

Development Assessment Panel Minutes

16 March 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 7.00 pm

PRESENT

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

Staff 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 Mr John Minney
Mr Carlos Buzzetti (General Manager, Urban Planning and Environment)

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 16 FEBRUARY 2015

Mr Gaston moved that the minutes of the Meeting of the Development Assessment Panel, held on 16 February 2015 be taken as read and confirmed,

Seconded by Mr Dottore and carried.

2. PRESIDING MEMBER'S COMMUNICATION

3. MEMBERS' COMMUNICATION

4. STAFF REPORTS

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

4. STAFF REPORTS

4.1 DEVELOPMENT APPLICATION 155/935/2014 – EDBERG DEVELOPMENTS – 43 KENSINGTON ROAD, NORWOOD

DEVELOPMENT APPLICATION:	155/935/14
APPLICANT:	Edberg Developments
SUBJECT SITE:	43 Kensington Road, Norwood (Certificates of Title Volume: 6079 Folio: 291
DESCRIPTION OF DEVELOPMENT:	Construction of a three-storey residential addition to an existing single storey commercial building, comprising part-basement car parking and twelve (12) dwellings
ZONE:	Local Centre (Norwood) and Residential Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 3

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 three-storey residential addition to an existing single storey commercial building, comprising part-basement car parking and twelve (12) dwellings.

Staff do not have delegated authority to determine the Application, as it is a Category 3 form of development for public notification purposes. It is also an Application involving the construction of more than two dwellings on an allotment.

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:	rectangular with a dog-leg at the rear
Frontage width:	18.75 metres
Depth:	61.31 metres
Area:	1204 m ²
Topography:	essentially flat
Existing Structures:	single storey commercial building
Existing Vegetation:	nil

The subject land has a primary frontage to Kensington Road of 18.75 metres and a secondary frontage to Sheppards Lane of 61.31 metres. The first 47.5 metres of the allotment depth (starting from Kensington Road) remains at 18.75 metres wide and is located within the Local Centre (Norwood) Zone. The last 13.8 metres of the allotment depth widens out to 22.75 metres and is located within the Residential Zone.

A single storey red brick construction commercial building occupies the front of the property, constructed in the 1990's in a faux heritage style. It contains two tenancies; a stationary supplies shop and a physiotherapist. A Development Approval was granted in 2006 for a "change of use to consulting rooms (2 consulting rooms only) and continuation of office supplies shop within the existing building".

In the course of assessing the current Development Application, it was identified that the physiotherapist is currently operating with six (6) consulting rooms, in breach of the Development Approval which was granted in 2006. The current owner of the subject land is now aware of the breach and has agreed to cooperate with the Council in ensuring that the physiotherapist conforms with the terms of the Development Approval (ie. reduces the number of consulting rooms to 2). As such, the current Application has been assessed on the basis of the physiotherapist comprising two (2) consulting rooms, as approved.

Locality Attributes

Land uses: mix of residential and commercial
Building heights (storeys): mix of one and two storey

There are two distinctly different elements to the locality of the subject land. The first is the Kensington Road environment and the second is the Sheppards Lane environment.

The Kensington Road environment is characterised by commercial land uses, within single and two storey buildings. On the southern side of Kensington Road (within the City of Burnside), the uses are predominantly office and consulting rooms, within Victorian era villas, set back some distance from the road. On the northern side of Kensington Road, the buildings are generally built up to the road boundary, with verandahs extending over the footpath and are predominantly used for retail, including a bicycle shop, hair dresser and book shop. A group of two storey late Victorian shops are located at 31-39 Kensington Road, on the western side of Sheppards Lane.

The Sheppards Lane environment is characterised by side and rear fencing, open-air car parking, carports and garages. There are no properties with a primary frontage to Sheppards Lane. The lane is 10.3 metres wide, with parallel on-street parking along the western side, some of which is loading zone and the remainder of which is unrestricted.

The subject land is bounded to the north by a car parking area associated with a group of two storey units. To the east, the subject land is bounded by the rear boundary of a pair of two storey semi-detached dwellings facing Davis Street and the side boundary of a bicycle shop fronting Kensington Road.

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

Proposal in Detail

The Applicant seeks consent to construct a three storey addition to the rear of the existing commercial building on the subject land. The addition is proposed to comprise car parking at ground/basement level (approximately 600mm below Sheppards Lane) and two levels of residential apartments above. Each level is proposed to comprise six (6) apartments, providing a total of twelve (12) apartments.

A lift from the car parking level provides access to a corridor along the front of each level of apartments, which in turn provides access to each apartment. Six (6) of the apartments have one bedroom and the remaining six (6) have two bedrooms. Each of the apartments have rear (east facing) balconies, with the apartments at the northern and southern ends also having balconies at the front, adjacent to Sheppards Lane.

The addition is proposed to be constructed of red brick to match that of the existing building and has been designed to take on the character of a large historic red brick commercial building. This is achieved through intricate brick laying patterns, the extent and pattern of fenestration and a saw-tooth roof profile.

The existing building is proposed to remain essentially unchanged, with the exception of the introduction of new windows facing over Sheppards Lane.

The Application also includes improvements to Sheppards Lane, including the planting of seven (7) street trees and the resurfacing of sections of the lane with cobblestones.

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	Apartments	Commercial Tenancies	Development Plan Merit Assessment Quantitative Guideline
Site Area per dwelling	100m ² or 67m ² applying City Wide PDC 210	N/A	120m ² (Local Centre (Norwood) Zone) 250m ² (Residential Zone)
External Wall Height*	8.2 – 9.0m	N/A	N/A
Maximum Overall Height (to roof apex)*	11.05m	N/A	two storeys
Floor Area (total)	903m ²	450m ²	N/A
Floor Area (footprint)	788m ²	450m ²	N/A
Site Coverage		99%	N/A
Private Open Space	14.5 – 25.1m ²	N/A	10m ² single bed units 12m ² 2 bed units
Street Set-back	Nil	Nil	N/A
Side Set-back	Nil	Nil	N/A
Rear Set-back	Nil	Nil	N/A
Car Parking Provision	12 spaces	13 spaces	23 residential spaces 10 commercial 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 3 form of development.

Two (2) representations were received (both opposed) in response to this notification, copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- the roofing material is too dark resulting in poor energy efficiency;
- there are no photovoltaic panels or solar water heaters proposed;
- water collected in rainwater tanks does not appear to be plumbed for use;
- there is no integrated provision of clothes drying;
- there is no provision for bicycle storage;
- there is inadequate garden area provided;
- the building contributes nothing to the neighbourhood;
- the development provides inadequate on-site parking, contributing to on-street parking pressure in the area and in turn adversely affecting traders;
- the car parking area is not likely to be utilised to its full capacity due to not conforming with Australian Standard dimensions and not being adequately signed for way finding;
- there are inadequate sight lines for vehicles leaving the car parking area;
- there is no accommodation for deliveries to the retail shops;
- there is no provision for storage of commercial quantities of refuse produced by the shops;
- venting of the car park via the neighbouring property (bicycle shop car parking area) may affect future development potential of that property; and
- the proposal could result in overlooking of a possible future development of the neighbouring property to the (bicycle shop parking area).

The following representors desire to be heard personally by the Development Assessment Panel (DAP):

- *Mr Paul Anderson*

The Applicant has responded to the representations received and a copy of their response is contained in **Attachment D**.

A summary of the response is provided below:

- the roof is zincalume, therefore will not readily absorb heat;
- the roof angles allow for clerestory windows for northern sun access;
- two x 22.4kl underground water tanks are proposed to supply toilets and washing machines;
- the balconies are of sufficient size to accommodate floor-standing clothes drying racks or pull-out type clothes lines;
- a glory vine is proposed to be planted for landscaping and the trees in Sheppards Lane are not speculative, they form part of the Application;
- the development contributes a number of things to the neighbourhood such as public realm enhancements in Sheppards Lane, 12 additional households, informal surveillance, a building that picks up on architectural themes in the area;
- the proposal maintains the status quo provision of car parks for the commercial tenancies;
- whilst below the national average cars per household, the provision of 1 space per apartment is adequate taking into account the nature of the accommodation (affordable, walking distance to City and The Parade for shopping and transport);
- the commercial car parks are to be available to residential visitors after business hours;
- the car park has been designed in consultation with a traffic engineer, Phil Weaver and Associates in accordance with the Australian Standards;
- we would be happy to accept a condition requiring directional signage;
- the exit ramp has been designed to allow adequate sight lines, in accordance with Phil Weaver & Associates;
- there is provision for the storage of 12 bicycles in the south-western corner of the development, under the common walkway;
- there is potential for loading dock style rear access from the under-croft area to the rear of the commercial premises if required or desired;
- A mechanical ventilation system is being used for the undercroft parking area, which will activate if and when required, however it has been designed so that it ventilates naturally whilst the neighbouring property remains in its current state;
- Privacy measures are proposed to prevent overlooking of adjoining properties to the east, including the adjacent bicycle shop car park.

State Agency Consultation

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

Discussion

The subject land is partly located within the Residential Zone and partly located within the Local Centre (Norwood) 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:

Local Centre (Norwood) Zone Objective: 1

Local Centre (Norwood) Zone Principle of Development Control: 1 & 8

Residential Zone Objectives: 1
Residential Zone Principles of Development Control: 1 2, 8

City Wide Objectives: 56
City Wide Principles of Development Control: 187, 189, 192, 193, 194

Objective 1 and Principle of Development Control 1 of the Local Centre (Norwood) Zone state respectively:

“Development providing minor retail facilities including small-scale specialty and convenience shops, restaurants and offices.”

and

“Development in the Local Centre (Norwood) Zone should be primarily for small-scale specialty shops, convenience shops, restaurants and offices.”

Despite the absence of promoting residential land uses in the above provisions, the Local Centre (Norwood) Zone does anticipate some residential land uses, by virtue of Principle of Development Control 8, which sets a minimum site area of 120m² per dwelling for residential development. This is likely to be in recognition that it is not uncommon for dwellings to be co-located with commercial uses along arterial roads, for example traditional shops with dwellings at the rear.

The proposed development maintains the existing commercial uses fronting Kensington Road, whilst providing residential development at the rear, which is considered to be consistent with the land uses envisaged for the Local Centre (Norwood) Zone.

The rear portion of the subject land is located within the Residential Zone, where a range of dwelling types are envisaged. The minimum site area per dwelling within the Residential Zone, pursuant to Principle of Development Control 8, is 250m².

By dividing the total area of the subject land by the number of dwellings proposed (12), the average site area per dwelling is 100m². However, City Wide Principle of Development Control 210 states that in situations where residential development is co-located with commercial development, the site area per dwelling is to be reduced in accordance with the ratio between residential floor area and total floor area proposed to be accommodated on the site. In this instance, this equation results in a site area per dwelling of 67m². The rationale behind calculating the site area in accordance with Principle 210 is unclear and it is interesting to note that the resultant figure is less than the actual areas of each dwelling (ie. total if indoor and private outdoor areas), which range from 75m² to 120.5m² and average at 95m².

In considering the density proposed, City Wide Principle 189 states:

“Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:

- (a) the siting and construction of a dwelling and associated ancillary outbuildings;*
- (b) the provision of landscaping and useable private open space;*
- (c) convenient and safe vehicle access and off street parking;*
- (d) passive energy design; and*
- (e) the placement of a rainwater tank.”*

The following points address the criteria contained in Principle 189:

- the provision of private open space accords with the Development Plan criteria for apartments;
- a small amount of landscaping is proposed. This is considered adequate taking into account the character of the Sheppards Lane environment;
- off street parking is provided in a safe and convenient manner;
- the design includes passive energy features such as north facing clerestory windows;
- the proposal includes 2 x 22.4kl underground rainwater tanks.

It is also important to consider the context of existing development within the locality, when determining the appropriateness of the allotment sizes and configuration. In this instance, the locality is predominantly comprised of two-storey dwellings on compact allotments with site areas ranging from 85m² per dwelling within the adjacent residential flat buildings at 2 Davis Street to 375m² at 3 Davis Street.

There are 30 dwellings within the immediate locality that have average site areas of equal to or less than 108m².

Accordingly, whilst the failure of the proposal to accord with the quantitative provisions of the Development Plan with respect to dwelling density, this is not considered to be fatal to the Application. The locality is characterised by dwellings at a broad range of densities, including densities akin to that proposed. The high site coverage which results from the high density (ie. 99% site coverage) would be problematic in most locations within the Residential Zone. In this instance, Sheppards Lane has no particular character that would be adversely affected by the siting proposed and the interface with adjoining properties is considered to be adequately addressed.

streetscape/bulk/scale/height/character

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

Local Centre (Norwood) Zone Principle of Development Control: 2, 4, 6, 7

Residential Zone Principles of Development Control: 4, 8

City Wide Objectives: 18, 19, 20,

City Wide Principles of Development Control: 29, 30, 31, 183, 205

Residential Zone Principle of Development Control 4 states:

“Development should not adversely affect the existing streetscape and urban character having regard to the objectives for the zones and policy areas, exhibiting architectural forms which complement without reproducing the existing buildings.”

Residential Zone Principle of Development Control 8

“Development in the Residential Zone should not exceed two storeys in height above mean natural ground level, except in Dr. Kent's Paddock Policy Area where development should not exceed five-storeys in height above mean natural ground level and in the Marryatville High School Policy Area where development should not exceed three storeys in height above mean natural ground level.”

Principles of Development Control 2, 4, 6 and 7 of the Local Centre (Norwood) Zone state respectively:

“New buildings should maintain the traditional pattern of development abutting street boundaries to reinforce the street space.”

“New buildings should be in a contemporary architectural idiom which is sympathetic and reflective of the existing traditional building scales, forms and styles typical of the main road frontages, including the featuring of decorative parapet fronts and verandahs.”

“Car parking and service areas should be located at the rear of sites and development should not include car parking in basements, part-basements or at-grade beneath occupied areas of buildings.”

“Development in the Local Centre (Norwood) Zone should not exceed two storeys in height above mean natural ground level.”

The proposed development maintains the pattern of development abutting street boundaries to reinforce the street space (in this case Sheppards Lane), consistent with Principle 2.

