

# Development Assessment Panel Agenda & Reports

21 January 2015

## Our Vision

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

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

---

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

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



City of  
Norwood  
Payneham  
& St Peters

15 January 2015

## To all Members of the Development Assessment Panel

### NOTICE OF MEETING

I wish to advise that pursuant to Section 56A of the *Development Act 1993*, the next Ordinary Meeting of the Norwood Payneham & St Peters Development Assessment Panel, will be held in the Mayor's Parlour, Norwood Town Hall, 175 The Parade, Norwood, on:

**Wednesday 21 January 2015, commencing at 7.00pm.**

Please advise Jo Kovacev on 8366 4530 or email [jkovacev@npsp.sa.gov.au](mailto:jkovacev@npsp.sa.gov.au) if you are unable to attend this meeting or will be late.

Yours faithfully

Mario Barone  
**CHIEF EXECUTIVE OFFICER**

---

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

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



City of  
Norwood  
Payneham  
& St Peters

Page No.

|     |  |    |
|-----|--|----|
| 1.  | CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 15 DECEMBER 2014..... | 1  |
| 2.  | PRESIDING MEMBER'S COMMUNICATION .....   | 1  |
| 3.  | MEMBERS' COMMUNICATION .....   | 1  |
| 4.  | STAFF REPORTS .....  | 1  |
| 4.1 | DEVELOPMENT APPLICATION 155/1017/2014 – OLDE WORLDE HOMES – 43 HARROW ROAD, ST PETERS.....                   | 2  |
| 4.2 | DEVELOPMENT APPLICATION 155/D073/2014 – MR A FARAONIO – 7 ALLEN AVENUE, GLYNDE.....                          | 14 |
| 5.  | OTHER BUSINESS .....   | 21 |
| 6.  | CONFIDENTIAL REPORTS.....  | 21 |
| 7.  | CLOSURE .....  | 21 |

**VENUE**                      Mayors Parlour, Norwood Town Hall

**HOUR**

**PRESENT**

**Panel Members**

**Staff**

**APOLOGIES**              Ms Jenny Newman, Mr John Frogley

**ABSENT**

1.      **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 15 DECEMBER 2014**
2.      **PRESIDING MEMBER'S COMMUNICATION**
3.      **MEMBERS' COMMUNICATION**
4.      **STAFF REPORTS**
  - Items to be starred (.....)
  - All unstarred items to be adopted (.....)

#### 4. STAFF REPORTS

##### 4.1 DEVELOPMENT APPLICATION 155/1017/2014 – OLDE WORLDE HOMES – 43 HARROW ROAD, ST PETERS

|                                      |  |
|--------------------------------------|--|
| <b>DEVELOPMENT APPLICATION:</b>      | <b>155/1017/14</b>   |
| <b>APPLICANT:</b>                    | <b>Olde Worlde Homes</b>   |
| <b>SUBJECT SITE:</b>                 | <b>43 Harrow Road, St Peters<br/>(Certificate of Title; Volume: 5742, Folio: 592)</b>  |
| <b>DESCRIPTION OF DEVELOPMENT:</b>   | <b>Demolition of a dwelling and outbuildings, the removal of a significant tree and the construction of a single storey detached dwelling, an in-ground swimming pool and associated fencing</b> |
| <b>ZONE:</b>                         | <b>Residential Historic (Conservation) Zone – The Avenues Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)</b>                                      |
| <b>PUBLIC NOTIFICATION CATEGORY:</b> | <b>Category 1</b>  |

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of a dwelling and outbuilding, the removal of a significant tree and the construction of a single storey detached dwelling, an in-ground swimming pool and associated fencing.

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

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

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

#### **Background**

A Development Application (Development Application Number 155/771/2014) was lodged on 2 October 2014 for the demolition of an existing dwelling and the construction of a two storey detached dwelling, masonry front fence, boundary fences and in-ground swimming pool at 43 Harrow Road, St Peters.

The Panel considered Development Application Number 155/771/2014 at its meeting held on 15 December 2014 and determined to refuse the Application for the following reasons:

1. *The proposal is at odds with Historic Conservation Zone Principles of Development Controls 16 and 18 and the Avenues Policy Area Principles of Development Controls 1, 4, 6 and 8.*

The Applicant subsequently lodged a new Development Application (Development Application Number 155/1017/14) on 23 December 2014, seeking to address the reasons for the refusal of the previous Development Application.

### Subject Land Attributes

|                      |  |
|----------------------|--|
| Shape:               | regular  |
| Frontage width:      | 18.3 metres  |
| Depth:               | 39.6 – 45.63 metres  |
| Area:                | 718m <sup>2</sup>  |
| Topography:          | gently sloping   |
| Existing Structures: | detached dwelling and outbuilding  |
| Existing Vegetation: | a significant tree within the rear yard along with non-regulated vegetation and two (2) mature street trees within the Harrow Road verge |

The subject land is a regular shaped allotment on the northern side of Harrow Road. Vehicular access to the site is available from Fifth Lane.

The allotment is gently sloping, falling approximately 400mm from the front boundary to the rear of the allotment. The subject land currently contains a single storey detached dwelling which has been modified from its original villa form to incorporate a bungalow style verandah. A significant callistemon tree (a variety of bottle brush) is located within the rear yard of the subject land, adjacent the driveway of the adjoining properties at 45A & 45B Harrow Road, St Peters which is accessed from Fifth Lane.

