

Development Assessment Panel Minutes

18 May 2015

Our Vision

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

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

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7:00pm

Panel Members Mr Terry Mosel
Mr Don Donaldson
Ms Jenny Newman
Mr Phil Smith
Mr John Minney
Mr John Frogley
Mr Carlo Dottore
Mr Kevin Duke
Ms Fleur Bowden

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 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 20 APRIL 2015

Mr Duke moved that the minutes of the Meeting of the Development Assessment Panel, held on 20 April 2015 be taken as read and confirmed,

Seconded by Mr Smith 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 155/71/2015 – GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA – 9 WINCHESTER STREET, ST PETERS

DEVELOPMENT APPLICATION:	155/0071/15
APPLICANT:	Greek Orthodox Archdiocese of Australia
SUBJECT SITE:	9 Winchester Street, St Peters (Certificate of Title: Volume: 5532, Folio: 251)
DESCRIPTION OF DEVELOPMENT:	Two-storey alterations and additions to a Nursing Home with associated fencing, signage and landscaping (Non-complying)
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 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 two-storey alterations and additions to a Nursing Home with associated fencing, signage and landscaping.

Staff do not have delegated authority to determine the Application, as additions to a Nursing Home resulting in a net increase in floor area of more than twenty five percent, is listed as a non-complying form of development within the Residential Historic (Conservation) Zone. In this instance, the proposal is for a 75% net increase in floor area. As such, the Application is referred to the Panel for determination.

In making its determination, the Panel is required to determine 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.

Being a non-complying form of development, if the Panel determines to grant consent, the Application will be referred to the Development Assessment Commission (DAC), which will subsequently determine whether or not to concur with the decision of the Panel. If the DAC does not concur with the decision of the Panel to grant consent to the Application, then the Application cannot proceed. If the Panel does not grant consent to the Application, then the concurrence of the DAC is not required.

Subject Land Attributes

Shape:	regular
Frontage width:	45.7 metres
Depth:	45.7 metres
Area:	2086.5m ²
Topography:	slight fall towards Second Avenue (500mm)
Existing Structures:	large single storey Nursing Home
Existing Vegetation:	several mature trees within a well landscaped setting

The subject land has had a long standing use as a Nursing Home. The original character building facing Winchester Street is listed as a Contributory Item within the Council's Development Plan. None of the later single storey additions have any heritage significance.

A regulated Pine Tree is located adjacent to the Winchester Street frontage.

The subject land has three (3) street frontages; the primary street frontage is to Winchester Street, with a secondary street frontage to Second Avenue (to the north-west) and a tertiary street frontage to Second Lane (to the south-east).

Locality Attributes

Land uses:	mix of commercial and residential land uses
Building heights (storeys):	mix of single storey and two storey development

Whilst the subject land is located within the Residential Historic (Conservation) Zone, there are two significant non-residential land uses within the locality. In particular, the subject land itself is occupied by a Nursing Home and the East Adelaide Primary School is located diagonally opposite the subject land at 62A Second Avenue.

Residential development within the locality is mixed in character and form. A two-storey residential flat building containing eighteen (18) units is located adjacent to the subject land at 7 Winchester Street. A single storey residential building containing five (5) units is located adjacent to the subject land at 64A Second Avenue. A two-storey detached dwelling occupies the adjacent land at 69 Second Avenue (the only adjacent property not separated from the subject land by a public road or lane).

Opposite the subject land at 10, 12 and 12A Winchester Street, three (3) contemporary dwellings were constructed approximately five (5) years ago. The East Adelaide Primary School playing area and courts are located diagonally opposite to the subject land, with a contemporary two-storey school building beyond, which was constructed in 2012.

The Winchester Street streetscape is very mixed in character, with only the dwelling at 8 Winchester Street and the original building on the subject land listed as a Contributory Items within the Development Plan. To the north of the subject land, Second Avenue contains several dwellings which are listed as Contributory Items within the Development Plan. However, the nearest character dwelling on the south-eastern side of Second Avenue is two (2) allotments removed from the subject land.

There are no Local Heritage Places within the locality.

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

Proposal in Detail

The Applicant seeks consent to demolish the non-original portion of the existing Nursing Home and some minor outbuildings and to construct two-storey alterations and additions to the Nursing Home, with associated fencing, signage and landscaping.

The proposed development includes some alterations and restoration work to the original building, which is listed as a Contributory Item. The restoration work is proposed to include exposing and repointing the original stonework and repainting all original rendered elements such as quoins and plinth in the original off-white tone. Window frames, verandah posts and cast iron elements are proposed to be painted black to provide a contrast to the rendered elements of the original building.

The proposed two-storey alterations and additions are to be located predominantly within the existing building footprint. The two-storey building work is of a contemporary form with a flat roof. The building additions include a high solid to void ratio and have been designed with deep reveals.

The two-storey additions are proposed to be finished with an off-white render to match the original quoins and plinth on the character building and to provide a contrast and backdrop to the exposed stonework of the original character building.

The proposed redevelopment of the Nursing Home would include a reception and administration area, a lounge and dining area, a dayroom, a Chapel, a kitchen, a laundry/linen/deliveries service area and fourteen (14) bedrooms with ensuite bathrooms at ground level. Another dining/lounge area and outdoor terrace, a nursing station and a further seventeen (17) bedrooms with ensuite bathrooms are located at first floor level.

Thirty-one (31) bedrooms are proposed and the total number of beds associated with the Nursing Home is proposed to increase from thirty-two (32) to thirty-four (34), as a result of three (3) companion rooms which each contain two (2) beds. The number of staff employed at the Nursing Home is to remain unchanged at thirty-two (32), with a maximum of fifteen (15) staff members on site at any particular time.

The proposed redevelopment of the Nursing Home includes an additional 749 square metres of floor space, which equates to a 75% increase in floor area. Notwithstanding the additional floor area, the number of residents and staff is to remain similar to existing numbers, with the additional floor area to enable more private rooms and to substantially improve the common facilities within the Nursing Home.

A deck and alfresco seating areas are located outside the building within the common landscaped garden, with direct links to the common areas of the Nursing Home. A contemporary 1.8 metre high open black steel front fence is proposed above a white rendered plinth, which varies in height to follow the natural contours of the land, with a maximum height of 500mm adjacent to the intersection of Winchester Street and Second Avenue.

A 4.2 metre high identification sign is proposed to be integrated into the design of the fence, adjacent to the pedestrian entrance to the site.

The proposed landscaping plan includes the retention of most of the mature trees on the land, including the regulated Pine Tree adjacent to Winchester Street. Supplementary landscaping is proposed to augment the existing well landscaped garden and to provide for some additional screening of the two-storey additions adjacent to the rear boundary.

TABLE 1: DEVELOPMENT DATA:

Consideration	Existing	Proposed	Development Plan Merit Assessment Quantitative Guideline
Site Area	2086.5m ²	2086.5m ²	N/A
Allotment Width	45.7m	45.7m	N/A
Allotment Depth	45.7m	45.7m	N/A
External Wall Height*	3.6m	7.0m	N/A
Maximum Overall Height (to roof apex)*	6.9m	7.0m	Two-storey – The Avenues Policy Area PDC 4
Floor Areas	996m ² (footprint) 996m ² (overall)	1048m ² (footprint) 1745m ² (overall)	N/A
Site Coverage	47.7%	50.2%	50% The Avenues Policy Area PDC 6
Communal Open Space	820m ²	870m ²	N/A
Street Set-backs	13.5 metres - (Winchester St) 5.0 metres - (Second Ave) 1.3 metres - (Second Lane)	7.5 metres – (Winchester St) 5.0 metres – (Second Ave) Nil – (Second Lane)	Reflect the pattern in the locality – City Wide PDC's 51 & 54

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Existing	Proposed	Development Plan Merit Assessment Quantitative Guideline
Rear Set-back	1.0m	1.6m – 2.2m	N/A
Car Parking Provision	nil	nil One (1) loading bay	1 space per 3 beds (Table NPSP/8)

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

Plans and details of the proposed development and the Applicant's Statement of Effect are contained in **Attachment B**.

It is noted that the Statement of Effect prepared by the Applicant's Planning Consultant, Mr Greg Vincent of Masterplan, refers to earlier plans that have since been amended. The amendments were relatively minor and, as such, the report is still considered relevant.

Notification

The proposal has been identified and processed as a Category 3 (non-complying) form of development.