As the proposed addition does not front a main road, the relevance of Principle 4 is questionable, however to the extent that it may be applicable, the proposal is considered to represent a contemporary architectural idiom which is reflective of traditional forms, scale and styles typical of main road frontages. In this respect, the overall height and horizontal mass of the addition is similar to that of the group of two storey shops on Kensington Road extending from Charles Street to Sheppards Lane. The wall height of the proposed addition on the Sheppards Lane boundary, is approximately the same as the wall height of those existing two storey buildings. Similarly, the overall height of the proposal is approximately the same as those buildings. More particularly, the proposed ridge height is 65.95m AHD, whereas the ridge height of the adjacent two storey building is 66.3m AHD. In this context, the failure of the proposal to accord with Principle 7 and Residential Zone Principle 8, with respect to the number of storeys is not considered to be fatal to the Application.

The use of red brick with extensive detailing and fenestration, is considered to complement older buildings in the locality, as well as the existing shops on the subject land. Similarly, the recessed series of skillion roof forms is representative of older warehouse buildings in the broader Norwood area and creates an interesting and balanced overall design aesthetic.

Despite this detailing and recessed third level element, the building is likely to loom large in Sheppards Lane, which is characterised by much lower scale buildings. However, in lieu any unifying existing character in the laneway, the proposed building is not considered to represent a negative addition to the lane. Combined with the streetscaping treatment proposed (refer to the section on landscaping), the development is considered to represent an improved amenity in this part of Sheppards Lane.

Principle 6 relates to the location of car parking. The proposal is inconsistent with this provision, as the car parking proposed is within a part-basement. The intended purpose of Principle 6 is not stated, however it is likely that the discouragement of car parking within basements, part-basements or at grade beneath occupied areas of buildings, relates to the resultant streetscape outcome. Whether in the form of basement, part-basement or at grade beneath a building, this type of car parking can compromise the appearance of a building, particularly at the ground floor level, where a positive presentation to and association with the street is particularly important. Put in practical terms, where shop fronts create a connectivity and activation of a street, ventilation grills for basement car parking do not.

That said, the Principles of Development Control for the Local Centre (Norwood) seek to achieve outcomes for the main road frontages. As the proposed development faces a laneway, the importance of achieving activation of the lane at ground level is less important, particularly in light of the existing character of the lane and the positive elements of the building design.

To summarise, the proposal is inconsistent with provisions of the Local Centre (Norwood) Zone and Residential Zone with respect to building height, as well as the Local Centre (Norwood) Zone with respect to the location of car parking. Despite these negative aspects, the streetscape character resulting from the bulk, scale and height of the proposal is considered acceptable, taking into consideration the established character of the locality.

Setbacks and Site Coverage

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

City Wide Principles of Development Control: 186, 207, 214, 215, 217, 218

The proposed addition is sited on the side (northern) boundary and the rear (eastern) boundary. In relation to the latter, it is only the basement which is proposed to be constructed on the boundary, whilst at ground level, the existing boundary fence is proposed to be retained in situ, with the proposed building set back 600mm.

City Wide Principle of Development Control 217 states:

“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."*

The proposed development extends 21 metres along the northern side boundary at a height ranging from 6m to 8m and punctuated by a 4.5 metre long courtyard. These dimensions are at odds with part (c) of Principle 217. Notwithstanding this quantitative shortfall, the qualitative aspects of Principle 217 are considered to be adequately addressed. The boundary wall is located directly adjacent to a carport structure associated with a group of units at 2 Davis Street. In this context, there are likely to be no resultant amenity impacts on the occupants of the adjoining land.

City Wide Principle of Development Control 218 states that the distance between a residential flat building comprising three or more storeys, and a side or rear boundary of the allotment on which it is sited, should be no less than 4.5 metres. For the reasons outlined above, the failure to provide a setback from the northern side boundary is of little consequence.

With respect to the setback from the rear (eastern) boundary, the building is proposed to be set back 600mm to the balcony of the first level of apartments, 2.0m to the balcony of the second level of apartments and 4.0m to the main face of the building. The section drawing on Plan Number 355/DA13 in Attachment B, shows the relationship between the proposed development and the adjacent residential properties at 4 and 4a Davis Street.

The section drawing shows that the balcony of the first level apartments is to have a solid rendered wall balustrade, at a height of 1.0m above the height of the existing 2.0m boundary fence. An angled slat screen is proposed above that, to bring the total combined height of the balustrade to 1.7m above the floor level of the balcony and 3.2m above the ground level of the adjoining residential property. Combined with an in-built planter on the balconies, the section drawing demonstrates that occupants of the balcony will not be able to view into the rear yard of the neighbouring property and occupants of the neighbouring property will not have a view of persons occupying the balcony. The visual impact of the first level balcony structure is considered reasonable, being approximately 1.2m higher than the existing fence and set back 600mm from the boundary.

The second level balcony is set back 2.0m from the boundary and is approximately 6.0m high above the neighbouring ground level. As with the first floor balconies, overlooking has been appropriately addressed through a combination of solid rendered wall and angled slat screen balustrades. The visual impact of the 6.0m high structure, located 2.0m from the boundary is considered to be reasonable in the context that the subject land is at the interface between the Residential Zone and Local Centre (Norwood) Zone, where large buildings with minimal or no boundary setbacks form part of the established character of the locality. In this respect, the two storey residential flat building at 2 Davis Street is set back approximately 1.9m from the boundary of the property at 4 Davis Street.

It is also relevant to consider that although the building is three storeys (such that City Wide Principle 218 requires a 4.5m rear setback) the second level balcony is the highest part of the building that would be readily seen from the neighbouring residential property and there are no quantitative setback provisions that would apply to a two storey residential flat building of equivalent height. Instead, City Wide Principle 216 would be relevant and states:

"Unless otherwise specified in the relevant Zone and/or Policy Area, the setback of dwellings from their side and rear boundaries should be progressively increased as the height of the building increases:

- (a) *to minimise the visual impact of the building from adjoining properties;*
- (b) *to minimise the overshadowing of adjoining properties;*
- (c) *to maintain adequate natural light to existing and future adjoining dwellings and private open space;*
and

- (d) *to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.*"

The proposed building is stepped back from the boundary in accordance with Principle 216 and the overshadowing impacts are in accordance with the relevant Development Plan provisions, as is discussed in the *overlooking/overshadowing* section of this report.

With respect to site coverage, City Wide Principle 221 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.

Neither the Residential Zone nor the Local Centre (Norwood) Zone provisions prescribe a site coverage percentage. In addressing parts a to g:

- (a) the Residential Zone provisions include a Desired Character Statement, which encourages a smaller more compact siting approach and scale of development to the minor residential streets. The reference to compact siting approach indicates an acceptance of high site coverage (together with a commensurately compact scale of development). There is no site coverage reference in the Desired Character Statement for the Local Centre (Norwood) Zone.
- (b) private open space provision is in accordance with the relevant Development Plan provisions, as is discussed in the *Private Open Space* section. There is virtually no provision for on-site landscaping;
- (c) access and car parking considerations are considered marginally acceptable, as is discussed in the *Access/Car Parking* section;
- (d) the size and nature of the apartments is such that domestic storage is not likely to be required by the occupants, beyond that available within the apartments themselves;
- (e) outdoor clothes drying is able to be provided for floor-standing clothes drying racks or pull-out type clothes lines;
- (f) two 22.4kl below ground rainwater tanks are proposed; and
- (g) a dedicated bin storage area has been proposed.

Accordingly, with the exception of not being able to accommodate on-site landscaping (which is discussed in the *Landscaping* section), the proposal is considered to adequately address Principle 221 and is considered acceptable from a site coverage perspective.

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

Overlooking impacts have been discussed in the *Setbacks/Site Coverage* section. To summarise, the proposed rear balcony balustrade treatments are considered appropriate to prevent overlooking of adjacent residential properties to the east.

With respect to overshadowing, the proposal will result in a small increase in the amount of overshadowing experienced in the rear yards of the dwellings at 4 and 4A Davis Street during the winter solstice, from approximately 2:00pm onwards. This is illustrated in the overshadowing diagrams on Plan Number 355/DA17, contained in **Attachment B**.

City Wide Principle 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 shadow diagrams indicate that at least 50% of the ground level private open space areas of the dwellings at 4 and 4A Davis Street do not receive 2 hours of sunlight between 9:00am and 3:00pm on 21 June. As such, Principle 201 states that new development should not increase the overshadowed area. The proposal therefore does not accord with this principle. In practice, this means that a small portion of the rear yard of the dwelling at 4A Davis Street which currently receives sunlight after 2:00pm during the winter solstice, would no longer receive direct sunlight at that time. The shadow diagrams show that large proportions of the rear yard areas of the dwellings at 4 and 4A Davis Road receive sunlight in the afternoons during spring and autumn. In this context, the failure to comply with Principle 201 is considered a negative aspect of the proposal, however is not likely to result in a significant impact on the amenity of the occupants of the adjacent property.

Eight air conditioning units are proposed within the part-basement, approximately 300mm away from the boundary of the residential properties at 4 and 4A Davis Street. The combined noise impact of the air conditioning units is likely to result in adverse amenity impacts on the occupants of those dwellings. As such, if the Panel determines to consent to the Application, it is recommended that a condition be imposed, requiring that those air conditioner units be relocated to an alternative location, to the reasonable satisfaction of the Council or its delegate.

Private open space

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

City Wide Principles of Development Control: 231, 242, 243, 245, 248

City Wide Principle of Development Control 245 states:

“Residential development in the form of apartments within a multi storey building should have associated private open space of sufficient area and shape to be functional and capable of meeting the likely needs of the occupant(s) and should be in accordance with the following requirements:

- (a) studio (no separate bedroom) or one bedroom, a minimum area of 10 square metres of private open space;*
- (b) two bedrooms, a minimum area of 12 square metres of private open space; or*
- (c) three bedrooms or greater; a minimum area of 15 square metres of private open space.”*

The proposed apartments comprise a range of one and two bedroom configurations. The one bedroom apartments have private open space areas ranging from 10m² to 24.5m², while the two bedroom apartments have private open space areas ranging from 13.5m² to 26.3m². As such, the proposal accords with Principle 245.

The private open space areas each have direct links to the living areas of the apartments. The private open space areas at the second level will receive some direct northern sunlight, as will the northern-most apartment at the first level. Overall, the private open space provision is considered to be in accordance with the relevant Development Plan provisions.

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 apartments in residential flat buildings should be provided with 1 space per one bedroom apartment or 2 spaces per two or three bedroom apartment, plus 1 visitor space per every two dwellings. This results in a total requirement of twenty three (23) car parking spaces for the twelve (12) dwellings.

With respect to the commercial tenancies on the site, Table NPSP/8 provides that consulting rooms should have 4 spaces per consulting room, while shops or groups of shops > than 250m² in area should be provided with 5 spaces per 100m² and shops or groups of shops < 250m² in the District Centre (Norwood) Zone should be provided with 1 space per employee. Unfortunately, a rate for shops of less than 250m² outside of the District Centre (Norwood) Zone is not given. However, in lieu of any such guidance, it is considered reasonable to apply the rate of 1 per employee to the shop tenancy in this location, as Kensington Road (like The Parade) is a public bus 'Go Zone' route and the nature of small retail shops in Local Centre Zones on arterial roads is such that they are not typically highly frequented at any given time. Based on the two (2) consulting rooms approved for the western tenancy and two (2) employees for the stationary shop in the eastern tenancy, the combined car parking demand for the commercial tenancies is ten (10) spaces.

Twelve (12) dedicated residential car parking spaces and thirteen (13) commercial car parking spaces are proposed. Accordingly, the amount of car parking proposed for the commercial component of the development exceeds the theoretical car parking demand by three (3) spaces, whereas the amount of car parking proposed for the residential component is eleven (11) spaces less than the theoretical demand. Overall, there is an eight (8) space shortfall associated with the proposal.

The Applicant has advised that it is intended that the commercial car parking spaces will be available to visitors to the apartments outside of business hours. This concept of sharing use of car parking spaces between two or more land uses with differing peak demand times is supported in City Wide Principle of Development Control 136, which states:

"In mixed use buildings, the provision of vehicle parking may be reduced in number and shared where the operating hours of commercial activities complement the residential use of the site."

As such, the visitor parking demand associated with the apartments after business hours (when visitor parking demand is highest) is considered to be adequately catered for.

That said, the dedicated occupant parking provision for apartments is at a rate of one (1) space for all apartments, whereas the Development Plan seeks two (2) spaces for the two bedroom apartments.

City Wide Principle of Development Control 269 states that:

"Car parking rates lower than the minimum required for group dwellings and residential flat buildings may be appropriate in locations where:

- (a) there is readily accessible and frequent public transport;*
- (b) it can be demonstrated that a lower provision is warranted; or*
- (c) it can be demonstrated that this would not result in a greater demand for parking on the street or elsewhere in the locality."*

The Application was referred by Council to Mr Paul Simons from Tonkin Consulting, for advice on the parking and access aspects of the proposal. In relation to the residential car parking provision, Mr Simons has advised that he considers the amount of residential parking to be adequate, having regard to the proximity of the subject land to the Adelaide CBD, The Parade and the fact that Kensington Road is a public bus 'Go Zone', all of which make walking, cycling and public transport viable alternatives to cars. As such, the proposal satisfies the criteria of Principle 269 and is acceptable from the perspective of the amount of car parking proposed.

With respect to the convenience of the car parking provided to service the commercial component of the development, Mr Simons has advised that the proposed parking bay width of 2.4 metres is less than the Australian Standard width of 2.6 metres for Medical Centres and is therefore 'not ideal' for the patrons of the physiotherapist. In addition, Mr Simons has advised that the provision of four (4) 'stacked' parking spaces is likely to present some practicality and convenience issues.