### Locality Attributes

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

The locality is considered to have a high level of residential amenity, comprising predominantly single-storey detached dwellings of heritage character set within well landscaped allotments, as well as a streetscape that is well planted with mature street trees. The majority of the historic building stock was constructed between 1870 and 1915 in the form of villas and cottages. A former shop and dwelling is located at 47 Harrow Road, which is listed as a Local Heritage Place.

A pair of two storey semi-detached dwellings are located directly to the west of the subject land. Most of the dwellings in the locality are listed as Contributory Items within Council's Development Plan. The historic building stock generally displays design characteristics such as gabled corrugated iron roofs, front verandahs and stone and face brick walls.

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

### Proposal in Detail

The Applicant seeks consent to demolish an existing dwelling and outbuilding, remove a significant tree, construct a single storey detached dwelling, in-ground swimming pool and associated fencing.

The proposed dwelling comprises four (4) bedrooms (the master with an en-suite and walk in robe); a home theatre room, a combined kitchen/living room with an attached alfresco area under the main roof; a laundry, a walk in pantry, a home office and a double width garage with access from Fifth Lane at the side of the site. A central courtyard is proposed adjacent to the proposed in-ground swimming pool.

The proposed materials and finishes include a Sandstone facade with rendered walls; with exposed brick side and rear walls; and timber framed windows. A contemporary alucobond clad front verandah is proposed.

The dwelling has 3.32 metre floor to ceiling heights and a traditional roof pitch. The windows are proposed to be stained timber to the front facade and the walls are to be a mix of pale grey bricks, sandstone veneer to the front facade and render in Colorbond Surfmist (off white). Woodland Grey Colorbond is proposed for the roof sheeting and gutters with Pale Grey Alucobond to be used for the front verandah. The front fence is to be rendered in the same colour as the dwelling with stained timber battens between the pillars. The front fence returns along the side of the dwelling, adjacent Fifth Lane for 15.2m. The remainder of the side and rear fences are also proposed to be constructed with 1.8m high corrugated Woodland Grey Colorbond sheeting.

The Applicant has provided a landscaping plan which illustrates a good level of landscaping at the front and side of the proposed dwelling, including a range of trees, shrubs and ground covers. A lawn area is proposed at the rear of the dwelling, behind the garage and adjacent bedrooms 3 and 4.

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

**TABLE 1: DEVELOPMENT DATA:**

| Consideration                          | Proposed Dwelling  | Development Plan Merit Assessment Quantitative Guideline                           |
|--|--|--|
| Site Area                              | 718m <sup>2</sup>  | 600m <sup>2</sup>  |
| Allotment Width                        | 18.3m  | 18m  |
| Allotment Depth                        | 39.6m – 45.63  | N/A  |
| External Wall Height*                  | 3.4m   | N/A  |
| Maximum Overall Height (to roof apex)* | 5.7m   | N/A  |
| Floor Area (total)                     | 342.3m <sup>2</sup>  | N/A  |
| Site Coverage                          | 47.6%  | 50%  |
| Private Open Space                     | 161.17m <sup>2</sup><br>22.4% of site area<br>81.4% uncovered                              | 20% of site area<br><br>50% uncovered  |
| Street Set-back                        | 6.1- 10.7 metres   | 4.5-6.17m (being the same distance as one or the other of the adjoining dwellings) |
| Side Set-back                          | 1.0 – 1.9 metres (dwelling)<br>Nil (office/workshop)<br>1.0 - 2.0metres (garage from lane) | N/A  |
| Rear Set-back                          | Nil (garage)   | N/A  |
| Car Parking Provision                  | 2 undercover   | Two (one of which is covered)  |

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

Plans and details of the proposed development are contained in **Attachment B**. Please note that the perspectives contained with **Attachment B11** depict the front fence in its previous form which has subsequently been amended by the Applicant as a result of heritage advice.

#### **Notification**

The proposal has been identified and processed as a Category 1 form of development. Accordingly, no public notification was undertaken.

#### **State Agency Consultation**

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

## Discussion

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

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

### Land Use and Density

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

|   |  |
|---|--|
| The Avenues Policy Area Desired Character Statement |  |
| The Avenues Policy Area Objectives:                 | 1.   |
| The Avenues Policy Area PDC's:                      | 1, 2, 3, 5 & 7.                              |
| RH(C)Z Desired Character Statement                  |  |
| RH(C)Z Objectives:                                  | 1.   |
| RH(C)Z PDC's:                                       | 1, 2, 7 & 8.                                 |
| City Wide Objectives:                               |  |
| City Wide PDC's:                                    | 1, 2, 7, 8 & 10.<br>1, 2, 3, 4, 16, 18 & 19. |

The construction of the proposed detached dwelling on the subject land accords with the Desired Character Statement and the Policy Area Principles of Development Control 1, 2, 3, 5 & 7, as it retains the existing subdivision pattern, reflects the low density built form nature of the locality and will not adversely impact upon the established amenity or the historic character of The Avenues Policy Area.

The existing dwelling is not listed in the Development Plan as a Contributory Item or Heritage Place. The existing dwelling is not considered to contribute to the historic character of The Avenues Policy Area, pursuant to Principle of Development Control 3 of The Avenues Policy Area. This has been confirmed verbally by the Council's Heritage Adviser, Mr David Brown. As a result the demolition of the existing dwelling is acceptable.

The proposed detached dwelling is to be constructed on an allotment of 705.6m<sup>2</sup> with a frontage to Harrow Road of 18.3 metres, which accords with The Avenues Policy Area Principles of Development Control 5 and 7. Accordingly, the proposal is considered appropriate from a land use and density perspective.

