

Council Assessment Panel Minutes

20 April 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

Page No.

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 MARCH 2022.....	1
2.	STAFF REPORTS	2
2.1	DEVELOPMENT NUMBER 22000298 – LINDSEY COOPER – 7 WHEATON ROAD, STEPNEY	2
2.2	DEVELOPMENT NUMBER 21034601 – ANTUNES GROUP PTY LTD – 382 PAYNEHAM ROAD, PAYNEHAM	9
3.	OTHER BUSINESS	17
4.	CONFIDENTIAL REPORTS	17
5.	CLOSURE	17

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 Assessment Manager
Tala Aslat Planning Assistant

APOLOGIES

ABSENT

- 1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 MARCH 2022**

Seconded and Carried

2. STAFF REPORTS

2.1 DEVELOPMENT NUMBER 22000298 – LINDSEY COOPER – 7 WHEATON ROAD, STEPNEY

DEVELOPMENT NO.:	22000298
APPLICANT:	Lindsey Cooper
ADDRESS:	7 WHEATON RD STEPNEY SA 5069
NATURE OF DEVELOPMENT:	Alterations and additions to a detached dwelling including the construction of a verandah, carport, swimming pool and safety fence
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Character Area • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 8m) • Minimum Site Area (Minimum site area for a detached dwelling is 400 sqm; semi-detached dwelling is 400 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) • Site Coverage (Maximum site coverage is 60 per cent)
LODGEMENT DATE:	13 Jan 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Norwood, Payneham and St. Peters
PLANNING & DESIGN CODE VERSION:	
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
REFERRALS STATUTORY:	N/A
REFERRALS NON-STATUTORY:	N/A

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 3:	Zoning Map		

DETAILED DESCRIPTION OF PROPOSAL:

The Applicant seeks replace the existing addition, carport and front porch and construct a swimming pool on the land at 7 Wheaton Street Stepney.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 7 WHEATON RD STEPNEY SA 5069

Title ref.: CT
5813/447

Plan Parcel: F135076
AL25

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

The site contains a detached dwelling and ancillary outbuildings, in the form of carports and garages which abut large portions of the south eastern side boundary. The site has large areas of soft landscaping within the front and rear gardens in the form of trees, shrubs and ground covers.

The site is bounded by dwellings at 5 and 9 Wheaton Road, which both have lengths of boundary development which abut the subject site, in the form of a carport at 5 Wheaton Road, and outbuildings (garages) at 9 Wheaton Road. There is a very slight fall from the front to rear of the allotment in the order of 200mm.

Locality

The locality is bounded by Payneham Road to the north west, and Olive Road to the south east, and is characterised by detached dwellings including a number of pre-1920's villas and more recent infill dwellings, which reflect an established character of landscaped dwellings on large allotments with consistent setbacks from street frontages. Given the number of older character dwellings which have a characteristic large setback down one side, boundary development is common within the locality in order to provide covered vehicle parking. There are examples of development of a similar length and height to that proposed as part of this application within the immediate locality, at number 3, 6, 11 and 17 Wheaton Road.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Dwelling alteration or addition
 - Swimming pool, spa pool or associated safety features: Accepted
 - Carport or garage
 - Dwelling addition: Code Assessed - Performance Assessed
 - Internal building work: Accepted
 - Outbuilding (Carport or garage): Code Assessed - Performance Assessed
 - Verandah: Code Assessed – Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

- **REASON**
Boundary development exceeds the requirements of Table 5
- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position	Wishes To Be Heard	Represented By
Caelum and Carol	Brice	5 Wheaton Road Stepney	Opposed	Yes	N/A
Luisa	Saccone	17 Wheaton Road Stepney	Opposed	Yes	N/A

- **SUMMARY**

Two (2) representations were received during the notification process, both of which are opposed to the proposed development.

The key issues raised by representations are, in summary:

- Shortfall in soft landscaping
- Length of the carport and garage on boundary
- Overshadowing of boundary development
- Proposed ancillary structures (carport) detracts from streetscape
- Overlooking from internal living areas, due to height differences between properties
- Side and rear setbacks of addition
- Colours of addition

The Applicant has responded to the representations, which includes amendments to the current plans.

