

# Development Assessment Panel Minutes

**16 February 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.*

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City of  
Norwood  
Payneham  
& St Peters

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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 7:00pm

**PRESENT**

**Panel Members** Mr Gavin Lloyd-Jones  
Mr Carlo Dottore  
Mr John Minney  
Mr Kevin Duke  
Mr Graham Gaston  
Mr Reno De Fazio  
Mr David Cree  
Mr John Frogley  
Ms Jenny Newman

**Staff** Mr Carlos Buzzetti (General Manager, Urban Planning and Environment)  
Mr Mark Thomson (Manager, Development Assessment)  
Mr Matt Atkinson (Senior Urban Planner)  
Ms Emily Crook (Development Officer – Planning)  
Mr Nenad Milasinovic (Acting Senior Urban Planner)

**APOLOGIES** Nil

**ABSENT** Nil

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 21 JANUARY 2015**

*Mr Minney moved that the minutes of the Meeting of the Development Assessment Panel, held on 15 December 2014 be taken as read and confirmed,*

*Seconded by Mr Gaston and carried.*

**2. PRESIDING MEMBER'S COMMUNICATION**

Nil

**3. MEMBERS' COMMUNICATION**

Nil

**4. STAFF REPORTS**

- Items to be starred (4.1, 4.2, 4.3, 4.4)

**4. STAFF REPORTS**

**4.1 DEVELOPMENT APPLICATION 155/1006/2014 – PRECISION HOMES (AUSTRALIA) PTY LTD – 28 NINTH AVENUE, ST PETERS**

<b>DEVELOPMENT APPLICATION:</b>	<b>155/1006/2014</b>
<b>APPLICANT:</b>	<b>Precision Homes (Australia) Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>28 Ninth Avenue, St Peters (Certificate of Title Volume: 5097 Folio: 178)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Demolition of an existing dwelling, outbuilding and swimming pool and the construction of a two storey detached dwelling, swimming pool, front pillar fence and associated landscaping.</b>
<b>ZONE:</b>	<b>Residential 1 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 an existing dwelling, outbuilding and swimming pool and the construction of a two storey detached dwelling, swimming pool and front pillar fence.

In September 2010, the Council considered and endorsed an amendment to staff delegations, such that in circumstances where a Development Application relates to land owned by a Council Employee or an Elected Member, or a member of their immediate family, the Council's Development Assessment Panel must determine the Application.

In this instance, the owner of the subject land is a Council Employee. As such, the Application is referred to the Panel for determination.

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

**Subject Land Attributes**

Shape:	regular
Frontage width:	18.29 metres
Depth:	47.85 metres
Area:	875.17m <sup>2</sup>
Topography:	slightly sloping
Existing Structures:	dwelling, outbuildings, swimming pool
Existing Vegetation:	established trees

The subject land contains a single storey gable fronted detached dwelling with outbuildings, swimming pool and small, but established, trees. The land has a slight slope from the rear to the front.

### Locality Attributes

Land uses: entirely residential  
 Building heights (storeys): predominantly single storey  
 Streetscape amenity: high due to the quality of housing stock and well established street trees

The locality contains predominately single storey detached dwellings. While the dwellings range in age and style, the locality maintains a high level of streetscape amenity.

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

### Proposal in Detail

The Applicant seeks consent for the demolition of an existing dwelling, outbuilding and swimming pool and the construction of a two storey detached dwelling, swimming pool and front pillar and plinth fence.

The dwelling includes four (4) bedrooms (the master and guest bedrooms have ensuites and walk-in-robos), combined kitchen/meals/living, butlers pantry, home theatre, upstairs and downstairs retreats, study, two (2) separate bathrooms, laundry, double garage, and alfresco. The proposal also includes an inground swimming pool at the rear of the site, front masonry pillar fence and associated landscaping.

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	Dwelling 1	Development Plan Merit Assessment Quantitative Guideline
Site Area	875.17m <sup>2</sup>	N/A
Allotment Width	18.29m	N/A
Allotment Depth	47.85m	N/A
External Wall Height*	6.3m	N/A
Maximum Overall Height (to roof apex)*	8.2m	N/A
Floor Area (total)	511.14m <sup>2</sup>	N/A
Floor Area (footprint)	349.93m <sup>2</sup>	N/A
Site Coverage	40%	N/A
Private Open Space	404.9m <sup>2</sup> 46.3% of site area 91% uncovered	175m <sup>2</sup> (20% site area, City Wide PDC 244(a))
Street Set-back	6m	8m (Set back in line with greatest adjacent setback City Wide PDC 213)
Side Set-back	1m – 6.2m	At least 1 metre on one side (City Wide PDC 215)
Rear Set-back	14.79m	N/A
Car Parking Provision	2 undercover & 1 visitor	At least two (2) (Table NPSP/8)

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

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

## Notification

The proposal has been identified and processed as a Category 1 form of development. As such, no formal 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 Residential 1 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 1 Zone Objective: 1  
Residential 1 Zone Principles of Development Control: 1

City Wide Objectives: 1  
City Wide Principles of Development Control: 1, 3

Objective 1 of the Residential Zone anticipates detached dwellings on individual allotments. The proposed detached dwelling is consistent with this objective.

As the proposal seeks to replace the existing dwelling, there will be no change in the existing allotment size and density.

### 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, 19, 20  
City Wide Principles of Development Control: 29, 30, 31, 51, 226, 227, 228

The Residential 1 Zone Objectives and Principles of Development Control do not specify a minimum or maximum building height. However, one storey detached dwellings are complying forms of development within the Residential 1 Zone (subject to conditions) and three or more storey detached dwellings are non-complying forms of development. Accordingly, the Residential 1 Zone provisions anticipate two storey detached dwellings, subject to an assessment of their merits.

City Wide Principle of Development Control 30 states:

*“Except where the zone or policy area objectives, principles of development control and/or desired character of a locality provide otherwise, new buildings:*

- a) may be of a contemporary appearance and exhibit an innovative style;*
- b) should complement the urban context of existing buildings on adjoining and nearby land in terms of:*
  - i. maintenance of existing vertical and horizontal building alignments*
  - ii. architectural style, building shape and the use of common architectural elements and features;*
  - iii. consistent colours, materials and finishes; and*
- c) should not visually dominate the surrounding locality.”*

While the proposed dwelling is two-storey, the upper level is proposed to be set back 14.2 metres from the front boundary, set behind the front single storey roof form. The upper level is also set in from the side boundaries between 2.8 metres to 6.2 metres. As a result, the upper level will present to the street as a recessive, rather than dominant, aspect of the building form, comprising a streetscape scale similar to that of surrounding dwellings. The dwelling incorporates design elements that complement surrounding buildings, including colorbond roof sheeting, render and panel lift garage door.

The proposed garage is seven (7) metres wide, marginally inconsistent with Principle of Development Control 228 which states that garages should be limited to 6.5 metres wide. However given the garage occupies less than 40% of the frontage width, this is considered a minor and acceptable shortfall. The garage is proposed to be in line with the front room behind the porch and canopy consistent with Principle of Development Control 227.

The siting and space around the dwelling is considered to be consistent with the surrounding development pattern, consistent with City Wide Principle of Development Control 51.

The proposal includes a masonry pillar and plinth front fence to a height of 1.5 metres. The moderate height and open nature of the fence is considered to complement the proposed dwelling and the streetscape.

#### 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: 212, 213, 215, 216, 221

City Wide Principle of Development Control 213 states:

*“Where the Zone and/or Policy Area does not specify a minimum distance, dwellings should be set back from the allotment boundary on the primary street frontage:*

- (a) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres;*
- (b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres; or*
- (c) the same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey.”*

The dwelling at 28A Ninth Avenue is set back 3.7 metres from the street and the dwelling at 30 Ninth Avenue is set back 8 metres to the front wall and 5.8 metres to the verandah. The proposed dwelling has a front setback of 6 metres to the main facade and 5.4 metres to the portico, which is the average of the two adjoining dwellings.

As the proposed dwelling is two-storey and the adjacent dwellings are single storey, the proposed dwelling would need to be set back 8 metres, in line with 30 Ninth Avenue, in order to be consistent with Principle 213. However, as the proposed dwelling presents to the street with a predominately single storey form and a reasonably recessive upper level, the 6 metre transitional front setback is considered acceptable.

The dwelling is proposed to have ground level side setbacks ranging from 1 metre at the front of the dwelling to 7.2 metres for the northern courtyard, consistent with Principle of Development Control 215. While older homes within the street typically have side setbacks of approximately 2 metres, newer dwellings have lesser side setbacks, similar to the proposed dwelling.

The upper level is proposed to be set back 6.1 metres from the northern boundary which is considered to provide adequate visual separation for the neighbouring property occupant at 30 Ninth Avenue, particularly as this is the service side of the adjacent dwelling.

The upper level is proposed to be set back 3.8 metres from the south-western boundary for the portion adjacent to 28A Ninth Avenue; this neighbouring dwelling is located on the side and rear boundaries with only a small courtyard (approximately 5m<sup>2</sup>) open to the subject land.

The upper level is proposed to be set back 2.8 metres from the south-western boundary adjacent to 45 Winchester Street. The upper level will have some impact on the visual outlook from the rear of the dwelling however there will be a total distance of 16.5 metres separating the rear alfresco of 45 Winchester Street from the proposed upper level.

The proposed rear setback of 14.8 metres is considered adequate, particularly as the rear boundary is adjacent to a tennis court.

The proposed development will result in 40% site coverage, providing adequate space for landscaping, clothes drying, external storage and outbuildings.

On balance, the proposed setbacks and site coverage are considered to complement other development within the locality and will not unreasonably affect the amenity of adjacent residents.

#### Overshadowing/overlooking

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

City Wide Principle of Development Control: 11, 75, 199, 200, 201 & 254.

The Applicant has not provided shadow diagrams, however an assessment of the potential overshadowing impacts at the winter solstice has been undertaken. This assessment has revealed that in the morning the proposed dwelling would overshadow the rear yard and north-eastern windows of 45 Winchester Street and the rear of 28A Ninth Avenue. By midday, the shadow would affect less than half of the private open space of 45 Winchester Street, and the small yard of 28A Ninth Avenue. By 3pm the shadow would be contained within the boundaries of the subject land. As such, the proposed development is generally consistent with Principles of Development Control 200 and 201.

During the assessment, the Council's Planning Staff initially raised a concern with the Applicant regarding a large picture window (4 metres wide and 2 metres high) on the rear elevation at the upper level. In particular, the high proportion of north-west facing glazing proposed on the rear elevation resulting in a perception of overlooking from neighbouring properties and excessive heat loading during summer. In response to this concern, the Applicant has amended the proposal to now include two separate, smaller windows. All upper level windows are proposed to comprise obscure glass to 1.7 metres above finished floor level.

#### Private open space

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

City Wide PDC's: 241, 242, 243, 244, 246 & 248.

The proposal includes a rear yard, which incorporates a swimming pool and covered alfresco, a north-eastern courtyard and south-western courtyard. In total, the dwelling is provided with 404m<sup>2</sup> of private open space (46% of the site area), well in excess of the 20% anticipated by Principle of Development Control 244.