Whilst there is no guidance within the relevant Australian Standards on the extent to which 'stacked' car parking spaces should be used, it is not uncommon for commercial car parking areas to have some reliance on this arrangement. Whilst there is clearly inconvenience to those employees who park in the front row of the stacked arrangement, there are ways in which that can be managed, such as through the use by the company of a 'pool' vehicle for use during the day. It is considered important in this instance, that customers to the commercial tenancies are aware of their ability to park behind cars parked in the front row of the stacked arrangement. Accordingly, if the Panel determines to consent to the Application, it is recommended that a condition be imposed, requiring that all of the on-site car parking spaces be clearly marked as to their intended use during business hours. To ensure that visitors to the apartments are able to park in the commercial spaces outside of business hours, it is recommended that another condition be imposed, requiring that a management plan be developed (and ultimately reflected within any Scheme Description) outlining the shared use car parking arrangements.

Mr Simons has advised that the driver sight lines of vehicles exiting the development are impeded by the proposed street trees in Sheppards Lane. Accordingly, if the Panel determines to consent to the Application, a condition is recommended, requiring that the trees proposed on either side of the entrance be moved a sufficient distance away from the driveway entrance, so as to achieve a 30m driver sight line distance.

Mr Simons has advised that the traffic conditions that would result from the proposed streetscaping of Sheppards Lane (in particular the planting of trees) are acceptable. Due to the low traffic volumes in the lane and the low vehicle speeds (which are likely to be reinforced through the proposed surface treatments), the effect that the trees have of narrowing traffic to one way movement in some locations is considered to be acceptable.

A copy of Mr Simons' report is contained in **Attachment E**.

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

City Wide Principles of Development Control 239 and 240 state respectively:

"Residential development should incorporate soft landscaping of a scale and intensity to offset built form and to reinforce the established garden and mature tree lined character of the City."

and

"The landscaping of development in residential zones should:

- (a) enhance residential amenity;*
- (b) screen storage, service and parking areas;*
- (c) provide protection from sun and wind;*
- (d) not unreasonably affect adjacent land by shadow; and*
- (e) preferably incorporate the use of local indigenous plant species."*

Due to the very high site coverage of the proposal, very little on-site landscaping is proposed. That which is proposed is limited to two trees and hedging plants adjacent to the rear (eastern) boundary and plants within planter boxes on balconies and common walkways.

In recognition of the minimal on-site plantings the Applicant has proposed to landscape Sheppards Lane, through both hard and soft landscaping treatments. In particular, the currently plain bitumen lane surface is proposed to be enhanced by using Kanmantoo bluestone to create a central spoon drain and strips running across the laneway at intervals, similar to the treatment which has recently been used by the Council in St Peters Street, St Peters. The Council's Project Manager – Civil has advised that the proposed use of Kanmantoo bluestone in strips is acceptable, notwithstanding that maintenance is more difficult than with a coloured concrete alternative.

Seven (7) street trees are proposed to be planted in Sheppards Lane. The Applicant has nominally selected Gleditsia's as the tree species, however the Council's Coordinator, Horticultural & Arboricultural Services has advised that the spreading nature of the canopy of Gleditsias makes them unsuitable for planting alongside the proposed building, particularly due to the ongoing pruning that would be required during their growth and the maintenance associated with dropping seed pods. As such, if the Panel determines to consent to the Application, it is recommended that a condition be imposed, requiring that the tree species be an upright form (such as but not limited to an upright Ornamental Pear) to the reasonable satisfaction of the Council's Coordinator, Horticultural & Arboricultural Services.

The proposed landscaping of Sheppards Lane is considered to adequately compensate for the limited on-site landscaping and satisfy the objectives of City Wide Principles 239 and 240.

Finished floor levels/stormwater/flooding

The subject land is currently entirely hard paved and/or covered with buildings. As such, the proposal will not result in an increase in stormwater discharge from the site. Notwithstanding this, the proposal will result in points of concentrated stormwater discharge, which will need to be appropriately managed. As well as any roof water from the development exceeding the capacity of the rainwater tanks, The Council's Project Manager – Civil has advised that the inclusion of the bluestone spoon drain in front of the development will collect stormwater and result in a point discharge. This discharge onto an asphalt pavement will result in moisture ingress and impact the underlying pavement.

The Applicant initially proposed to address these concerns by installing a stormwater pipe underneath the spoon drain connected back out stormwater in Kensington Road, with grates in the north flowing spoon drain allowing water to drop into the south flowing stormwater pipe underneath, minimising the amount of water reaching the northern end of the spoon drain. However, this is not possible, as there is no stormwater infrastructure in Kensington Road. Whilst stormwater could be pumped to the Kensington Road kerb and water table, this could lead to road safety issues due to a concentrated discharge of stormwater on the road surface contributing to the possibility of cars 'hydroplaning'. In addition, there would be issues of maintenance of sumps in the spoon drain to ensure they do not block.

The Council's Project Manager – Civil has advised that the only practical options are for the Applicant to extend the spoon drain the entire length of Sheppards Lane, or remove the spoon drain from the proposal. If the Panel determines to consent to the Application, condition to this effect is recommended. With respect to roof water, the Council's Project Manager – Civil has recommended that overflow from the rainwater tanks be discharged to Kensington Road via a sealed stormwater system.

The proposed access ramp to the basement begins approximately three (3) metres into Sheppards Lane, at a gradient of 1:33. Whilst that gradient is not in itself problematic, the Council's Project Manager – Civil is concerned that beginning the ramp in Sheppards Lane will result in water entering the basement. Whilst any such water resulting from normal rainfall situations could be disposed of from the basement via a pump, less frequent events such as a burst water main or flood event could not be. As such, he has recommended that the levels be raised, so as to ensure that the ramp down begins on the subject land, not the laneway.

This recommendation would result in an increase in basement level height of approximately 200mm. The increase in basement floor level can readily be accommodated without affecting the overall height or external wall heights of the building. The ceiling heights within the apartments range from 2.7m over bedrooms and wet areas to 3m over the living areas at first floor level and raked ceilings up to approximately 4m over living areas at second floor level. These heights can readily be lowered so as to offset the increased height of the basement, without unreasonably affecting the amenity of the apartments.

As such, if the Panel determines to consent to the Application, it is recommended that a condition be imposed, requiring that there be no change to the laneway surface gradient adjacent to the access ramp and that there be no increase in the external wall height or overall height of the building.

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

Each of the second floor level apartments have direct access to northern sunlight through the use of skillion roof forms with clerestory windows, which in turn are shaded from the summer sun angle by roof overhangs. Each apartment receives filtered/controlled eastern and western sunlight, through a combination of balcony overhangs, balustrades, canopies and in the case of the western side, the buildings punctuated facade. As such, the building is likely to offer a good degree of heat load minimisation in summer, whilst still allowing light and warmth in winter.

A total of 45kl of rainwater storage is proposed for use by the apartments, which equates to an average of 3750 litres per apartment. This exceeds the 2000 litres per dwelling stated in the Development Plan and is a positive aspect of the proposal.

Summary

The proposed development is at odds with quantitative provisions of the Development Plan with respect to dwelling density (67m² site area per dwelling v's 120m²), building height (3 storey v's 2 storey) and side and rear set-backs (nil and 600mm respectively v's 4.5m for both). The development is also at odds with the quantitative car parking provisions of the Development Plan (there is an 8 space shortfall).

Despite these quantitative shortfalls, for the various reasons set out in this report, it is considered that the proposal sufficiently accords with the Development Plan as a whole to warrant consent. In relation to density, the locality of the subject land is characterised by dwellings at a higher density than the Development Plan quantitative provision. In relation to height, the Applicant has demonstrated that the height of the building will be akin to adjacent and nearby buildings and not visually dominant from Kensington Road. Whilst dominant in Sheppards Lane, this is not considered problematic given the current absence of any consistent character in the lane. In relation to set-backs, the interfaces with adjacent residential properties are considered to have been reasonably sensitively dealt with.

In relation to car parking, subject to the existing western commercial tenancy operating in accordance with the relevant existing approval (which is an enforcement matter), it is considered that there is sufficient justification, supported by the Development Plan, for a reduction in the number of car parking spaces. In particular, there is opportunity for sharing of car parking between the land uses and there is good access from the subject land to public transport, The Parade and the Adelaide CBD.

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 155/935/14 by Edberg Developments to construct a three-storey residential addition to an existing single storey commercial building, comprising part-basement car parking and twelve (12) dwellings on the land located at 43 Kensington Road, Norwood, 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 Alexander Wilkinson, 355/D03, D04, D07, D08, D09, D10, D12, D14, D15 & D16 dated 27 November 2014;
- plans by Alexander Wilkinson, 355/D05, D06, D11 & D13 dated 10 February 2015; and
- Planning and Design Statement by Alexander Wilkinson, dated 16 December 2014.

Conditions

1. The eight (8) air conditioning units located at the eastern end of the basement shall be relocated to an alternative location, to the reasonable satisfaction of the Council or its delegate.
2. All of the on-site car parking spaces shall be clearly marked as to their intended use during business hours (in accordance with the Application plans and supporting information) to the reasonable satisfaction of the Council or its delegate.
3. A management plan shall be developed (and ultimately reflected within any Scheme Description or similar document) outlining the shared use car parking arrangements, to ensure that all users are aware that visitors to the apartments are able to park in the commercial spaces outside of business hours,
4. The trees to be planted in Sheppards Lane on either side of the entrance to the basement shall be moved a sufficient distance away from the driveway entrance, so as to achieve a 30m driver sight line distance.
5. The tree species to be planted in Sheppards Lane shall be an upright form (such as, but not limited to an upright Ornamental Pear) to the reasonable satisfaction of the Council's Coordinator, Horticultural & Arboricultural Services and shall be at the Applicant's cost.
6. The spoon drain in Sheppards Lane shall either be extended the entire length of Sheppards Lane, or removed from the development.
7. The proposed installation of bluestone strips in Sheppards Lane shall be undertaken at the Applicant's cost.
8. Overflow from the rainwater tanks located in the basement shall be discharged to Kensington Road via a sealed stormwater system.
9. There shall be no change to the existing laneway surface gradient adjacent to the basement access ramp and there shall be no increase in the external wall height or overall height of the building.
10. 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.
11. All plants existing and/or within the proposed landscaped areas on the land at 43 Kensington Road 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.
-

Mr Paul Anderson addressed the Panel from 7:02pm until 7:04pm.

Mr Sandy Wilkinson, on behalf of the Applicant, addressed the Panel from 7:04pm until 7:29pm.

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 155/935/14 by Edberg Developments to construct a three-storey residential addition to an existing single storey commercial building, comprising part-basement car parking and twelve (12) dwellings on the land located at 43 Kensington Road, Norwood, subject to the following requirements, conditions and notes:*

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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:

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Conditions

1. *The eight (8) air conditioning units located at the eastern end of the basement shall be relocated to an alternative location, to the reasonable satisfaction of the Council or its delegate.*
 2. *All of the on-site car parking spaces shall be clearly marked as to their intended use during business hours (in accordance with the Application plans and supporting information) to the reasonable satisfaction of the Council or its delegate.*
 3. *A management plan shall be developed (and ultimately reflected within any Scheme Description or similar document) outlining the shared use car parking arrangements, to ensure that all users are aware that visitors to the apartments are able to park in the commercial spaces outside of business hours,*
 4. *The trees to be planted in Sheppards Lane on either side of the entrance to the basement shall be moved a sufficient distance away from the driveway entrance, so as to achieve a 30m driver sight line distance.*
-

5. *The tree species to be planted in Sheppards Lane shall be an upright form (such as, but not limited to an upright Ornamental Pear) to the reasonable satisfaction of the Council's Coordinator, Horticultural & Arboricultural Services and shall be at the Applicant's cost.*
6. *The spoon drain in Sheppards Lane shall either be extended the entire length of Sheppards Lane, or removed from the development.*
7. *The proposed installation of bluestone strips in Sheppards Lane shall be undertaken at the Applicant's cost.*
8. *Overflow from the rainwater tanks located in the basement shall be discharged to Kensington Road via a sealed stormwater system.*
9. *There shall be no change to the existing laneway surface gradient adjacent to the basement access ramp and there shall be no increase in the external wall height or overall height of the building.*
10. *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.*
11. *All plants existing and/or within the proposed landscaped areas on the land at 43 Kensington Road 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.*

Seconded by Mr De Fazio and carried.

4. STAFF REPORTS

4.2 DEVELOPMENT APPLICATION 155/460/2014 – ANAVIC PTY LTD – 71-77 HACKNEY ROAD, HACKNEY

DEVELOPMENT APPLICATION:	155/460/14
APPLICANT:	Anavic Pty Ltd
SUBJECT SITE:	71-77 Hackney Road, Hackney (Certificates of Title Volume: 5720 Folio: 84)
DESCRIPTION OF DEVELOPMENT:	Construction of forty two (42), two-storey dwellings comprising four (4) semi-detached dwellings facing Hackney Road, eight (8) row dwellings facing Cambridge Street, eight (8) row dwellings facing Hatswell Street and three (3) residential flat buildings including twenty two (22) dwellings, associated internal roadways, fencing, visitor car parking, communal open space and landscaping
ZONE:	Residential 2 (St Peters) Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 2

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 forty two (42) two-storey dwellings comprising four (4) semi-detached dwellings facing Hackney Road, eight (8) row dwellings facing Cambridge Street, eight (8) row dwellings facing Hatswell Street and three (3) residential flat buildings including twenty two (22) dwellings, associated internal roadways, fencing, visitor car parking, communal open space and implementation of landscaping.

Staff do not have delegated authority to determine the Application, as it comprises the construction of more than two (2) dwellings on one (1) allotment. 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:	irregular
Frontage width:	36.89m frontage to Hackney Road 75.05m frontage to Cambridge Street 55.37m frontage to Hatswell Street
Depth:	150.72m
Area:	8162m ²
Topography:	sloping from south-east to north-west

Existing Structures:	there are several buildings on the subject land that were part of the former Sanitarium Health Food Company administration and production facility. The former office/administration building part of the facility is set back from Hackney Road and is separated by a large lawned area. The other buildings that were associated with the former production facility are located behind the office/administration building.
Existing Vegetation:	the site is predominantly covered with built form and/or hard paving. The western section of the site (ie. adjacent the Hackney Road frontage) is lawned and landscaped.

The subject land is partially bounded by Hackney Road and Cambridge Street to the west and north respectively and Hatswell Street to the east. Vehicular access to the subject land is currently only via Hatswell Street.