Two (2) representations were received (both in favour of the development) in response to this notification, copies of which are contained in **Attachment C**. Whilst the representations supported the proposed development in principle, several matters were raised in the representations for consideration, including:

- the distance that the two-storey addition is located from the rear boundary is unclear;
- there are no specific dimensions indicated on the proposed plans;
- clarification was sought that no windows located above the common fence line with 69 Second Avenue would overlook their property;
- details of the plans for the common boundary fence were requested;
- clarification of the location of air-conditioning units was requested;
- a concern was raised regarding potential for noise and dust during the building phase;
- on-street car parking sometimes encroaches across the driveway at 69 Second Avenue, making it difficult to access the property. Linemarking and parking controls adjacent to the driveway of 69 Second Avenue were suggested by one of the representors to address this matter;
- the realignment of the entrance to the Nursing Home to Winchester Street is supported; and
- the proposal, in general, is supported as it will improve on the current built form.

None of the representors desire to be heard personally by the Development Assessment Panel.

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 Applicant has met with the owners of 69 Second Avenue (the representors that had requested clarification of certain matters) to discuss the details of the proposal and has made some minor amendments to the proposal to alleviate the concerns of the representors;
- clarification was provided regarding the rear setback (which ranges between 1.29 metres and 2.3 metres as the allotment boundary is not square to the building) and the height of the proposed building (7.0 metres to match the ridge line of the original building);
- it was confirmed that no first floor windows would overlook the adjacent property;
- the existing common boundary fence will be maintained at the request of the neighbours, with a 2.1 metre high screen proposed to provide additional privacy between the properties;
- all air-conditioning and plant equipment will be contained within a roof well, to minimise any impacts on adjacent residents;

- all construction will be in accordance with EPA guidelines and the Applicant will be willing to discuss any issues that may arise directly with the neighbours at that time;
- St Basils would support investigations by the Council to address on-street car parking adjacent to driveway crossovers and any traffic management solutions and monitoring that the Council may wish to undertake; and
- whilst none of the representors have expressed a desire to be heard personally by the Development Assessment Panel, the Applicant (or their representative) will be present at the Panel meeting to answer any questions that may arise.

The representors have indicated, by email to the Council, that they are satisfied with the Applicant's response to their concerns and remain unopposed to the development.

State Agency Consultation

The Application was not required to be referred to any State Government Agencies. Should the Panel determine to approve the proposed development, the concurrence of the Development Assessment Commission would be required as the proposed development is a non-complying form of development within the Residential Historic (Conservation) Zone.

Discussion

The subject land is located within the Residential Historic (Conservation) Zone (The Avenues Policy Area) as identified within the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is a non-complying form of development, as the proposed additions to the existing Nursing Home exceed 25% of the existing floor area (the floor area is proposed to increase by 75%).

Following an initial review of the Application and the accompanying Statement of Support, Council staff determined under delegated authority that the proposed development displayed sufficient merit to proceed to a full assessment of the Application, pursuant to Regulation 17(3)(b) of the *Development Regulations 2008*.

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

Land Use

The following Development Plan provisions provide guidance relevant to the question of the suitability of the proposed use of the subject land:

The Avenues Policy Area (PA) Desired Character Statement

The Avenues Policy Area Objectives: 1

The Avenues Policy Area PDC's: 1 & 2

Residential Historic (Conservation) Zone (HCZ) Desired Character Statement

Residential HCZ Objectives: 1, 2, 4, 7 & 8

Residential HCZ PDC's: 4, 7 & 15

City Wide Objectives: 1, 2, 3, 7, 10, 11, 26, 27, 55, 56 & 59

City Wide PDC's: 1, 2, 3, 4, 12, 83, 85, 87, 88, 180, 274, 275 & 276

St Basil's Nursing Home has occupied the subject land since 1987, when it took over the premises from the Avonmore Nursing Home. A search of the Council's records indicates that the subject land has been used as a Nursing Home or 'Private Hospital' since prior to 1960. The subject land therefore has existing use rights as a Nursing Home.

Residential Historic (Conservation) Zone Principle of Development Control 40 lists Nursing Homes as a non-complying form of development within the Residential Historic (Conservation) Zone, "except where the net increase in floor area of a lawful use will be less than 25 percent and will be contained within the existing site".

Whilst the proposed additions are contained within the existing site, the proposed redevelopment of the Nursing Home would increase the floor area from 996m² to 1745m², which equates to a 75% increase in floor area. The proposed alterations and additions to the Nursing Home are therefore a non-complying development within the Zone.

Despite the large increase in floor area, the operation and intensity of the Nursing Home will remain relatively unchanged. The number of beds within the Nursing Home is proposed to increase from thirty-two (32) to thirty-four (34), while the number of staff is proposed to remain at thirty-two (32) with up to fifteen (15) staff working at any particular time. The additional areas are proposed to enable private bedrooms and ensuites for residents and improved common facilities consistent with current day best practice.

Given that the increase in residents within the facility is negligible and there is no change to staffing numbers, amenity impacts such as noise, traffic and car parking demand will not be exacerbated by the proposed development. Effectively, the only tangible impacts of increasing the floor area of the Nursing Home is the resulting built form and its relationship with other development within the locality. This will be discussed in greater detail under the heading *Streetscape/bulk/scale/height/character* below.

Whilst significant additions to a Nursing Home are non-complying in the Residential Historic (Conservation) Zone, non-residential land uses are contemplated within the Zone in certain circumstances.

Residential Historic (Conservation) Zone Principle of Development Control 7 states (in part):

“The following kinds of development are considered appropriate in the Residential Historic (Conservation) Zone:

- (d) the retention, continuation and rehabilitation of old buildings reflecting the traditional character of the area; and*
- (e) non-residential use where there is a historic basis for such a use, for example, old corner shops.”*

In this instance, the Nursing Home has operated for more than fifty (50) years and maintains existing use rights. The proposed development is therefore considered to be consistent with Residential Historic (Conservation) Zone PDC 7, insofar as the development includes the restoration of the character building and the re-use of a building where there is a historic basis for such a use.

It is also necessary to assess the Application against the entirety of the Development Plan, including all City Wide provisions, to gain an understanding of the policy intent as it applies to the Application at hand and ultimately determine whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole and if not, whether the proposal sufficiently accords with the Development Plan to merit consent.

Whilst any inconsistency with the stated objectives of the Zone is an important factor in the assessment, the following comments made by the Supreme Court are relevant:

“the assessment of the planning merits of a development is assessed “by reference to the Plan” and not by a mechanical application of its express provisions. It cannot be expected that the express provisions will speak directly to every conceivable development. A development may merit approval on balance even if it is not expressly supported by a particular provision, whilst another, perhaps more exceptionally, may not warrant approval even if it is not inconsistent with any of the Development Plan’s express provisions.”

(LAKSHMANAN & ANOR v CITY OF NORWOOD PAYNEHAM & ST PETERS & ANOR [2010] SASCFC 15 (30 July 2010))

City Wide Principle of Development Control 274 provides guidance for development which includes Nursing Homes. City Wide PDC 274 states:

“Supported accommodation and housing for seniors (including nursing homes, hostels, retirement homes, retirement villages, residential care facilities and special accommodation houses) and people with disabilities, should only be developed where it is envisaged in the Zone and/or relevant Policy Area and should be:

- (a) located within walking distance of essential facilities such as convenience shops, health and community services and public and community transport;
- (b) located where on-site movement of residents is not unduly restricted by the slope of the land;
- (c) sited and designed to promote interaction with other sections of the community, without compromising privacy;
- (d) of a scale and appearance that reflects the residential nature and character of the locality; and
- (e) provided with public and private open space and landscaping.”

The redevelopment of the Nursing Home will enable residents to remain in-situ (albeit that they would need to be temporarily relocated to enable the redevelopment), which will assist in promoting interaction with other sections of the community, consistent with City Wide PDC 274 (c). The establishment and redevelopment of supported accommodation and housing for seniors within residential areas is also supported by Residential Historic (Conservation) Zone Objective 4, which states:

“Continued residential use in a variety of housing types and at dwelling densities consistent with the historic character for each of the relevant policy areas within the zone.”

Whilst it is broadly acknowledged that Nursing Homes are institutional in nature, they also maintain characteristics of a residential nature. The Applicant’s Statement of Effect cites the Environment Resources and Development (ERD) Court decision in *BRASTED & ANOR v TOWN OF GAWLER & ANOR* [2012] SAERDC 68 (19 December 2012) in this regard.

Regardless of the institutional nature of the Nursing Home, the use displays characteristics of a residential nature and provides for a variety of housing types within the Zone, consistent with Residential Historic (Conservation) Zone Objective 4. Both City Wide PDC 274 and Residential Historic (Conservation) Zone Objective 4 promote the benefits of social inclusion which come from a range of residential developments within an area.

Therefore, despite additions to Nursing Homes which result in an increase in floor area of more than 25% being listed as non-complying in the Residential Historic (Conservation) Zone, the proposed development is considered to be acceptable from a land use perspective. The intensification of the land use is considered to be negligible, given the minimal changes proposed to the operation, and total resident numbers of the facility.