### Streetscape/bulk/scale/height/character

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

|   |  |
|---|--|
| The Avenues Policy Area Desired Character Statement |  |
| The Avenues Policy Area Objectives:                 | 1.   |
| The Avenues Policy Area PDC's:                      | 1, 2, 3 & 4.                                 |
| Residential H(C)Z Desired Character Statement       |  |
| Residential H(C)Z Objectives:                       | 1 & 5.                                       |
| Residential H(C)Z PDC's:                            | 1, 2, 13-19, 22, 23, 25 & 26.                |
| City Wide Objectives:                               |  |
| City Wide PDC's:                                    | 18, 19 & 20.<br>29-35, 39, 41, 43, 48 & 196. |

The Avenues Policy Area Principle of Development Control 4 states that, "*development in the Avenues Policy Area should not be more than one (1) storey above natural ground level, except where the predominant height in the immediate locality is two storey*".

The predominant height of buildings in the immediate locality of the subject land is single storey, with the only two storey building being a pair of semi-detached dwellings at 45 Harrow Road, immediately north-west of the subject land. Accordingly, the single storey nature of the proposal is consistent with Principle 4 of The Avenues Policy Area.

The Application was referred to the Council's Heritage Advisor, David Brown, as the subject land is located within the Residential Historic (Conservation) Zone. A summary of Mr Brown's comments is set out below:

- *the subject land currently contains an old cottage that has had a bungalow verandah addition to in in the 1920's*
- *The proposal is for a new contemporary single level dwelling to replace the existing building. The proposed style is similar to other recent contemporary new houses in the area with rendered and stone walls, tall slim windows, large eaves, hipped roof and simple stepped front facade. The mix of materials, colours and forms work well on the proposed design.*
- *This design has several strong positive points: The garaging is via the side lane, so there are no garage doors to the street facade and the scale and proportions will set well in the streetscape.*

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

The subject land is located within The Avenues Policy Area, which allows for high quality replications of original dwellings. The Desired Character Statement within The Avenues Policy Area states, in part:

*"Development in this Policy Area will conserve and enhance the historic streetscape character created by the regularity of the avenues and the development patterns that have formed around them. Old and new development will be combined in a way that shows an understanding of historic design patterns, avoids poor imitation and improves the overall visual amenity of streetscapes."*

The proposed dwelling incorporates design and material elements that reflect the historic built form in the locality such as wall heights, roof form, materials and window proportions. As such it is considered that the proposed dwelling will clearly be identifiable as a new dwelling, while containing elements that reinforce the character of the locality and is therefore consistent with Principle of Development Control 3 of The Avenues Policy Area.

The dwelling is in accordance with Principle of Development 4 of the Avenues Policy Area which states that development should not be more than one storey above natural ground level, except where the predominant height in the locality is two storey.

The Applicant has not specified the profile of the colorbond fencing to the sides and rear of the dwelling. Previous heritage advice has stated that custom orb sheeting is considered to be a more traditional profile material within Historic Conservation Zones. If the Panel determines to grant Development Plan Consent, it is recommended that this requirement be included as a condition of consent.

The Applicant has proposed to have a double width garage at the rear of the dwelling, with access via Fifth Lane, which is consistent with Residential Historic (Conservation) Zone Principle of Development Control 32, which states:

*"Vehicle access to sites should be via minor streets and/or existing crossovers where possible. Where rear lanes exist, vehicle access and garaging should be located at the rear of the allotment."*

Front fences within the locality vary in their materials, forms and heights. The Applicant has proposed a 1.8 metre high masonry plinth and pillar fence, with stained timber batten infill. The proposed front fence will complement the proposed dwelling and other fences within the locality.

It is considered that the proposed development accords with relevant provisions of the Development Plan that relate to bulk, scale and character. In this context, the proposal is considered to be acceptable from a heritage and character perspective.

### Setbacks and Site Coverage

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

|                                |                      |
|--------------------------------|----------------------|
| The Avenues Policy Area PDC's: | 6 & 8.               |
| RH(C)Z PDC's:                  | 10, 11 & 12.         |
| City Wide PDC's:               | 212, 214, 216 & 221. |

The front setback of the proposed dwelling varies between 6.1 and 10.7m from the Harrow Road property boundary as a result of the angle of the property boundary and the stepped nature of the front facade. The proposed dwelling is set back 1.0 from the north-western side boundary and Nil to 1.89 metres from the south eastern boundary.

The Avenues Policy Area Principle of Development Control 9 states:

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

The adjacent properties at 2-8 Fourth Avenue contain dwellings which are listed as Contributory Items within the Development Plan. However, as they address Fourth Avenue and the subject land abuts their rear boundaries, they are not relevant for the purposes of assessing the setback of the proposed dwelling. The adjacent dwelling at 45B Harrow Road is not a Contributory Item and has a setback to the facade of between 4.5 and 6.1 metres from the Harrow Road property boundary. The Local Heritage Place at 47A Harrow Road has a nil front and side setback.

The front setback of the proposed dwelling is considered appropriate given the angled front property boundary and the fact that the facade steps in as the dwelling stretches to the south east. It is considered that the proposed front setback is consistent with Principle 9 of The Avenues Policy Area, as it reflects the pattern established by the adjoining dwelling at 45B Harrow Road.

With respect to side setbacks, the resultant siting relationship to side boundaries is similar to that of the adjoining and adjacent dwellings at 45A and 45B Harrow Road. The proposed side setbacks of the dwelling are therefore considered to be acceptable.