Between 1941 and 2010, the Sanitarium Health Food Company occupied and utilised the subject land for manufacturing, processing and distributing their products. That use has since been abandoned. As such, any lawful land use rights associated with the previous occupant of subject land have since ceased, pursuant to Section 6(2)(a) of the *Development Act 1993*.

Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	single-storey and two-storey
Streetscape amenity	moderate to high – the surrounding residential streets comprise a number of original character dwellings.

The subject land is located within the Residential 2 (St Peters) Zone on the western perimeter of the Council Area, which is bounded by Hackney Road. Botanic Park, which is part of the Adelaide Parklands, is located on the western side of Hackney Road, adjacent the subject land. Hackney Road is a heavily trafficked primary arterial road, however, a raised median separates the main vehicular traffic carriageway from a local traffic lane, servicing properties fronting Hackney Road.

Mocatta House, a colonial Georgian-style single storey Local Heritage Place, adjoins the subject land to the south at 69 Hackney Road. Mocatta House is sited on spacious grounds and is used as a dwelling and medical clinic. To the north of the subject land at 79 Hackney Road, is a two storey Local Heritage Place, known as 'Park Lodge', which is occupied as a dwelling.

Cambridge Street is characterised by residential development in the form of modest single-storey dwellings, many of which are original building stock. All of the dwellings east of and including 3 Cambridge Street (southern side of Cambridge Street) and 6 Cambridge Street (northern side of Cambridge Street) are located within the Residential Historic (Conservation) Zone, as detailed in **Attachment A2**. The two-storey Local Heritage Place at 79 Hackney Road along with ten (10) cottages and maisonettes, which occupied the land bounded by Hackney Road, Cambridge Street, University Street and Oxford Street, were developed in 1870. Of the cottages that front the northern side of Cambridge Street, 6, 8, 10, 12, 14 and 16 Cambridge Street remain. The southern side of Cambridge Street is also characterised by 19th century workers maisonettes.

Hatswell Street is characterised by residential development on the western side, whilst directly to the east, is a sports oval associated with St Peters College.

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

Proposal in Detail

All of the proposed dwellings except for the eight (8) dwellings facing Cambridge Street (ie. Dwellings 5 – 12), are outwardly two-storey in appearance. The dwellings facing Cambridge Street are single-storey at the front and two-storey at the rear.

Three (3) separate floor plans are proposed for the forty two (42) dwellings. At ground level, each of the dwellings comprise open plan kitchen/dining/living areas, laundry and toilet facilities. The four (4) proposed dwellings fronting Hackney Road (ie. Dwellings 1- 4) include external and internal courtyard areas. The eight (8) dwellings facing Cambridge Street (ie. Dwellings 5 – 12) include internal courtyard areas whereas the remaining dwellings (ie. Dwellings 13 – 42), include external private court yard areas. All of the courtyard areas are accessible from the internal living areas of each dwelling.

At upper level, thirty six (36) of the proposed dwellings comprise three (3) bedrooms (master bedrooms include an ensuite), secondary living areas and a separate bathroom. Balcony areas are provided are to each of these dwellings and are accessible from the master bedrooms. The remaining eight (8) dwellings facing Cambridge Street comprise two (2) bedrooms and a bathroom area at upper level.

Two (2) covered car parking spaces are provided for thirty six (36) of the dwellings whereas one (1) covered car parking spaces is provided for the eight (8) dwellings fronting Cambridge Street. In terms of visitor car parking, seventeen (17) on-site car parking spaces are proposed.

A new combined vehicular access and egress point, is proposed to be constructed directly adjacent the Cambridge Street frontage of the subject land, with an egress only crossover located directly adjacent the Hatswell Street frontage on the eastern side of the property.

The proposed internal driveway area is proposed to be bituminised and the internal pedestrian footpaths are to be paved with granite cobblestone.

The dwellings that face Hackney Road and Cambridge Street (ie. Dwellings 1 – 12) have a traditional appearance, incorporating hipped and gable roof forms, verandahs and traditional materials including sandstone, pitched sheet metal roofing (Fielders Neo Roman profile – colour “woodland grey”), timber windows, timber verandah/balustrading and face brickwork.

Masonry and slatted iron fencing comprising an overall height of 1.7 metres is proposed for the four (4) dwellings along the Hackney Road frontage. Within the front yard areas of these four (4) dwellings, 2.1 metre high masonry fencing is proposed to the court yard areas in order to private privacy and noise attenuation. Traditional timber picket front fencing comprising a height of 1.0 metre is proposed for the eight (8) dwellings facing Cambridge Street.

The side elevations of the dwellings that will be visually prominent from the common internal driveway (ie. Dwellings 5, 13, 20, 27 and 35), incorporate face brickwork at ground level and stonework at upper level.

The remainder of the proposed dwellings are located internally within the subject land and display a repetitive design appearance, comprising precast concrete panel (painted “white”) construction, parapeted front facades, aluminium window frames along with exposed horizontal and vertical negative joints.

The dwellings facing Hatswell Street are to incorporate 1.8 metre high solid front fencing that alternates between painted precast concrete and horizontal timber slats. Elsewhere, 1.8 metre high colorbond fencing (colour “woodland grey”) is proposed.

A centrally located internal communal open space area (approximately 110m² in area) is proposed as part of the development.

A detailed landscaping schedule and plan has been provided that shows the perimeter areas of the subject land and the internal common areas adjacent the proposed central driveway, are to be planted with a combination of small trees, shrubs, ground covers and feature plantings.

The proposal also includes two (2) designated bicycle parking areas, located directly adjacent to the southern side of the Dwelling 4. Access to the bicycle parking areas is via the proposed pedestrian footpath which is to be situated between Dwelling 4 and 69 Hackney Road and will be accessible directly form Hackney Road. It is likely that the footpath access on the southern side of dwelling 4, will be gated to provide security and restrict access solely for occupants of the subject land.

Two (2) communal waste bin collection areas (ie. for Dwellings 13 – 34) are proposed within the subject land and are to be situated along the southern side of the new internal roadway.

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 1 (Facing Hackney Road)	Proposed Dwelling 2 (Facing Hackney Road)	Proposed Dwelling 3 (Facing Hackney Road)	Proposed Dwelling 4 (Facing Hackney Road)	Development Plan Merit Assessment Quantitative Guideline
Site Area	200m ²	215m ²	189m ²	160m ²	N/A
Allotment Width	18.3m	8.3m	8.3m	6.7m	N/A
Allotment Depth	26.4m	26.4m	24.4m	24.4m	N/A
External Wall Height*	6.2m	6.2m	5.9m	5.9m	N/A
Maximum Overall Height (to roof apex)*	8.1m	8.1m	8.0m	8.0m	N/A
Floor Area (total)	237.8m ²	237.8m ²	204.3m ²	204.3m ²	N/A
Floor Area (footprint)	118.9m ²	118.9m ²	102.2m ²	102.2m ²	N/A
Site Coverage	59%	55%	54%	64%	N/A
Private Open Space	65.4m ² or 33% of site area 84% uncovered	74.6m ² or 35% of site area 86% uncovered	66.3m ² or 35% of site area 84% uncovered	41.9m ² or 26% of site area 74% uncovered	35m ² (City Wide Principle of Development Control 244(b)) 50% uncovered (City Wide Principle of Development Control 248)
Street Set-back	6.1- 6.4m	6.4-6.7m	10.8-11.0m	11.0-11.4m	*** see note below
*** - not less than the average of the setbacks of the adjoining buildings, if the difference between the setbacks of the adjoining buildings is greater than 2 metres; or the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres. (City Wide Principle of Development Control 52)					
Side Set-back	2.5m (northern side boundary- ie. Cambridge Street frontage)			4.1m (southern side boundary)	N/A
Rear Set-back	Nil (ie. garaging abutting proposed internal road)	Nil (ie. garaging abutting proposed internal road)	Nil (ie. garaging abutting proposed internal road)	Nil (ie. garaging abutting proposed internal road)	N/A
Car Parking Provision	2 undercover	2 undercover	2 undercover	2 undercover	Two (one of which is covered) – 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.

TABLE 2: DEVELOPMENT DATA:

Consideration	Proposed Dwelling 5-7 & 9-11 (Facing Cambridge Street)	Proposed Dwelling 8 (Facing Cambridge Street)	Proposed Dwelling 12 (Facing Cambridge Street)	Development Plan Merit Assessment Quantitative Guideline
Site Area	115m ²	115m ²	135m ²	N/A
Allotment Width	4.8m	5.8m	6.3m	N/A
Allotment Depth	23.9m	23.9m	23.9m	N/A
External Wall Height*	5.0-6.0m	5.0-6.0m	5.0-6.0m	N/A
Maximum Overall Height (to roof apex)*	7.9m	7.9m	7.9m	N/A
Floor Area (total)	159m ²	144m ²	144m ²	N/A
Floor Area (footprint)	104m ²	104m ²	104m ²	N/A
Site Coverage	90%	90%	77%	N/A
Private Open Space	10m ² or 8% of site area 100% uncovered	10m ² or 8% of site area 100% uncovered	10m ² or 10% of site area 100% uncovered	35m ² (City Wide Principle of Development Control 244(b)) 50% uncovered (City Wide Principle of Development Control 248)
Street Set-back	NIL (verandah 1.5m facade) 11.0m (two-storey component)	NIL (verandah 1.5m facade) 11.0m (two-storey component)	NIL (verandah 1.5m facade) 11.0m (two-storey component)	*** see note below
<p>*** - not less than the average of the setbacks of the adjoining buildings, if the difference between the setbacks of the adjoining buildings is greater than 2 metres; or the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres. (City Wide Principle of Development Control 52)</p>				
Side Set-back	1.5m from proposed internal driveway (Dwelling 5)	N/A	Nil (ground level) & 1.3-2.1m (upper level)	N/A
Rear Set-back	Nil (ie. garaging abutting proposed internal road)	Nil (ie. garaging abutting proposed internal road)	Nil (ie. garaging abutting proposed internal road)	N/A
Car Parking Provision	1 undercover	1 undercover	1 undercover	Two (one of which is covered) – 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.*

TABLE 3: DEVELOPMENT DATA:

Consideration	Proposed Dwellings 13 – 41 (excluding Dwelling 19 & 42)	Proposed Dwelling 19	Proposed Dwelling 42 (Facing Hatswell Street)	Development Plan Merit Assessment Quantitative Guideline
Site Area	113 - 125m ²	176m ²	148m ²	N/A
Allotment Width	6m	8m	8m	N/A
Allotment Depth	19-21m	21.8-22.2m	18.5-18.7m	N/A
External Wall Height*	6.4m (avg)	6.4m	6.1m	N/A
Maximum Overall Height (to roof apex)*	7.1-7.3m	7.3m	7.1m	N/A
Floor Area (total)	185m ²	182m ²	182m ²	N/A
Floor Area (footprint)	95m ²	104m ²	104m ²	N/A
Site Coverage	76-84%	59%	70%	N/A
Private Open Space	30-33m ² or 26-27% of site area 100% uncovered	51m ² or 29% of site area 100% uncovered	51m ² or 34% of site area 100% uncovered	35m ² (City Wide Principle of Development Control 244(b)) 50% uncovered (City Wide Principle of Development Control 248)
Street Set-back	2.4-3.4m (ie. Dwellings 35-40 fronting Hatswell Street)	N/A	2.0-2.2m (ie. fronting Hatswell Street)	*** see note below
<p>*** - not less than the average of the setbacks of the adjoining buildings, if the difference between the setbacks of the adjoining buildings is greater than 2 metres; or the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres. (City Wide Principle of Development Control 52)</p>				
Side Set-back	4.3m to side elevation of Dwelling 27 from northern side boundary 3.0m from side elevation of Dwellings 26 and 34 from southern side boundary	5.3-5.5m to front western elevation of Dwelling 19 from internal western property boundary 911mm (ground floor) and 3.0m (upper floor) southern side boundary	915mm (ground floor) and 3.0m (upper floor) southern side boundary	N/A
Rear Set-back	N/A	N/A	N/A	N/A
Car Parking Provision	2 undercover	2 undercover	2 undercover	Two spaces for every 2-3 bedroom dwellings – Table NPSP/8

Plans and details of the proposed development are contained in **Attachment B**. It is worth noting that since there have been numerous amendments to the development proposal, the Applicant has not amended the civil works engineering plans to reflect the final change, hence why the civil plan and site plan have a different layout with respect to the common open space area in the centre of the site. For the purposes of assessing the proposal for planning consent, the site plan is the relevant layout the Panel should consider, when assessing the proposal, other than in respect to site levels, drainage which is depicted on the civil works engineering plan contained in **Attachments B8 and B9**.

Notification

The proposal has been identified and processed as a Category 2 form of development pursuant to Schedule 9 Part 2(18)(b) of the *Development Regulations 2008*.

Ten (10) representations were received (all opposed) in response to this notification, copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- Concerns with the design approach undertaken and its lack of sympathy and compatibility with the existing nearby and surrounding residential architectural character.
- Concerns with the proposed density of the development – too many dwellings are proposed.
- Concerns with the extent of hard paving that has been proposed and the lack of meaningful landscaping for a development proposal of this scale.
- Concerns with the car parking shortfall associated with the proposed development.
- Concerns with the increase in vehicular traffic generation (including noise and pollution) within the area resulting from the proposed development.
- Concerns with the internal living amenity for the future occupiers of the proposed dwellings.
- Concerns with how waste storage and collection (ie. general, recycling and green) is to be managed.
- Concerns with the lack of rainwater tank provision associated with the proposed development.
- Concerns with the lack of private open space that this proposed (both private and communal).
- Concerns with the extent of remediation work that is required to be undertaken in order to enable residential development to occur – this has not been adequately clarified.
- Concerns with that the proposed development will result in a compromised visual outlook for directly neighbouring occupiers as well, leading to a compromised living amenity.