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, 4 & 9

Residential Historic (Conservation) Zone Desired Character Statement

Residential H(C)Z Objectives: 1, 3 & 5
Residential H(C)Z PDC’s: 1, 2, 3, 5, 13-19, 22, 23, 26, 29 & 38

City Wide Objectives: 18, 19 & 20
City Wide PDC’s: 29-37, 39-44, 48 & 185

The proposed two-storey additions to the Nursing Home have a contemporary appearance, with a high solid to void ratio and deep reveals which provide some articulation and break up the massing of the addition. The proposed addition has a low pitch roof which is concealed from view behind parapets. The contemporary building additions are to be finished with render, painted off-white to match the plinth and quoins on the original building. The render on the original character building will be stripped to reveal the original bluestone, with the quoins and plinth repainted in the original colour.

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

The locality is characterised by a mix of single storey and two-storey development. Two-storey development is prevalent immediately adjacent to the subject land, including the adjacent detached dwellings at 69 and 71 Second Avenue, and the residential flat building at 7 Winchester Street. Other two-storey development within the locality includes buildings within the East Adelaide Primary School at 62A Second Avenue and the detached dwelling at 67A Second Avenue.

As such, it is considered that two-storey development is acceptable in this locality, in principle, due to the prevalence of two-storey development in the immediate locality. However, the proposed additions should also complement the original building, which is listed as a Contributory Item within Table NPSP/7 of the Council's Development Plan.

In terms of architectural style, the Application was referred to the Council's Heritage Advisor, David Brown. A summary of Mr Brown's comments is set out below:

- *the proposed restoration of the original character building, including the exposure of the original bluestone and repainting of quoins, plinth and verandah elements is supported;*
- *the proposed front fence will have a very positive impact on the streetscape;*
- *the locality is mixed in character with very little of the original character remaining;*
- *the proposed two-storey additions draws inspiration from early institutional buildings within St Peters, including churches, halls, school buildings, hospitals and an army barracks building;*
- *the bold design is well articulated and forms an elegant minimal composition behind the restored building;*
- *the planar, clean design does not compete with the original character building and the colour scheme takes its cue from the quoin colour of the original building;*
- *most of the relevant provisions of the Residential Historic (Conservation) Zone relate to residential development, although the general principles still apply;*
- *there is a visible separation between the old building and the new addition in the form of a link;*
- *the style of the addition is recognisable as new and does not attempt to compete with or copy the style of the original building;*
- *the various openings in the facade are vertical in orientation, leaving a good proportion of solid to void;*
- *the proposed development represents a significant improvement to the Winchester Street and Second Avenue streetscapes; and*
- *on balance, given the quality of the design and the location of the subject land, within a locality that is mostly devoid of character buildings, the proposed redevelopment of the site is considered appropriate in terms of its impact on the streetscape and the heritage value of the Contributory Item.*

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

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 Applicant has provided an analysis of the site and other development within the locality within their Design Response contained in Attachments B6 to B8. Having regard to the advice of the Heritage Advisor, the detailing, siting characteristics, materials and proportions of the proposed building are such that the design will be of a high quality and will improve the overall visual amenity within Winchester Street and Second Avenue, in accordance with the Desired Character Statement for The Avenues Policy Area.

The Applicant has prepared streetscape diagrams (Attachment B19) and three-dimensional perspectives (Attachments B9 to B11) of the proposed building, which provides a good illustration of the bulk and scale of the building and the relationship with adjacent dwellings.

The proposed building additions will provide a contrast to the original character building on the subject land and the adjacent dwellings within both the Winchester Street and Second Avenue streetscapes. The contemporary form takes some cues from original institutional buildings within the locality, without replicating the historic building stock. In terms of the flat roof appearance, the institutional nature of the building is such that the proposed form will not compete with the traditional pitched roofs which characterise residential development within the locality (in much the same way that the contemporary school buildings do not compete with other residential development in the locality).

As such, the proposed bulk, scale and architectural style are considered to be acceptable, given the context of the locality.

A contemporary 1.8 metre high open black steel front fence is proposed above an off-white rendered plinth to match the building, which varies in height to follow the natural contours of the land, with a maximum height of 500mm adjacent to the intersection of Winchester Street and Second Avenue. The maximum height of the combined plinth and fence (2.3 metres) is considered to be acceptable, given the open nature of the fence design and the scale of the building which it relates to.

A 4.2 metre high identification sign is proposed to be integrated into the design of the fence, adjacent to the pedestrian entrance to the site.

Residential Historic (Conservation) Zone Principle of Development Control 38 states:

“Advertisements are not appropriate in the Residential Historic (Conservation) Zone other than for business identification purposes of non-residential uses, and should only be located on shop fronts, parapets and wall panels, below the canopy or verandah, fascias, verandah blinds, infill end panels and windows, whichever is complementary to the architecture and scale of the place. All other advertisements including those at canopy level, above canopy and roof level and advertisements on residential buildings are inappropriate.”

The proposed sign is for business identification purposes and provides a way-finding purpose, being located adjacent to the main entrance to the building. Whilst the proposed sign is not located on one (1) of the areas specified by Residential Historic (Conservation) Zone PDC 38, the sign is well integrated into the fence design, is of a high quality and a scale that is commensurate to the building, and will not unreasonably compromise the residential character or amenity within the locality. The proposed sign is therefore considered to be acceptable.

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 & 9
RH(C)Z PDC's:	11 & 12
City Wide PDC's:	51, 52, 54, 214, 215 & 217

The Nursing Home and the original character building have a primary street frontage and address to Winchester Street, despite the current pedestrian entrance being from Second Avenue. The proposed alterations have been designed to strengthen Winchester Street as the primary frontage by relocating the main entrance to the facility from Winchester Street.

The original character building on the subject land is set back 16.2 metres from the Winchester Street property boundary, while the existing portion of the building which is proposed to be demolished extends to 14.8 metres from the Winchester Street property boundary.

Building setbacks are varied within the locality, with the adjacent two-storey residential flat building at 7 Winchester Street set back 6.7 metres from the Winchester Street property boundary, while the adjacent single storey residential flat building at 64A Second Avenue is set back 5.5 metres from the Winchester Street property boundary.

Residential Historic (Conservation) Zone Principle of Development Control 11 states:

“Where a consistent building set-back is not evident in a particular locality, development should incorporate front and side setbacks that complement the predominant pattern established by the surrounding heritage places and contributory items, but in any case should not project forward of an adjacent heritage place or contributory item.”

Neither of the adjacent buildings are listed as Local Heritage Places or Contributory Items within the Development Plan.

While the front setback of the original character building is to be maintained, the contemporary two-storey additions are proposed to protrude approximately nine (9) metres forward of the original building alignment, such that the additions are set back 7.2 metres from the Winchester Street property boundary.

Despite the protrusion of the southern ‘wing’ of the proposed two-storey additions toward Winchester Street, the front setback is to remain greater than that of the two (2) adjacent residential flat buildings at 7 Winchester Street and 64A Second Avenue. The Council’s Heritage Advisor has advised that there is adequate separation between the original character building and the two-storey additions in the form of a void and glass entry, to ensure that the proposed additions will not have any adverse impact on the context of the original building.

As such, the proposed front setback is considered to be consistent with Residential Historic (Conservation) Zone Principle of Development Control 11 and therefore acceptable.

In terms of side setbacks, the two-storey additions are proposed to be set back 5.0 metres from the Second Avenue, which is consistent with the existing building footprint. The adjacent two-storey detached dwelling at 69 Second Avenue is set back 8.0 metres from the Second Avenue property boundary. The proposed 5.0 metre secondary street boundary setback is considered to be generous and will provide a good transition to the adjacent two-storey detached dwelling.

The two-storey additions are proposed to abut the Second Lane property boundary on the south-eastern side of the allotment. Second Lane is 4.2 metres wide and a bank of carports which service the eighteen (18) units within the two-storey residential flat building at 7 Winchester Street are located opposite the boundary development.

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.”*

Boundary walls are not envisaged within the Zone or Policy Area and therefore the proposed boundary walls are not in accordance with City Wide PDC 217.

The intent of City Wide PDC 217 is to limit the impact of development on adjacent property occupiers and to provide spacious siting characteristics when viewed from the street. The Principle is typically more relevant to common boundaries with adjacent private land, rather than laneways. In this instance, the proposed two-storey boundary wall will not have an unreasonable impact on the occupiers of the residential flat building at 7 Winchester Street, due to the separation provided by Second Lane and the location of the adjacent

common car parking area. Second Lane provides a generous separation between the subject building and the adjacent two-storey residential flat building to ensure that the siting characteristics are reasonably maintained.