The rear yard and north-eastern courtyard will have good links to internal living areas and access natural light. The south-western courtyard will be shaded throughout the day but is proposed to be used as a drying courtyard.

#### 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: 123, 126, 127, 229



Table NPSP/8 prescribes that the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered. The proposed dwelling will accommodate two (2) undercover car parks and at least one (1) visitor park in the driveway. The internal dimensions of the garage are consistent with Principle of Development Control 229(b).

The site levels plan provided by the Applicant indicates that the existing southern crossover will be maintained in its current form, rather than widened, presumably to avoid the need to move a water meter. The driveway tapering to accommodate this will make the reversing manoeuvre difficult for the northernmost car in the garage. This is not considered fatal to the Application, however as access and egress will be safe and convenient for the southernmost car in the garage and a visitor car in the driveway.

#### 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: 10, 56, 59, 60, 61, 166

The subject land is not within a recognised flood plain.

The subject land has a maximum slope of 520mm from the northern (rear) corner to the southern (front) corner. The proposed finished floor level will range from approximately 200-300mm above relative natural ground level and 500mm-650mm above the top of kerb. The proposed finished floor levels are considered appropriate for the site and provide an appropriate transition between the finished floor levels of the adjacent dwellings. No substantial retaining is required and stormwater can be disposed to the street via a gravity fed system.

#### 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, 98, 117, 119
City Wide PDC's:	76, 81, 239, 240, 355, 357

There are no regulated trees on the subject land or adjacent land that will be affected by the proposed development. The adjacent street tree will have sufficient clearance to the fence and should the owner seek Approval to widen the existing crossover, there will also be sufficient clearance between the driveway and street tree.

The Applicant has provided an indicative landscaping plan illustrating lawn, garden beds, block paving and exposed aggregate paving in the front, side and rear yards. As no particular species have been proposed by the Applicant, should the Panel determine to approve the Application, it is recommended that a condition be attached requiring that appropriate landscaping contain a mix of trees, shrubs and ground-covers to the satisfaction of the Council.

#### Environmental Sustainability

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

City Wide Objectives:	23, 42
City Wide Principles of Development Control:	70, 71, 72, 149, 150

As discussed in the overshadowing/overlooking section of this report, the Applicant has amended the proposal to reduce the amount of upper glazing at the rear of the dwelling which will help to reduce excessive heat loading during the summer months. The dwelling is proposed to have 600mm wide eaves which will provide some protection to the north-west facing windows and the alfresco will provide additional shading to the doors and windows of the rear living area. The dwelling has been designed to maximise access to northern light within the dwelling and in the private open space areas with the laundry, bathrooms

and the like located on the southern side of the dwelling. The dwelling is proposed to have a 1000 litre rainwater tank and a good amount of permeable landscaping area will be maintained on the site.

### Summary

The proposed development of a two-storey detached dwelling is considered to be appropriate from a land use and density perspective within the Residential 2A Zone and in the context of the locality. The built form, when viewed from the street, generally complements the surrounding dwellings in terms of bulk, scale, architectural style and materials despite being two-storey in a largely single storey locality. The dwelling is provided with sufficient private open space and has been design to take advantage of access to natural light.

The front setback, while inconsistent with Principle of Development Control 213, is considered to provide a reasonable transition between the adjacent dwellings. Manoeuvring for one of the vehicles using the proposed garage will be difficult but access will be convenient for the second vehicle and for visitors parking within the driveway.

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 155/1006/2014 by Precision Homes (Australia) Pty Ltd to Demolish of an existing dwelling, outbuilding and swimming pool, and construct a two storey detached dwelling, swimming pool, front pillar fence and landscaping on the land located at 28 Ninth 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:

- Site plans, floor plans, elevations and details prepared by Precision Homes, Drawing No's. WD01 -5a, 7, 8 & 15, Project No. Q14PH233, received by the Council 3 February 2015;
- Landscaping plan and fence elevation prepared by Precision Homes, Drawing No. WD02a, received by the Council 3 February 2015;
- Site and Drainage Plan prepared by Lelio Bibbo Pty Ltd, Ref. No 141208, received by the Council 17 December 2014
- Demolition Proposal and Demolition Plan prepared by Precision Homes, Received by the Council 17 December 2014

#### Conditions

1. The portion of the upper floor windows which are less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
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. The existing crossover invert that is located adjacent to the south eastern corner of the site shall be reinstated to kerb and gutter prior to the occupation of the dwelling to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner.

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All 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.

#### Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

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

5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

Mr Minney moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/1006/2014 by Precision Homes (Australia) Pty Ltd to Demolish of an existing dwelling, outbuilding and swimming pool, and construct a two storey detached dwelling, swimming pool, front pillar fence and landscaping on the land located at 28 Ninth 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:

- Site plans, floor plans, elevations and details prepared by Precision Homes, Drawing No's. WD01 -5a, 7, 8 & 15, Project No. Q14PH233, received by the Council 3 February 2015;
- Landscaping plan and fence elevation prepared by Precision Homes, Drawing No. WD02a, received by the Council 3 February 2015;
- Site and Drainage Plan prepared by Lelio Bibbo Pty Ltd, Ref. No 141208, received by the Council 17 December 2014
- Demolition Proposal and Demolition Plan prepared by Precision Homes, Received by the Council 17 December 2014

#### Conditions

1. The portion of the upper floor windows which are less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
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. The existing crossover invert that is located adjacent to the south eastern corner of the site shall be reinstated to kerb and gutter prior to the occupation of the dwelling to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All 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.

#### Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

2. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.*  
  
*The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.*
3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*
4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.*  
  
*All works on Council owned land required as part of this development are likely to be at the Applicant's cost.*
5. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*

*Seconded by Mr Dottore and carried.*

#### 4. STAFF REPORTS

##### 4.2 DEVELOPMENT APPLICATION 155/806/2014 – A D’ANDREA & ASSOCIATES PTY LTD – 12 STEPHEN TERRACE, ST PETERS

<b>DEVELOPMENT APPLICATION:</b>	<b>155/0806/2014</b>
<b>APPLICANT:</b>	<b>A D’Andrea &amp; Associates Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>12 Stephen Terrace, St Peters (Certificate of Title; Volume: 5686, Folio: 950)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a two-storey detached dwelling fronting First Avenue with associated fencing and landscaping and the construction of a car parking area and carport to be used in association with an existing student accommodation facility.</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 construction of a two-storey detached dwelling fronting First Avenue with associated fencing and landscaping and the construction of a car parking area and carport to be used in association with an existing student accommodation facility.

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.

#### **Subject Land Attributes**

Shape:	trapezoid
Frontage width:	35.12 metres (Stephen Terrace)
Depth:	49.04 metres (First Avenue frontage)
Area:	1847m <sup>2</sup>
Topography:	slightly sloping from the east to the west
Existing Structures:	student accommodation facility and associated outbuildings
Existing Vegetation:	several trees of varying size and maturity

The subject land is a trapezoid shaped allotment on the south-western side of Stephen Terrace, adjacent to the intersection with First Avenue. Vehicular access to the site is provided through two (2) driveway crossovers in First Avenue.



The Applicant has included an indicative landscaping plan with the proposed dwelling that includes a range of species including English Box Hedge, Screen Master, Lavender, Manchurian Pears and Silver Birch.

The existing access driveway for the student accommodation is proposed to be re-oriented to provide five (5) car parking spaces for the student accommodation, two (2) of which are proposed to be covered by a simple open sided carport with a dutch gable roof. The car parking area is proposed to be sealed and linemarked, with stormwater to be drained to the First Avenue water table.

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	Existing Student Accommodation Facility	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area</b>	380m <sup>2</sup>	1467m <sup>2</sup>	600m <sup>2</sup> The Avenues Policy Area PDC 5
<b>Allotment Width</b>	11.12m	35.12m	18.0m The Avenues Policy Area PDC 7
<b>Allotment Depth</b>	33.66m	49.04m	N/A
<b>External Wall Height*</b>	3.6m	N/A	N/A
<b>Maximum Overall Height (to roof apex)*</b>	7.1m	N/A	Single storey – The Avenues Policy Area PDC 4
<b>Floor Areas</b>	183.5m <sup>2</sup> (footprint) 231.5m <sup>2</sup> (overall)	704m <sup>2</sup> (overall)	N/A
<b>Site Coverage</b>	48.3%	48%	50% The Avenues Policy Area PDC 6
<b>Private Open Space</b>	95m <sup>2</sup> 25% of site area 83.5% uncovered	450m <sup>2</sup> (communal) 30.7% of site area 100% uncovered	20% - City Wide PDC 244(a)
<b>Street Set-back</b>	4.5m (dwelling) 3.0m (verandah) 15.7m (garage)	5.5m (dwelling) 5.0m (verandah)	Reflect the pattern in the locality and no nearer to the street than any adjacent LHP or CI - The Avenues Policy Area PDC 8
<b>Side Set-back</b>	Nil (garage) 910mm (dwelling)	3.0m (First Avenue) 14.4m (eastern side) nil (carport)	Reflect the established pattern – The Avenues Policy Area PDC 8
<b>Rear Set-back</b>	7.1m	3.14m	N/A
<b>Car Parking Provision</b>	2 undercover & 3 visitor	2 undercover & 3 uncovered	2 on-site parking spaces per dwelling (Table NPSP/8)

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

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

#### Notification

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



The two-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) of the *Development Regulations 2008*. The carport, fencing, landscaping and car parking areas were all determined to be Category 1 as they are of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the development site, pursuant to Schedule 9, Part 1, 2 (g) of the *Development Regulations 2008*.

Accordingly, no public notification was undertaken.

### State Agency Consultation

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

### Discussion

The subject land is located within The 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 subject land is located on a policy area boundary, with all of the dwellings that front First Avenue, between Stephen Terrace and St Peters Street, located within the St Peters Policy Area. Given that the proposed dwelling will address First Avenue, it is considered relevant to also consider the provisions of the St Peters Policy Area as it provides a guide for appropriate development within First Avenue.

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: 2, 3, 5 & 7

St Peters Policy Area Desired Character Statement  
St Peters Policy Area Objectives: 1  
St Peters Policy Area PDC's: 2, 3, 5 & 7

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

City Wide Objectives: 1, 2, 7, 8 & 10.  
City Wide PDC's: 1, 2, 3, 4, 19

The Applicant has provided an indicative land division plan, which proposes to create an additional allotment for the proposed detached dwelling with a frontage width of 11.12 metres and a site area of 380m<sup>2</sup>.

The Avenues Policy Area Principles of Development Control 5 and 7 prescribe that allotments should have a minimum site area of 600m<sup>2</sup> and a minimum allotment frontage of 18.0 metres respectively. The proposed residential allotment is smaller than the prescribed quantitative allotment size within The Avenues Policy Area.

However, in this instance the subject land abuts the St Peters Policy Area and the proposed dwelling will have a frontage to First Avenue. All of the other dwellings with frontages to First Avenue, between Stephen Terrace and St Peters Street, are located within the St Peters Policy Area, with the established character of the streetscape reflected in the policies for the St Peters Policy Area.