The key changes to the proposal are:

- Provide a 600mm setback to the carport from the south eastern boundary, reducing extent of boundary development to living areas only.
- Adjustment of north western side setback of the dwelling addition to 1 metre (from 900mm)
- Increase in boundary fence heights to 2.1 metres.

A copy of the response is contained in **Attachment 5**.

AGENCY REFERRALS

N/A

INTERNAL REFERRALS

N/A

PLANNING ASSESSMENT

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

Quantitative Provisions

	P&D Code Provision	Proposed
Site Coverage	60%	56.3%
Height	2 storey (S/S streetscape)	1 storey

Side Boundary (additions)	1 metre	1 metre
Side Setback	1 metre (First Building Level)	On Boundary – 6.1 metres
Rear Setback	4 metres (First Building Level)	3.8 metres
Soft Landscaping	25%	23.2%
POS	60m ²	151m ²

Land Use

Alterations and additions (including ancillary outbuildings) in association with a detached dwelling are envisaged developments within the Established Neighbourhood Zone.

Building Height

The Established Neighbourhood Zone envisages development up to two building levels (Performance Outcome 4.1), provided that it maintains a single storey appearance from the primary street frontage (Character Area Overlay PO 1.1). The proposed additions are consistent with this provision, being single storey in height.

Setbacks, Design & Appearance

The contemporary flat roof design of the addition seeks to take advantage of northern sunlight into living and private open space areas, by providing a setback in the order of 6.1 metres to the kitchen/living areas and 4 metres to the terrace/alfresco area, which exceeds the requirements of DPF 8.1.

The proposed addition includes boundary walling for a length of 10.7 metres on the south eastern side boundary of the allotment, which departs from Established Neighbourhood Zone DPF 7.1, which does not envisage boundary development of any length. In particular, DPF 7.1 states that Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below:

(a)

Minimum Side Boundary Setback
Minimum side boundary setback is 1m for the first <u>building level</u> ; 3m for any second <u>building level</u> or higher

The performance outcome associated with DPF 7.1 (ie. PO 7.1) states:

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

It is curious that the Performance Outcome envisages boundary walls (subject to be limited in height and length) while the Designated Performance Feature, which is intended to provide one way of achieving the Performance Outcome, states that dwellings should not incorporate boundary walls. It is the opinion of staff that the intent of the minimum side setback of 1 metre (implemented by way of a Technical Numeric Variation (TNV)) is to achieve a streetscape outcome; specifically to provide a sense of space between dwellings; as the TNV has only been applied to areas within Character Area Overlays, which relate to streetscape outcomes.

By comparison, DPF 11.1 which applies to residential ancillary structures, including garages, allows walls on boundaries for a length not exceeding 8m unless, or longer if a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent.

The proposed garage is considered to be part of the dwelling, not an ancillary building. Therefore, in a strict application, DPF 11.1 is not relevant and DPF 7.1 is. However, it is considered that the intent of the P&D Code policy when read in its entirety, is to provide space between dwellings as viewed from the street, while allowing garages and other buildings which do not impact on the streetscape, to be on boundaries, provided their length and height are appropriately minimised.

The proposed boundary wall seeks to replace existing boundary structures, and abuts a shed at 9 Wheaton Road. This results in 4 metres of the proposed dwelling boundary wall being visible to the adjacent neighbour, which at a height of 2.7 metres, is considered consistent with PO 7.1.

Regarding rear setbacks, Performance Outcome 9.1 states:

“Buildings are set back from rear boundaries to provide:

- 1. separation between dwellings in a way that complements the established character of the locality*
- 2. access to natural light and ventilation for neighbours*
- 3. private open space*
- 4. space for landscaping and vegetation.”*

The associated Designated Performance Feature, DPF 9.1, states buildings are set back from the rear boundary at least 4m for the first building level. The proposed dwelling addition is set back 3.0 metres from the rear boundary to the edge of the roof and 3.8 metres to the rear wall. The location of the roof is considered to be of less relevance to achieving the listed considerations in Performance Outcome 9.1 than is the location of the rear wall.