Given the context of the subject land and adjacent development, with Second Lane and carports providing reasonable separation from adjacent built form, the extent of boundary development is not considered to be fatal to the overall merit of the proposed development.

The rear setback of the proposed two-storey additions ranges between 1.6 metres to 2.2 metres from the north-eastern property boundary, as a result of the rear allotment boundary not being square to the original building. The rear boundary of the subject land forms the side boundary of the adjacent detached dwelling at 69 Second Avenue.

The owners of 69 Second Avenue submitted a representation during the public notification period which supported the proposed development in principle, but requested additional information regarding the common fence, the height of the building adjacent to their common boundary, the proposed setback of the building and privacy measures. The Applicant has since met with the owners of 69 Second Avenue to provide clarification of these matters. The owners of 69 Second Avenue have informed the Council by email that their support for the proposal is now unqualified.

The rear setback of the proposed two-storey additions is greater than that of the existing single storey building which currently occupies the land, which is set back 1.0 metre from the rear boundary. As previously mentioned, the rear allotment boundary of the subject land is the side boundary of the adjacent dwelling at 69 Second Avenue. In effect, the rear setback is akin to a side setback, when viewed from Second Avenue. In this context, a first floor side setback that ranges between 1.6 metres and 2.2 metres from the common boundary is not uncommon within a residential area, particularly when the building is located south of the common boundary and will not cause any overshadowing.

As such, the proposed rear setback will not have any adverse impact on the Second Avenue streetscape and will provide for adequate separation when viewed from the public realm.

In terms of visual outlook, the proposed two-storey wall is 7.0 metres high and extends across the entire southern side boundary of the rear yard at 69 Second Avenue. The wall is articulated with deep reveals that assist in breaking up the mass of the building when viewed from adjacent land. The Applicant has also proposed to plant Upright Silver Birch trees between the building and the common boundary to soften the appearance of the building when viewed from the adjacent land. In addition, the Applicant has agreed to retain the existing common boundary fence with the addition of a 2.1 metre high screen to maintain privacy.

All of the above measures help to reduce the impact of the proposed building on the visual outlook from the adjacent dwelling's private open space, such that the resulting built form and rear setback will not have an unreasonable impact on the visual amenity from the adjacent property.

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 will result in an overall site coverage of 50.2%, which is reasonably consistent with this Principle and other development within the locality.

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

Overshadowing/overlooking

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

City Wide PDC's: 11, 32, 37, 86, 200, 201, 253 & 254

The Applicant has provided shadow diagrams that illustrate the level of overshadowing at 9.00am, 12.00pm and 3.00pm on 21 June (the winter solstice). A copy of the shadow diagrams is contained in **Attachment B20**.

The shadow diagrams illustrate that overshadowing will be limited to the front yard and the roof of the original character dwelling during the morning, and Second Lane and the common car parking area and carports at 7 Winchester Street throughout the afternoon.

City Wide Principle of Development Control 86 states:

“Non-residential development adjacent to a residential zone or within a residential zone should be located, designed and sited to minimise overlooking and overshadowing of nearby residential properties.”

Overshadowing resulting from the proposed development will not directly impact on any adjacent dwellings or their private open space, consistent with City Wide Principle of Development Control 86. Furthermore, the proposed two-storey additions will not exacerbate overshadowing of the common open space area on the subject land.

In terms of overlooking, the proposed two-storey additions have been designed to enable clear and operable windows, as is required to provide natural ventilation and amenity to the bedrooms in accordance with the Building Code of Australia (BCA) for Aged Care Buildings, without compromising the privacy of adjacent property occupiers.

The first floor windows are designed to look into the deep reveals, rather than toward adjacent land, with blade walls installed along the north-eastern (rear) elevation to provide privacy. Details of the overlooking measures are contained in **Attachment B7**.

The proposed development is therefore considered to minimise overlooking of adjacent residential properties, in accordance with City Wide Principle of Development Control 86.

Communal open space

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

City Wide PDC's:	251, 275 & 276.
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The Nursing Home is proposing to maintain and supplement its generous and well maintained common garden area. The proposed alterations and additions will provide for better connections to the communal open space area and will provide opportunities for passive surveillance of the communal open space area from the common areas within the Nursing Home.

The proposed area of communal open space equates to 41.7% of the overall site area. Whilst there is no quantitative provision for communal open space within the Development Plan, the provision of communal 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, 122, 123, 265, 266 & 278.

Table NPSP/8

The Nursing Homes currently does not have any on-site car parking and relies entirely on the street network for car parking and delivery vehicles. The proposed development will also not provide any on-site car parking facilities, although a delivery/service area is proposed to be included with access directly from Second Lane.

Table NPSP/8 prescribes that supported accommodation and housing for seniors should be provided with one (1) car parking space per three (3) beds in any nursing home/rest home/hostel component.

If assessed *de novo*, the proposed development would create a theoretical demand for eleven (11) on-site car parking spaces. However, Principle of Development Control 124 states:

“Development in the nature of additions to existing non-residential premises should provide onsite car parking in accordance with the principles of development control to serve new floor area while maintaining existing car parking numbers for the existing floor area.”

The car parking rate specified for Nursing Homes in Table NPSP/8 is based on the number of beds rather than floor area. If the same principle is applied to determine the additional car parking demand associated with the additional bed numbers, the existing number of beds (32) creates a theoretical demand for 10.66 on-site car parking spaces, while the proposed number of beds (34) creates a theoretical demand for 11.33 on-site car parking spaces, resulting in an increased theoretical demand (and therefore shortfall) of 1 space (rounded up).

The subject land has significant street frontages to both Winchester Street and Second Avenue (each 45.7 metres). Twelve (12) vehicles can comfortably be parked directly adjacent to the subject land while maintaining adequate clearance from the intersection of Winchester Street and Second Avenue and the associated pram ramps. As a result, the entire theoretical demand for car parking associated with the Nursing Home can be accommodated adjacent to the site, without reducing the level of on-street car parking available for visitors of the adjacent dwellings and East Adelaide Primary School. If the Panel determines to approve the Application, it is recommended that a condition be imposed to reinstate an existing crossover, which is located within Second Avenue, to upright kerb.

The increase in car parking demand associated with two (2) additional beds is considered to be negligible and can be accommodated within the immediate street network, such that the absence of on-site car parking is not considered to be fatal to the overall merit of the proposal.

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 & 171.

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

The finished floor level of the proposed additions matches the floor level of the original character building and ranges between 410mm and 830mm above the adjacent top of kerb levels, such that all stormwater will be able to drain by gravity to the street water table.

Whilst the proposed floor level is significantly higher than the top of kerb level in Second Avenue, the natural ground level of the subject land is approximately 500mm higher than the top of kerb in this location, such that the finished floor level is only 330mm above natural ground level at its highest point. The existing rear fence is proposed to be retained with the addition of a privacy screen as agreed with the immediate neighbours.

The proposed finished floor level of the additions will provide a good fit in the context of the streetscape.

The Applicant has provided a Hydrological Analysis, prepared by Structural Systems Consulting Engineers, which calculates the amount of on-site stormwater detention required to contain a 1 in 5 year Average Rainfall Interval (ARI) event. The report concludes that a detention tank with a minimum capacity of 3500 litres would be required to capture 100% of the roof runoff, with overflow directed to the street water table.

Structural Systems Consulting Engineers have provided a stormwater disposal plan which includes a 4500 litre rainwater tank, with 3500 litres of detention and a 1000 litre reusable storage cell which is to be plumbed to toilets within the facility.

A copy of the stormwater disposal plan and the Structural Systems Consulting Engineers report is contained in **Attachment F**.

The stormwater disposal plan and the Structural Systems Consulting Engineers report have been reviewed and endorsed by the Council's Project Manager – Civil.

Given the natural ground level of the subject land and adjacent land, no retaining walls will be required. The land does fall toward the south-western corner of the subject land, such that a plinth is required beneath the proposed front fence, with a maximum height of 500mm.

The proposed finished floor levels and stormwater disposal are considered to be acceptable.

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's:	36 & 37.
City Wide Objectives:	24, 117 & 119.
City Wide PDC's:	76-81, 240 & 422.

A regulated Pine tree is located within the existing landscaped garden adjacent to Winchester Street, which is proposed to be retained with the proposed development. Several other mature, non-regulated, trees are also proposed to be retained and are incorporated into the proposed landscaping plan.

The proposed landscaping plan includes the maintenance of a substantial portion of the existing garden, with supplementary planting of a range of shrubs, grasses and other ground covers. Several medium sized trees are proposed to be planted between the proposed two-storey additions, Second Avenue and the adjacent land at 69 Second Avenue. These trees include Upright Silver Birch and Chinese Elm species.