The proposed garage, which is located under the main roof at the rear of the dwelling, is proposed to be set back between 1.0 and 2.0 metres from Fifth Lane. The side wall of the garage abuts the common driveway of the semi-detached dwellings at 45A and 45B Harrow Road with a length of 7.2 metres and a height of 3.1m which while inconsistent with City Wide Principle of Development Control 217 as the height of the wall is greater than 3.0 metres is considered a minor shortcoming of the proposal.

A setback of the garage from Fifth Lane at the rear of the property is required to enable safe and convenient vehicle manoeuvring. This will be discussed in greater detail under the heading *Car-parking/access/manoeuvring* later in the report. Notwithstanding, from a built form perspective the proposed rear setback is considered to be appropriate within the locality.

In terms of site coverage, The Avenues Policy Area Principle of Development Control 6 states that *"buildings should not cover more than 50 percent of the total area of the site."* The proposed development has an overall site coverage of 47.6% which is consistent with the principle. The previous Development Application which was refused by the Panel on 15 December 2014, proposed a site coverage of 57.5%.

### Overshadowing/overlooking

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

|                  |                                  |
|------------------|----------------------------------|
| City Wide PDC's: | 11, 32, 37, 200, 201, 253 & 254. |
|------------------|----------------------------------|

It is considered that there will not be any unreasonable overshadowing of adjacent land resulting from the construction of the proposed dwelling, due to the side setbacks of the dwelling and the orientation of the subject land. The dwelling is entirely single storey and is set back 1.0 metres from the north western side boundary of the allotment. The majority of overshadowing caused by the proposed dwelling will be contained within the side yards of the subject land.

The finished floor level of the proposed dwelling is similar to that of the existing dwelling. The existing 1.8 metre high side fencing and retaining wall will be adequate to ensure that there will not be any unreasonable overlooking of adjacent properties.

The proposed development is considered to be consistent with City Wide Principle of Development Control 11, in that no unreasonable overlooking or overshadowing will result from the development.

#### Private open space

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

City Wide PDC's: 241, 243, 244 & 248.

The proposed dwelling includes 161.17m<sup>2</sup> of private open space broken up into three (3) separate areas. The main area of private open space containing the pool and alfresco is directly accessible from the main living area. It is considered that the main private open space will be overshadowed for a significant portion of the day as a result of the design of the dwelling and the relative confines of the allotment being significantly smaller than many others within the Policy Area. Whilst this is not ideal, it is not considered fatal to the overall merits of the proposal.

The remaining two (2) courtyards are located on the western side of the dwelling and have been identified as utility courtyards and a lawned area adjacent bedrooms 3 and 4. The utility courtyard is considered to be of adequate size to accommodate bin storage, mechanical plant equipment and clothes drying facilities and has a direct link from the laundry. Access to Harrow Road for bin collection is provided. The lawned area in the north western corner of the allotment is considered to be of a generous size, with good connectivity to the rear bedrooms through generous sliding doors.

The proposed area of private open space equates to 22.4% of the overall site area, which exceeds the minimum of 20% prescribed by City Wide Principle of Development Control 244(a). The provision of private open space is considered to be acceptable.

#### Car-parking/access/manoeuvring

RH(C)Z PDC's: 32.  
City Wide Objectives: 34.  
City Wide PDC's: 101, 116, 123, 237, 238 & 265.

Table NPSP/8.

Table NPSP/8 prescribes that detached dwellings should be provided with two (2) on-site car parking spaces per dwelling, of which at least one (1) is covered. The proposed garaging at the rear of the dwelling will provide two (2) undercover car parking spaces. The provision of on-site car parking is considered to be acceptable.

In terms of manoeuvring, the proposed garage is set back 1.0 – 2.0 metres from Fifth Lane at the rear of the subject land and incorporates a single (6.3m wide) panel lift door. Fifth Lane is approximately 4.6 metres wide adjacent to the subject land, resulting in a vehicle manoeuvring width of between 5.6 and 6.6 metres.

City Wide Principle of Development Control 237 states:

*“Where the width of the laneway (including a service lane), or other minor or unserviced street), is less than 6 metres, the garage/carport should be set back from the laneway the distance required to provide a width of 6 metres from the opposite side of the laneway to the opening of the garage/carport, to allow for appropriate vehicular manoeuvring in and out of the garage/carport. A lesser set back may be considered in circumstances where an alternative design response (such as a wider opening to the garage/carport) is presented.”*

The angled design of the garage door and its significant width will allow for convenient manoeuvring into the lane with the vehicles exiting the lane and travelling in a northerly direction towards Stephen Terrace.

The proposed finished floor level of the garage (100.3 RL) is approximately 200mm above the adjacent level of Fifth Lane, which will enable convenient access and egress without the need for any substantial grade transition, in accordance with City Wide Principle of Development Control 238.

The provision of on-site car parking, vehicle access and manoeuvring are considered to be acceptable.

#### Finished floor levels/flooding/retaining

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

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

The subject land is not located within a 1 in 100 year Average Recurrence Interval (ARI) flood plain.

The finished floor level of the proposed dwelling varies between 260mm and 560mm above the top of kerb level in Harrow Road, such that all stormwater will be able to drain by gravity to the street water table. As such, given that paving levels are usually about 150mm-200mm below the finished floor level, retaining walls at the boundary of the site are not expected to exceed 360mm in any location.