The following representors desire to be heard personally by the Development Assessment Panel (DAP):

- Mr Chris Harding
- Mr Ralph Bleechmore
- Mr Tim Smedley
- Ms Anne Roman
- Mr and Mrs Vandersluys
- Mr Mark Keogh
- Mr Marcus Rolfe, on behalf of Mrs Wang and Dr Du
- Mr Ross Sawers and Ms Genevieve Findlay-Sawers – representing themselves as well as Mr John and Mrs Wendy Crocker.

The Applicant has responded to the representations received and a copy of the response is contained in **Attachment D**.

A summary of the key points detailed in the response is set out below:

- The proposed design approach has been carefully considered in the context of the surrounding building stock including, the directly adjacent and nearby heritage listed properties.
- The proposed dwellings that are most likely to be visible from surrounding residential properties have been designed deliberately to minimise their visual outlook upon directly neighbouring occupiers.
- Both the type of dwellings and the density that are proposed are anticipated within the Zone.
- An overall stormwater management plan has been prepared as part of the proposed development, including the installation of 2000 litre rain water tanks for each dwelling.

- Vehicular access and movements to and from the development site have been deliberately designed with the surrounding street network in mind.
- Having regard to Table NPSP/8, there is an overall car parking shortfall of four (4) spaces however, the site is directly adjacent to a public transport corridor.
- In addition to individual private open space areas, a useable communal open space is incorporated as part of the proposed development. Furthermore, access is available to the vast area of "Parklands" directly to the west of the site.
- Further remediation work will be undertaken to the site prior to any residential development occurring.
- Specific landscaping is to be implemented throughout the site and will account for 10% of the overall development site area.

State Agency Consultation

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

Discussion

The subject land is located within the Residential 2 (St Peters) 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 2 (St Peters) Zone Objective:	1
Residential 2 (St Peters) Zone Principle of Development Control:	1
City Wide Orderly and Sustainable Development Statement	
City Wide Objectives:	1 8 55 & 56
City Wide Principles of Development Control:	1 2 4 19 & 211.

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

The proposed development involves a change of use of the land from a vacant site (formerly an industrial use) to a residential use, consistent with the broad intent of the Residential 2 (St Peters) Zone.

Objective 1 and Principle 1 of the Residential 2 (St Peters) Zone states the following respectively:

"A zone primarily accommodating detached dwellings on individual allotments and semi-detached dwellings; with row dwellings or residential flat buildings of medium densities in suitable areas."

and

"Development should be, primarily, for detached dwellings on individual allotments and semidetached dwellings; but row dwellings and residential flat buildings of medium densities may be developed in certain parts of the zone."

This proposal is consistent with these two principles as it includes dwelling types (ie. semi-detached dwellings, row dwellings and residential flat buildings) that are envisaged within certain areas of the Zone. Unfortunately the relevant Development Plan provisions do not provide any guidance on what constitutes 'medium density', nor what constitutes a 'suitable area' for medium density development. In lieu of such guidance in relation to what constitutes 'medium density', regard has been given to *The 30-Year Plan for*

Greater Adelaide, which defines medium density development as between 35 – 70 dwellings per hectare. The proposed development equates to 51.5 dwellings per hectare and is therefore consistent with the 30 Year Plan's definition of medium density.

In lieu of guidance in the Development Plan in relation to what constitutes a 'suitable area', sound planning judgment should be applied. In this respect, it is recognised as best practice for medium and high density development to be located close to areas of open space and good accessibility to shops and other services, either through direct proximity or access to convenient transport services. In addition, it is generally accepted that the compatibility of the density with the established character should be taken into consideration.

In this respect, given the close proximity of the subject land to the Adelaide CBD with its associated shops, services and parklands for open space within walking distance, together with the fact that Hackney Road is well serviced by public transport and the fact that there is a wide range of dwelling types and densities in the locality, the subject land is considered to be located in a 'suitable area' within the zone for medium density development.

With respect to dwelling types and densities in the immediate locality, it is noted that there are detached dwellings, workers cottages, semi-detached dwellings, independent living units and residential flat buildings within 30 metres of the subject land with allotment sizes varying between 185m² and 1036m².

In this context, the proposed development is intended to take place on land which is suitable for the intended use of that land and the development will form a compact and continuous extension of an existing built up area and creates a safe and convenient environment in which to live as called for by City Wide Principle of Development Control 2.

To summarise, it is considered that the proposal is appropriate with respect to land use and density considerations.

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:	11 29 30 31 32 33 37 39 40 42 48 182 195 196 197 198 372 & 373.

The existing locality is characterised by both single-storey and two-storey residential development. Directly adjacent to subject land, the buildings at 79 Hackney Rod and the four (4) dwellings 1/6, 2/6, 6/6 and 7/6 Hackney Road are two-storey. In terms of the broader area, two-storey construction is evident at 67, 82, 83 and 93-95 Hackney Road (ie. the Hackney Hotel). In addition, there are also several two-storey "townhouses" along the northern side of Oxford Street. Overall, the locality as a whole is considered to display a mix of building heights and building scales.

The Residential 2 (St Peters) Zone Objective and Principles of Development Control are silent on building height, other than Principle of Development Control 3, which lists residential buildings of three (3) or more storeys as non-complying forms of development. This suggests that residential buildings up to two (2) storeys can be anticipated within the Zone, subject to an assessment of the merits of any such proposal.

The general design theme of the proposed development is to provide simple two-storey dwelling forms with the use of hipped roofs, a range of colours and materials for the dwellings that front onto Hackney Road and Cambridge Street with the remaining dwellings (ie. those "inside" the subject land) displaying a repetitive and relatively pragmatic design approach with respect to their external appearance. All of the garaging for the proposed dwellings is accessed from the proposed internal driveway and manoeuvring areas and as such, this provides for a visually pleasing design approach when viewed from Hackney Road, Cambridge Street and Hatswell Street, as vehicular access and egress points have been minimised.

External finishes include a combination of sandstone, cement render, painted brickwork and red pressed brickwork. The roofs comprise Fielders Neo-Roman metal sheeting (“Woodland Grey”) with half-round gutters and downpipes (also, “Woodland Grey”). Black aluminium windows are proposed to the dwellings that are internally located within the site and the dwellings that are to front Hatswell Street. The dwellings facing Hackney Road and Cambridge Street are to incorporate timber framed windows with double glazing. All of the proposed dwellings are to have colorbond roller garage doors (colour, “Woodland Grey”). The colours and material proposed are varied and include earthy tones that would generally complement existing development within the locality.

The Applicant has taken the existing streetscape character of Hackney Road into account by incorporating two pairs of two-storey semi-detached dwellings (ie. Dwellings 1 – 4) with frontages to Hackney Road. The two buildings (comprising 4 dwellings) have a scale and form that reflect the scale and proportions of the more prominent original detached dwelling building stock that front onto Hackney Road within the locality. Whilst the development of detached dwellings fronting Hackney Road would have been ideal, the overall design approach is consistent with City Wide Principle of Development Control 195 in that the four (4) proposed dwellings appear as two (2) single integrated buildings and are of a bulk and scale that is complementary to the two (2) buildings that are located directly to the south (69 Hackney Road) and north (79 Hackney Road) of the subject land. Furthermore, as these two (2) directly adjacent buildings are identified as Local Heritage Places, the proposed built form outcome of Dwellings 1 – 4 is also consistent with City Wide Principle of Development Control 373, which states:

“Development on land adjacent to land containing a heritage place and sited in strategic locations, such as corners or at the termination of vistas, should have a scale and visual interest in the streetscape at least equal to that of the adjoining heritage place, providing the heritage value of the place within its setting is not diminished.”

In terms of Cambridge Street, the residential built form character is predominantly that of modest single-storey dwellings with minimal front setbacks. In addition, the majority of these dwellings are located within the directly adjacent Residential Historic (Conservation) Zone as detailed on **Attachment A2** and are identified as Contributory Items (ie. 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 18 Cambridge Street).

The proposed dwellings that are to front Cambridge Street (ie. Dwellings 5 – 12) have been designed to reflect the proportions and key design features of existing original cottages within the street, particularly through a single-storey streetscape appearance at street level and also by using consistent building proportions, roof pitches, window proportions and verandah elements. These dwellings incorporate traditional materials and finishes to the front facades, such as timber window framed windows and verandahs, face brickwork and rendered masonry. In this context, the proposal is consistent with City Wide Principle of Development Control 182 which states:

“Residential development adjacent to a Residential Historic (Conservation) Zone, should form a transition between the Residential Historic (Conservation) Zone and the adjacent Zone and should be of a bulk and scale that complements the built form within the Residential Historic (Conservation) Zone.”

The Council’s Heritage Advisor, David Brown, is generally supportive of the proposal with respect to the bulk, scale, form, appearance (including front fencing) and overall ‘fit’ in relation to the directly adjacent heritage listed buildings.

A copy of the Heritage Advisor’s comments are contained in **Attachment E**.

The dwellings fronting Hatswell Street and the proposed internal access road areas, will present a more contemporary appearance, with the garaging elements being more prominent given the overall configuration of the development site, as opposed to the dwellings fronting Hackney Road and Cambridge Street. Nevertheless, the simple and rectilinear design approach and the use of proportioned window shapes and locations, combined with a modest level of facade articulation, is considered to result in a pleasant, if somewhat monotonous, built form aesthetic within the development site.

In overall terms, the bulk and scale of the proposed dwellings has been carefully considered in respect to its built form surrounds and provides a suitable design response to the respective streetscapes that adjoin the subject land. Despite the relatively large scale of the development, the design response for the dwellings that have a direct frontage to a public road is reflective of the residential nature and character of the locality, consistent with City Principle of Development Control 30(b) and (c).

Setbacks

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

City Wide Principles of Development Control: 51 52 53 54 212 213 214 215 216

City Wide Principle of Development Control 51 and 52 state respectively:

“The setback of buildings from public roads should:

- (a) be similar to, or compatible with, the setbacks of buildings on adjoining land and the predominant setback of buildings in the locality;*
- (b) contribute positively to the streetscape character of the locality; and*
- (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.”*

“Except where specified in the particular Zone or Policy Area, development fronting the primary street (excluding verandahs, porches and similar) should be set back by either of the following distances:

- (a) not less than the average of the setbacks of the adjoining buildings, if the difference between the setbacks of the adjoining buildings is greater than 2 metres; or*
- (b) the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres.”*

In terms of front setbacks, Dwellings 1 and 2 are set back between 6.2 – 6.5 metres from Hackney Road, when measured to the main building facade, and Dwelling 3 and 4 are set back between 11.0 - 11.2 metres from Hackney Road. The single-storey Local Heritage Place building directly adjacent to the south at 69 Hackney Road is set back between 12.5 – 13.2 metres from Hackney Road. The two-storey Local Heritage Place to the north at 79 Hackney Road is setback between 4.7 – 5.3 metres from Hackney Road.

The proposed front setbacks for Dwellings 3 and 4 satisfy the quantitative criteria prescribed in Principle 52(a) whereas the front setback of Dwellings 1 and 2 do not satisfy the criteria, insofar as the entire development is not set back the average distance of the two (2) adjacent buildings.

That said, the proposed front setbacks are considered to be consistent with the qualitative aspects of Principles 51(a)(b) and (c), in that the front setbacks provide a compatible streetscape rhythm and relationship with existing buildings fronting Hackney Road. In addition, the front setback of Dwellings 3 and 4 reasonably maintains the view of and outlook from the Local Heritage Place at 69 Hackney Road, which is consistent with City Wide Principle of Development Control 361(f).

The front setback pattern of dwellings on the southern side of Cambridge Street is characterised by dwellings that have no front setback and/or have a minimal setback from the street. The two (2) existing single-storey dwellings directly to the east at 3 and 5 Cambridge Street both have verandahs that abut the front property boundaries. The Applicant has sought to replicate this development pattern by siting the front verandahs of Dwellings 5 -12 so that they abut the Cambridge Street property boundary. Accordingly, the proposed front setbacks of the dwellings facing Cambridge Street are consistent with City Wide Principle of Development Control 51(a) and (b).

With respect to the front setback pattern along the western side of Hatswell Street, the eastern side elevation of the existing dwelling at 13 Cambridge Street abuts the Hatswell Street frontage. The nearest dwelling directly to the south is located at 2/6 Vailima Court. The rear eastern elevation of this dwelling is setback approximately 8.0 metres from its rear property boundary. Dwellings 35 – 42 are proposed to have a setback from Hatswell Street that ranges from 2.0 – 3.8 metres. In the context of existing setbacks within the immediate area along the western side of Hatswell Street, the front setbacks of the proposed dwellings, are

considered reasonable as they maintain the predominant minimal front set back pattern along the surrounding streets which in turn, is consistent with City Wide Principle of Development Control 51.

In terms of side setbacks, the eastern elevation of Dwelling 12 incorporates an 11.1 metre long x 3.0 metre single-storey wall along the side boundary which is shared by the property at 3 Cambridge Street. At upper level, Dwelling 12 incorporates an eastern side setback that varies between 1.3 – 2.1 metres, with an overall wall height of 6.0 metres. It is considered that the proposed side and rear setbacks and the potential visual impact of the proposed two-storey dwelling on the directly adjacent occupiers at 3 Cambridge Street is acceptable, in the context of the existing built form within the locality. More specifically, there are several examples of development in the locality, which have single-storey walls located on side boundaries (ie. existing masonry wall that is currently situated along this boundary).

Currently along the southern side boundary of the subject land, masonry walls of the now vacant buildings associated with the Sanitarium facility are situated. Dwellings 19, 26, 34 and 42 incorporate side setbacks from the southern boundary that range from 911 – 915mm to the ground floor areas (ie. Dwelling 19 and 42) and 3.0 metres to the upper levels of these dwellings. The proposed side setbacks from this boundary and in particular the upper level setbacks, are considered sufficient to ensure that the visual outlook for the occupiers of directly neighbouring properties along Vailima Court are not unreasonably impaired.

The occupiers of the properties at 3, 5, 7, 9, 11 and 13 Cambridge Street have their private open space and outlook from the rear of their dwellings directly to the south. At the closest point from the rear property boundaries of 3 and 5 Cambridge Street, the nearest proposed dwelling (ie. Dwelling 20) is to be setback 10.2 metres. For the occupiers at 7, 9, 11 and 13 Cambridge Street, the nearest proposed dwellings (ie. Dwelling 27 and 35) are to be set back between 3.2 – 5.4 metres from their rear boundaries. In response to the concerns raised by several occupiers of these Cambridge Street properties, the Applicant has agreed to retain the 4.2 metre high x 34.3 metre long wall that is situated adjacent the rear boundaries of the properties of 7 (partially), 9, 11 and 13 Cambridge Street.