Low level plantings are proposed adjacent to the intersection of Winchester Street and Second Lane, to ensure that vehicle site lines are not adversely affected. Several new paths and paved areas and two (2) water features are also proposed to be constructed which will provide additional usability and amenity to the garden.

A copy of the landscaping plan, prepared by JPE Design Studio, is contained in **Attachment B17**.

Overall, the provision of landscaping within the substantial communal garden areas is considered to be a positive aspect of the proposed development. The proposed replacement of the existing brush front fence with an open style steel fence will enhance the open garden setting of the building when viewed from the street.

No street trees or mature trees on adjacent land would be affected by the proposed development.

Environmental Sustainability

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

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

The proposed two-storey additions to the Nursing Home have a high solid to void ratio and all north and west facing windows are contained within deep reveals which will assist in reducing the heat load on the building during summer months. The design of the building also ensures that there are no restrictions on window openings, such that there will be ample natural ventilation to the building.

The Applicant has proposed a 4500 litre rainwater/detention tank at the rear of the building to collect stormwater from the roofed areas. The proposed rainwater/detention tank is proposed to be plumbed back to the building for re-use within the toilets, in accordance with City Wide Principle of Development Control 161, and will act as a detention tank in high rainfall events.

All plant and equipment, including air conditioning units, will be contained within a roof well, such that they will be screened from view and to ensure appropriate noise attenuation for adjacent residents.

City Wide Principle of Development Control 73 states:

“Development should facilitate the efficient use of solar collectors, such as solar hot water systems and photovoltaic cells by:

- (a) taking into account overshadowing from neighbouring buildings and trees; and*
- (b) designing roof orientation and pitch to maximise exposure to direct sunlight.”*

The flat roof form of the proposed additions is such that there is ample space on the roof of the building for solar collection panels, should the Management of the Nursing Home seek to pursue renewable energy in the future, consistent with City Wide Principle of Development Control 73.

Summary

Whilst additions to Nursing Homes, which result in an increase of floor area greater than 25% are listed as non-complying within the Residential Historic (Conservation) Zone, the proposed development is considered to have sufficient merit to warrant approval.

The subject land is currently used as a Nursing Home and the increase in floor area is proposed to enable private rooms with individual ensuite bathrooms and improved common facilities. The number of beds within the Nursing Home will only increase by two (2) and there will be no increase in staff numbers. As such, the impacts associated with the proposed development are primarily contained to the proposed built form.

In this respect, the proposed two-storey additions are architecturally designed with significant thought given to the original character building, which is proposed to be restored, and the context of the locality. The contemporary flat roof design is considered to be acceptable in this instance as it provides a contrast from the original character building and, given the institutional nature of the building, will not compete with the traditional residential development within the locality.

The two-storey bulk and scale has been broken up with deep reveals to assist with modulating the building to a residential scale. The adjacent residential flat building at 7 Winchester Street and the detached dwelling at 69 Second Avenue are both two-storey, as are other buildings within the locality. As such, two-storey development is considered to be acceptable within this part of the Residential Historic (Conservation) Zone.

The proposed site coverage and general setbacks of the proposed additions are considered to be acceptable. The boundary development abutting Second Lane is considered to be acceptable, due to the separation provided by Second Lane and the location of a bank of carports and common parking areas associated with the adjacent two-storey residential flat building.

The garden setting of the building and the proposed front fencing is considered to be a positive aspect of the proposed development, with the existing established garden to be supplemented with additional plantings which will be visible from the public realm, adding to the garden setting of buildings within the locality.

The lack of on-site car parking is a negative aspect of the proposed development. However, up to twelve (12) vehicles can be parked on-street adjacent to the subject land, without impacting on on-street visitor parking for adjacent residential development. Given that the existing Nursing Home does not have any on-site car parking and the proposed development only increases the bed numbers by two (2), this shortcoming of the proposed is not considered to be fatal to the overall merit of the proposed development.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan, despite being non-complying within the Zone, 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 155/0071/15 by the Greek Orthodox Archdiocese of Australia, for two-storey alterations and additions to an existing Nursing Home with associated fencing, signage and landscaping (non-complying), on the land located at 9 Winchester Street, St Peters, subject to the concurrence of the Development Assessment Commission and the following requirements, conditions and notes:

Relevant Plans and Details

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:

- the plans and details prepared by JBE Design Studio Pty Ltd, Job No. 00814, Revision A, received by the Council on 28 April 2015;
- the Statement of Effect prepared by Masterplan, received by the Council on 20 March 2015; and
- the Stormwater Management Plan and Hydrological Analysis prepared by Structural Systems Pty Ltd, Job No. DT 150423, received by the Council on 1 May 2015.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with the Stormwater Management Plan herein approved, prepared by Structural Systems Pty Ltd, 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. In all instances, the overflow from the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
2. The obsolete driveway crossover on Second Avenue shall be reinstated to upright kerb and gutter, to the reasonable satisfaction of the Council or its delegate. Any associated works shall be at the Applicant's cost.
3. All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
4. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
5. All external lighting of the site, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
6. The landscaping shall be established in accordance with the Landscape Plan, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
7. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
6. The Council has not surveyed the 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 Greg Vincent and Kirsten Bruneder addressed the Panel from 7:32pm until 7:58pm.

Mr Donaldson 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 155/0071/15 by the Greek Orthodox Archdiocese of Australia, for two-storey alterations and additions to an existing Nursing Home with associated fencing and landscaping (non-complying), on the land located at 9 Winchester Street, St Peters, subject to the concurrence of the Development Assessment Commission and the following requirements, conditions and notes:*

Relevant Plans and Details

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:

- *the plans and details prepared by JPE Design Studio Pty Ltd, Job No. 00814, Revision A, received by the Council on 28 April 2015;*
- *the Statement of Effect prepared by Masterplan, received by the Council on 20 March 2015; and*
- *the Stormwater Management Plan and Hydrological Analysis prepared by Structural Systems Pty Ltd, Job No. DT 150423, received by the Council on 1 May 2015.*

Conditions

1. *That the colour of the external render of the additions shall be to the reasonable satisfaction of the Council or its delegate.*
2. *All stormwater from buildings and paved areas shall be disposed of in accordance with the Stormwater Management Plan herein approved, prepared by Structural Systems Pty Ltd, 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. In all instances, the overflow from the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.*
3. *The obsolete driveway crossover on Second Avenue shall be reinstated to upright kerb and gutter, to the reasonable satisfaction of the Council or its delegate. Any associated works shall be at the Applicant's cost.*
4. *All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.*
5. *All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.*
6. *All external lighting of the site, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.*
7. *The landscaping shall be established in accordance with the Landscape Plan, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
8. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*

Notes to Applicant

1. *The Panel notes that the vertical sign adjacent to Winchester Street does not form part of this Application in accordance with advice from the Applicant.*
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 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 Ms Newman and the motion was lost.

Mr Smith moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application No 155/0071/15 by the Greek Orthodox Archdiocese of Australia, for two-storey alterations and additions to an existing Nursing Home with associated fencing and landscaping (non-complying), on the land located at 9 Winchester Street, St Peters, is deemed to insufficiently accord with the Development Plan such that it does not warrant consent in its current form and as such, consideration of the Application is **deferred**, to enable the Applicant to consider amending their proposal to overcome the following concern:*

To consider amended plans dealing with:

1. *The colours of the walls;*
2. *Rainwater retention and reuse;*
3. *Bulk and style of the walls to the roof garden;*
4. *Signage; and*
5. *A dedicated access for emergency service vehicles/access cabs*

Seconded by Ms Bowden and carried.

4. STAFF REPORTS

4.2 DEVELOPMENT APPLICATION 155/116/2015 – DOMENIC CONDINA – 35 ARTHUR STREET, PAYNEHAM

DEVELOPMENT APPLICATION:	155/116/2015
APPLICANT:	Domenic Condina
SUBJECT SITE:	35 Arthur Street, Payneham (Certificate of Title Volume:5717 Folio:917)
DESCRIPTION OF DEVELOPMENT:	Demolition of an existing dwelling and construction of a pair of single storey semi-detached dwellings with associated landscaping
ZONE:	Residential 3 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 demolition of a detached dwelling and construction of a pair of single storey semi-detached dwellings with associated fencing and landscaping.

Staff do not have delegated authority to determine the Application, as it comprises the construction of two dwellings on an allotment which do not meet the criteria set out in Tables 1 to 5 of the Panel's Terms of Reference. In particular, the allotments have less than 9 metre frontage widths and the dwellings are not set back at least one metre from one side boundary. As such, the Application is referred to the Panel for determination.

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

Subject Land Attributes

Shape:	regular
Frontage width:	17.07 metres
Depth:	51.43 metres
Area:	877.9m ²
Topography:	slightly sloping
Existing Structures:	dwelling, outbuildings
Existing Vegetation:	regulated trees (already approved to be removed) and mature vegetation

The subject land contains a single storey detached dwelling and mature vegetation including two regulated River Red Gums. Development Approval to remove the two regulated trees has been granted as part of a separate Application. The land slopes 640mm from the north-eastern to south western boundary.