City Wide Principle of Development Control 165 states:

*“Stormwater from a site should not discharge into or onto a laneway (including a service lane), or other minor or unserviced street unless there is a defined underground piped stormwater drainage system which has sufficient capacity to receive the stormwater flows.”*

Fifth Lane, at the side of the subject land, does not have any stormwater infrastructure. As such, all stormwater must be disposed of directly to the Harrow Road street water table. Given the topography of the site, this is expected to be the preferred option for the Applicant. However, to avoid doubt, if the Panel determines to approve the application, it is recommended that a condition be imposed to ensure that all stormwater is discharge to the Harrow Road water table and not on to the surface of Fifth Lane.

#### Trees (significant, mature & street) and landscaping

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

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

City Wide Objectives: 24, 117, 118 & 119.

City Wide PDC's: 76, 239, 240, 422, 423, 424, 425, 426, 427 & 428.

A significant callistemon (a variety of bottle brush) is located within the rear yard of the subject land, adjacent the common driveway of the semi-detached dwellings at 45 Harrow Road. The tree is multi stemmed (three trunks) with each trunk measuring 1.0m, 1.6m and .7m at 1.0m above natural ground respectively. The total is therefore 3.3m with the average trunk circumference being 1.1m, which is greater than 625mm. The tree is therefore significant for the purposes of the *Development Act 1993*.

Objective 119 and City Wide Principle of Development Control 425 respectively state:

*The conservation of significant trees in Metropolitan Adelaide which provide important aesthetic and environmental benefit.*

And

*Where a significant tree:*

- (a) makes an important contribution to the character or amenity of the local area; or*
- (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or*
- (c) represents an important habitat for native fauna; or*
- (d) is part of a wildlife corridor of a remnant area of native vegetation; or*
- (e) is important to the maintenance of biodiversity in the local environment; or*
- (f) forms a notable visual element to the landscape of the local area, development should preserve these attributes.*

With regard to City Wide Principle of Development Control 425(a) and (f), the subject tree is not considered to make an important contribution to the character or amenity of the local area or form a notable visual element to the landscape of the local area. The subject tree is located within the rear yard of the current dwelling and is only partially visible from the corner of Fifth Lane and Harrow Road. The mature street trees, as well as the private eucalypts within rear yards are considered to contribute significantly more than the subject tree to the character and amenity of the area. The subject tree is significantly smaller than many others in the immediate vicinity. As such it meets the first criteria for removal pursuant to City Wide Principle of Development Control 425. However going further, the tree is not listed as indigenous to the local area or its species listed as rare or endangered, it does not represent an important habitat for native fauna, is not considered important to the maintenance of biodiversity in the local environment.

It is considered that given the limited landscaping opportunities available on the subject land, in terms of being able to accommodate large trees, it is appropriate that the Applicant be required to pay \$246.00 into the Council's Urban Tree Fund to offset the loss of the subject tree and provide funds for plantings to occur elsewhere in the Council area.

Two mature street trees are located adjacent to the subject land. Council staff have calculated the structural root zone (SRZ) for the trees to be 3.0 metres from the radius of the trunk.

The proposed front fence is located approximately 2.8 metres from the adjacent street trees, which is within the structural root zone of each tree. As such, the proposed front fence has the potential to adversely affect the health of the trees if traditional footing trench construction methods are utilised. Accordingly, the Council's Coordinator, Horticultural & Arboriculture Services has recommended (as part of a previous Development Application) that the front masonry fence be constructed of a pier and beam footing method, or the like, with no excavation to occur within the 3.0 metres of the street trees. The exception to this is the fencing pillars which if located within this area are to be hand dug and if roots greater than 50mm in diameter are detected, arboricultural advice must be sought prior to any damage or severing of the roots. A copy of Mr Ashforth's previous advice is contained with **Attachment D**.

In terms of landscaping, the Applicant has provided a detailed landscaping plan and schedule which is contained with **Attachment B17**. The Applicant has proposed a mix of ground covers and two (2) ornamental pears within the front yard of the subject land. It is considered that the proposed landscaping is in accordance with the relevant section of the Desired Character Statement for The Avenues Policy Area which states:

*“Landscaping around a dwelling, particularly in the front garden, is an important design element in this Policy Area as it enhances the dwelling and adds to the appearance and quality of the streetscape. Both new and existing dwellings will incorporate an appropriate garden setting.”*

### Environmental Sustainability

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

|                       |                                 |
|-----------------------|---------------------------------|
| City Wide Objectives: | 23 & 42.                        |
| City Wide PDC's:      | 70, 71, 72, 73, 149, 153 & 161. |

The proposed dwelling is reasonably orientated on the subject land so as to provide access to eastern and northern sunlight to the main living area and part of the main private open space area at the side of the allotment. Solar access is somewhat compromised as a result of the garaging at the rear of the allotment, significantly reducing the capacity for a 'traditional' rear yard.

The Applicant has provided shade to the windows on the proposed dwelling's rear (north-eastern) elevation by including eaves, which will minimise direct sunlight (i.e. heat loading) to the bedrooms. The western elevation contains a mix of high and low level windows to service areas (pantry, bathroom and laundry). This is considered to be a positive and practical design approach with regard to reducing the need for artificial cooling during the summer months within the proposed dwelling. The main living area will receive morning sun through the incorporation of extensive glazing.