In this context, it is considered important to consider the relevant provisions of the St Peters Policy Area, as they apply to this development.

St Peters Policy Area Principles of Development Control 5 and 7 prescribe that allotments should have a minimum site area of 300m<sup>2</sup> and a minimum allotment frontage that is not less than 80% of the average site frontages of the adjoining sites and in any event should not be less than 13.0 metres for detached dwellings (semi-detached dwellings may have frontages of 7.0 metres).

The proposed site area (380m<sup>2</sup>) exceeds the minimum site areas prescribed for the St Peters Policy Area. However, the proposed street frontage (11.12m) is less than the prescribed minimum frontage width for detached dwellings within the St Peters Policy Area.

A schedule of the site areas and allotment frontages within the First Avenue locality is provided in Table 2 below:

**TABLE 2: FIRST AVENUE PROPERTY FRONTAGES AND AREAS:**

Site	Allotment area	Allotment frontage width
35 First Avenue	276m <sup>2</sup>	5.8m
37 First Avenue	240m <sup>2</sup>	5.8m
39-41 First Avenue	657m <sup>2</sup>	12.3m
40 First Avenue	464m <sup>2</sup>	10.1m
42 First Avenue	544m <sup>2</sup>	13.6m
43 First Avenue	368m <sup>2</sup>	7.2m
44 First Avenue	508m <sup>2</sup>	11.3m
45 First Avenue	467m <sup>2</sup>	9.2m
46 First Avenue	546m <sup>2</sup>	11.8m
47 First Avenue	405m <sup>2</sup>	7.8m
48 First Avenue	500m <sup>2</sup>	11.1m
49 First Avenue	416m <sup>2</sup>	7.8m
50 First Avenue	282m <sup>2</sup>	6.0m
52 First Avenue	252m <sup>2</sup>	6.0m
54 First Avenue	522m <sup>2</sup>	11.7m
<b>Average per dwelling</b>	<b>429.8m<sup>2</sup></b>	<b>9.2m</b>

The average allotment frontage with First Avenue, between Stephen Terrace and St Peters Street, is 9.2 metres. The proposed allotment frontage of 11.12 metres is therefore considered to be acceptable, given the existing allotment pattern and character within First Avenue.

The construction of a detached dwelling on a proposed allotment of 380m<sup>2</sup> with an 11.12 metre frontage is therefore considered to be acceptable in this locality, as it is reasonably consistent with other dwellings that front First Avenue and the policies of the St Peters Policy Area, despite being located in the adjacent The Avenues Policy Area.

The existing student accommodation facility would be retained on an allotment of 1467m<sup>2</sup>, with a frontage to Stephen Terrace of 35.12 metres. The balance of the student accommodation land would continue to be the largest allotment in the locality.

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, 3 & 4

St Peters Policy Area Desired Character Statement

St Peters Policy Area Objectives: 1  
St Peters Policy Area PDC's: 1, 3 & 4

Residential Historic (Conservation) Zone Desired Character Statement

Residential H(C)Z Objectives: 1, 3 & 5  
Residential H(C)Z PDC's: 1, 2, 3, 13-19, 22, 23, 25 & 26

City Wide Objectives: 18, 19 & 20  
City Wide PDC's: 29-35, 39, 41, 43, 48 & 196

The proposed dwelling has a simple contemporary design with a hipped roof, a contemporary flat cantilevered verandah and vertically proportioned windows. The two-storey element of the dwelling is located within the roof space and will not be a prominent element when viewed from the street. The roof space includes dormer windows in the rear and north-eastern elevations.

Whilst contemporary in design, the proposed dwelling is of a scale and includes architectural elements that complement the historic building stock in the locality.

In terms of scale, 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 dwellings in the immediate locality is single storey, albeit that the adjacent dwelling at 49 First Avenue includes a first floor in the roof space at the rear of the dwelling, similar to the proposed dwelling. Notwithstanding, given that the predominant height of dwellings in the locality is single storey, the proposed development does not conform with The Avenues Policy Area Principle of Development Control 4, which is considered to be a negative aspect of the proposed development.

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

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

- (a) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or*
- (b) second storey components located to the rear of a building; and*
- (c) in either of these instances:*
  - (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
  - (ii) should not overshadow or impact on the privacy of neighbouring properties;*
  - (iii) should not compromise the heritage value of the building or the view of the building from the street; and*
  - (iv) the total width of second storey windows should not exceed 30 percent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings."*

The proposed dwelling includes a second storey component that is located within the roof space, towards the rear of the dwelling, consistent with part (a) of Residential Historic (Conservation) Zone Principle of Development Control 17.

The proposed dwelling incorporates wall heights, an overall scale and roof form that is compatible with existing single storey development in the zone when viewed from the street. The proposed dwelling will not unreasonably overshadow or overlook adjacent properties (this will be discussed in further detail under the relevant heading later in the report), the dwelling will retain a generally single storey appearance and the first floor windows do not exceed 30% of the total roof width. As such, the proposed dwelling design is also consistent with part (c) of Residential Historic (Conservation) Zone Principle of Development Control 17.

The Applicant has prepared a streetscape diagram of the proposed dwelling, which provides a good illustration of the bulk and scale of the proposed dwelling and the relationship with adjacent dwellings. The streetscape diagram is contained in **Attachment B**.

The proposed dwelling will complement the character of the streetscape, without replicating the historic building stock. The bulk and scale of the proposed dwelling is considered to be reasonably consistent with other dwellings within the locality.

In terms of visual outlook, the two-storey portion of the proposed development is considered to be acceptable. The adjacent dwelling at 49 First Avenue occupies a significant portion of the common side boundary, with only a modest north-east facing courtyard, which is located adjacent to the proposed driveway and a portion of the proposed garage.

The majority of the proposed boundary development, which includes the proposed garage and alfresco area, abuts the neighbour's boundary wall and will not have an adverse impact on the neighbour's visual outlook. The 3.6m high garage boundary wall does extend 2.5 metres into the neighbour's north-east facing courtyard. However, the courtyard acts more as a light well as it is only 1.5 metres wide and the resulting outlook from within the dwelling is not considered to be unreasonable.

In terms of architectural style, 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 proposed dwelling will sit relatively well in the streetscape as this area of St Peters has a concentration of single fronted cottages and the adjacent dwellings are relatively recent infill dwellings, with mixed levels of contribution to the streetscape;*
- *the revised design is relatively simple and clean with appropriate streetscape massing and presence;*
- *the proposed garaging is set well back on the site, which improves the dwellings presentation to the street;*
- *the second level is also set well back, although it will be visible due to the visibility of the dormer windows at the side of the dwelling; and*
- *overall, the proposed dwelling is considered to be acceptable given the context of the immediate locality.*

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

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 detailing, materials and proportions of the proposed dwelling are such that the design will be of a high quality and will improve the overall visual amenity of the First Avenue streetscape, in accordance with the Desired Character Statement for The Avenues Policy Area.

It is noted that the Applicant has proposed anodised aluminium windows within the front facade. The Desired Character Statement for the Residential Historic (Conservation) Zone encourages the use of traditional materials and detailing, including timber window frames in windows that have a frontage to a public road. This is reiterated in *Table NPSP/4 – Design Guidelines for Heritage Places and Development in Historic (Conservation) Zones*.

As such, if the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring the installation of timber window frames within the front facade of the proposed dwelling.

Front fences within the locality vary in their materials, forms and heights. The Applicant has proposed a masonry pillar front fence, with black powder-coated metal picket infill. The masonry pillars are proposed to be 2.0 metres high, which is consistent with The Avenues Policy Area Principle of Development Control 9(b). The proposed black powder coated metal picket infill is also considered to be acceptable. The proposed front fence will complement the proposed dwelling and other fences within the locality.

The Applicant has nominated 1.8 metre high corrugated profile 'Colorbond' side and rear fencing. Whilst the height and style of the proposed side and rear fences are considered to be acceptable, the Applicant has not nominated a colour. The Council's Heritage Advisor has verbally advised that the side and rear fencing should be in the grey colour range. As such, if the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring all side and rear fencing to be finished in a grey scale colour.

Given that the proposed front fence includes 2.0 metre high masonry pillars, which are consistent with The Avenues Policy Area Principle of Development Control 9, it is not considered necessary to insist that the side fences taper to the front boundary from the building alignment.

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, 216, 217 & 221

The main facade of the dwelling is proposed to be set back 4.5 metres from the First Avenue property boundary, with a verandah extending to 3.0 metres from the front 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 dwelling at 49 First Avenue is a contemporary design which is not listed as a Local Heritage Place or Contributory Item within the Development Plan and has a front setback to the primary facade of 2.5 metres, with a bay window that extends to 1.5 metres from the First Avenue property boundary.

The student accommodation building on the subject land, which is located adjacent to the proposed dwelling, has a secondary setback to First Avenue of 3.0 metres. The student accommodation building is listed as a Contributory Item within the Council's Development Plan.

The proposed dwelling has a greater front setback than both of the adjacent buildings, with the proposed front verandah to align with the side facade of the student accommodation facility on the subject land. The proposed front setbacks are therefore considered to be consistent with The Avenues Policy Area Principle of Development Control 9.

The proposed dwelling also replaces a significant masonry outbuilding that abuts the First Avenue property boundary, which will significantly improve the character and amenity within the First Avenue streetscape.

With respect to side setbacks, the front section of the dwelling is proposed to be set back 910mm from the north-eastern side boundary and 3.0 metres from the south-western side boundary, to enable a driveway to access the rear of the site. The proposed side setbacks complement the character of the locality and provide for a reasonable amount of space around the dwelling, when viewed from the street.

A portion of the garage and alfresco abut the south-western side boundary. However, the proposed boundary development is set back 15.7 metres from the front boundary and the majority of the boundary development is proposed to abut neighbouring boundary development. In this context, the proposed boundary development is considered to be acceptable.

The proposed dwelling incorporates a generous rear setback (7.2 metres), which will provide a good level of separation from adjacent residential development at the rear of the site.

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 dwelling has an overall site coverage of 48.3%, which is consistent with this Principle and other development within the locality.

The reduction in site area for the student accommodation facility, which would result from the construction of a dwelling on a portion of the land, would result in the student accommodation facility covering 48% of its remaining allotment, which is also consistent with The Avenues Policy Area Principle of Development Control 6.

As such, the resulting level of site coverage is considered to be acceptable.

#### 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

The proposed dwelling will result in an increase in overshadowing over the adjacent land at 49 First Avenue, due to the overall height and roof pitch of the proposed dwelling.

The Applicant has provided shadow diagrams that illustrate the level of overshadowing at 9.00am, 12.00pm and 3.00pm on 21 June (the winter solstice). A copy of the shadow diagrams is contained in **Attachment B1**.

A significant portion of the adjacent dwelling at 49 First Avenue abuts the common side boundary, so overshadowing to the dwelling is effectively limited to a portion of the roof and a small courtyard on the north-eastern side of the dwelling.