Locality Attributes

Land uses: entirely residential (Payneham Cemetery south of Marian Road)
 Building heights (storeys): predominantly single storey
 Streetscape amenity: moderate due to mixture of building stock

The locality is predominately characterised by single storey detached dwellings with some examples of semi-detached dwellings, residential flat buildings and row dwellings.

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

Proposal in Detail

The Applicant seeks consent to demolish a detached dwelling and construct a pair of single storey semi-detached dwellings.

Each dwelling contains three (3) bedrooms (the master contains an ensuite and walk-in-robe), combined family/meals/kitchen, separate lounge, study, bathroom, laundry and single garage. The dwellings are proposed with a rendered finish and colorbond roof.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
Site Area	454.13 ²	423.27m ²	N/A
Allotment Width	8.83m	8.23m	N/A
Allotment Depth	51.43m	51.43m	N/A
External Wall Height*	2.9m (excluding the parapet)	2.9m (excluding the parapet)	N/A
Maximum Overall Height (to roof apex)*	5.4m	5.4m	N/A
Floor Area (total)	226m ²	220m ²	N/A
Floor Area (footprint excluding alfresco)	204m ²	199m ²	N/A
Site Coverage	49.7%	51.9%	N/A
Private Open Space	119m ² 26% of site area 80% uncovered	115.8m ² 27% of site area 80% uncovered	20% of the site area and 50% open to the sky (City Wide PDC 244(a) & PDC 248)
Street Set-back	8.4m	8.0 m	Not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres. (City Wide PDC 213(b))
Side Set-back	600mm	nil	At least 1 metre on one side (City Wide PDC 215)
Rear Set-back	10.4m	10.8m	N/A
Car Parking Provision	1 undercover & 1 visitor	1 undercover & 1 visitor	2 (1 covered) on-site parking spaces – Table NPSP/8.

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

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

Notification

The proposal has been identified and processed as a Category 1 form of development. As such, 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 Residential 3 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 3 Zone Objectives:	1
Residential 3 Principles of Development Control:	1
City Wide Objectives:	1, 7, 55, 56, 57 & 58.
City Wide Principles of Development Control:	1-4, 6 & 189.

The Residential 3 Zone anticipates the construction of detached dwellings, multiple dwellings and residential flat buildings at densities ranging from low to medium. The locality contains predominantly detached dwellings at relatively low densities although there are several examples of residential flat buildings, group dwellings and semi-detached dwellings at higher densities.

Although not specifically stated in the Objective for the Residential 3 Zone as an anticipated dwelling type, semi-detached dwellings are a complying form of development within the Zone, subject to conditions. The proposed semi-detached dwellings do not accord with all of the complying criteria (particularly site frontages, site coverage and setbacks) and are therefore required to be assessed on merit. However, the inclusion of semi-detached dwellings as a complying form of development indicates that they are a suitable dwelling type within the zone.

The proposed semi-detached dwellings are considered a suitable dwelling type within the context of the locality, particularly given that the dwellings to the north at 33 and 33A Arthur Street are semi-detached with very similar allotment sizes and frontage widths.

As such, the proposal is considered suitable from both land use and density perspectives in a locality which contains a variety of dwelling types and densities.

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: 8, 18, 19 & 20.

City Wide Principles of Development Control: 29, 30, 31, 33, 35, 37, 42, 48, 195, 196, 227, 228 & 234.

The Residential 3 Zone provisions do not include any specific merit assessment guidelines on the height or scale of new buildings. Arthur Street contains predominately single storey dwellings with some examples of two-storey development in the wider locality. The proposed dwellings are single storey with 2.7 metre floor to ceiling heights, which results in a scale which will complement existing buildings in the locality. The proposed dwelling designs were amended during the assessment process to incorporate a common roof form of the dwellings, consistent with City Wide Principle of Development Control 195.

Notwithstanding that most dwellings within the locality have traditional hipped or gabled roof forms, the proposed 25° colorbond roof form with parapeted porticos and garages is not considered to result in an unreasonable 'fit' within the streetscape. The proposed dwellings are therefore considered to be consistent with City Wide Objective 18 and Principles of Development Control 29 and 31.

The proposed dwellings each include a single width garage set behind the main face of the building and the garages are not side by side, consistent with City Wide Principle of Development Control 227, 228 and 234.

Setbacks and Site Coverage

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

City Wide Principles of Development Control: 51, 52, 212, 213, 214, 215, 216, 217 & 221.

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

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

(b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres;"

The dwelling at 33A Arthur Street is set back 8 metres at the closest point to the street and the dwelling at 37 Arthur Street has a front setback of 11.6 metres. In order to be consistent with the above provision, the proposed dwellings would need to be set back at least 9.8 metres. The proposed front setback of 8 metres for Dwelling 2 and 8.4 metres for Dwelling 1 is considered acceptable given the front setback of 37 Arthur Street is an anomaly in the street and the proposed setbacks are relatively consistent with the pattern of setbacks within the locality more generally.

City Wide Principle of Development Control 215 states:

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

The locality contains numerous examples of boundary development, particularly for carports and garages although typically on one side of the dwelling only. Some exceptions are the semi-detached dwellings at 33 and 33A Arthur Street which have been constructed to both side boundaries and the row dwellings at 39-41 Arthur Street.

Dwelling 1 is proposed to have a side setback of 600mm and Dwelling 2 is proposed with the garage on the boundary. The proposal is therefore inconsistent with Principle of Development Control 215. The dwellings were originally proposed to be boundary-to-boundary however the design was amended during the assessment process to incorporate the 600mm side setback for Dwelling 1 and the front setback of the garages was increased such that they are now 2.8 metres and 2.5 metres behind the main face of the building to provide some appearance of space around the dwellings. As both proposed garages have rear access doors, the design will allow for access to the rear yards for bins, landscaping needs and the like. In the context of the locality and with the amendments made to the design, the proposal is considered to provide an acceptable design outcome.

The side setbacks are considered to result in an acceptable visual impact on adjacent property occupants given the proposed wall heights.

The dwellings are proposed with rear setbacks of 10.4 metres and 10.87 metres, which, while less than the adjacent dwellings, are considered to be adequate to avoid a negative impact on the visual outlook of the adjacent occupants. The rear setback also provides sufficient private open space as discussed in more detail below.

The development will result in approximately 50% site coverage, including alfrescos, which will maintain sufficient soft landscaping area, space around the dwellings and opportunities for future outbuildings.

Overshadowing/overlooking

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.

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

Private open space

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

City Wide Principles of Development Control: 241, 242, 243, 244, 246 & 248.

City Wide Principle of Development Control 244(a) states that for dwellings with a site area of greater than 250m², 20% of the site area should be private open space. Dwelling 1 is proposed with 119m² (26% of its site area) and Dwelling 2 is proposed with 115m² (27% of its site area) of private open space. The private open space areas comprise of a rear yard and alfresco and each has good links to the main living area and access to northern light. Each dwelling also contains a small courtyard with access from the hallway and garage which will provide a convenient space for clothes drying and/or bin storage removing the need for these activities to occur in the main rear yard.

Carparking/access/manoeuvring

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

City Wide Objective:	34
City Wide Principles of Development Control:	123, 126, 127 & 229.

Table NPSP/8 states that the proposed dwellings should each be provided with two (2) on-site car parking spaces, of which at least one should be covered. Each proposed dwelling will accommodate one (1) car parking space in the garage with room for a visitor park in the driveway consistent with Table NPSP/8. The garages have internal widths consistent with Principle of Development Control 229 and the relevant Australian Standard, both of which state single car garages should have an internal width of three (3) metres.

The development relies on the construction of a new crossover on the northern side of the allotment for Dwelling 1 which will be adequately separated from the existing street tree. The existing driveway will be maintained for Dwelling 2. Vehicle access is considered to be safe and convenient for both dwellings.

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 & 51.
City Wide PDC's: 7, 10, 59-61, 82, 150, 162, 165 & 171.

The subject land is not within a recognised flood plain.

The subject land slopes approximately 500mm from the rear to the front. The proposed finished floor levels will range up to 220mm above relative natural ground level and approximately 450mm above adjacent top of kerb. The proposed levels will require minimal-no retaining and will allow for a gravity fed stormwater system.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24, 117 & 119.
City Wide PDC's: 76, 239, 240, 422 & 426.

The subject land contains two (2) regulated River Red Gums. Development Approval was granted in November 2014 for the removal of the trees and while the trees have not yet been removed, the Applicant intends to remove the trees to accommodate the proposed development. The subject land also contains other mature vegetation which will also be removed to accommodate the development.