City Wide Principle of Development Control 161 prescribes that new dwellings should be provided with a 2000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. Given that the proposed dwelling is relatively large, resulting in a significant amount of impervious surfaces on the land, it is considered to be reasonable to impose a condition requiring the Applicant to install a rain water tank (or tanks) with a minimum capacity of 2000 litres, in accordance with City Wide Principle of Development Control 161. If the Panel determine to approve the development, it is recommended that this condition be imposed. It is also recommended that a condition be imposed to ensure that the filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 45db(a), when measured at adjoining property boundaries (the relevant Environment Protection Act requirement).

### **Summary**

The construction of a single storey detached dwelling with an ancillary swimming pool, fencing and landscaping, on an existing allotment is consistent with the land use provisions contained within the Residential Historic (Conservation) Zone and The Avenues Policy Area.

The proposal will not result in any unreasonable impacts such as compromised visual outlook for adjoining occupiers, nor shadowing of adjoining land. The proposed setbacks and siting of the garage at the rear of the allotment, with access from Fifth Lane are both considered appropriate and consistent with the relevant provisions of the Development Plan. The proposed materials and finishes are considered to be sympathetic to the character of the locality with the dwelling incorporating traditional design features, in a modern sense.

On balance, the proposed dwelling will fit comfortably into the existing streetscape, will not compromise the rhythm of front setbacks in the locality and will not unreasonably impact on adjacent residential properties. The issue of stormwater collection, re-use and disposal can be adequately addressed via the imposition of appropriate conditions, should the Panel determine to approve the development.

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

## RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/771/2014/14 by Olde Worlde Homes, for the demolition of the existing dwelling and construction of a single storey detached dwelling, masonry front fence, boundary fences and in-ground swimming pool, on the land located at 43 Harrow Road, St Peters, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- plans, elevations and details prepared by Glorious Gardens marked Sheets 1-4 and – 6-15 of 16 Edition 2 dated 2 December 2014 and received by the Council on 23 December 2014;
- letter from Olde Worlde Homes stating the materials and finishes schedule received by Council on 23 December 2014;
- letter from Olde Worlde Homes stating the planting schedule received by Council on 30 December 2014; and
- Ground Floor Plan prepared by Glorious Gardens marked Sheet 5 dated 7 January 2014 and received by Council on 8 January 2014.

### Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent Harrow Road kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged in to Fifth Lane at the side of the site.
2. The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
3. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. Payment of \$246.00 is required to be paid into the Council's Urban Trees Fund, prior to the tree removal herein approved being undertaken. Payment may either be made in person at the Norwood Town Hall at 175 The Parade, Norwood, online via the Council's website at [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au) or by telephoning 08 8366 4555 and providing your credit card details.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
6. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
7. All colorbond fencing on the subject land shall comprise a custom orb profile.

8. The proposed masonry fence herein approved is to be constructed utilising a pillar and plinth (or similar) construction method. Any excavation required within a 3.0m radius of the adjacent street trees shall be undertaken by hand and if any roots greater than 50mm in diameter are encountered arboricultural advice should be sought prior to any pruning or removal. The Council's Coordinator, Arboricultural Services can be contacted on 8366 4555 for advice.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.
5. The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

#### 4. STAFF REPORTS

##### 4.2 DEVELOPMENT APPLICATION 155/D073/2014 – MR A FARAONIO – 7 ALLEN AVENUE, GLYNDE

|                                      |  |
|--------------------------------------|--|
| <b>DEVELOPMENT APPLICATION:</b>      | <b>155/D073/2014</b>   |
| <b>APPLICANT:</b>                    | <b>Mr A Faraonio</b>   |
| <b>SUBJECT SITE:</b>                 | <b>7 Allen Avenue, Glynde<br/>(Certificate of Title Volume:6100 Folio:200)</b>                                     |
| <b>DESCRIPTION OF DEVELOPMENT:</b>   | <b>Torrens Title land division creating one (1)<br/>additional allotment</b>                                       |
| <b>ZONE:</b>                         | <b>Residential 2A Zone Norwood, Payneham and St<br/>Peters (City) Development Plan (dated 31 October<br/>2013)</b> |
| <b>PUBLIC NOTIFICATION CATEGORY:</b> | <b>Category 1</b>  |

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for a Torrens Title land division creating one (1) additional allotment.

Staff do not have delegated authority to determine the Application, as it comprises the creation of an additional allotment that does not achieve the minimum area and dimension requirements set out in the schedule of staff delegations. More specifically, the proposed additional allotment includes a site area less than 380m<sup>2</sup> and a frontage width less than 10 metres.

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

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

#### **Subject Land Attributes**

|                      |                                      |
|----------------------|--------------------------------------|
| Shape:               | regular                              |
| Frontage width:      | 17.55 metres                         |
| Depth:               | 42.67 metres                         |
| Area:                | 748.85 m <sup>2</sup>                |
| Topography:          | essentially flat                     |
| Existing Structures: | Nil. The development site is vacant. |
| Existing Vegetation: | Nil                                  |

The subject land is vacant and is relatively flat.

#### **Locality Attributes**

|                             |   |
|-----------------------------|---|
| Land uses:                  | entirely residential                    |
| Building heights (storeys): | predominantly single storey             |
| Streetscape amenity         | moderate due to existing building stock |

The locality contains predominately single storey post-war detached dwellings on individual allotments. A two-storey residential flat building is located at 13 Allen Avenue and a single storey flat building is located 101 Glynburn Road on the corner of Allen Avenue.

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

### Proposal in Detail

The Applicant seeks consent to divide the existing allotment to create one (1) additional Torrens Title allotment. The proposed allotments are approximately equal in size.

