

Development Assessment Panel Minutes

15 June 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

Page No.

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 18 MAY 2015	1
2.	STAFF REPORTS	1
2.1	DEVELOPMENT APPLICATION 155/0071/2015 – GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA – 9 WINCHESTER STREET, ST PETERS	2
2.2	DEVELOPMENT APPLICATION 155/244/2015 – CITY OF NORWOOD PAYNEHAM & ST PETERS – 337 MAGILL ROAD, TRINITY GARDENS	9
2.3	DEVELOPMENT APPLICATION 155/125/2015 – PHILLIPS PILKINGTON ARCHITECTS – 1 ALFRED STREET, STEPNEY	15
3.	OTHER BUSINESS	27
4.	CONFIDENTIAL REPORTS	27
5.	CLOSURE	27

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 Frogley
Mr Carlo Dottore
Mr Kevin Duke
Ms Fleur Bowden

Staff Mr Carlos Buzzetti (General Manager, Urban Planning and Environment)
Mr Mark Thomson (Manager, Development Assessment)
Mr Matt Atkinson (Senior Urban Planner)
Mr Graeme Gibson (Urban Planner)
Mr Nenad Milasinovic (Acting Senior Urban Planner)

APOLOGIES Mr John Minney

ABSENT

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 18 MAY 2015

Mr Frogley moved that the minutes of the Meeting of the Development Assessment Panel, held on 18 May 2015 be taken as read and confirmed,

Seconded by Mr Smith and carried.

2. STAFF REPORTS

- Items to be starred 2.1, 2.2 and 2.3

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/0071/2015 – 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 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 on amendments made to an Application previously considered and deferred by the Panel, at its meeting held on 18 May 2015. The Applicant has submitted amended plans and it is necessary for the Panel to determine whether or not the amended proposal sufficiently accords with the Development Plan to warrant consent.

Background

A Development Application (Development Application No. 155/0071/15) was lodged on 3 February 2015, for two-storey alterations and additions to a Nursing Home with associated fencing, signage and landscaping; at 9 Winchester Street, St Peters.

The Panel previously determined that the Application did not warrant approval. It was subsequently deferred to enable the Applicant to consider amending their proposal to overcome the following concerns:

- the stark bright colours of the walls;
- rainwater retention and reuse;
- excessive bulk and style of the walls to the roof garden;
- signage; and
- a dedicated access for emergency service vehicles/access cabs.

A copy of the relevant section of the Minutes of the Panel meeting held on 18 May 2015, including attachments, is contained in **Attachment A**.

The Applicant has submitted amended plans to address the Panel's concerns and these plans form the basis of this report. The reasons for deferral will be discussed in the context of the amended plans below. A copy of the amended plans and the Applicant's covering letter are contained in **Attachment B**.

Discussion

The following discussion is based on the Panel's reasons for deferral:

External wall colours

The Applicant has amended the plans to nominate specific external wall colours for the proposed building additions. The Applicant's preferred colour is Dulux Antique White U.S.A., which is a cream off-white colour. A sample of the proposed colour has been provided by the Applicant; however the colour sample does not photocopy accurately. As such, the colour sample provided by the Applicant will be made available for Panel members to view at the Panel meeting.

The Council's Heritage Advisor, David Brown, supports the use of Dulux Antique White U.S.A. as it is very similar to the Solver heritage colour, Broken White, which is a traditional cream often seen in older houses in the area. A copy of Mr Brown's advice is contained in **Attachment C**.

The proposed colour is considered to provide a contrast from the original character building, while complementing the cream tones utilised within the Residential Historic (Conservation) Zone. In this context, the use of Dulux Antique White U.S.A. for the external walls of the building additions is considered to be appropriate.

However, if the Panel is of the view that the proposed colour is too light, the Applicant has provided two (2) alternative colours, both of which are also off-white shades. Dulux Snowy Mountain is a slightly darker cream shade and Dulux Terrace White is a slightly darker grey shade. The Council's Heritage Advisor has also reviewed the backup colours and has advised that they are cooler tones in the paint colour spectrum and possibly tend towards grey too much, particularly the Terrace White.

Colour samples of the alternate shades will also be available for the Panel members to view at the meeting.

If the Panel considers it necessary for the Applicant to utilise the darker colour, it is recommended that a condition be imposed to confirm the use of a specific colour for the external walls of the building additions.