As such, all of these dwellings, except for 7 Cambridge Street, will not have any outlook onto the proposed development when viewed directly to the south. In terms of the occupiers at 7 Cambridge Street, the 4.2 metre high masonry wall spans 4.0 metres across their rear property boundary which has an overall width in the order of 10.1 metres. The extent of the masonry wall that is to be retained combined with the 4.4 metre setback from their rear property boundary to the northern elevation of Dwelling 27, is considered sufficient to ensure that the visual outlook for the occupiers of 7 Cambridge Street is not considered to be unreasonably compromised, nor is their overall living amenity.

As the retention of the masonry wall will require structural work to be undertaken in order to support and brace the structure from the subject land side of the wall, so as to ensure that it is 'fit for purpose', it is recommended that a condition be imposed that requires the cost of any associated structural treatment be borne by the Applicant, should the Panel determine to approve the proposed development.

The building at 69 Hackney Road is used as both a dwelling and a Chinese Medical Health Facility. Dwellings 13 – 19 are proposed to be set back, from the rear property boundary of 69 Hackney Road, between 4.5 – 6.5 metres which in turn, is considered to provide a reasonable level of separation, in the context that an adequate degree of visual separation is maintained so as not to unreasonably compromise the outlook for these directly adjacent occupiers. That said, whilst the proposed setbacks are considered reasonable and acceptable, if the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring the Applicant/Owner to plant trees adjacent the rear (eastern) property boundary of 69 Hackney Road with a minimum mature planting height of 3.0 metres, as such plantings will further assist in softening the visual appearance of Dwellings 13 - 19 when viewed from this directly neighbouring property.

Overall, it is considered that the proposed setbacks are appropriate in the circumstances and are consistent with the compact siting characteristics of the existing building stock in the locality, despite the front setback of Dwellings 3 and 4 not being the average of the buildings on the two immediately adjacent properties, consistent with the quantitative criteria prescribed in City Wide Principle of Principle 52(b) provision of the Development Plan.

Overshadowing/overlooking

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

City Wide Principles of Development Control: 32 70 71 199 200 201 253 254 & 255.

City Wide Principle of Development Control 201 states the following:

“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 Applicant has provided shadow diagrams that illustrate both the existing and proposed levels of overshadowing at 9.00am, 12.00pm and 3.00pm on 21 June (at the winter solstice). The shadow diagrams illustrate that the directly adjacent properties at 67 Hackney Road, 2A, 2, 4, 1/6, 2/6, 6/6 and 7/6 Vailima Court will experience varying degrees of overshadowing. The shadow diagrams demonstrate that the extent of shadowing that is likely to occur from the proposed development and in particular, those dwellings adjacent the southern side boundary, is an improvement upon the current extent of shadowing that occurs as a result of the of boundary development that currently exists along the southern side boundary of the site.

As such, the existing site conditions result in a greater level of overshadowing than is specified in Principle 201, such that the proposed development should not result in any increase in overshadowing. In this respect, whilst the proposal satisfies Principle 201, it is acknowledged that some overshadowing will occur within localities where medium and/or high density developments are suitable and siting of buildings is generally compact as is in this instance.

With respect to the residential/Chinese Medical Health Facility at 69 Hackney Road and the property at 3 Cambridge Street, the extent of overshadowing affecting these two (2) properties is not at odds with Principle 201.

All of the upper floor windows and balcony areas that have the potential to overlook into adjacent residential properties of the proposed dwellings, are to either have a sill height and/or obscure glazing and balcony screening, to 1.7 metres when measured above the internal upper floor level. Accordingly, this will prevent any unreasonable overlooking of the neighbouring residential yard areas. The perception of overlooking in a westerly direction (ie. into the directly adjacent property at 69 Hackney Road) from the upper levels of Dwellings 13-19 will be further tempered by the provision of mature evergreen trees, with a minimum mature planting height of 3.0 metres adjacent the western boundary of the subject land adjacent Dwellings 13-19.

If the Panel determine to approve the proposed development, it is recommended that a condition be imposed reiterating that the upper floor windows be fixed and obscured, up to a height of 1.7 metres. In the event that the Applicant desires for the Council to reconsider the need for such treatment to any number of the windows, it will be possible for an Application to be lodged seeking to vary the consent, at a stage during construction when it is possible to more accurately assess the potential overlooking impacts of the proposal. A range of different options might be available to address the specific impacts that are observed, such as wing walls, louvers, use of planter boxes which prevent users from approaching the edge etc.

Private open space

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

City Wide Principles of Development Control: 241 242 243 245 246 248 250 251 252 & 276

City Wide Principles of Development Control 244(b) and 246 state respectively:

“Dwellings (other than residential development in the form of apartments within a multi storey building) 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) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:

- (b) dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres”*

A lesser amount of private open space may be considered in circumstances where:

- (a) the equivalent amount of private open space is provided in the form of communal open space, which is accessible to all occupants of the development; or*
- (b) the development is directly adjacent to large areas of useable public open space, such as Felixstow Reserve, the Parklands and the River Torrens Linear Park, which can be easily accessed by all occupants of the development.*

The extent of private open space provision varies for the respective groups of dwellings with an average of 62m² for Dwellings 1 - 4, 10m² for each of Dwellings 5 – 12 and between 30 to 51m² for the remaining 30 dwellings. Predominantly, the proposed private open space provision is in the form of ground level courtyard areas. Of the 42 proposed dwellings, the open space provided for Dwellings 1 – 4, 19 and 42 (ie. all those except for the eight (8) row dwellings facing Cambridge Street and Dwellings 13 -18 and 20 41), satisfy the quantitative private open space provision prescribed in Principle of Development Control 244(b).

With respect to Dwellings 1 – 4, their main private open space provision is located directly adjacent to Hackney Road. The Applicant is proposing to construct internally located 2.1 metre high masonry fencing adjacent the front courtyard areas. Whilst this will provide some degree of amenity within the courtyard areas, given the heavily-trafficked nature of Hackney Road, this aspect of the proposal is considered to be a negative outcome with respect to how the ground level private open space provision for these four (4) dwellings is configured.

Principle of Development Control 246 allows for a lesser amount of private open space where the equivalent amount of private open space is provided in the form of unrestricted accessible communal open space for all occupiers and the development is directly adjacent to large useable public open space which can be conveniently access by all occupiers. In this instance, the proposed development includes an internal lawned open communal space that comprises an overall area of approximately 110m². In addition, Botanic Park is located directly to the west of the subject land, providing expansive open space for recreation and access to the River Torrens Linear Park is within short walking distance.

On this basis it is considered that, the proposed private open space provision satisfies the open space provisions of the Development Plan, albeit that Dwellings 7 – 12, 13 – 18 and 20 - 41 have minimal open space that in isolation, do not meet Principle 244(b).

Car parking/access/manoeuvring

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

City Wide Objectives:	32 & 34.
City Wide Principles of Development Control:	101 102 103 108 109 116 118 120 121 126 127 130 132 133 229 230 231 232 277 278 & Table NPSP/8.

Vehicular access to the proposed development is via a dual crossover (ie. entry and/or exit) adjacent the Cambridge Street frontage whilst an “exit only” point is proposed adjacent the Hatswell Street frontage of the subject land. The proposed development includes the provision of 93 car parking spaces across the site, comprising 76 covered (ie. all of the proposed dwellings except for the eight (8) dwellings facing Cambridge Street have two (2) covered car parking spaces each – the Cambridge Street dwellings have one (1) covered space each) and 17 visitor spaces.

Table NPSP/8 - Off Street Vehicle Parking Requirements for Residential Land Uses contained in the Development Plan, specifies a car parking rate of two (2) spaces (1 covered) for detached, semi-detached and row dwellings. Table NPSP/8 also specifies a car parking rate for dwellings within residential flat buildings of two (2) spaces (1 covered) for a three (3) bedroom dwelling, plus 1 space for every two (2) dwellings for a development up to ten (10) dwellings and one (1) space for every additional four (4) dwellings beyond the first ten (10) dwellings.

Applying this Principle, the proposal would be required to include the provision of ninety seven (97) car parking spaces on site, to cater for the forty two (42) dwellings. On this basis, the proposed development results in a car parking shortfall of four (4) spaces across the site.

The Applicant engaged the services of Mr Phil Weaver, a consulting traffic engineer, who in turn has undertaken a review of the traffic and parking arrangements of the proposed development. In summary, Mr Weaver has concluded the following:

- the anticipated peak car parking demands for visitors and residents are unlikely to coincide and as such, the 17 visitor parking spaces are considered to be sufficient in that visitors are likely to visit occupiers of the dwellings in the evening periods and/or weekends.
- the subject site is located adjacent a public transport corridor and therefore will reduce the demand for both residential and visitor car parking demand.
- the vehicular traffic demand that is likely to be generated as a result of the proposed development is not anticipated to impact to an unreasonable degree on the existing surrounding road network.
- Subject to some minor amendments, the design and configuration of the internal driveway areas and the car parking layout, the proposal satisfies *Australian/New Zealand Standard 2890.1:2004*.

A copy of Mr Weaver's report is contained in **Attachment F**.

The Council's Planning staff engaged the services of Mr Rob Bremert of Tonkin Consulting to undertake a traffic and car parking review of the proposed development. In addition, Mr Bremert undertook a review of Mr Weaver's report. In summary, Mr Bremert's comments are as follows:

- the car parking rate prescribed in the Council's Development Plan is appropriate to apply in this instance however, in light of recent industry research and studies, it is acknowledged that applied car parking rates can be reduced, depending on the location of a development site in relation to alternative transportation modes (ie. public transport), as is the case in this instance.
- the overall car parking provision and traffic analysis is considered acceptable for the proposed development however, it is recommended that the Council seek clarification regarding the following aspects –
 - (i) utilisation of on-street parking spaces along Cambridge Street and Hatswell Street;
 - (ii) safety assessment of the Hackney Road and Cambridge Street junction;
 - (iii) Consideration for the provision of one (1) disability car parking space; and
 - (iv) provision of a signage plan.

A copy of Mr Bremert's report is contained in **Attachment G**.

In light of the clarification sought by Mr Bremert, the Applicant made a range of minor design changes and submitted further advice from Mr Weaver (refer to **Attachment H**). Having regard to both Mr Bremert's and Mr Weaver's advice and the amended plans provided by the Applicant, staff are satisfied that issues that were identified have been addressed with respect to traffic movements within the car parking area, as well as the overall safety and the ability to achieve safe and convenient access/egress in accordance with City Wide Principle of Development Control 116.

In terms of the southernmost visitor car parking space located adjacent the communal lawn area, it is acknowledged that a driver would need to reverse back to the main carriageway area (ie. in the order of 28 metres) in the event that all of the other nine (9) adjacent visitor car parking spaces are occupied. Whilst this is not ideal, such a movement is not at odds with *Australian Standard 2890.1; 2004*, which allows for an interrupted reversing manoeuvre for up to 30 metres in length in the case of residential developments of this kind.

Overall, the proposed car park configuration and proposed car parking spaces in considered appropriate in the context of the nature of the proposed development and the location of the subject land. Whilst it is acknowledged that the proposal will result in increased traffic generation on a daily basis (ie. in the order of 230 vehicles per day), it is considered that traffic volumes would not be significantly discernible when compared to the existing situation.

It is generally accepted, including by the Environment Resources and Development Court, that residential amenity begins to be affected to an unreasonable degree and the function of a local road changes, when vehicle movements exceed 2000 vehicles per day for a two-way street. In this case the overall predicted vehicle movements along Cambridge Street, post the implementation of the proposed development, would be in the order of 940 vehicle movements per day.

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 25 & 42.
City Wide PDC's:	10 60 61 82 149 151 152 153 154 155 156 156 157 & 161.

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

The subject land has a very slight slope from the south-eastern corner to the north-west corner of the subject land, a distance of approximately 165 metres, in the order of 1.63 metres. The finished floor levels of the proposed dwellings are compatible with surrounding ground levels. The proposed finished floor level of the four (4) dwellings fronting Hackney Road ranges from 160mm to 20mm above adjacent ground level, the finished floor level of the eight (8) dwellings fronting Cambridge Street ranges from 160mm to 220mm above adjacent ground level, the finished floor level of Dwellings 13 – 26 ranges from -400mm to 80mm above adjacent ground level and Dwellings 27 – 42 the finished floor level ranges from 200mm to 800mm above adjacent ground level.

The proposal is likely to require low level retaining (ie. in the order of 200mm) along the southern side boundary of the subject land which is considered to be acceptable.

The Civil Plan (ie. **Attachment B8-B9**) prepared by TMK Consulting Engineers indicates that stormwater can readily be drained from the site to Cambridge Street and Hackney Road. The Council's Project Manager – Civil, has reviewed the proposed stormwater management measures as part of the proposed development and has advised that in principle, he is satisfied that the proposal conforms to the Council's Urban Services stormwater management requirements, with respect to managing increased volumes of stormwater discharged from the site. However, the Project Manager – Civil has requested that should the Panel determine to approve the proposed development, a condition of consent be imposed requiring that a detailed stormwater network plan be submitted, prior to Development Approval being granted.

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
City Wide Principles of Development Control:	76 77 78 239 240 264 & 385.

Three (3) mature well-established street trees are located on the Council verge area adjacent the Hackney Road boundary of the subject land. Given the separation from the street trees to the proposed masonry fencing in association with Dwellings 1 - 4, which ranges from 3.5 – 6.3 metres, the footings for the proposed fencing is not anticipated to impact upon the structural root zone of the street trees.

The Applicant has provided a well detailed landscaping scheme as part of the development proposal. Overall, the nominated permeable areas are to incorporate specified plants, shrubs, suitable trees and grassed areas, which are considered to enhance the living amenity for future occupiers of the dwellings as required by City Wide Principle of Development Control 239 and 240.