Allotment 520 is proposed to have a frontage of 8.77 metres and allotment 521 is proposed to have a frontage of 8.78 metres. Both allotments would have a depth of 42.67 metres and a total area of approximately 374m<sup>2</sup>.

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

**TABLE 1: DEVELOPMENT DATA:**

| Consideration   | Allotment 520     | Allotment 521     | Development Plan Merit Assessment Quantitative Guideline |
|-----------------|-------------------|-------------------|--|
| Site Area       | 374m <sup>2</sup> | 374m <sup>2</sup> | N/A  |
| Allotment Width | 8.77m             | 8.78m             | N/A  |
| Allotment Depth | 42.67m            | 42.67m            | N/A  |

The proposed plan of division is contained in **Attachment B**.

The Applicant has provided indicative plans to demonstrate the development potential of the site, a copy of which is contained in **Attachment C**.

### Notification

The proposal has been identified and processed as a Category 1 form of development. As such, no public notification was undertaken.

### Discussion

The subject land is located within the Residential 2A Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

#### Land Use and Density

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

|                                 |                                      |
|---------------------------------|--------------------------------------|
| Residential 2A Zone Objectives: | 2                                    |
| Residential 2A Zone PDC's:      | 2                                    |
| City Wide Objectives:           | 1, 5, 57                             |
| City Wide PDC's:                | 1, 2, 3, 20, 22, 25, 187, 188 & 189. |

Objective 2 of the Residential 2A Zone anticipates primarily detached dwellings on individual allotments. The proposed allotments are intended to accommodate detached dwellings consistent with this objective.

The Development Plan does not contain any quantitative provisions in relation to minimum allotment areas or dimensions to assist with the assessment of merit Development Applications within the Residential 2A Zone. Therefore, the proposed land division must be assessed against the relevant qualitative provisions of the Development Plan.

In this regard, City Wide Principle of Development Control 189 is considered to be of most relevance. City Wide Principle of Development Control 189 states that residential allotments should be able to accommodate the siting and construction of a dwelling and outbuildings, the provision of landscaping and private open space, convenient and safe vehicle access and off street parking, passive energy design and the placement of a water tank.

The Applicant has provided indicative site and floor plans of two (2) relatively modest single-storey dwellings. It should be noted that the dwelling plans have been provided for example purposes only and do not form part of this proposal.

The indicative plans demonstrate that two (2) dwellings can be constructed on the land in a manner that meets the criteria listed in City Wide Principle of Development Control 189. Specifically, the indicative plans provided illustrate dwellings with reasonable setbacks, site coverage, area for landscaping and open space with safe and convenient vehicular access for two (2) vehicles and opportunities for the provision of a rainwater tank.

The residential flat building at 13 Allen Avenue has an average site area of 154m<sup>2</sup> and the residential flat building at 101 Glynburn Road has an average dwelling area of 221m<sup>2</sup>. Allotments containing detached dwellings within Allen Avenue range in site area but have fairly consistent frontage widths. The property at 2A Allen Avenue is the smallest Torrens Title allotment and has a 16.2 metre frontage width and 573m<sup>2</sup> site area, while the subject land is the largest Torrens Title allotment with a 17.5m frontage width and 748m<sup>2</sup> site area. In this context, the proposed allotment areas and frontages would be inconsistent with the prevailing pattern for detached dwellings in the locality.

City Wide Objective 57 seeks increased dwelling densities in areas close to centres, public transport and significant public open spaces. The subject land is close to public transport on Glynburn Road, Scott Street Reserve, and shops and facilities on Glynburn and Payneham Road. As such, the site is considered a suitable area for increased density and an opportunity for providing a wider variety of dwelling options to the community.

In support of this argument, Allen Avenue is proposed to be included in the 'Residential Zone' in the draft Residential (Zones and Policy Areas) Development Plan Amendment, which is currently with the Minister for Planning for authorisation. The proposed Residential Zone policies seek a range of dwelling types including affordable housing, increased dwelling densities in close proximity to centres, public transport routes and public open spaces and development that contributes to the desired character of the zone. The proposed Residential Zone provisions include minimum allotment sizes of 330m<sup>2</sup> for detached dwellings, with a minimum frontage width of 9.0m. Whilst the draft DPA has not yet been endorsed and is therefore not relevant for the assessment of the subject land division, it does demonstrate that recent investigations undertaken by the Council identify the locality of the subject land as being suitable for development in accordance with the proposed density.

The proposed allotment widths are less than other allotments within the street and slightly less (0.22m and 0.23m) than the minimum allotment width proposed in the draft DPA. . Notwithstanding, the allotment widths are considered to be sufficient to accommodate a detached dwelling design which complements the existing building stock, have a habitable room facing the street and with space on one side of each dwelling.

As such, the proposed allotment widths are considered sufficient to accommodate future development which will not unreasonably compromise the character of the street.

Accordingly, the proposed allotments are considered to be of sufficient area and dimensions to be able to accommodate detached dwellings which are consistent with the Council's Development Plan, and in accordance with Residential 2A Zone Objective 2. The subject land is also in a locality with good access to services and transport. As such, the proposed density is considered to be acceptable.

streetscape/bulk/scale/height/character

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

|  |                |
|--|----------------|
| City Wide Objectives:                        | 18             |
| City Wide Principles of Development Control: | 29, 41, 42, 43 |

As discussed in the Land Use and Density section of this report, it is considered that the existing character of the Allen Avenue Streetscape will not be unreasonably affected by the proposed land division and subsequent development. The proposed land division results in allotment widths that would enable any future dwellings to have a reasonable separation from one side boundary, which is complementary to the existing side boundary setback pattern within the locality.