Whilst the proposed dwelling would result in extensive overshadowing of the courtyard area of the dwelling at 49 First Avenue at 9.00am, overshadowing will only affect approximately 50% of the courtyard by 12.00pm (and none of the dwelling's windows) and will not overshadow the courtyard at all throughout the afternoon.

The primary area of private open space at the rear of 49 First Avenue will not be affected by overshadowing as a result of the proposed development.

City Wide Principle of Development Control 201 states:

*“Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that at least half of the ground level private open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements.”*

The adjacent dwelling at 49 First Avenue will continue to receive more than two (2) hours of direct sunlight to at least half of its ground level private open space between the hours of 9.00am and 3.00pm on 21 June, consistent with City Wide Principle of Development Control 201.

City Wide Principle of Development Control 74 states:

*“Development should maintain solar access, for a minimum of 3 hours between 9am and 3pm on 21 June, to:*

- (a) any existing solar collectors (such as solar hot water systems and photovoltaic cells) on adjoining properties; or*
- (b) an area of at least 10m<sup>2</sup> on the north facing roof of the existing building/s, in the event that there are no existing solar panels and/or photovoltaic cells on the adjoining property.*

*Development should not increase the overshadowed area by more than 20 percent in cases where overshadowing already exceeds there requirements.”*

The adjacent dwelling at 49 First Avenue has a bank of solar panels on its roof, on the north-eastern aspect of the roof, facing the proposed dwelling. The shadow diagrams indicate that the adjacent solar panels would be overshadowed in the morning, but would maintain solar access throughout the afternoon, consistent with City Wide Principle of Development 74.

In terms of overlooking, the rear facing dormer windows are proposed with fixed obscure glazing to 1.7 metres above the internal floor level and the north-east facing dormer windows are proposed with a sill level of 1.7 metres above the internal floor level, consistent with City Wide Principle of Development Control 254.

#### 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
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The proposed dwelling includes approximately 95m<sup>2</sup> of private open space. The private open space area includes an open uncovered area and an alfresco area, which is situated under the main roof of the dwelling. The private open space area has good links with the living areas of the dwelling.

The proposed area of private open space equates to 25% of the dwelling's proposed site area, which is greater than the minimum provision 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 is sited well behind the primary facade of the dwelling and will provide two (2) undercover car parking spaces. The generous front setback of the garage will enable up to three (3) visitor vehicles to park within the driveway.

The provision of on-site car parking for the proposed dwelling is considered to be acceptable.

The proposed development also includes the relocation of on-site car parking for the existing student accommodation facility. The Applicant has proposed a rear car parking area that can accommodate five (5) vehicles, with two (2) spaces covered by a proposed carport.

The Council's most recent Development Application, relating to student accommodation, was assessed in November 2010. In that case, the Council sought advice from Shane Foley, Traffic Engineer, on a Development Application for student accommodation at 51 Eighth Avenue, St Peters. Mr Foley ultimately recommended that the rate of 0.25 spaces per student be adopted. Applying this rate and factoring in two (2) students occupying each of the eight (8) bedrooms within the facility, the car parking demand for the facility is likely to be in the order of 4 spaces.

The existing student accommodation facility can currently accommodate up to four (4) vehicles on-site in a stacked configuration. The proposed development will increase the number of vehicles that can be parked on the land and improve the manoeuvring such that none of the car parking spaces are stacked, despite the lesser site area.

This is considered to be a positive aspect of the proposed development.

Access to both the proposed dwelling and the reconfigured car parking area is proposed via existing driveway crossovers and will not result in the loss of any on-street car parking spaces.

In terms of manoeuvring, the design of the proposed garage is such that vehicles will need to manoeuvre around the front section of the dwelling to access the side of the garage that abuts the dwelling. Staff have applied turning templates for an 85<sup>th</sup> percentile vehicle to the proposed driveway and determined that vehicles will be able to access and egress the garage in a single movement.

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 is 300mm above the top of kerb level in First Avenue, such that all stormwater will be able to drain by gravity to the street water table. The proposed finished floor level will also provide a good fit in the context of the streetscape.

Similarly, the proposed sealed car parking area will be able to drain its surface runoff to the First Avenue water table. Given the relatively gentle slope of the land, no retaining walls will be required.

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's: 36 & 37  
City Wide Objectives: 24, 117 & 119  
City Wide PDC's: 76, 239, 240, 422 & 426

There are no regulated trees on the subject land that would be affected by the proposed development. Several small (non-regulated) trees would need to be removed to accommodate the proposed dwelling and car parking area. That said, a large number of semi-mature trees that are located on the eastern side of the subject land will be retained within a garden setting.

A regulated street tree is located within the Council verge adjacent to the site of the proposed detached dwelling. The proposed development will utilise existing driveway crossovers, which will ensure that there will be minimal works within the verge that could impact on the health of the tree.

However, the proposed front fence is to be constructed with 2.0m high masonry pillars, which will require footings with a depth of approximately 600mm. Two (2) of the proposed pillars are located within the structural root zone of the adjacent street tree. As such, if the Panel determines to approve the proposed development, it is recommended that a condition be imposed to ensure that the footings are excavated by a non-destructive method (e.g. Hydro vac, Air spade or by hand), with care to not sever any roots with a diameter of greater than 50mm.

In terms of landscaping, the Applicant has provided an indicative landscaping plan and schedule, which identifies a range of small trees, shrubs and ground covers including English Box Hedge, Screen Master, Lavender, Manchurian Pear and Silver Birch. The proposed landscaping will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B**.

Overall, the provision of landscaping is considered to be acceptable.



### 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 north-west facing front facade of the proposed dwelling has a high solid to void ratio and a generous width front verandah, which will assist in reducing the need for artificial cooling in summer months. The first floor dormer windows are recessed from the plane of the pitched roof, which will also assist in reducing the heat load in summer.

The orientation of living areas of the dwelling is not ideal, due to the location of the allotment on the south-eastern side of the street. That said, living areas will be able to access direct sunlight throughout the morning and there are opportunities for natural ventilation.

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. The Applicant has proposed a 2000 litre rainwater/detention tank at the rear of the dwelling to collect stormwater from the roofed areas. The proposed rainwater tank is proposed to be plumbed back to the dwelling for re-use within the toilets and water heaters, in accordance with City Wide Principle of Development Control 161. This is considered to be a positive aspect of the proposed development.

### **Summary**

The proposed detached dwelling is an anticipated form of development within the Residential Historic (Conservation) Zone and the proposed allotment size and frontage is considered to complement the existing allotments within First Avenue. Whilst the proposed allotment size and frontage is less than that prescribed for The Avenues Policy Area, the subject land abuts the St Peters Policy Area which includes all of the dwellings fronting First Avenue between Stephen Terrace and St Peters Street. The proposed density is consistent with the provisions for that Policy Area and, as such, the proposed land use and density is considered to be acceptable in this instance.

The proposed setbacks, the provision of private open space and the resulting site coverage are considered to be acceptable. The siting of the garage with a significant setback from the street will improve the presentation of the dwelling to First Avenue and is considered to be a positive aspect of the proposed development.

The general architectural design of the proposed dwelling is considered to be acceptable and will complement, without replicating the traditional building stock within the locality, from a streetscape perspective. The environmental aspects of the dwelling design, including shading of north-west facing windows, stormwater collection and re-use are positive aspects of the development.

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 proposed car parking area and carport associated with the student accommodation facility is considered to be a significant improvement on the existing layout.

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 155/0806/14 by A D'Andrea & Associates Pty Ltd, to construct a two-storey detached dwelling fronting First Avenue with associated fencing and landscaping; and the construction of a car parking area and carport to be used in association with the existing student accommodation facility, on the land located at 12 Stephen Terrace, 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 D'Andrea & Associates Building Designers, Plan Numbers A-1 and A-2, Revision B, received by the Council on 5 December 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 First Avenue kerb & water table or a Council underground pipe drainage system.
2. All windows within the front facade, facing First Avenue, shall incorporate timber window frames to complement the traditional building materials within the existing streetscape.
3. The proposed side and rear fences, herein approved, shall be pre-coloured in a grey scale colour such as 'Woodland Grey' or 'Monument', to complement the character of the locality.
4. The footings for the front fence pillars shall be excavated by a non-destructive method (e.g. Hydro vac, Air spade or by hand) in order to ensure the continued health of the adjacent regulated street tree, with care to not sever any roots with a diameter of greater than 50mm.
5. The portion of all upper floor windows less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
6. The rainwater tank, herein approved, shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
7. 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.

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.

Mr Gaston moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/0806/14 by A D'Andrea & Associates Pty Ltd, to construct a two-storey detached dwelling fronting First Avenue with associated fencing and landscaping; and the construction of a car parking area and carport to be used in association with the existing student accommodation facility, on the land located at 12 Stephen Terrace, 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 D'Andrea & Associates Building Designers, Plan Numbers A-1 and A-2, Revision B, received by the Council on 5 December 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 First Avenue kerb & water table or a Council underground pipe drainage system.*
2. *All windows and doors within the front facade, facing First Avenue, shall incorporated timber frames to complement the traditional building materials within the existing streetscape.*
3. *The proposed side and rear fences, herein approved, shall be pre-coloured in a grey scale colour such as 'Woodland Grey' or 'Monument', to complement the character of the locality.*
4. *The footings for the front fence pillars shall be excavated by a non-destructive method (e.g. Hydro vac, Air spade or by hand) in order to ensure the continued health of the adjacent regulated street tree, with care to not sever any roots with a diameter of greater than 50mm.*
5. *The portion of all upper floor windows less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)*
6. *The rainwater tank, herein approved, shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
7. *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.*

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.*
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5. *The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).*
6. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
7. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

*Seconded by Mr Dottore and carried.*

#### 4. STAFF REPORTS

##### 4.3 DEVELOPMENT APPLICATION 155/598/2014 – BRIANNI CONSTRUCTIONS – 59 AND 61 PHILLIS STREET, MAYLANDS

<b>DEVELOPMENT APPLICATION:</b>	155/598/2014
<b>APPLICANT:</b>	Brianni Constructions
<b>SUBJECT SITE:</b>	59 and 61 Phillis Street, Maylands (Certificates of Title Volume: 5782 Folio: 561 and Volume 5784 Folio 266)
<b>DESCRIPTION OF DEVELOPMENT:</b>	Demolition of two (2) detached dwellings and the construction of four (4) group dwellings
<b>ZONE:</b>	Residential 2A Zone Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
<b>PUBLIC NOTIFICATION CATEGORY:</b>	Category 1

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to demolish two (2) detached dwellings and construct four (4) group dwellings.

Staff do not have delegated authority to determine the Application, as it comprises a development in a battle-axe allotment configuration. 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 rectangle
Frontage width:	30.48 metres
Depth:	60.96 metres
Area:	1858 m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	two detached dwellings with outbuildings
Existing Vegetation:	a range of small trees and shrubs

The subject land comprises two contiguous allotments, each containing an early twentieth century symmetrical cottage without heritage status. Covered car parking for each property is by way of a detached garage located behind the respective dwelling. The expansive rear yards contain a range of small trees and shrubs, none of which is regulated.