In this respect, given the relatively minor departure from the DPF of the rear wall, and the location of vegetation on the rear boundary of the adjacent allotment, the proposed rear setback is considered to reasonably satisfy the PO.

The application has been amended in response to representations, to provide a 600mm setback for the carport from the south eastern boundary, which results in the structure being consistent with Established Neighbourhood Zone DPF 11.1. The location of this carport is adjacent a carport at 2/9 Wheaton Road, while the remainder is visible from a side yard of the dwelling which has a setback in the order of 2.7 metres. As a result, the proposal is not considered to result in any unreasonable overshadowing of the adjacent dwelling windows, or limit its access to natural light.

The application includes the re-painting of the dwelling facade and upper levels of the addition in a white colour scheme, which is raised as a concern by one of the representors due to its reflectivity/brightness. The Planning and Design Code Rules snapshot (contained in Appendix 1) does not provide policy with respect to appropriate colours of built form adjacent neighbours, and therefore the colours proposed are not in contravention of any policy. In any event the applicant has indicated a willingness to explore ‘off white’ as a colour option, which may result in these concerns being resolved between neighbours, outside of the assessment process.

One of the representations raises concerns about privacy from ground floor areas due the difference between finished floor levels of the addition and existing ground levels of the adjacent dwelling, and the existing low fencing between allotments. The Planning and Design Code does not have policy related to overlooking from ground level areas, however as a practical measure the Applicant has amended the application nominated 2.1 metre side boundary fencing to remove any potential overlooking.

The swimming pool is an ‘Accepted’ form of development, being located more than 1 metre from side boundaries, with the pool equipment enclosed in an acoustic enclosure located more than 5 metres from the nearest dwelling. As is common practice, a condition has been applied to the development by staff to limit noise at the property boundary to 45db(a).

Traffic Impact, Access and Parking

The proposal utilises the existing crossover for access to the carport. No changes to this crossover arrangement are proposed as part of the application. The proposed parking areas are considered sufficient to park 3-4 vehicles, exceeding the requirements of Table 1 – General Off-Street Car Parking Requirements.

Environmental Factors

The application includes indicative landscaped areas on the site plan, which displays landscaped areas within the front and rear yard, including the planting of two small trees. These areas equate to 23.2% of the overall site area, falling short of the 25% criteria within Design in Urban Areas DPF 22.1.

The related Performance Outcome (PO 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.*

Providing landscaping which satisfies this requirement on larger sites is often difficult when a swimming pool is proposed given that swimming pools are usually accompanied by hard surfaced/impervious areas. Given the size of the site, and the fact that swimming pools are envisaged within an Established Neighbourhood Zone, the provision of landscaping is considered to sufficiently satisfy PO 22.1.

CONCLUSION

The proposal satisfies most of the relevant Code Policy, with the exception of soft landscaping, the setback of the rear addition, and the introduction of boundary walling for the addition. The impact of this on adjacent allotments is considered appropriate, as it does not detrimentally impact on the Wheaton Road streetscape, nor unreasonably impact on adjacent land. Accordingly, it is considered that the proposal 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 22000298, by Lindsey Cooper is Granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

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 street kerb & water table or a Council underground pipe drainage system
2. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

Ms and Mr Brice addressed the Council Assessment Panel from 7:05pm until 7:21pm

Ms Saccone and Mr Gizowski addressed the Council Assessment Panel from 7:22pm until 7:33pm

Mr Cooper addressed the Council Assessment Panel from 7:35pm until 7:39pm

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 22000298, by Lindsey Cooper is Granted Planning Consent subject to the following reasons/conditions/reserved matters:*