Setbacks and Site Coverage

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

|  |                            |
|--|----------------------------|
| City Wide Principles of Development Control: | 51, 52, 212, 213, 215, 221 |
|--|----------------------------|

The overall 42.67 metre depth of the proposed allotments is sufficient to enable the front set back of any future dwellings to comfortably reflect the average front setbacks of the adjoining properties. The proposed allotment sizes of 374m<sup>2</sup> could accommodate future development with a total covered area of up to 224m<sup>2</sup> while maintaining the 60% site coverage permitted under the State Government Residential Development Code.

Private open space

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

|  |                         |
|--|-------------------------|
| City Wide Principles of Development Control: | 241, 242, 243, 244, 248 |
|--|-------------------------|

City Wide Principle of Development Control 244 calls for a minimum area for private open space of 20% of the respective site area. This would result in each of the proposed allotments requiring 74.8m<sup>2</sup> of private open space. The indicative dwelling plans demonstrate a development which accommodates at least 75m<sup>2</sup> of private open space consistent with this provision.

Due to the orientation of the subject land (north at the front), the rear yards of future dwellings will inevitably have compromised access to natural light. The indicative plans have demonstrated side courtyards for each dwelling which will help to provide some outdoor area with better access to natural light, as well improving internal access to natural light which is considered a reasonable solution given the constraints of the existing allotment orientation.

Carparking/access/manoeuvring

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

|  |                         |
|--|-------------------------|
| City Wide Objective:                         | 34                      |
| City Wide Principles of Development Control: | 101, 120, 123, 229, 266 |

Vehicle access to the proposed Allotment 520 is able to be provided via the existing crossover. The provision of a new single width crossover for the proposed Allotment 521 can be accommodated with an adequate clearance to the adjacent street tree.

The resultant increase in density of the proposal would not result in an unreasonable increase in traffic generation.

Finished floor levels/flooding/retaining

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

City Wide Principles of Development Control: 22, 56, 59, 60, 61, 166

The subject land is not located within a recognised flood plain.

The subject land is essentially flat, so future dwellings will be able to dispose of stormwater through a gravity-fed system without excessively high floor levels.

Trees (significant, mature & street) and landscaping

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

|  |  |
|--|--|
| City Wide Objectives:                        | 24, 25                                   |
| City Wide Principles of Development Control: | 76, 77, 82, 120, 187, 239, 240, 264, 384 |

The adjacent Queensland Box street tree is located 5.79 metres from the western boundary which will provide sufficient clearance between the tree and a future driveway.

The subject land did contain several mature fruit trees, none of which were identified as being regulated pursuant to the *Development Regulations 2008* but they have been recently removed.

The proposed allotments are considered to be of sufficient size to be able to accommodate a reasonable degree of landscaping in accordance with City Wide Principles of Development Control 239 and 240.

Environmental Sustainability

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

|  |             |
|--|-------------|
| City Wide Objectives:                        | 23, 42, 43  |
| City Wide Principles of Development Control: | 70, 71, 199 |

As discussed in the *Private Open Space* section of this report, due to the orientation of the allotments the rear yards of future dwellings will have compromised access as they will be south of the buildings. Including side courtyards in the design is one way of achieving an outdoor area with direct access to sunlight for a portion of the day and will help to provide access to natural light within the buildings.

The indicative dwelling plans indicate that there will be ample opportunity to accommodate rainwater tanks on the proposed allotments and as such, any future applications for the construction of dwellings, will be able to accord with City Wide Principle of Development Control 161 with respect to the provision of 2000 litre rain water tanks.

**Summary**

Whilst there are no merit based quantitative Development Plan provisions for allotment areas and dimensions within the Residential 2A Zone, the Applicant has demonstrated, via the indicative plan provided, that the proposed allotments can each be developed with detached dwellings that are generally consistent with the requirements of the Development Plan and will not have an unreasonable impact on neighbouring allotments.

The proposed allotment widths are less than other properties in the street which is considered a negative aspect of the development. However, the allotment widths are considered to be sufficient to accommodate detached dwellings which complement surrounding buildings and the locality is considered to be well suited for infill development of this nature taking into account character and locational considerations.

Due to the orientation of the allotments, the private open space of future dwellings is likely to have compromised access to northern light. Side courtyards can be included in future designs to help overcome this issue.

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

## RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/D073/2014 by Mr A Faraonio for a Torrens Title land division creating one (1) additional allotment on the land located at 7 Allen Avenue subject to the following requirements, conditions and notes:

### Relevant Plans

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

- Plan of division prepared by Mattson & Martyn Surveying and Planning Consultants, Reference P12518/09/14, received by the Council 27 October 2014

### Development Assessment Commission Requirements

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

The alteration of internal drains to the satisfaction of SA Water is required. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$6488 into the Planning and Development fund (1 allotment(s) @ \$6488/allotment). Payment can be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

### Notes to Applicant

1. The postal address of the newly created allotments are:
  - Allotment 520: 7 Allen Avenue Glynde
  - Allotment 521: 7A Allen Avenue Glynde
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

4. This Development Plan Consent will lapse within 12 months of the date of this notice unless Land Division Consent and Development Approval have been obtained.
5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

5. **OTHER BUSINESS**  
(Of an urgent nature only)
6. **CONFIDENTIAL REPORTS**  
Nil
7. **CLOSURE**