#### **Locality Attributes**

Land uses:	predominantly residential
Building heights (storeys):	predominantly single storey,
Streetscape amenity	high

The subject land is located immediately to the south of the car parking area of the Maylands Hotel. The boundary between the subject land and the Maylands Hotel is the boundary between the Local Commercial Zone within which the Hotel is located and the Residential 2A Zone within which the subject land is located.

Adjacent to the subject land and the Maylands Hotel to the west (ie. the opposite side of Phillis Street) is a two storey Housing SA development located on the former Tip Top Bakery site, which is zoned Light Industry Zone. This is a coordinated group of row dwellings with common open-air car parking located at the rear, constructed in the late 1980's or early 1990's.

South of the subject land, Phillis Street contains a large proportion of original 'character' dwellings from the late nineteenth/early twentieth century, together with a range of subsequent (generally mid to late twentieth century) single storey developments including residential flat buildings and group dwellings.

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

### Proposal in Detail

The Applicant seeks consent to demolish all structures on the subject land and construct four (4) group dwellings. A common central driveway is proposed to facilitate vehicular access to all four (4) dwellings.

The proposed dwellings have a traditional appearance with hipped and gable tiled roof forms, sandstone faced walls, bull-nose front verandahs and 2.7m external wall heights (3.0m ceilings).

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	Dwellings 1&2 (fronting Phillis Street)	Dwellings 3&4 (rear dwellings)	Development Plan Merit Assessment Quantitative Guideline
Site Area (exclusive of common areas)	402m <sup>2</sup>	379m <sup>2</sup>	N/A
Site Width	13.0m	15.24m	N/A
Site Depth	31.27m	29.69m	N/A
External Wall Height*	2.7m	2.7m	N/A
Maximum Overall Height (to roof apex)*	5.2m	5.2m	N/A
Floor Area (total)	200.7m <sup>2</sup>	221.0m <sup>2</sup>	N/A
Floor Area (footprint)	200.7m <sup>2</sup>	221.0m <sup>2</sup>	N/A
Site Coverage	50%	58%	N/A
Subject Land Coverage		45%	N/A
Private Open Space	80m <sup>2</sup> 20% of site area 100% uncovered	140m <sup>2</sup> 37% of site area 100% uncovered	20% of site area 50% uncovered
Street Set-back	6.2m	6.2m	N/A
Side Set-back	0.9m and 1.2m	0.9m and 2.5m	2.5m for group dwellings
Rear Set-back	Nil	4.0m	2.5m for group dwellings
Car Parking Provision	2 occupant spaces & 0.5 visitor spaces	2 occupant spaces & 0.5 visitor spaces	2 spaces plus 0.5 visitor spaces

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

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

### **Notification**

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

### **State Agency Consultation**

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

### **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: 1

Residential 2A Zone Principles of Development Control: 1

City Wide Objectives: 56

City Wide Principles of Development Control: 187, 189, 192, 193, 194

Objective 1 of the Residential 2A Zone states:

*“A zone (within the St Peters Area as shown on Map NPSP/1 (Overlay 1)), primarily accommodating detached dwellings at low densities on individual allotments, with semi-detached dwellings and other kinds of one-storeyed dwellings in suitable areas.”*

Principle of Development Control 1 of the Residential 2A Zone states:

*“Development should be, primarily, for detached dwellings at low densities on individual allotments; semi-detached dwellings and one-storeyed residential flat buildings, one-storeyed multiple dwellings, one-storeyed boarding houses or one-storeyed row dwellings may be suitable in certain parts of the zone (within the St Peters Area as shown on Map NPSP/1 (Overlay 1)).”*

The Residential 2A Zone is intended to primarily accommodate detached dwellings, whilst allowing for other dwelling types, including group dwellings (which is the current terminology for ‘multiple dwellings’ as referenced in Principle 1) in certain parts of the zone.

Unfortunately the Residential 2A Zone provisions provide no guidance on what might constitute a suitable part of the zone for other types of dwellings to be developed. Similarly, the provisions provide no guidance on what density might be appropriate for other types of dwellings. The City Wide provisions of the Development Plan provide some guidance on circumstances where group dwellings are appropriate. In particular, Principles of Development Control 192, 193 and 194 provide guidance for the assessment of development involving the creation of hammerhead or battle-axe allotments.

The proposed development is consistent with City Wide Principles 192-194 insofar as it:

- will not lead to multiple access points onto a road, which would dominate or adversely affect the amenity of the streetscape;



- would be compatible with the prevailing pattern of development (the locality contains a mix of dwelling types including row dwellings (70 Phillis), residential flat buildings (51 Phillis) and group dwellings (49 and 54 Phillis));
- has a driveway 'handle' width of no less than 4 metres and not more than 6 metres to enable the provision of landscaping along the full length of the driveway;
- has a driveway 'handle' length of no more than 35 metres;
- incorporates a combined total width of 1 metre of landscaping along the full length of the driveway 'handle';
- contains sufficient area on the allotment/s, excluding area/s designated as covered and uncovered carparking spaces, for a vehicle to turn around and enable it to egress the allotment in a forward direction;
- provides a separation distance of at least 2 metres from the proposed driveway and a bedroom window of a neighbouring dwelling;
- avoids the repetition of driveways immediately adjacent to each other, where practicable; and
- is capable of draining stormwater safely and efficiently from each proposed allotment and disposed of from the land or retained on the land in an environmentally sensitive manner.

Given that the proposed development achieves the above guidelines for hammerhead developments, the density of the proposed development is considered to be acceptable. The proposal is also consistent with City Wide Principle of Development Control 211, which states:

*"Residential buildings other than detached dwellings, semi-detached dwellings or row dwellings located in the St Peters Area shown on Map NPSP/1 (Overlay 1) should have an allotment area per dwelling of not less than 280 square metres."*

Furthermore, in light of the mix of dwelling types and varied allotment pattern in the locality, the subject land is considered to be suitably located for the establishment of group dwellings.

streetscape/bulk/scale/height/character

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

Residential 2A Zone Objectives: 1  
Residential 2A Zone Principles of Development Control: 1

City Wide Objectives: 18, 19, 20,  
City Wide Principles of Development Control: 29, 30, 31, 183, 205

It is clear from Residential 2A Zone Objective 1 and Principle of Development Control 1, as well as City Wide Principle of Development Control 205, that group dwellings should generally be single storey within the Residential 2A Zone. The proposal is consistent with these provisions.

City Wide Principle of Development Control 183 states that residential development should minimise the impact of driveways and garaging on the character of the existing streetscapes and maximise opportunity for soft landscaping. The proposal achieves this, by providing one central driveway for all four (4) dwellings, enabling landscaped front yards to be provided in front of both of the dwellings fronting Phillis Street.

The proposed dwellings are traditional in style, incorporating hipped and gable corrugated iron roof forms, bull-nose front verandahs and sandstone and render external walls. The proportions are also relatively traditional, with 3.0m ceiling heights and traditional fenestration and solid to void ratios.

The proposed dwellings are considered to be complementary the urban context of existing buildings on adjoining and nearby land in terms of architectural style, building shape and the use of common architectural elements and features, consistent colours, materials and finishes and are not likely to visually dominate the surrounding locality, consistent with City Wide Principle of Development Control 30.

The proposed front fence is a traditional design and is complementary to the streetscape.

### 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: 186, 207, 214, 215

City Wide Principles of Development Control 186 states that no more than half of the open space (the area excluding all buildings and structures) around group dwellings should be used for uncovered car parking, manoeuvring and driveways. In this respect, there is 1015m<sup>2</sup> of open space around the proposed dwellings. Of that open space, 310m<sup>2</sup> or 31% is to be used for uncovered car parking, manoeuvring and driveways. As such, Principle 186 is satisfied.

City Wide Principle of Development Control 207 states that the distance between any portion of a single storey dwelling, on a battleaxe, hammerhead or similar configuration allotment, and a side or rear boundary of the allotment on which it is sited should be no less than 2.5 metres. This provision applies to the proposed two rear dwellings, which are set back 2.5 metres from the side boundaries of the subject land and 4.0 metres from the rear boundary. As such Principle 207 is satisfied.

Front setbacks in the locality vary as follows:

#### Eastern Side of Phillis Street

57 Phillis Street – 7.3 metres

55 Phillis Street - 7.6 metres

53 Phillis Street – 7.7 metres

#### Western Side of Phillis Street (opposite the subject land)

64 Phillis Street – 6.2 metres

66 Phillis Street – 6.1 metres

68 Phillis Street – 6.2 metres

The proposed dwellings fronting Phillis Street include a minimum front setback of 6.6 metres.

City Wide Principle of Development Control 214 states that where a consistent building set back is not evident in a particular locality, or where a building setback is not specified in the relevant Zone and/or Policy Area, development should incorporate front setbacks that complement the predominant pattern established by the surrounding dwellings, but in any case should not project forward of an adjacent heritage place or contributory item.

The proposed setback of 6.6 metres is considered to be complementary to the pattern established by surrounding dwellings. It is 700mm closer to the street than the adjacent dwelling at 57 Phillis Street, however consistent with and in some cases further from the street than other dwellings in close proximity to the subject land. As such, the proposal is considered to be consistent with Principle 214. .. The dwelling facades also taper to 8.1 metres towards the external boundaries, which provides a good relationship to the front setback of the adjacent dwelling at 57 Phillis Street.

City Wide Principle of Development Control 215 states that side boundary setbacks should reflect the predominant character in the locality. Where a consistent building setback is not evident development should complement the predominant pattern established by surrounding dwellings and in any case, should be set back at least 1 metre from one side boundary.

Existing dwellings in the locality are typically set back approximately 1 metre from one side boundary and 3 metres from the other side boundary (sometimes with a carport occupying that setback). The proposed development results in a similar pattern of spacing of dwellings in the street, with the two dwellings fronting Phillis Street being setback 900mm from the outside boundaries of the subject land and a space of 7.3 metres being provided between the two dwellings.

Overall, the proposal is considered to be consistent with the relevant front, side and rear set-back provisions.

### Overshadowing/Overlooking/Noise

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

City Wide Objectives: 55

City Wide Principles of Development Control: 200, 201, 256

As the proposed dwellings are single storey with conventional wall heights and roof pitches, separated from side and rear property boundaries, no excessive overshadowing or overlooking is anticipated.

City Wide Principle of Development Control 256 states that residential development close to high noise sources should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.

There is an existing 2.1 metre high masonry wall along the entire boundary between the subject land and the car parking area of the Maylands Hotel. This wall is likely to ameliorate noise associated with the Hotel to a large extent. However, the potential remains for noise disturbance to be experienced by the future occupants of the two dwellings proposed adjacent to the boundary of the Hotel site, particularly late in the night when ambient noise levels are low. Accordingly, it is considered appropriate having regard to Principle 256, to impose a condition requiring that the north-western dwelling (shown on the plans as 61 Phillis Street) be acoustically treated, including the installation of double glazing to the living/dining area windows and requiring that the north-eastern dwelling (shown on the plans as 61A Phillis Street) be acoustically treated, including the installation of double glazing fitted to the bedroom 3 and study windows.