CONDITIONS

Planning Consent

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

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 street kerb & water table or a Council underground pipe drainage system*
2. *That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.*
3. *The North-Western wall of bedroom 1 shall be painted in a colour with a maximum light reflective value of 65% to the reasonable satisfaction of the Assessment Manager.*

Seconded and Carried

2. STAFF REPORTS

2.2 DEVELOPMENT NUMBER 21034601 – ANTUNES GROUP PTY LTD – 382 PAYNEHAM ROAD, PAYNEHAM

DEVELOPMENT NO.:	21034601
APPLICANT:	Antunes Group Pty Ltd
ADDRESS:	382 PAYNEHAM RD PAYNEHAM SA 5070
NATURE OF DEVELOPMENT:	Construction of a single-storey shop building
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Urban Corridor (Business) <p>Subzones:</p> <ul style="list-style-type: none"> • Urban Corridor Business Retail <p>Overlays:</p> <ul style="list-style-type: none"> • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes • Water Resources • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Hazards (Flooding) • Hazards (Flooding - General) <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Building Height (Levels) (Minimum building height is 3 levels) • Maximum Building Height (Levels) (Maximum building height is 5 levels) • Minimum Building Height (Metres) (Minimum building height is 11.5m) • Minimum Primary Street Setback (Minimum primary street setback is 3m) • 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 a residential allotment in a neighbourhood type zone)
LODGEMENT DATE:	2 Dec 2021
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Norwood, Payneham and St. Peters
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Engineering

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development comprises the construction of a building to be used as a shop (bulky goods outlet), in the south-eastern corner of the subject land. The building is proposed to be located 4.6 to 5.4 metres from Ashbrook Avenue, 63.1 metres from Payneham Road and 1.5 metres from the rear (southern) boundary. The building has a gross leasable floor area of 690m² and varies in height between 3.6 metres and 8 metres.

Vehicle access to the car parking area is provided via existing two-way access points located on Ashbrook Avenue and Payneham Road. Vehicle parking is available on the site, accommodating 144 spaces. It is proposed that delivery vehicles will utilise an existing loading area.

BACKGROUND:

The subject land was formerly occupied by Schweppes for beverage manufacture. Schweppes vacated the site in March 2016. On 11 February 2021, the Payneham and Stepney Strategic Sites DPA (Ministerial) was consolidated into the Development Plan. That DPA resulted in the zoning of the subject land changing from Light Industry Zone to Urban Corridor Zone, Business Policy Area. The policy which applied to development in the Business Policy Area allowed for any number of shops within a development, with each individual shop having a gross leasable floor area of up to 2000m².

In June 2021, Development Plan Consent was granted to Development Application 155/155/2021, for a change of use to retail showroom and carry out associated alterations and additions to existing buildings and to construct a car park, pylon sign and landscaping. Each retail showroom tenancy within the development was between 493m² and 1749m² in floor area, with a combined total floor area of 5824m².

On 19 March 2021, the Planning & Design Code replaced the Development Plan and the zoning of the subject land changed to Urban Corridor (Business) Zone. The policy which applies to development in the Urban Corridor (Business) Zone allows for shops with a maximum gross leasable floor area of 500m²; significantly less than the 2000m² which was allowed for previously by the Development Plan.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 382 PAYNEHAM RD PAYNEHAM SA 5070

Title ref.: CT
5881/854

Plan Parcel: D3769
AL14

Council: THE CITY OF NORWOOD PAYNEHAM AND
ST PETERS

The subject land is irregular in shape with an area of 11,900m² and frontages of approximately 129 metres to Payneham Road, 56 metres to Ashbrook Road, 128 metres to Lewis Road and 50 metres to Thelma Street. Buildings cover approximately half of the land, including buildings sited in close proximity to Payneham Road, Thelma Street and abutting Lewis Road. Third Creek runs through the subject land in a box culvert in a south-east to north-west direction. The culvert was recently replaced by the Council to improve its capacity and provide greater flood protection to the subject land and wider Third Creek catchment.

The aforementioned Planning Consent to alter and change the use of the existing buildings to a retail showroom, is currently being implemented, with construction underway.