The Applicant has proposed landscaping areas in the front of each dwelling. The landscaping will consist of grass cover, small shrubs, and small trees and is considered adequate to 'soften' the appearance of the dwellings and hard paved areas. The rear yard is of adequate dimensions with sufficient area open to the sky to accommodate additional soft landscaping, trees etc.

Environmental Sustainability

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

City Wide Objectives: 23 & 42.
City Wide Principles of Development Control: 70, 71, 72, 149, 150 & 161.

Both of the proposed dwellings will have some internal access to northern light however light to Dwelling 2 will be limited by the close proximity of Dwelling 1. Both rear yard areas will have access to northern light.

City Wide Principle of Development Control 161 states that each dwelling should be provided with 2,000 litre rainwater tanks. Given that the proposed development includes large areas of impervious surfaces, it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that at a rainwater tank with a minimum capacity of 2,000 litres be installed for each dwelling, in accordance with City Wide Principle of Development Control 161.

Summary

The proposed development of two (2) single storey semi-detached dwellings is considered to be appropriate from a land use and density perspective within the Residential 3 Zone and in the context of the locality. The built form, when viewed from the street, generally complements the surrounding dwellings in terms of bulk and scale and is not considered to detrimentally compromise the streetscape.

Dwelling 1 has been designed with a 600mm side setback and Dwelling 2 has been designed to be built to both boundaries which is inconsistent with Principle of Development Control 215 and therefore a negative aspect of the proposal. However, the impact is mitigated by the increased setback of the garages from the front of the dwellings and that access is maintained to the rear yard.

The proposed dwellings are of a scale and siting that is not considered to result in an unreasonable visual impact on adjacent property occupants. Each dwelling has more than the anticipated amount of private open space with good access to natural light to the rear yards. Internally the dwellings will also have access to natural light however this will be somewhat compromised for Dwelling 2.

Each dwelling is provided with sufficient on-site car parks, access is considered to be safe and convenient and sufficient clearance will be provided to the existing street tree.

Accordingly, 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 155/116/2015 by Domenic Condina to demolish an existing dwelling and construct a pair of single storey semi-detached dwellings with associated landscaping on the land located at 35 Arthur Street, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site Plan, Floor Plan and Elevations prepared by New Dimension Design and Drafting, Drawing No's 2015-307-01A to 2015-307-04A, received by the Council 4 May 2015;
- Schedule of Colours and Materials received by the Council 6 March 2015
- Demolition proposal prepared by Domenic Condina, received by the Council 24 February 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 street kerb and water table or a Council underground pipe drainage system
2. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each dwelling. Water shall be plumbed to each dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
3. Areas not shown as paving on the approved plans shall be planted with a suitable mix and density of shrubs and groundcovers as indicated in the landscaping schedule prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.

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.

4. A clearance of at least 2.6 metres (measured from the mid-point of the tree trunk) shall be maintained between the existing street tree and any proposed crossovers.

Notes to Applicant

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

2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

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

3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.

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

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

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

Mr Smith 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 155/116/2015 by Domenic Condina to demolish an existing dwelling and construct a pair of single storey semi-detached dwellings with associated landscaping on the land located at 35 Arthur Street, Payneham subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *Site Plan, Floor Plan and Elevations prepared by New Dimension Design and Drafting, Drawing No's 2015-307-01A to 2015-307-04A, received by the Council 4 May 2015;*
- *Schedule of Colours and Materials received by the Council 6 March 2015*
- *Demolition proposal prepared by Domenic Condina, received by the Council 24 February 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 street kerb and water table or a Council underground pipe drainage system*
2. *A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres) shall be installed for each dwelling. Water shall be plumbed to each dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
3. *Areas not shown as paving on the approved plans shall be planted with a suitable mix and density of shrubs and groundcovers as indicated in the landscaping schedule prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*

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.

4. *A clearance of at least 2.6 metres (measured from the mid-point of the tree trunk) shall be maintained between the existing street tree and any proposed crossovers.*
5. *The front entry shall have a portion of transparent material to enable passive surveillance to the street and access to natural light.*

Notes to Applicant

1. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.*
2. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.*
The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*
4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.*

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

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

Seconded by Mr Dottore and carried.

4. STAFF REPORTS

4.3 DEVELOPMENT APPLICATION 155/D082/2014 – MR K ZHU – 113 MARIAN ROAD, FIRLE

DEVELOPMENT APPLICATION:	155/D082/2014
APPLICANT:	Mr K Zhu
SUBJECT SITE:	113 Marian Road, Firle (Certificate of Title Volume: 5286 Folio: 337)
DESCRIPTION OF DEVELOPMENT:	Torrens Title Land Division (Creating one additional allotment)
ZONE:	Residential 2A 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 a Torrens Title land division involving the creation of one additional allotment.

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new allotment in a battle-axe configuration.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	18.29metres
Depth:	40.23 metres
Area:	735.81m ²
Topography:	essentially flat
Existing Structures:	single-storey detached dwelling
Existing Vegetation:	several mature trees located within the front and rear yard areas

The subject land currently contains a single storey post-war detached dwelling with an attached carport on the western side and an addition to the rear of the dwelling.

Locality Attributes

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

The locality is predominantly residential and is mainly characterised by single-storey detached dwellings. The only notable anomaly is a group dwelling that has been constructed directly to the north at 114A Marian Road (the battleaxe allotment accommodating that dwelling was approved in 2004).

A small convenience store/shop is located at the intersection of Marian Road and Barnes Road (ie. 126 Barnes Road).

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

Proposal in Detail

The Applicant is seeking consent to divide the subject land to create two new Torrens Title allotments. One of the new allotments has a frontage to Marian Road of 14.22 metres and accommodates the existing dwelling. The other new allotment has a battle axe shape, with a frontage to Marian Road of 4.07 metres and widens out to the full width of the subject land, 25 metres back from Marian Road.

The relevant details of the proposal in terms of allotment areas and dimensions are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

Consideration	Torrens Title Allotment containing existing dwelling (Allotment 1)	Torrens Title Hammerhead Allotment (Allotment 2)	Development Plan Merit Assessment Quantitative Guideline
Site Area	357m ²	379m ²	N/A
Allotment Width	14.22m	4.1m (driveway) & 18.29m	N/A
Allotment Depth	25.16m	40.23m	N/A

A plan of the proposed plan of division is contained in **Attachment B**.

The Applicant has provided indicative plans in order to demonstrate that a modest three-bedroom single-storey dwelling with attached single vehicle carport, can be accommodated on the proposed battle axe allotment. A copy of the indicative plans is contained in **Attachment C**.

Notification

Pursuant to Schedule 9 Part 1(2)(f) of the *Development Regulations 2008*, the proposal has been identified and processed as a Category 1 form of development As such, 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 Residential 2A Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use and Density

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

Residential 2A Zone Objectives:	2
Residential 2A Zone PDC's:	2
City Wide Objectives:	1, 5 & 15.
City Wide PDC's:	1, 2, 3, 20, 22, 25, 187, 188, 189, 192 & 194.

Objective 2 and Principle of Development Control 2 of the Residential 2A Zone both primarily speak to the development of detached dwellings on individual allotments, with residential flat buildings not exceeding one storey, row dwellings or semi-detached dwellings in suitable areas. The proposed land division would result in the existing dwelling being maintained as a detached dwelling, whilst any standalone future dwelling constructed on the proposed battle axe allotment at the rear would also be a detached dwelling pursuant to the definition contained in the *Development Regulations 2008*, which states:

“detached dwelling means a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has a frontage to a public road, or to a road proposed in a plan of land division that is the subject of a current development authorisation.”

In terms of the resulting density, the allotment accommodating the existing dwelling and the proposed battle axe allotment are 357m² and 379m² in area respectively, which is similar to the size of some existing allotments in the locality, namely those at 144 and 146 Gage Street (389m² and 391m² respectively) and 141A and 141B Gage Street (both approximately 245m²).

The Development Plan does not contain any quantitative guidance on allotment areas or dimensions for the merit assessment of Development Applications within the Residential 2A Zone. The proposed land division therefore must be assessed against the relevant qualitative provisions of the Development Plan when considering the proposed density.

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

The indicative plans demonstrate that a new single-storey detached dwelling, in combination with the retention of the existing dwelling, can be constructed on the land that meets the criteria listed in City Wide Principle of Development Control 189. Specifically, the indicative dwelling achieves appropriate side and rear setbacks, modest site coverage, areas for the provision of landscaping and private open space with good orientation, safe and convenient access for two (2) vehicles (one undercover and one visitor space) and multiple siting opportunities are available for the provision of a rainwater tank for each dwelling.