### Private open space

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

City Wide Objectives:

City Wide Principles of Development Control: 231, 242, 243, 244, 248

City Wide Principle of Development Control 244 states that dwellings should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) and more particularly, a dwelling with a site area of 250 square metres or greater should have a private open space area the equivalent of 20 percent of the site area.

The two proposed dwellings fronting Phillis Street have private open space areas of usable dimensions, with areas of 80m<sup>2</sup>, which equates to 20% of the area of their individual sites. The two proposed dwellings at the rear of the subject land have private open space areas of usable dimensions, with areas of 140m<sup>2</sup>, which equates to 37% of the area of their individual sites.

With the exception of the south-western dwelling (shown on the plans as 59 Phillis Street), the private open space associated with all proposed dwellings has access to northern sun. The lack of northern sun access to the private open space of the south-western dwelling is a negative aspect of the proposal.

Open pergolas are proposed for each dwelling. It is likely that at some future point application(s) will be made to the Council to provide solid covering to some or all of the pergola structures. Such applications will need to be assessed on their own merits, bearing in mind City Wide Principle of Development Control 248, which states that fifty percent (50%) of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments.

### Carparking/access/manoeuvring

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

City Wide Objectives: 34

City Wide Principles of Development Control: 116, 121, 123, 194, 209

City Wide Principle of Development Control 123 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. Table NPSP/8 provides that group dwellings with 2-3 bedrooms should be provided with two (2) occupant car parking spaces (at least 1 of which is covered) in addition to one (1) visitor space exclusive of vehicle manoeuvring areas for every 2 dwellings. The proposal accords with these rates.

City Wide Principle of Development Control 194 provides guidelines for the configuration of driveway and manoeuvring areas for group dwellings, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common driveway, Principle 194 states that the driveway should have a 6m x 6m paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this guideline.

Principle 194 also states that the common driveway paved carriageway width should be no less than 5.0 metres in width, with 500mm of landscaping on either side, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposal includes a 4.5 metre wide paved carriageway with 500mm of landscaping on either side, resulting in a total width of 5.5 metres. The reduced width of the paved carriageway is a negative aspect of the proposal, however taking into consideration that the width of an 85<sup>th</sup> percentile vehicle is 1.87m, there is adequate width for two vehicles to pass.

The 85<sup>th</sup> percentile vehicle turning templates within the Australian Standard for off-street car parking have been applied to the manoeuvring areas and it has been determined that vehicles are able to conveniently access and egress all car parking spaces.

#### 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 Objectives:	9, 42 & 51
City Wide PDC's:	10, 12, 149-151, 153, 161, 166 & 171

The subject land is essentially flat, with a fall of approximately 500mm over 61 metres from back (east) to front (west). The two front dwellings are proposed to have a floor level that is 400mm above the adjacent top of kerb level and the rear two dwellings are proposed to have a floor level that is 450mm above top of kerb. These levels are considered appropriate and will result in minimal need for boundary retaining.

#### 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, 117 & 119
City Wide PDC's:	76, 239, 240, 422 & 426

There are no regulated trees on the subject land or in close proximity to the subject land.

A landscaping plan has been provided, showing the planting of a range of trees, shrubs and groundcovers within the development. Proposed trees are predominantly ornamental pears, to be planted at the front of the site (eleven trees in total forward of the dwellings) and in front of the visitor car parking spaces. Two lemon trees are also proposed. The landscaping plan is considered to be appropriate.

Two mature street trees are located adjacent to the subject land. The proposed front fence is within the Structural Root Zones of the trees. As such, the proposed front fence has the potential to adversely affect the health of the trees if traditional footing trench construction methods are used.

Accordingly, if the Panel determines to approve the Application, it is recommended that a condition be imposed, requiring that the front masonry fence be constructed of a pier and beam footing method, with no excavation to occur within the Structural Root Zone 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.

#### 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 main living zones of the two proposed dwellings fronting Phillis Street have a northern aspect. The same cannot be said of the two rear dwellings, which is a negative aspect of the proposal. The combination of eaves, wide front verandahs and pergolas for all dwellings, provides for effective shading from summer sun angles.

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. The Applicant has proposed a 2000 litre rainwater/detention tank at the rear of the dwelling to collect stormwater from the roofed areas. The proposed rainwater tanks are proposed to be plumbed back to the dwelling for re-use within the toilets and water heaters, in accordance with City Wide Principle of Development Control 161. This is considered to be a positive aspect of the proposed development.

#### Other

There is adequate space on the site of each of the proposed dwellings for the screened storage of rubbish bins. Similarly, the subject land has an adequate frontage width for the storage of bins on the kerb for collection.

#### **Summary**

The proposed construction of four (4) group dwellings is considered to represent an appropriate use of the subject land, taking into account the mix of dwelling types and land uses in the locality. Despite this mix, the locality has a high level of character, derived from a high concentration of original character houses and established gardens and street plantings.

In this context, the proposed use of a single access driveway to service all four (4) dwellings to minimise hard paved areas and maximise landscaping in the streetscape is a positive aspect of the proposal, as is the single storey, traditional design approach adopted for each of the dwellings.

Negative aspects of the proposal are a lack northern sun access to the private open space of the south-western dwelling, lack of northern aspect of the two rear dwellings and a slightly narrower driveway than what the Development Plan seeks. These shortcomings are not considered to affect the liveability of the dwellings to an unreasonable extent and are therefore not considered fatal to the Application.

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 155/598/14 by Brianni Construction to demolish two (2) detached dwellings and construct four (4) group dwellings on the land located at 59-61 Phillis Street, Maylands, 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 by Brianni Constructions Sheet Numbers 1D to 9D, received by the Council on 14 January 2015
- landscape plan by Brianni Constructions, received by the Council on 27 January 2015.

### Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. The north-western dwelling (shown on the plans as 61 Phillis Street) and the north-eastern dwelling (shown on the plans as 61A Phillis Street) shall be acoustically treated to the reasonable satisfaction of the Council, including (but not limited to) the installation of double glazing to the living/dining area windows of the north-western dwelling and the bedroom 3 and study windows of the north-eastern dwelling.
3. The rainwater tanks, herein approved, shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. The proposed masonry fence herein approved is to be constructed utilising a pillar and plinth (or similar) construction method. Any excavation required within the Structural Root Zone of the adjacent street trees (to be advised by the Council's Coordinator, Arboricultural Services) 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.
- 

*Mr De Fazio moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/598/14 by Brianni Construction to demolish two (2) detached dwellings and construct four (4) group dwellings on the land located at 59-61 Phillis Street, Maylands, 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 by Brianni Constructions Sheet Numbers 1D to 9D, received by the Council on 14 January 2015*
- *landscape plan by Brianni Constructions, received by the Council on 27 January 2015.*

#### Conditions

1. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.*
  2. *The north-western dwelling (shown on the plans as 61 Phillis Street) and the north-eastern dwelling (shown on the plans as 61A Phillis Street) shall be acoustically treated to the reasonable satisfaction of the Council, including (but not limited to) the installation of double glazing to the living/dining area windows of the north-western dwelling and the bedroom 3 and study windows of the north-eastern dwelling.*
  3. *The rainwater tanks, herein approved, shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
  4. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
-

5. *The proposed masonry fence herein approved is to be constructed utilising a pillar and plinth (or similar) construction method. Any excavation required within the Structural Root Zone of the adjacent street trees (to be advised by the Council's Coordinator, Arboricultural Services) 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.*
6. *That the external eave height of the two front dwellings herein approved be increased to a minimum height of three (3) metres.*
7. *That the windows in the front facades of the front two dwellings herein approved be modified to reflect the proportions of traditional double hung windows in villas.*

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.*

*Seconded by Mr Minney and carried.*



#### 4. STAFF REPORTS

##### 4.4 DEVELOPMENT APPLICATION 155/878/2014 – STERLING HOMES LTD – 27 FIRST AVENUE, PAYNEHAM SOUTH

<b>DEVELOPMENT APPLICATION:</b>	<b>155/878/2014</b>
<b>APPLICANT:</b>	<b>Sterling Homes Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>27 First Avenue, Payneham South (Certificate of Title, Volume: 5132, Folio: 196)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a pair of two-storey semi-detached dwellings</b>
<b>ZONE:</b>	<b>Residential 2A Zone - 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 construction of a pair of two-storey semi-detached dwellings.

Staff do not have delegated authority to determine the Application, as it comprises the construction of two dwellings which do not meet the criteria set out in Table 2 of the Panel's Terms of Reference. In particular, the proposed dwellings have site areas less than 380m<sup>2</sup> and the first floor levels are not contained within the roof space of each dwelling.

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:	22.55 metres
Depth:	28.87 metres
Area:	651m <sup>2</sup>
Topography:	slightly sloping from east to west
Existing Structures:	single-storey detached dwelling and several small outbuildings
Existing Vegetation:	two (2) regulated trees (one of which is Significant) and several small trees and/or shrubs

The subject land currently contains a single-storey detached brick dwelling with several outbuildings in the rear and side yard areas. The subject land is located on the north-eastern corner of the intersection of First Avenue and Ashbrook Avenue. Two (2) regulated trees are located on the subject land – a Wallangarra White Gum has been identified as a Significant tree and is located adjacent the Ashbrook Avenue frontage and a River Red Gum, identified as a Regulated tree, is located within the south-eastern front yard area.

#### **Locality Attributes**

Land uses: entirely residential  
 Building heights (storeys): predominantly single-storey  
 Streetscape amenity moderate - due to the mixture and varied construction eras of the building stock

The locality is predominately characterised by single-storey dwellings in a variety of forms including detached dwellings, group dwelling and residential flat building configurations. The locality is considered to have a mixed architectural character, with a number of original dwellings present as well as dwellings dating between 1970 and the 1990's. The most recent examples of infill development that have taken place within the locality are at 39 and 42 First Avenue, which comprise two-storey semi-detached dwellings.

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

### Proposal in Detail

The Applicant seeks consent to construct a pair of two-storey semi-detached dwellings on the subject land.

At ground level, the proposed dwellings comprise a combined kitchen/dining/living area, bathroom, laundry, study, covered outdoor living areas and double width garages. At upper level, the proposed dwellings comprise three (3) bedrooms (Bedroom has an ensuite and walk-in-robe), separate bathroom and an addition study area.

The garage associated with the westernmost dwelling (Dwelling 1) is intended to be accessed via an existing crossover located adjacent to Ashbrook Avenue, whereas access to the garage associated with the easternmost dwelling (Dwelling 2), relies on the construction of a new crossover adjacent the First Avenue frontage.

The proposed dwellings are to be constructed with a combination of rendered and face brickwork at ground level and rendered lightweight panelling at upper level. The rendered sections are to be painted a beige colour (Colorbond "Paperbark"). The face brickwork is to be "sandstone"/cream in colour (PGH "Bianca"). The dwellings are to have 25 degree pitched concrete roof tiles in a mottled red and black colour "opal fire", aluminium framed windows and roller doors to the garages (Colorbond colour "Jasper").