Locality

The locality of the subject land contains a mix of commercial and residential land uses, as outlined in detail below.

North of the Subject Land

The subject land is bounded by Payneham Road to the north. On the northern side of Payneham Road is Patterson Reserve, a large open space reserve owned by the Council, as well as a large two storey office building occupied by Hewlett Packard on the corner of O G Road.

South of the Subject Land.

The subject land is bounded by Lewis Road to the south. On the southern side of Lewis Road are single storey detached dwellings and a pair of two storey semi-detached dwellings, located in the General Neighbourhood Zone.

East of the Subject Land

The subject land is bounded by Ashbrook Avenue to the east, save and except that there are three properties which separate parts of the subject land from Ashbrook Avenue; namely 388 and 390 Payneham Road and 9 Ashbrook Avenue. The property at 388 Payneham Road is occupied by a single storey retail showroom. The property at 390 Payneham Road is occupied by a single storey office. The property at 9 Ashbrook Avenue is a two storey residential flat building containing six (6) units. All of these properties are located in the Urban Corridor (Business) Zone.

On the eastern side of Ashbrook Avenue is a mix of detached and semi-detached dwellings within the Housing Diversity Neighbourhood Zone.

West of the Subject Land

The subject land is bounded by Thelma Street to the west. On the western side of Thelma Street is a single storey office on the corner of Payneham Road, in the General Neighbourhood Zone. Further south along Thelma Street is a range of detached and semi-detached dwellings, also within the General Neighbourhood Zone.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Shop: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The gross leasable floor area exceeds 500m²
- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Position	Wishes To Be Heard	Represented By
Belinda	Saccardo	7A Lewis Road, Payneham	Opposed	No	N/A
Wing Yan	Mau	14a Lewis Road, Payneham	Opposed	No	N/A
Helena	Jiricek	██████████ ██████████ ██████████	Support with concerns	No	N/A

- **SUMMARY**

The key issues raised by representations are, in summary:

- Concern with deliveries/loading on Lewis Road associated with already approved tenancies, not part of this application;
- Concern that delivery vehicles servicing the proposed shop will egress the site via Lewis Road;
- Increase in traffic and noise;

In response to the concerns raised in the representations, the Applicant has advised that delivery vehicles will reverse into the loading bay adjacent to the proposed shop (Tenancy 7) and proceed to egress the site via either Payneham Road or Ashbrook Avenue.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

The development application was referred to the Council's Engineers for advice on whether the proposal interfered with the newly constructed drainage easement. Initially the proposal interfered slightly with drainage infrastructure on the site, however the application was subsequently amended to avoid the infrastructure. This can be seen as a small irregular shape to the south-western corner of the building.

PLANNING ASSESSMENT

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

Land Use

Pursuant to Performance Outcome 1.1 and Designated Performance Feature 1.1 of the Urban Corridor (Business) Zone, a shop is an anticipated land use.

Pursuant to Performance Outcome 1.2 and Designated Performance Feature 1.2 of the Urban Corridor (Business) Zone, shops should be small to medium in scale (up to 500m²) to meet the day to day needs of the local community.

At 690m², the proposed shop is 38% larger in floor area than the 500m² criteria in DPF 1.2. Ordinarily, that would be considered a relatively significant departure and at risk of undermining the performance outcome. However, in the context of the subject land which already contains over 5824m² of approved shop floor area, an additional 190m² of floor area is not considered problematic.

Building Height

The proposed single storey building is substantially lower in height than the minimum building height of 3 levels in DPF 3.1. This DPF is intended to represent a method of achieving the Performance Outcome of positively responding to the local context including the site's frontage, depth and adjacent primary corridor or street width.

The proposed single storey building is considered to achieve the performance outcome (PO 3.1), notwithstanding that it is inconsistent with the related designated performance feature.

Setbacks, Design & Appearance

Performance Outcomes 2.3, 2.4, 2.5 and 2.6 of the Urban Corridor (Business) Zone and their related designated performance features, provide assessment criteria for primary street, secondary street, rear boundary and side boundary setbacks respectively.

