormwater to garden bed areas through the incorporation of Water Sensitive Urban Design principles.
 - f) A project Arborist nominated and engaged to develop a site-specific Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
 - g) The TPP plan should detail any pruning requirements, material storage areas, ground protection measures and other construction activities that may impact trees.
 - h) The TPP should be applied during the construction of the project and activities within these areas prescribed through the TPP.
 - i) The TPP should be communicated and made available to all site workers and this documented.
 - j) The TPP should be monitored by nominated Project Arborist with Roles and Responsibilities clearly articulated through the TPP.
 - k) A certificate of compliance provided at the completion of the project.
4. The upper floor windows to the south-east and north-east elevations shall either have sill heights of 1500mm above floor level or be treated to a height of 1500mm above floor level, prior to occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.

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

5. The development, including all building setbacks and vehicular access to serve the site, shall be in accordance with the Overall Site Plan by Aspex Building Designers, drawing no. PD02, revision C, date 16/06/2022.
6. All landscaping within the 4.5m x 4.5m corner cut off of Payneham Road/Loch Street intersection shall be low growing varieties only (i.e. under 1 metre in mature height).
7. All redundant crossover/s to Payneham Road and Loch Street shall be reinstated with Council standard kerb and gutter at the applicants cost prior to the development becoming operational.

8. Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

RECOMMENDATION 2

It is recommended that the Council Assessment Panel resolve that:

1. Development Application Number 22013637, by Gosia Zebrowska-Bogusz and Natalie Scinto is granted Land Division Consent subject to the following conditions:

CONDITIONS

Land Division Consent

Conditions imposed by SPC Planning Services under Section 122 of the Act

1. Payment of \$7908.00 into the Planning and Development Fund (1 allotment/s @ \$7908.00 /allotment).

This payment will not become payable until the Certificate of Approval application under Section 138 has been lodged. At that time the Land Division Registration fee (currently \$1048.00), will also become payable. The total of the two fees must be paid in a single payment. Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7109 7018, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001

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

Conditions imposed by South Australian Water Corporation under Section 122 of the Act

3. SA Water's water and sewer network is available for connection in this area. An investigation will need to be undertaken to determine infrastructure needs, appropriate fees and charges.

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

4. Please note for Torrens Title developments that it is the developers responsibility to ensure that all internal pipework, water and wastewater, is contained within the new allotment boundaries.

5. if a connection/s off an existing main is required, an investigation will need to be carried out to determine if the connection/s to your development will be standard or non-standard costs.

ADVISORY NOTES

Planning Consent

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

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.2 metres in width from the Payneham Road frontage of this site, together with a possible 4.5 x 4.5 metre cut-off at the Payneham Road / Loch Street corner, for future road purposes. Additionally, the Plan makes provision for a possible strip of land up to 4.5 metres in width from a portion of the Payneham Road frontage, for future upgrading of the Payneham Road / Stephen Terrace / Nelson Street intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirements. As the development encroaches within these areas, the attached consent form should be completed by the applicant and returned to DIT (dit.landusecoordination@sa.gov.au), together with a copy of the Decision Notification and the approved site plan(s).

Land Division Consent

Advisory Notes imposed by South Australian Water Corporation under Section 122 of the Act

The following information must be forwarded to SA Water for us to determine infrastructure needs, and relevant fees and charges. We cannot undertake our assessment until all information has been provided to ld@sawater.com.au:

1. Preferred water meter location/s for allotment 2 including measurement from a nominated side boundary
2. Boundary pegging plan
3. Developer's contact name, email and phone number to confirm construction details
4. Any other relevant or site specific information applicable to the assessment of services

To determine if your development may be subject to groundwater costs, please refer to the link below:
<http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/connect-a-new-service/dewatering-excavation-and-ground-water-control>

Please note that if you require a costing urgently, eg non-standard job, and cannot provide the boundary identification information as outlined above, we will still endeavour to provide this for you on receipt of the meter position and contact details. However, this could mean that nominated designs and costings may change, and extra processing time and redetermination fees could be incurred.

Mr Mrotek addressed the Council Assessment Panel from 8:33pm until 7:37pm

MOTION 1 MOVED

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 22013637, by Gosia Zebrowska-Bogusz and Natalie Scinto is granted Planning Consent subject to the following conditions:*

CONDITIONS Planning Consent

Conditions Imposed by the Council

1. *The development granted Planning Consent shall be undertaken and completed in accordance with the plans by Aspex Building Designers, Project Number BSL 3929, drawing Numbers PD01- PD07 Revision D and PD08 and PD09 Revision A, except where varied by conditions below.*
2. *A landscaping plan shall be provided to the reasonable satisfaction of the Assessment Manager prior to the granting of Development Approval detailing a suitable mix and density of trees, shrubs and groundcovers. Landscaping shall occur in accordance with the approved landscaping plan within the next available planting season after the occupation of the premises to the reasonable satisfaction of the Assessment Manager and such plants, as well as any existing plants which are shown to be retained, 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.*