The Applicant has provided an indicative landscaping schedule, which illustrates a range of small trees, shrubs and ground covers within the front yard areas of both of the proposed dwellings.

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	Dwelling 1 (Corner allotment)	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
Site Area	333.45m <sup>2</sup>	317.57m <sup>2</sup>	N/A
Allotment Width	11.55m	11.0m	N/A
Allotment Depth	28.87m	28.87m	N/A
External Wall Height*	5.2m	5.2m	N/A
Maximum Overall Height (to roof apex)*	8.1m	7.9m	N/A
Floor Area – Ground Level	158.12m <sup>2</sup>	130.25m <sup>2</sup>	N/A
Floor Area – Upper Level	90.03 m <sup>2</sup>	86.93m <sup>2</sup>	N/A
Floor Area (total)	248.15m <sup>2</sup>	217.18m <sup>2</sup>	N/A

<b>Site Coverage</b>	47.4%	41%	N/A
<b>Private Open Space</b>	66.2m <sup>2</sup> 20% of site area 80% uncovered	99.6m <sup>2</sup> 31% of site area 83% uncovered	20% (City Wide PDC 244(b) & PDC 248)
<b>Street Set-back</b>	6.6m (dwelling)	7.2m (garage) 10.2m (dwelling)	The same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey. (City Wide PDC 213(c))
<b>Side Set-back</b>	3.0m (Ground Floor) 3.8m (Upper level) 5.6m (Garage)	970mm (Ground Level) 3.1m (Upper Level)	At least 1 metre on one side (City Wide PDC 215)
<b>Rear Set-back</b>	Nil	7.9m (dwelling) 4.9m (verandah)	N/A
<b>Car Parking Provision</b>	2 undercover & 2 visitor	2 undercover & 1 visitor	2 (1 covered) on-site parking spaces – Table NPSP/8.

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

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

### Notification

The proposal has been identified and processed as a Category 1 form of development pursuant to Schedule 9 Part 1(2)(a) of the *Development Regulations 2008*. As such, no formal public notification has been undertaken.

### State Agency Consultation

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

### 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 Objective:	2
Residential 2A Zone PDC's:	2
City Wide Objectives:	1, 7, 55, 56, 57 & 58
City Wide PDC's:	1-4, 6 & 189

Objective 2 of the Residential 2A Zone states:

*A zone (within the Payneham Area as shown on [Map NPSP/1 \(Overlay 1\)](#)), primarily accommodating detached dwellings on individual allotments, with residential flat buildings not exceeding one storey in height, row dwellings or semi-detached dwellings in suitable areas.*

The Residential 2A Zone anticipates the construction of semi-detached dwellings in suitable areas within the Zone. The established character of the locality is derived from a range of dwelling types, including character dwellings, recently constructed semi-detached dwellings, detached dwellings, residential flat buildings and group dwellings. In the context of the mix of dwelling types, the proposed development is considered to be consistent with Objective 2 of the Residential 2A Zone and as such, suitable from a land use perspective.

Site areas of 333.45m<sup>2</sup> and 317.57m<sup>2</sup> are proposed for Dwelling 1 and Dwelling 2 respectively. The site area density of development within the locality is somewhat varied and lacks consistency. As such, the proposed site areas will not likely have an adverse impact on the existing streetscape and pattern of development. Within the immediate locality, some allotment areas are as low as 285m<sup>2</sup> and 217m<sup>2</sup> at 69 Ashbrook Avenue and 29 First Avenue. The units at 1/28, 2/28 and 3/28 Second Avenue comprise an average site area of 300m<sup>2</sup> per dwelling.

Within this context, the density of the proposed dwellings is considered to be acceptable.

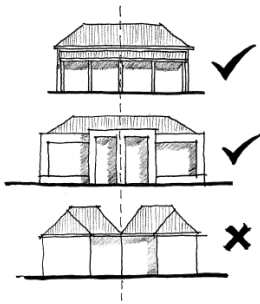
### Streetscape/bulk/scale/height/character

Residential 2A Zone Objectives:	2
Residential 2A Zone PDC's:	2
City Wide Objectives:	8, 18, 19 & 20
City Wide PDC's:	29-33, 44, 164, 195, 196, 197, 223 & 226

The proposed development presents to both street frontages as a single cohesive two-storey building, particularly when viewed from First Avenue.

City Wide Principle of Development Control 195 states:

*"The roof form and design of semi-detached dwellings in localities where the predominant dwelling type is detached dwellings should achieve the form of a single integrated building (as illustrated below) and be of a bulk and scale that is consistent with the predominant pattern of development (Refer to Figure 5)."*



**Figure 5**

The proposal is consistent with City Wide Principle of Development Control 195, insofar as the roof form and design of the semi-detached dwellings achieves the form of a single integrated building. That said, it is questionable as to whether or not Principle 195 is directly applicable to this assessment, as the character of the immediate locality is characterised by a mix of dwelling types and not predominantly detached dwellings. Regardless, the proposed design approach is considered to result in a positive streetscape outcome.

With respect to building height, the locality is predominantly characterised by relatively non-descript conventional single-storey dwellings. The most recent examples of infill development along First Avenue within the locality have been in the form of two-storey semi-detached dwellings (ie. 39 and 42 First Avenue). In this context, it is considered that the integrated two-storey form of the proposal is acceptable and accords with City Wide Principles of Development Control 29 and 30, which seek new buildings with a visual bulk and architectural scale that is complementary to the established character of the locality.

City Wide Principle of Development Control 36 states:

*“Development on corner allotments should:*

*(a) reinforce the primary and secondary street frontages of the subject site with highly articulated building forms; and*

*(b) be sited to complement the siting of buildings on the adjacent corner sites.”*

All existing dwellings on the four (4) corners of the intersection of First Avenue and Ashbrook have their primary frontage to First Avenue. The proposed building is consistent with part (a) of Principle 36, in that the new dwellings address the corner of the site with a reasonable degree of articulation to both streets and also, the siting of the proposed dwellings satisfies part (b) of this provision, as the dwellings have a primary frontage to First Avenue, consistent with the other three dwellings at this intersection.

In general terms, the proposed semi-detached dwellings can be described as being conventional and simple in style, with traditional design elements in the form of pitched roof forms, the use of eaves, well-proportioned window openings and an overall balance to the built form outcome as a whole. In addition, the proposed materials and finishes are considered to be of a traditional nature and good quality and it is anticipated that this will result in a development that will make a positive contribution to the character of the immediate area. Accordingly, the proposed development is considered to satisfy City Wide Principle of Development Control 30, with regard to the architectural design.

#### Setbacks and Site Coverage

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

City Wide PDC's: 36, 51, 52, 212-217, 221 & 227

Dwelling 1 is orientated towards First Avenue and is proposed to have a setback of 6.6 metres from the First Avenue property boundary to the main facade. The secondary setback of Dwelling 1 ranges from 3.3 metres to 5.5 metres from the Ashbrook Avenue property boundary.

Dwelling 2 is proposed to have a staggered front setback from the First Avenue property boundary, ranging from 7.2 metres to 10.2 metres.

City Wide Principle of Development Control 213 states (in part):

*“Where the Zone and/or Policy Area does not specify a minimum distance, dwellings should be set back from the allotment boundary on the primary street frontage:*

- (c) *The same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey.”*

The adjacent residential flat building at 29 First Avenue is set back 7.1 metres from the First Avenue property boundary, while the dwelling located on the northeast corner of First Avenue and Ashbrook Avenue is set back 4.5 metres from the First Avenue property boundary. Principle 213 requires that the proposed building be set back at least 7.1 metres from First Avenue, whereas it is set back 6.6 metres at the closest point.

The distance between the residential flat building at 29 First Avenue and the proposed building is 7.6 metres and the front setback of the building increases towards the eastern boundary of the subject land, such that the part of the building located closest to 29 First Avenue has a front setback of 10.2 metres. In this context, it is considered that the proposed front setbacks to First Avenue are appropriate, as they will provide for an appropriate setback relationship to the building at 29 First Avenue, notwithstanding that the proposal does not strictly satisfy Principle 213.

In terms of side setbacks, City Wide Principle of Development Control 215 states:

*“Unless otherwise specified in the relevant Zone and/or Policy Area, side boundary setbacks should reflect the predominant character in the locality. Where a consistent building setback is not evident development should complement the predominant pattern established by surrounding dwellings and in any case, should be set back at least 1 metre from one side boundary.”*

As stated earlier, Dwelling 1 is set back 3.3 metres to the dwelling and 5.5 metres to the garage from the Ashbrook Avenue property boundary. The proposed secondary side setbacks are considered appropriate in the context of the immediate area (ie. the Ashbrook Avenue and First Avenue intersection) as they are relatively consistent with the side setbacks of the other three existing dwellings located on corner allotments, at this intersection.

The external garage wall of Dwelling 2 is set back 970mm from the eastern side boundary with the remaining portion of the eastern ground floor elevation incorporating a 3.1 metre eastern side setback. At upper level, the eastern elevation has a side setback that ranges between 3.1 metres to 3.6 metres. The proposed upper level eastern side setbacks for Dwelling 2 are not considered to adversely impact the visual outlook for the occupiers of the directly adjacent residential flat building at 29 First Avenue, given the combined separation distance of the existing common driveway (ie. a width of 6.8 metre) and the proposed side setbacks to Dwelling 2.

City Wide Principle of Development Control 217 states the following:

*“Side boundary walls, including garages and carports, should only be developed where they are envisaged in the Zone and/or relevant Policy Area and unless otherwise specified in the relevant Zone and/or Policy Area, should:*

- (a) *only be constructed along one side boundary of the allotment;*
- (b) *be limited in length and height to:*
  - (i) *minimise the visual impact of the building on adjoining properties; and*
  - (ii) *minimise the overshadowing of adjoining properties;*
- (c) *be consistent with the height and length of the adjoining property boundary wall or, where there is no adjoining property boundary wall, have a maximum height of 3 metres and a maximum length of 8 metres;*
- (d) *maintain adequate natural light to adjoining dwellings; and*
- (e) *minimise the risk of damage to mature/significant vegetation on adjoining properties, taking into consideration potential damage to root systems.”*

With respect to rear setbacks, the garage of Dwelling 1 is proposed to be located along a portion of the northern rear boundary of the subject land. Directly adjacent to the north at 86 Ashbrook Avenue, an existing detached dwelling is set back approximately 1.0 metres from the northern rear boundary of the subject land. The existing dwelling at 86 Ashbrook Avenue has several windows in its southern elevation. However, the primary outlook from the living areas within this adjacent dwelling is to the east (ie. rear yard private open space area). In this context, the proposed garage boundary wall is not considered to have an unreasonable visual impact on the occupiers of 86 Ashbrook Avenue when assessed against Principle 217.

The proposed rear setbacks of Dwelling 2 are 4.9 metres to the rear verandah area and 7.9 metres to the rear elevation. As such, the proposed rear setbacks for Dwelling 2 are considered appropriate and are not anticipated to compromise the visual outlook for directly adjacent occupiers at 86 Ashbrook Avenue.