For the purposes of PO/DPF's 2.3 and 2.4, Payneham Road is considered to be the primary street frontage and Ashbrook Avenue is considered to be the secondary street frontage. The proposed building is set well back beyond the minimum distance of 3m from Payneham Road (37m proposed) and also beyond the minimum distance of 2m from Ashbrook Avenue (3m proposed).

In respect of the rear setback, Performance Outcome 2.5 states that buildings should be set back from rear boundaries to minimise impacts on neighbouring properties, including access to natural sunlight and ventilation. Where the neighbouring property is in the same zone, a 3m setback is stipulated in DPF 2.5. The proposed setback from the rear boundary is approximately 1.8 metres. The rear boundary in question is the side boundary of the residential allotment at 9 Ashbrook Avenue. In considering the impact of the proposed departure from DPF 2.5, consideration should be given to:

1. If an alternative development was proposed in the location of the proposed shop building, but on its own discreet site fronting Ashbrook Avenue, then the boundary setback in question would become a side boundary and DPF 2.6 would allow the entire ground level to be sited on the boundary;
2. The rear setback criteria in DPF 2.5 was written with the minimum building height criteria of 3 storeys in mind. The impact of a single storey building sited 1.8 metres from the boundary is less than the impact of a 3 storey building sited 3 metres from the boundary.

In light of these considerations, the proposed rear setback is considered acceptable.

Interface

Performance Outcome 4.1 seeks that buildings mitigate impacts of building massing on residential development within neighbourhood-type zones. In order to achieve that, DPF seeks buildings constructed within a building envelope provided by a 30 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.

The nearest boundary of an allotment used for residential purposes within a neighbourhood-type zone is on the opposite side of Ashbrook Avenue and as such, the proposal readily achieves the interface criteria.

Traffic Impact, Access and Parking

The relevant car parking Table within the Planning & Design Code states that a bulky goods outlet should provide a minimum of 2.5 car parking spaces per 100m² of gross leasable floor area. Based on this, a total of 146 spaces are required for the site, including all approved building tenancies. The development accommodates 144 parking spaces. The proposed car parking ratio is therefore considered appropriate.

Deliveries to the shop building is proposed via a driveway on the western side of the building. Residents on Lewis Road expressed concern that such delivery vehicles will use this driveway drive through and egress the site via Lewis Road. The applicant has advised that will not be the case and that delivery vehicles will reverse into this driveway and leave via Payneham Road or Ashbrook Avenue. However, there does not appear to be any physical impediment to vehicles driving forward and out via Lewis Road. If the Panel determines to grant consent to the application, it is recommended that a condition be imposed, requiring bollards to be installed at the southern end of the driveway, to prevent such movements.

Signage

No signage is proposed with the application. Any signage requiring development approval will need to be the subject of a separate development application.

CONCLUSION

The proposed shop is an anticipated land use within the Urban Corridor (Business) Zone, however the scale is larger than what is anticipated. In the context of the size of existing approved shops on the land, the scale is considered acceptable.

The rear setback is below what is specified in the Code, however for the reasons given in this report, the departure is considered acceptable.

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 21034601, by Antunes Group Pty Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

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).

1. Bollards shall be installed at the southern end of the delivery driveway at the western end of the building, so as to prevent vehicles from accessing Lewis Road.

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. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. 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).

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 21034601, by Antunes Group Pty Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters:*

CONDITIONS

Planning Consent

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).

1. *Bollards shall be installed at the southern end of the delivery driveway at the western end of the building, so as to prevent vehicles from accessing Lewis Road at all times.*

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. *This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.*
4. *Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).*
5. *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—*
 - c. *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*
 - d. *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).*

Seconded and Carried

3. **OTHER BUSINESS**
Nil
4. **CONFIDENTIAL REPORTS**
Nil
5. **CLOSURE**

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

Terry Mosel
PRESIDING MEMBER

Mark Thomson
ASSESSMENT MANAGER