3. *Tree Protection Zones shall be established around the Quercus ilex (Holm oak) located on the subject land and the two adjacent street trees and the following shall occur:*
- a) *Undertaking any works within any Structural Root Zone (SRZ) with extreme care and under arborists supervision.*
 - b) *Non-destructive root investigations using hydroexcavation is required when excavation within any SRZ.*
 - c) *Reduce as much as practicable excavation requirements and use high permeable paving (Ecotrihex ®) for carpark area.*
 - d) *Locate underground service outside of any Tree Protection Zone (TPZ) or install using non-destructive methods such as hydro excavation or directional boring.*
 - e) *Direct stormwater to garden bed areas though the incorporation of Water Sensitive Urban Design principles.*
 - f) *A project Arborist nominated and engaged to develop a site-specific Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.*
 - g) *The TPP plan should detail any pruning requirements, material storage areas, ground protection measures and other construction activities that may impact trees.*
 - h) *The TPP should be applied during the construction of the project and activities within these areas prescribed through the TPP.*
 - i) *The TPP should be communicated and made available to all site workers and this documented.*
 - j) *The TPP should be monitored by nominated Project Arborist with Roles and Responsibilities clearly articulated through the TPP.*
 - k) *A certificate of compliance provided at the completion of the project.*
4. *The upper floor windows to the south-east and north-east elevations shall either have sill heights of 1500mm above floor level or be treated to a height of 1500mm above floor level, prior to occupation of the building, in a manner that restricts views being obtained by a person within the room to the reasonable satisfaction of the Assessment Manager and such treatment shall be maintained at all times.*

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

5. *The development, including all building setbacks and vehicular access to serve the site, shall be in accordance with the Overall Site Plan by Aspex Building Designers, drawing no. PD02, revision C, date 16/06/2022.*
6. *All landscaping within the 4.5m x 4.5m corner cut off of Payneham Road/Loch Street intersection shall be low growing varieties only (i.e. under 1 metre in mature height).*
7. *All redundant crossover/s to Payneham Road and Loch Street shall be reinstated with Council standard kerb and gutter at the applicants cost prior to the development becoming operational.*
8. *Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.*
9. *Carparking spaces numbered 2 and 3 shall be designated as residential car parking spaces.*

**MOTION 2
MOVED**

1. *Development Application Number 22013637, by Gosia Zebrowska-Bogusz and Natalie Scinto is granted Land Division Consent subject to the following conditions:*

CONDITIONS

Land Division Consent

Conditions imposed by SPC Planning Services under Section 122 of the Act

1. Payment of \$7908.00 into the Planning and Development Fund (1 allotment/s @ \$7908.00 /allotment).

This payment will not become payable until the Certificate of Approval application under Section 138 has been lodged. At that time the Land Division Registration fee (currently \$1048.00), will also become payable. The total of the two fees must be paid in a single payment. Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7109 7018, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001

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

Conditions imposed by South Australian Water Corporation under Section 122 of the Act

3. SA Water's water and sewer network is available for connection in this area. An investigation will need to be undertaken to determine infrastructure needs, appropriate fees and charges.

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

4. Please note for Torrens Title developments that it is the developers responsibility to ensure that all internal pipework, water and wastewater, is contained within the new allotment boundaries.
5. if a connection/s off an existing main is required, an investigation will need to be carried out to determine if the connection/s to your development will be standard or non-standard costs.

ADVISORY NOTES

Planning Consent

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

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.2 metres in width from the Payneham Road frontage of this site, together with a possible 4.5 x 4.5 metre cut-off at the Payneham Road / Loch Street corner, for future road purposes. Additionally, the Plan makes provision for a possible strip of land up to 4.5 metres in width from a portion of the Payneham Road frontage, for future upgrading of the Payneham Road / Stephen Terrace / Nelson Street intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirements. As the development encroaches within these areas, the attached consent form should be completed by the applicant and returned to DIT (dit.landusecoordination@sa.gov.au), together with a copy of the Decision Notification and the approved site plan(s).

Land Division Consent

Advisory Notes imposed by South Australian Water Corporation under Section 122 of the Act

The following information must be forwarded to SA Water for us to determine infrastructure needs, and relevant fees and charges. We cannot undertake our assessment until all information has been provided to ld@sawater.com.au:

1. Preferred water meter location/s for allotment 2 including measurement from a nominated side boundary

2. *Boundary pegging plan*
3. *Developer's contact name, email and phone number to confirm construction details*
4. *Any other relevant or site specific information applicable to the assessment of services*

*To determine if your development may be subject to groundwater costs, please refer to the link below:
<http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/connect-a-new-service/dewatering-excavation-and-ground-water-control>*

Please note that if you require a costing urgently, eg non-standard job, and cannot provide the boundary identification information as outlined above, we will still endeavour to provide this for you on receipt of the meter position and contact details. However, this could mean that nominated designs and costings may change, and extra processing time and redetermination fees could be incurred.

Seconded and Carried

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:52pm

Terry Mosel
PRESIDING MEMBER

Mark Thomson
CONSULTANT PLANNER