In addition to the internal areas of the subject land, the masonry front fencing in association with Dwellings 3 and 4 is set back from the Hackney Road frontage in order to incorporate landscaping areas to soften the appearance of these two (2) dwellings and to create visual interest when viewed within a streetscape context. Furthermore, this will assist in minimising the likelihood of vandalism (ie. graffiti) occurring to this portion of masonry fencing adjacent Hackney Road in accordance with City Wide Principle 78(a).

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:	65, 66, 67, 68, 72, 115, 116, 119, 127 & 144.

Apart from the eight (8) dwellings that front onto Cambridge Street which are orientated north-south, the remaining 36 dwellings are orientated east-west on the subject land.

The proposed dwellings that are orientated east-west are expected to receive direct sunlight access to their private open space areas and internal living areas either in the morning hours (ie. Dwellings 20 – 26 and Dwellings 35 – 42) or in the afternoon hours (ie. Dwellings 1 – 4, Dwellings 13 – 19 and Dwellings 27 – 42). Given the configuration and compact nature of the row dwellings fronting Cambridge Street (Dwellings 5 – 12) and the location of their internal courtyard areas, it is anticipated that access to direct sunlight is likely to be compromised to the courtyards and the internal ground floor living areas of these dwellings, which in turn is a negative aspect of the proposal.

As the proposed development comprises a large number of dwellings, it is likely that some of the future individual occupiers will seek to construct some form of covered verandah, openable roof system etc over the individual private yard areas of these dwellings in order to provide weather protection to cover the outdoor living areas.

The proposed development includes two (2) communal bicycle-parking areas directly to the south of Dwelling 4. This is considered to be a positive aspect of the proposal and as such, accords with City Wide Principle of Development Control 252(b) in that where a proposed development incorporating a residential flat building containing six (6) or more dwellings, bicycle parking for residents and visitors should be provided.

City Wide Principle of Development Control 161 states the following:
“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 2,000 litre rainwater tanks designated for each of the 42 proposed dwellings (ie. located at ground level within yards as shown on the engineering plan prepared by TMK Consulting and contained in **Attachment B8-B9**), which is a positive aspect of the proposal as it satisfies Principle 161.

On-site provision of waste bin storage for collection purposes

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

City Wide PDC's:	221(g) 252(c) 299 300 & 301.
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The Applicant has proposed that each of the 42 dwellings will have three 120 litre waste bins – general waste, recycling and green waste. The future occupiers of the 20 dwellings that front onto either Hackney Road, Cambridge Street or Hatswell Street are to position their waste bins adjacent their respective streets/roads on collection days. For the remaining 22 dwellings that are located within the subject land, two (2) waste bin storage and collection areas are proposed. In terms of waste collection, the Applicant has indicated that it is intended for all waste to be collected on the same day with waste bins positioned behind one another. For instance, once the general waste bins are emptied by a waste collection truck, an individual(s) on behalf of the future owners corporation, will place either the recyclable or green waste bins in position for collection later in the day, with the empty general waste bins moved to the rear of the storage and collection areas.

The Applicant has provided an overview of the proposed waste management plan, which is contained in **Attachment I**.

In terms of storing three (3) individual waste bins for each proposed dwelling, the Applicant has shown that waste bin storage can occur within the garage areas of each dwelling. Having regard to *Australian/New Zealand Standard 2890.1:2004*, which specifies that the dimensions of a B85 vehicles is 4.9 metres in length x 1.9 metres in width, staff are satisfied that the proposed internal garage dimensions are sufficient to enable two (2) vehicles (ie. except for Dwellings 5 – 12, which have single-vehicle garaging) to park as well as three (3) waste bins to be stored.

Overall, staff are satisfied that waste collection and removal can be undertaken effectively as part of the proposed development and as such, this aspect of the proposal accords with Principles 300 and 301 which require that dedicated on-site areas for collection and management of waste be provided.

Site Contamination

The following Development Plan provisions provide guidance with respect to site contamination considerations:

City Wide Objectives:	52 & 53
City Wide PDC's:	174 & 175.

An environmental site assessment of the subject land was undertaken by Environmental Projects in 2011, in light of the previous land use that was present on the land. In 2012, environmental works were undertaken, including remediation of petroleum hydrocarbon contamination from soil located primarily in the north-eastern corner of the subject land.

The initial analysis and documentation from 2012 has not been included in the agenda attachments due to the number of pages the document contains, however more importantly, a fresh statement from LBW Environmental Projects (formerly Environmental Projects) has been provided by the Applicant (contained in **Attachment J**).

The statement prepared by LBW Environmental Projects concludes that any residual soil and groundwater contamination in the north-eastern corner of the subject land as well as across the remainder of the development site (which currently has not been quantified), is not anticipated to pose unmanageable risks in terms of the land being developed for residential purposes.

Pursuant to Section 33(3) of the *Development Act 1993* a relevant authority may, in granting a Planning Consent, reserve its decision on a specified matter until further assessment of the matter in question is undertaken. In light of the contamination issues at hand and the likely need to undertake further manageable remediation to make the site “fit for purpose”, it is recommended that the site contamination remediation be dealt with as a reserved matter as part of the Planning Consent for the proposal, should the Panel determine to grant consent.

In relation to the reserved matter, it is recommended that the Applicant be required to provide a Site Audit Report issued by an accredited Environmental Auditor to confirm the suitability of the entire site for the proposed residential land use, prior to Development Approval being granted. The Council's Planning staff have discussed proposed course of action with the Council's lawyers, Norman Waterhouse, and who have confirmed that this is a pragmatic approach to undertake in this instance.

If the Application is approved, the provision of a Site Audit Report may result in a need to impose further conditions to the Planning Consent, to ensure that site contamination issues are remediated appropriately. By dealing with the contamination issues as a reserved matter at this stage in the assessment process, the planning authority can impose further conditions relating to that aspect of the development, prior to the granting of Development Approval.

Summary

The proposal to develop the currently vacant land with 42 dwellings, is considered to represent an appropriate land use and density for the subject land, having regard to its proximity to both the Adelaide CBD and a major transport corridor. The proposed density is envisaged within the Residential 2 (St Peters) Zone and is compatible with surrounding residential development, whilst also being consistent with the residential density benchmarks specified in the State Government's *30 Year Plan for Greater Adelaide*.

In terms of streetscape appearance to Hackney Road, Cambridge Street and Hatswell Street, the predominantly outwardly two-storey form of the proposed dwellings is considered to be appropriate, due to their siting and design configuration and setback relationship with other buildings in the immediate area.

Due to the siting characteristics of the proposed dwellings and their relationship with existing adjacent properties, amenity impacts are considered to be acceptable to existing neighbouring occupiers. Some overshadowing over existing properties to the south will occur, however not to an extent that would compromise these residents to an unacceptable degree. The potential exists for a number of adjacent residential properties to be overlooked to an unacceptable degree and as such, it is recommended that conditions be imposed to deal with that potential.

Notwithstanding the overall car parking shortfall, the extent of car parking that is proposed is considered to be acceptable in light of the advice that has been received from two (2) traffic engineers and the close proximity to public transport and essential services and facilities within the CBD.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and on balance, 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 155/460/14 by Anavic Pty Ltd, to construct 42 two-storey dwellings (comprising 4 semi-detached dwellings facing Hackney Road, 8 row dwellings facing Cambridge Street, 8 row dwellings facing Hatswell Street and 3 residential flat buildings – comprising 22 dwellings), associated internal roadways, fencing, visitor car parking and implementation of landscaping, on the land located at 71-77 Hackney Road, Hackney, 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 (Project Number 1450A) prepared by Elvio Ferrara Design & Construct received by the Council on 25 February 2015 and 10 March 2015.
- Civil Plan (Drawing Number 1406158-C1/PB and 1406158-C1/PB) prepared by TMK Consulting Engineers and received by the Council on 14 October 2014.

Conditions

1. Any cost associated with the proposed retention of the masonry wall located along the internal northern boundary of the subject land, shall be borne solely by the Applicant.
2. Stormwater and engineering calculations detailing pre-development and post-development levels in 1 in 5 year ARI events shall be provided by the Applicant, confirming that the detention storage

provided is adequate and conforms to the Council's Urban Services requirements, prior to the granting of Development Approval.

3. The portion of the upper floor windows on the northern elevation of Dwelling 1, 20 and 27, the eastern elevation of Dwelling 12 and the southern elevation of Dwelling 4, 19, 26, 34 and 42, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings 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.)
4. The portion of the upper balcony areas on the northern elevation of Dwelling 1, 20 and 27 and the southern elevation of Dwelling 4, 19, 26, 34 and 42, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings 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 wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
6. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
7. All landscaping within communal areas and adjacent to the Payneham Road property boundary shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate. Maybe limit this requirement to all landscaped beds/plantings in common areas.
8. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of disabled persons).
9. That evergreen trees with non-invasive or minimal-invasive root zones, comprising a minimum planting height of three (3) metres and a minimum mature height of five (5) metres shall be planted no later than during the first available planting season after the development has been implemented in the landscaping strips adjacent the internal western boundary that aligns with dwellings 13 to 19 (ie. adjacent to the rear property boundary of 69 Hackney Road, Hackney) so as to establish a continuous spread of dense foliage along that boundary. These plantings shall be kept in good heart and condition, to the reasonable satisfaction of the Council.
10. All of the car parking spaces, driveway and vehicle manoeuvring areas shall be constructed of concrete, paving bricks or bitumen and drained in accordance with recognised engineering practices prior to occupation of the premises.
11. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
12. All of the new car parking spaces, and vehicle manoeuvring areas herein approved shall be maintained in a good condition at all times to the reasonable satisfaction of the Council or its delegate.

Reserved Matter

That pursuant to Section 33(3) of the *Development Act 1993*, a determination on the following matters is reserved:

All matters relating to site contamination and the suitability of the site for the proposed residential land use. In this regard, a Site Audit Report issued by an accredited Environmental Auditor that confirms the suitability of the site for the proposed residential land use, and detailing any further remedial requirements needed to ensure the suitability of the site for residential use, must be provided to the satisfaction of the Council or its delegate.

Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
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 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.
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.

Mr Chris Harding, addressed the Panel from 7:51pm until 8:02pm.

Marcus Rolfe on behalf of Mrs Wang and Dr Du addressed the Panel from 8:02pm until 8:11pm.

Mr Ross Sawers & Ms Findlay-Sawers, also speaking on behalf of Mr John & Ms Wendy Crocker, Mr R C Bleachmore, addressed the Panel from 8:11pm until 8:24pm.

Ms C Vandersluys addressed the Panel from 8:24pm until 8:29pm.

Ms A Roman addressed the Panel from 8:30pm until 8:31pm

Mr Tim Smedley addressed the Panel from 8:31pm until 8:35pm

John Outhred, on behalf of the Applicant, addressed the Panel from 8:36pm until 9:19pm.

Ms Newman moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application No 155/0460/14 by Anavic Pty Ltd, for the construction of forty two (42), two-storey dwellings comprising four (4) semi-detached dwellings facing Hackney Road, eight (8) row dwellings facing Cambridge Street, eight (8) row dwellings facing Hatswell Street and three (3) residential flat buildings including twenty two (22) dwellings, associated internal roadways, fencing, visitor car parking, communal open space and landscaping; on the land located at 71-77 Hackney Road, Hackney, be **refused** for the following reasons:

1. The communal spaces and pedestrian footpaths allow for possible entrapment spaces and create an unsafe environment contrary to Objective 22 and PDCs 62, 63, 67, 68, 69, 78, 262, more specifically:
 - a) the private access footpath to dwellings 13 – 19 is a long, narrow gated space with a dead end at the southern end. The proposed vegetation is likely to reduce visibility and add to the unsafe nature of the access;
 - b) the rear elevations of dwellings 13-20 and 27-42 are extensive and monotonous and provide for no passive surveillance over the rear access area;
 - c) the bicycle storage area is provided with no passive surveillance; and
 - d) the footpath from Hackney Road is long, densely vegetated and lacks passive surveillance as does access footpath on the southern boundary adjacent to dwellings 19, 26, 34, 42 which also provides a contorted route through the site.
2. The landscaping areas are minimal and the hard paved areas excessive. The lack of appropriately designed landscaped areas does not enhance the urban environment contrary to CWP24, 25, 76d), e), f) g) h) i) j), 77, 78, 239, 240
3. The private open space proposed is minimal in some areas and poorly located. The POS for dwellings 5-18 and 20-41 fails to satisfy minimum areas as stipulated by PDC 244b. The POS for dwelling 1-4 and 35-42 is located forward of the dwellings contrary to PDC 241 and 243. The communal space in lieu is not easily accessible by a number of the dwellings nor is it adjacent public open space easily accessible by the occupants of the development contrary to PDC 246.
4. The appearance of dwellings 13-42 lacks sufficient façade articulation, architectural excellence and material variety and as such is contrary to Objectives 19, 20 and PDC 31 and 39.
5. The orientation of dwellings 13-34 being as they are east-west are contrary to objectives 23 and 70, 71 and 72.

Seconded by Mr Gaston and carried.

4. STAFF REPORTS

4.3 DEVELOPMENT APPLICATION 155/930/2014 – ROSSDALE HOMES PTY LTD – 12A ST PETERS STREET, ST PETERS

DEVELOPMENT APPLICATION:	155/930/14
APPLICANT:	Rossdale Homes Pty Ltd
SUBJECT SITE:	12A St Peters Street, St Peters (Certificate of Title; Volume: 4163, Folio: 988)
DESCRIPTION OF DEVELOPMENT:	Construction of a single storey detached dwelling, side fencing and freestanding carport accessed via Fifth Lane
ZONE:	Residential Historic (Conservation) Zone – The Avenues Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single storey detached dwelling, side fencing and a freestanding carport.

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:	regular
Frontage width:	15.24 metres
Depth:	30.48 metres
Area:	460m ²
Topography:	gently sloping
Existing Structures:	vacant allotment
Existing Vegetation:	nil

The subject land is a regular shaped allotment on the southern side of St Peters Street. Vehicular access to the site is available from Fifth Lane, which is located along the north-western side boundary of the allotment.