The proposed site coverage is 47% for Dwelling 1 and 41% for Dwelling 2..

Given that there are no quantitative site coverage provisions within the Residential 2A Zone, City Wide Principle of Development Control 221 is of most relevance, and states:

*“Site coverage should be limited to the percentage specified in the relevant Policy Area and in any case should ensure that sufficient space is provided for:*

- (a) front, side and rear boundary setbacks that contribute to the desired character of the area;*
- (b) the required level of private open space and landscaping;*
- (c) pedestrian and vehicle access and vehicle parking;*
- (d) domestic storage;*
- (e) outdoor clothes drying;*
- (f) rainwater tank; and*
- (g) convenient storage of household waste and recycling receptacles.”*

It is noted that the resulting site coverage includes covered outdoor entertaining areas and/or verandahs for each dwelling.

Overall, the proposed site coverage is generally consistent with the site coverage of other semi-detached dwellings within the locality (eg. 36, 39 and 42 First Avenue) and regardless, it is also considered that a sufficient amount of space is preserved around the proposed dwellings for soft and hard landscaping.

#### Overshadowing/overlooking

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

City Wide Principle of Development Control: 11 75 199 201 & 254.

The Applicant has provided shadow diagrams that demonstrate the extent of proposed overshadowing on the winter solstice that is likely to result from the proposed dwellings. The shadow diagrams demonstrate that there will be shadowing of the directly adjacent property to the east at 29 First Avenue during the late afternoon period, with the common driveway most affected.

*“Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that at least half of the ground level private open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements.”*

In this regard, the proposed development will not shadow the private open space areas of any of the directly adjacent dwellings.





City Wide Objectives:	34
City Wide PDC's:	101, 116, 121, 123, 126, 229, 231 & 264

#### Table NPSP/8

Table NPSP/8 prescribes that semi-detached dwellings should have two (2) on-site car parking spaces per dwelling, including at least one (1) covered space. Dwelling 1 can accommodate two (2) covered spaces and two (2) visitor spaces via the existing crossover. Dwelling 2 can accommodate two (2) covered spaces and one (1) visitor car parking space via a new crossover. The proposed provision of on-site car parking for each dwelling satisfies the quantitative requirement prescribed in Table NPSP/8.

Each dwelling includes a double width garage and sufficient space within the proposed driveway to accommodate two (2) additional vehicles. City Wide Principle of Development Control 226 prescribed a minimum internal dimension of 5.8 metres by 6.0 metres for double width garaging. Each garage is slightly smaller than this size. Council staff have confirmed that the proposed garages achieve the relevant Australian Standard dimensions for an enclosed garage, so whilst the internal dimensions of the garage are a negative aspect of the proposal, the size of the garaging is not considered to be fatal to the overall merits of the Application.

#### 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 Objectives:	9, 42 & 51
City Wide PDC's:	10, 12, 149-151, 153, 161, 166 & 171

The subject land is not within a recognised flood plain.

The subject land has a fall from east to west that ranges between 310mm – 390mm over a distance of 22.6 metres. The finished floor levels of the dwellings are proposed to be staggered, with Dwelling 1 set at 100.85RL and Dwelling 2 set at 101.30RL (a height difference of 450mm). The finished floor levels have been staggered due to the desire of the Applicant to incorporate a pier and beam footing design for this dwelling, in order to minimise the impact upon the Regulated River Red Gum, which the Applicant wishes to retain as part of the proposed development.

The proposed finished floor levels range in the order of 535mm for Dwelling 1 and 900mm for Dwelling 2, above the adjacent First Avenue top of kerb level. Stormwater is to be drained to the street watertable via gravity with stormwater directed to the First Avenue and Ashbrook Avenue watertables for Dwelling 2 and Dwelling 1 respectively.

The proposed finished floor levels for Dwelling 1 are between 300mm and 610mm above the adjacent natural ground level at the front, side and rear of its site. The proposed finished floor levels for Dwelling 2 are between 500mm and 700mm above the adjacent natural ground level at the front, side and rear of its site. Therefore taking into account paving set-down requirements, boundary retaining is not likely to exceed 550mm in height, which in turn is consistent with City Wide Principle of Development Control 166, which states (in part):

*“A dwelling, other than a dwelling located within the 1-in-100 year Average Recurrence Interval floodplain, should be sited and designed so that the finished floor level of the dwelling is a suitable height above the adjacent top of kerb level, to enable the efficient gravity-fed drainage of stormwater from all impervious surfaces on the site, provided that the finished floor level of the dwelling is no more than 700 millimetres above the natural ground level at any point along the side and rear boundaries of the site.”*

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 & 117-119
City Wide PDC's:	46, 76, 81, 183, 187, 239, 240 & 422-429

The subject land contains two (2) Regulated Trees of which one is identified as a Significant tree.

By way of background, a Development Application (Development Application Number 155/130/14) for the removal of the Significant Wallangarra White Gum tree, located adjacent the Ashbrook Avenue frontage of the subject land was approved on 1 May 2014. That Application was approved on the basis that the tree has been determined to present an unacceptable risk due to a high potential for structural failure. The tree is proposed to be removed as part of the current Development Application.

A Regulated River Red Gum is located within the south-eastern section of the front yard area (ie. adjacent to where Dwelling 2 is proposed to be sited). The Applicant is proposing to retain the River Red Gum. This has not been a request of Council staff but rather, is the way in which the Application was originally presented.

The Applicant sought advice from Mr Shane Selway of Arboorman Tree Solutions. Having regard to *Australian Standard 4970 - Protection of trees on development sites*, Mr Selway has recommended that non-destructive excavation and construction methods (ie. determine location of piers for the proposed suspended slab) so as to minimise damage to the tree's critical root system from Dwelling 2 and as such, is not likely to affect the long-term health of the tree.

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

The retention of the River Red Gum tree is considered to be a positive aspect of the proposal. If the Panel determines to approve the Application, it is recommended that a condition be imposed requiring that the recommendations of Mr Selway be incorporated as a condition of approval.

Two (2) street trees are located adjacent the First Avenue frontage and two (2) street trees are located adjacent the Ashbrook Avenue frontage of the subject land. A juvenile street tree is located directly adjacent to the east of the proposed crossover for Dwelling 2. The plans provided indicate that the separation between the crossover and the tree is approximately 300mm, which may more than likely compromise the tree's structural integrity.

The Council's Coordinator Arboricultural & Horticultural Services has indicated that the juvenile street tree can be relocated without comprising its health and integrity.

If the Panel determine to approve the proposed development, it is recommended that a condition be imposed requiring the juvenile street tree adjacent the proposed crossover for Dwelling 2 be removed and relocated at the Owner's/Applicant's expense.

The Applicant has provided a detailed landscaping scheme as part of the development proposal. Overall, the majority of permeable areas for both dwellings are to incorporate specific plants, shrubs and suitable trees, which will reduce the extent of hard paving as well contributing to the living amenity for future occupiers.

Environmental Sustainability

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

City Wide Objectives:	23, 42 & 43
City Wide PDC's:	70-75, 149-153 & 161

The west facing windows of Dwelling 1 dwelling are partially protected by eaves, which to some extent will reduce heat loading during summer months.

The proposed dwellings are orientated north-south, which allows for an ideal degree of orientation for each dwelling, with the main living areas and private open space areas enjoying a northerly aspect. This in turn is considered to be a positive aspect of the proposal.

City Wide Principle of Development Control 161 states:

*“All new dwellings and additions to existing dwellings (including dependent accommodation units) greater than 50 square metres (where the addition incorporates a water closet, water heater or a laundry cold water outlet) with direct access to the ground level, should be provided with a 2000 litre rainwater tank/s connected to the roof water outlets and plumbed to at least a water closet, a water heater and/or all laundry cold water outlets.”*

The proposal includes the installation of two (2) 1,000 litre rainwater tanks for each dwelling, which satisfies Principle 161 and exceeds the mandatory Building Code of Australia requirements and is also a positive aspect of the proposal.

### **Summary**

The two-storey semi-detached dwellings are considered to result in a built form that is of an acceptable bulk and scale in the context of the existing built form within both the First Avenue and Ashbrook Avenue localities. Furthermore, the development incorporates a good degree of articulation and a good combination of finishes and construction materials. The dwellings are considered to achieve good internal amenity with functional links to the designated private open space provision.

Both dwellings are considered to have consistent and compatible side and rear setbacks with existing residential development in the locality and each dwelling is provided with adequate onsite undercover car parking provision. The private open space areas nominated for each of the proposed dwellings satisfy the quantitative and qualitative criteria with respect allocated area and orientation and/configuration.

Overall, the proposal is not considered to be seriously at variance with the Development Plan and is considered to be sufficiently in accordance with the provisions of the Development Plan to warrant Development Plan Consent.

### **RECOMMENDATION**

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be granted to Development Application No 155/878/14 by Sterling Homes Pty Ltd for the construction of a pair of two-storey semi-detached dwellings, on the land located at 27 First Avenue, Payneham South, subject to the following requirements, conditions and notes:

#### Relevant Plans

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

- plans and elevations (Job Number ACT15414) prepared by Sterling Home Pty Ltd and received by the Council on 6 February 2015.
- Drainage Plan (Job Number 1410045) prepared by SAF Consulting Engineers and received by the Council on 4 December 2015.
- Arboricultural report prepared by Mr Shane Selway of Arborman Tree Solutions and received by the Council on 12 November 2014.

### Conditions

1. The relocation of the juvenile street tree located on the Council verge area adjacent to First Avenue, required to facilitate the provision of the new crossover/driveway for Dwelling 2, shall be undertaken by the Council's Urban Services staff and all associated costs will be incurred by the Owner/Applicant.
2. The portion of the upper floor windows on the western, northern and eastern elevations which are less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
3. The excavation and construction of the footing system for Dwelling 2 shall be constructed in accordance with the recommendation contained in the report by Mr Shane Selway (Consulting Arboriculturist of Arborman Tree Solutions Pty Ltd), so as to minimise impact on the Regulated River Red Gum located on the subject land.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants within the proposed landscaped areas shall be established, nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
6. 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
7. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet of each dwelling herein approved by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.

### Notes to Applicant

1. The Applicant shall contact the Council's Technical Officer, Horticulture, Darryl Stephens, on telephone 8366 4588 to organise the relocation of the Evergreen Ash street tree.
2. 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.
3. The granting of this 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 requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences

and the Law' booklet available through the Legal Services Commission available at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au). Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508. The Applicant's attention is also drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines that may be affected by the development herein approved.

4. 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.
5. 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.
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.

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*Mr Dottore moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be granted to Development Application No 155/878/14 by Sterling Homes Pty Ltd for the construction of a pair of two-storey semi-detached dwellings, on the land located at 27 First Avenue, Payneham South, subject to the following requirements, conditions and notes:*

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7. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

*Seconded by Mr Frogley and carried.*

**5. OTHER BUSINESS**

Nil

**6. CONFIDENTIAL REPORTS**

Nil

**7. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 8:18pm.

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**Gavin Lloyd-Jones**  
**PRESIDING MEMBER**