In addition, the indicative single-storey dwelling demonstrates that a future dwelling constructed on the proposed battle axe allotment is not likely to be readily seen when viewed within a streetscape context, nor have an unreasonable visual impact on adjacent property occupiers.

On this basis, the proposed allotments are considered to be of sufficient area and dimensions to accommodate detached dwellings, consistent with City Wide Principle 189. The proposed density is therefore considered to be acceptable.

Streetscape/bulk/scale/height/character

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character insofar as they are relevant to the proposed land division:

City Wide Objectives:	18.
City Wide PDC's:	29, 30, 41, 42, 43, 77, 183 & 196.

The existing dwelling at the front of the allotment is intended to be retained, maintaining the existing streetscape character. The indicative single-storey dwelling on the battle axe allotment is set back in the order of 28 metres from the Marian Road front property boundary, demonstrating that the construction of any future single-storey dwelling will have a negligible impact on the character of the streetscape.

Setbacks and Site Coverage

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

City Wide PDC's: 51, 52, 207, 212 - 217.

City Wide Principle of Development Control 207 states the following:

The distance between any portion of a single storey dwelling, on a battleaxe, hammerhead or similar configuration allotment, and a side or rear boundary of the allotment on which it is sited should be no less than 2.5 metres.

The indicative single-storey detached dwelling is set back 2.5 metres from the eastern and southern boundaries and 3.0 metres from the western side boundary. Accordingly, the indicative plans demonstrate that a dwelling is able to be constructed within the quantitative setback provisions of the Development Plan. An attached carport structure is shown within the western side dwelling setback. Being an attached structure with separate roof form to that of the dwelling, its visual impact on the occupants of the adjoining property would be akin to that of a typical outbuilding which could be constructed on the side boundary as a complying form of development.

Therefore, it is considered that the indicative plans demonstrate that a dwelling and appropriate ancillary structures are able to be accommodated on the battle axe allotment with appropriate boundary setbacks.

Overshadowing/overlooking

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

City Wide PDC's: 200, 201 & 217.

The proposed land division is not likely to lead to excessive overshadowing or overlooking, provided that a modest single-storey detached dwelling is constructed on the hammerhead allotment. Having regard to the indicative floor plan that has been provided, the construction of a single-storey dwelling would ensure that any overshadowing to the rear yard areas of the adjacent dwelling at 3 Arnold Avenue is not excessive. If a future dwelling proposal included a two storey dwelling height, careful consideration of the proposed siting and shading impacts would need to be undertaken as part of the assessment of that proposal. That said, it is noted that the Development Plan contains provisions that do not support the construction of two storey dwellings on battle axe allotments in any event.

Private open space

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

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

Based on the indicative plans, the Applicant has indicated that 85.6m² or 23% of the proposed battle axe allotment and 68m² or 19% of the new allotment that is to accommodate the existing dwelling, can be allocated for private open space provision. The extent of private open space for the battle axe allotment would satisfy the 20% private open space guideline referred to in Principle of Development Control 244(a), however, the amount of private open space afforded to the existing dwelling results in a very slight quantitative shortfall of 1%. Despite this quantitative shortfall, the allocated private open space is of a useable size and configuration in terms of allowing a reasonable level of residential amenity for occupiers of the existing dwelling.

Car parking/access/manoeuvring

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

City Wide Objectives: 34.
City Wide PDC's: Table NPSP/8

The indicative dwelling siting demonstrates that at least one undercover parking space and at least one visitor parking space (free of vehicle manoeuvring) within the driveway area, can be accommodated on the proposed battle axe allotment.

In terms of the existing dwelling, the Applicant has shown that two car parking spaces, comprising one covered space and one visitor parking space, can be provided via a new crossover and driveway area.

The overall provision of car parking for any future new dwelling and the existing dwelling satisfies the requirements detailed in Table NPSP/8.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24.
City Wide PDC's: 239 & 240.

There are no regulated trees on the subject land or adjacent land.

City Wide Principle of Development Control 194 states, in part:

Allotments in the form of a battleaxe, hammerhead or similar configuration, such as community title land division that includes a shared driveway, should:

- (c) *have a driveway 'handle' width of no less than 4 metres and not more than 6 metres to enable the provision of landscaping along the full length of the driveway, with the paved area of the driveway 'handle' being:*
 - (i) *not less than 3 metres in width for a site that accommodates up to two dwellings. In some circumstances, a reduced paved area width of not less than 2.8 metres may be considered if any existing dwelling is retained (Refer to Figure 4);*
- (e) *incorporate a combined total width of 1 metre of landscaping along the full length of the driveway 'handle'.*

The driveway 'handle' of the proposed battle axe allotment accords with Principle 194, allowing for a 3m paved carriageway and landscaping either side of the driveway with a combined width of 1.07m.

Overall, each of the proposed allotments are considered to be of sufficient size to be able to accommodate a reasonable amount of landscaping in accord with City Wide Principles of Development Control 239 and 240.

Environmental Sustainability

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

City Wide Objectives: 13
City Wide PDC's: 32, 71 & 72.

City Wide Principle of Development Control 72(a) states the following:

Development should be designed to minimise energy consumption by incorporating, where practicable, energy efficient building design elements, techniques and materials, such as:

- (a) *the sizing, orientation and shading of windows to reduce summer heat load and take advantage of winter sun.*

Based on the indicative dwelling plan, as well as any likely future configuration of a detached dwelling on the proposed battle axe allotment, access to northern light in the winter months into the internal living areas and the private open space areas can be maximised in accordance with City Wide Principle of Development Control 72(a).

Given the separation from the eastern side and southern rear boundary, it is likely that any future detached dwelling can be provided with at least a 1000 litre rainwater tank.

In terms of broader environmental benefits, the proposed land division will enable the existing dwelling to be retained, which in turn results in the embedded construction energy being preserved on the subject land.

Summary

The proposed land division will result in the creation of new allotments that are reasonably consistent with other allotments within the locality in terms of site areas. Whilst there are no merit based quantitative Development Plan provisions for allotment areas and dimensions within the Residential 2A Zone, the Applicant has reasonably demonstrated that the proposed allotments can be created without unreasonably compromising the Zone objectives.

The indicative plans provided suggest that the proposed hammerhead allotment can be developed with a detached dwelling that is generally consistent with the Development Plan's City Wide provisions, in terms of an acceptable future built form outcome with the locality and more specifically, will not have an unreasonable impact on neighbouring allotments.

Accordingly, it is considered that the Torrens Title Land Division, 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/D082/14 by Mr K Zhu to undertake a Torrens Title land division creating one (1) additional allotment, on the land located at 113 Marian Road, Firle, 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:

- the plan of division (Plan Reference Number ABPM01619dwg01rev01) prepared by Andrew Butcher, received by the Council on 30 April 2015.

DAC Requirements

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

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

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

Notes to Applicant

1. The postal addresses of the newly created allotments are:
 - Allotment 1: 113 Marian Road, Firle SA 5070; and
 - Allotment 2: 113A Marian Road, Firle SA 5070.
2. This consent does not imply demolition approval and a separate Application seeking demolition approval shall be lodged with the Council.
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.

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

4. This Development Plan Consent will lapse within 12 months of the date of this notice unless Land Division Consent and Development Approval have been obtained.
-

Mr Duke 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 **refused** to Development Application No 155/D082/14 by Mr K Zhu to undertake a Torrens Title land division creating one (1) additional allotment, on the land located at 113 Marian Road, Firle, for the following reasons:*

- 1. The resultant allotment sizes are insufficient to accommodate a future dwelling*
- 2. The subdivision pattern is inconsistent with the character of the locality*

Seconded by Mr Minney and the motion was lost.

Mr Dottore moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application 155/D082/14 by Mr K Zhu to undertake a Torrens Title land division creating one (1) additional allotment, on the land located at 113 Marian Road, Firle, be **deferred**, to enable the Applicant to provide the following information:*

- A detailed floor plan of the existing dwelling and the proposed modifications to the existing dwelling and the means by which the intended private open space is to be realised.*

Seconded by Mr Donaldson and carried.

5. OTHER BUSINESS

The Presiding Member asked the Panel Members their thoughts on deleting *Item 2 – Presiding Member’s Communication* and *Item 3 – Member’s Communication*, from the agenda format and instead dealing with any such communication in *Item 5 – Other Business*. The Panel Members endorsed Mr Mosel’s suggestion.

Mr Duke raised the matter of holding Panel meetings in the Council Chambers, in order to overcome the issue of the Public Gallery having difficulty hearing Panel members speak in the Mayors Parlour. The Panel supported the Presiding Member suggestion to speak to the CEO regarding options for addressing this matter.

6. CONFIDENTIAL REPORTS

Nil

7. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8:50pm.

Terry Mosel
Presiding Member