An easement in favour of the Minister for Infrastructure (an SA Water easement) traverses the land, between the dwelling and the carport.

The allotment is gently sloping, falling approximately 250mm from the front boundary to the rear of the allotment. The subject land is currently vacant.

Locality Attributes

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

The locality is considered to have a high level of residential amenity, comprising predominantly single-storey detached dwellings of heritage character set within well landscaped allotments, as well as a streetscape that is enhanced by the presence of mature street trees. The majority of the historic building stock was constructed between 1870 and 1915 in the form of villas and cottages.

A group of nine (9) single storey units (circa 1970's) are located directly to the west of the subject land. Most of the dwellings in the locality are listed as Contributory Items within the Council's Development Plan. The historic building stock generally displays design characteristics such as gabled corrugated iron roofs, front verandahs and stone and face brick walls.

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

Proposal in Detail

The Applicant is seeking consent to construct a single storey detached dwelling and freestanding carport on an existing allotment.

The proposed dwelling comprises three (3) bedrooms (the master with an en-suite and walk in robe); a combined kitchen/living room, a laundry and an open plan study. A single width, double length carport with access from Fifth Lane is proposed.

The proposed materials and finishes include a sandstone facade with rendered walls; with exposed brick side and rear walls; and timber framed windows to the front elevation. A relatively simple bull nosed front verandah is proposed.

The dwelling has 3.0 metre floor to ceiling heights and a traditional roof pitch. The windows to the front facade are proposed to be stained timber, with the remainder to be aluminium and the walls are to be a mix of red bricks and sandstone veneer to the front facade and brick only to the side and rear elevations. Woodland Grey Colorbond is proposed for the roof sheeting and gutters.

Attachment B and B9 indicated that a white picket front fence is proposed to the front property boundary, returning along Fifth Lane. The Applicant as advised that this is an indicative plan and that no formal designs have been prepared at this stage. They have confirmed in writing that the front fence will form the basis of a separate Development Application. Side fencing along Fifth Lane is proposed to be 2.1m high slim line (light weight) walling commencing 1.6m behind the main wall of the dwelling. The remainder of the side and rear fences are proposed to remain in situ.

The Applicant has provided a landscaping plan which illustrates a good level of landscaping at the front and side of the proposed dwelling, including a range of trees, shrubs and ground covers. A lawn area is proposed at the rear of the dwelling, between the dwelling and the carport, within the area that is subject to an easement.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	460m ²	600m ²
Allotment Width	15.24m	18m
Allotment Depth	30.48m	N/A

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

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
External Wall Height*	3.0m	N/A
Maximum Overall Height (to roof apex)*	6.3m	N/A
Floor Area (total)	249.2m ²	N/A
Site Coverage	54%	50%
Private Open Space	134m ² 29.1% of site area 100% uncovered	20% of site area 50% uncovered
Street Set-back	3.0 metres	Consistent with adjacent development (The Avenues Policy Area PDC 8)
Side Set-back	1.08 – 3.49 metres (dwelling) 1.08m (carport) 2.0metres (carport from lane)	N/A
Rear Set-back	500mm (carport)	N/A
Car Parking Provision	2 undercover	Two (one of which is covered)

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

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

Notification

The proposal has been identified and processed as a Category 1 form of development. The proposed detached dwelling is Category 1 pursuant to Schedule 9, Part 1, 2(a) of the *Development Regulations 2008*. The proposed freestanding carport and side fencing were determined to be of a minor nature, which would not have an unreasonable impact on the owners or occupiers of land in the locality of the site of the development and is therefore also Category 1, 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 key issues, specific to this Development Application, are discussed in detail below.

Land Use and Density

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

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

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

Accordingly, the proposal is considered appropriate from a land use perspective.

Streetscape/bulk/scale/height/character

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

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

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

The predominant height of buildings in the immediate locality of the subject land is single storey. Accordingly, the single storey nature of the proposed dwelling is consistent with Principle 4 of The Avenues Policy Area.

The Application was referred to the Council's Heritage Advisor, David Brown, as the subject land is located within the Residential Historic (Conservation) Zone. The Application was reviewed and altered after Mr Brown's initial commentary.

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

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

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

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

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

A rendered light-weight boundary wall is proposed along the Fifth Lane frontage with a maximum height of 2.1m, which is considered appropriate having regard to the locality and the fact that the wall is to commence 1.6m behind the main face of the dwelling.

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

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

Whilst the Applicant has altered the front windows, to incorporate timber window frames, it is not clear from the documentation whether the front door frames are also proposed to be timber. Given that the locality is characterised by both timber window and door frames, it is recommended, should be Panel approve the Application, that the front door incorporate a timber frame.

Overall, 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.

The subject land is on located on the boundary of The Avenues and St Peters Policy Areas. The Desired Character Statement and principles of Development Control for the St Peters Policy area are similar to those of The Avenues Policy Area and it is considered that the proposed development will fit comfortably at the policy area interface.

Setbacks and Site Coverage

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

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

The front setback of the proposed dwelling is 3.0m to the main wall of the dwelling (1.5m to the verandah) from the St Peters Street property boundary. The proposed dwelling is set back 3.49m from the north-western side boundary and 1.08 metres from the south eastern side 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.”

Neither of the adjacent dwellings have their primary frontage to St Peters Street. Instead they face Fourth and Fifth Avenue, with a secondary frontage to St Peters Street.

The front setback of the proposed dwelling is considered appropriate, given the adjacent units at 21 Fifth Avenue have a side setback of 1.44m from St Peters Street and the carport of 24 Fourth Avenue has a side setback of 970mm from St Peters Street with the dwelling having a setback of 3.26m from St Peters Street.

It is considered that the proposed front setback is consistent with the intent of Principle 9 of The Avenues Policy Area, as it reflects the pattern established by the adjoining development.

With respect to side setbacks, the south eastern side setback of 1.08m is considered appropriate, with the new dwelling screened from the rear yard of 24 Fourth Avenue by a large carport that extends along a significant portion of the common side boundary. The 3.49m side setback to the north-western boundary is considered appropriate and provides a generous separation between the proposed dwelling and Fifth Lane.

The carport is proposed to be set back 2.0 metres from Fifth Lane at the side of the property to enable safe and convenient vehicle manoeuvring. This will be discussed in greater detail under the heading *Car-parking/access/manoeuvring* later in the report.

The carport is proposed to be set back 500mm from the surveyed rear property boundary to enable the retention of a bluestone wall on the adjacent land, which encroaches over the common boundary. In effect, the proposed carport will abut the existing boundary wall, albeit that the carport is 500mm from the surveyed property boundary. This is considered to be a positive aspect of the proposed development, as it will enable the retention of the existing bluestone boundary wall.

In terms of site coverage, The Avenues Policy Area Principle of Development Control 6 states that “*buildings should not cover more than 50 percent of the total area of the site.*” The proposed development has an overall site coverage of 54% which is inconsistent with this Principle. The Applicant has provided a statement outlining their reasoning for departing from the quantifiable figure of 50%. The Applicant’s statement is contained in **Attachment B**.

Given the compact characteristics of the allotment and the relatively modest dwelling proposed, it is considered that the proposed site coverage, whilst being a negative aspect of the proposal, is not considered to be fatal to the overall merits of the Application.

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 not substantially overshadow adjacent land, due to the side setbacks of the dwelling and the orientation of the subject land. The dwelling is entirely single storey and is set back 3.49 metres from the north western side boundary of the allotment. The majority of overshadowing caused by the proposed dwelling will be contained within the rear yard of the subject land, with the existing screening and brick wall further reducing any impacts on adjoining properties.

The finished floor level of the proposed dwelling is similar to that of the previous dwelling and is approximately 300mm above the top of kerb. The existing fencing will be adequate to ensure that there will not be any unreasonable overlooking of adjacent properties.

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

Private open space

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

City Wide PDC’s: 241, 243, 244 & 248.

The proposed dwelling includes 134m² of private open space broken up into two (2) separate areas. The main area of private open space, containing the lawned area, is directly accessible from the main living area. The main area of private open space will be overshadowed for a portion of the day as a result of the orientation of the allotment and the design of the dwelling.

Notwithstanding, the main area of private open space will gain reasonable access to direct sunlight in the afternoon, with over 50% of the private open space having direct access to sunlight after 2.00pm. Whilst the main area of private open space will only receive direct sunlight for one (1) hour between 9.00am and 3.00pm during the winter solstice, the failure to meet City Wide Principle of Development Control 201 it is not considered fatal to the overall merits of the proposal.

The remaining courtyard is located on the north-western side of the dwelling. The courtyard is considered to be of adequate size to accommodate bin storage, mechanical plant equipment and clothes drying facilities, although it does not have a direct link from the laundry.

The proposed area of private open space equates to 29.1% of the overall site area, which exceeds the minimum of 20% prescribed by City Wide Principle of Development Control 244(a). The provision of private open space is considered to be acceptable.

Car-parking/access/manoeuvring

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

Table NPSP/8.

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

In terms of manoeuvring, the proposed carport is set back 2.0 metres from Fifth Lane at the rear of the subject land and incorporates a single (2.41m width) panel lift door. Fifth Lane is approximately 4.1 metres wide adjacent to the subject land, resulting in a vehicle manoeuvring width of 6.1 metres.

City Wide Principle of Development Control 237 states:

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

The 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.
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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 St Peters Street, such that all stormwater from the dwelling will be able to drain by gravity to the street water table.

City Wide Principle of Development Control 165 states:

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

Fifth Lane, at the side of the subject land, does not have any stormwater infrastructure. As such, all stormwater must be disposed of directly to the St Peters Street water table. If the Panel determines to approve the application, it is recommended that a condition be imposed to ensure that all stormwater is discharge to the St Peters Street water table and not on to the surface of Fifth Lane. It is likely that the freestanding carport at the rear of the allotment will need to incorporate a sealed system to comply with this requirement, due to the level of the land at the rear of the allotment being below the kerb level in St Peters Street.

Trees (significant, mature & street) and landscaping

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

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

The subject land has been cleared of all vegetation and there are no street trees located in the St Peters Street verge, adjacent to the subject land.

In terms of landscaping, the relevant section of the Desired Character Statement for The Avenues Policy Area states:

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

The Applicant has provided an indicative landscaping plan and schedule, which identifies a range of small trees, shrubs and ground covers including Miniature Pear Trees, a Frangipani, Roses and Nandina. The proposed landscaping will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality, consistent with the desired character statement for The Avenues Policy Area.

A copy of the landscaping plan and schedule is contained in **Attachment B**.

Environmental Sustainability

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

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

The proposed dwelling is reasonably orientated on the subject land so as to provide access to northern sunlight to the main living area and part of the private open space area at the rear of the allotment.

The Applicant has provided shade to the windows on the proposed dwelling's north-western side, in the form of eaves, which will minimise direct sunlight (i.e. heat loading) to the main living area. This is considered to be a positive and practical design approach with regard to reducing the need for artificial cooling during the summer months within the proposed dwelling. The main living area will receive morning sun through the incorporation of a feature curved bay window.

City Wide Principle of Development Control 161 prescribes that new dwellings should be provided with a 2000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. Given that the proposed dwelling will result in a significant amount of impervious surfaces on the land, it is considered reasonable to impose a condition requiring the Applicant to install a rain water tank (or tanks) with a minimum capacity of 2000 litres, in accordance with City Wide Principle of Development Control 161.

Summary

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

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

The proposed dwelling and carport will result in a site coverage of 54%, greater than the 50% prescribe in Principle of Development Control 6 of the Avenues Policy Area. Whilst it is considered to be a negative aspect of the proposal, it is not considered to be fatal to the Application.

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

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/930/14 by Rossdale Homes Pty Ltd, for the construction of a single storey detached dwelling, side fencing and freestanding carport accessed via Fifth Lane, on the land located at 12A St Peters Street, 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:

- Letter from Mr & Mrs Hillson received by Council on 4 March 2015;
- Email from Terry Hillson confirming the colour scheme for the dwelling received by Council on 4 March 2015;
- Sewer layout plan prepared by Mattsson & Martyn Surveying & Planning Consultants marked Job Number S20747/228998 received by Council on 18 February 2015;
- Sheets 1 to 5 of 5 prepared by Rossdale Homes marked Amendment 27/2/2015 received by Council on 3 March 2015; and
- Landscaping plan prepared by Mr & Mrs Hillson received by Council on 3 March 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 St Peters Street kerb & water table or a Council underground pipe drainage system. No stormwater or surface water from the subject land shall be discharged in to Fifth Lane.
2. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by

SA Water. Details of the installation shall be provided with the application for Building Rules Consent.

3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. All colorbond roofing on the subject land shall comprise a custom orb profile.
6. The front door of the dwelling herein approved shall incorporate a timber door frame to complement the timber front window frames and existing development within the Residential Historic (Conservation) Zone.

Notes to Applicant

1. The Applicant is reminded of 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 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 155/930/14 by Rossdale Homes Pty Ltd, for the construction of a single storey detached dwelling, side fencing and freestanding carport accessed via Fifth Lane, on the land located at 12A St Peters Street, 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:

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- Landscaping plan prepared by Mr & Mrs Hillson received by Council on 3 March 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 St Peters Street kerb & water table or a Council underground pipe drainage system. No stormwater or surface water from the subject land shall be discharged in to Fifth Lane.
2. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
4. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
5. All colorbond roofing on the subject land shall comprise a custom orb profile.
6. The front door of the dwelling herein approved shall incorporate a timber door frame to complement the timber front window frames and existing development within the Residential Historic (Conservation) Zone.

Notes to Applicant

1. The Applicant is reminded of 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.*

Seconded by Mr Dottore and carried.

5. OTHER BUSINESS

Gavin Lloyd-Jones thanked the Elected Members and Council staff, on behalf of the Specialist External Members for their contribution and efforts over the term of this Panel.

Mark Thomson thanked the Specialist External members on behalf of the Council staff for their contribution and efforts over the term of this Panel.

John Frogley also thanked the Specialist External members on behalf of the Elected Members for their contribution and efforts over the term of this Panel.

6. CONFIDENTIAL REPORTS
Nil

7. CLOSURE 10:02PM