Rainwater retention and reuse

The Applicant has amended the stormwater disposal plan to include storage tanks with a capacity of 10,000 litres, which are divided between a 5000 litre rainwater tank, which is plumbed back to the building for reuse and to the garden for irrigation; with the overflow directed to a 5000 litre detention tank, which will detain roof runoff during a large rainfall event. Overflow from the detention tank will be directed to the street water table.

The Applicant has provided a report, prepared by BCA Engineers, which details the investigations regarding the optimum level of stormwater harvesting and reuse for the subject land. A summary of the investigations is set out below:

- 100% of the proposed roof area will be captured and directed to the rainwater harvested storage tanks for re-use;
- based on Bureau of Meteorology (BOM) data, 12,200 litres would be captured in the driest month (February);
- water consumption associated with the proposed water efficient cisterns would be approximately 17,856 litres per month;
- irrigation requirements using 200 x 2 litre/hour drippers would generate a usage of 6,200 litres per month;
- the total expected usage of re-used stormwater is therefore 24,056 litres per month;
- the proposed 10,000 litre storage tanks would take twelve (12) days to empty if there was no rain; and
- the median rainfall for Adelaide would be sufficient to cover the toilet flushing and irrigation requirements of the development for approximately ten (10) months of the year. The minor shortfall in low rainfall periods is common in reduced rainfall areas where larger usages are expected.

Copies of the amended Engineering Plan and the BCA Engineer's report are contained in **Attachment D**.

The proposed stormwater harvesting and reuse is now considered to be a positive aspect of the proposed development, consistent with City Wide Principles of Development Control 149, 150, 151 and 153. It is likely that the development will only need to rely on mains water for toilet flushing and irrigation purposes for two (2) months of the year.

Bulk and style of walls to roof garden

The external wall height of the roof garden area has been reduced from 7.0 metres to 4.5 metres and the external wall colour has been varied to include a natural light grey concrete finish, which assists in breaking up the mass of the building.

The Council's Heritage Advisor has reviewed the amended roof garden area and has advised that the proposed amendments are an improvement. The revised design has reduced the visual prominence of the entry of the building, hence this aspect of the development will have less impact on the affected Contributory Item.

The portion of the proposed building containing the roof garden, which projects forward of the original character building alignment, is now considered to be of an appropriate scale, which will not unreasonably obstruct views of the original character building when viewed from Winchester Street.

Signage

The proposed 4.0 metre high business identification sign has been deleted from the proposed development. The Applicant will submit a separate Application for business identification purposes in due course. Council staff have advised the Applicant that any subsequent Application for a freestanding sign will need to be of a significantly smaller scale.

Access for emergency vehicles and access cabs

The proposal has been amended to include an access driveway to/from Second Avenue, which will provide direct access for emergency vehicles and access cabs. The access location includes a single 4.5 metre wide driveway crossover and a 6.0 metre wide vehicular access gate, to enable all vehicles to enter and exit the land in a forward direction. The access driveway will enable ambulances and access cabs to drive in to the site in a forward direction and to reverse to the loading/unloading area with direct ramp access to the facility from the rear loading doors of the vehicle. All vehicles will then be able to exit the land in a forward direction.

The Applicant has provided a report from GTA Consultants, which includes a swept path manoeuvring assessment for small rigid vehicles such as ambulances. The GTA report also confirms that vehicle sight lines are well in excess of the minimum requirements.

A copy of the GTA Consultants report and swept path assessment is contained in **Attachment E**.

The provision of a dedicated access point for emergency vehicles and access cabs on the subject land is considered to be a positive addition to the development. Access and egress to/from the driveway can occur in a safe and convenient manner, consistent with City Wide Principle of Development Control 101.

The proposed driveway crossover would replace an existing driveway crossover that is located approximately five (5) metres to the south, which is proposed to be reinstated to upright kerb and gutter. As such, the proposed access driveway would not result in any loss of on-street car parking.

The proposed location of the driveway crossover and emergency access area will not compromise the garden setting of the original character building, which is a positive aspect of the proposed development. One (1) mature (non-regulated) Palm Tree would need to be removed or relocated to accommodate the proposed emergency access driveway. Given that the majority of the landscaped area will be retained, this is not considered to be fatal to the overall merit of the proposed development.

Other matters

Whilst not one of the reasons for deferral, the Applicant has acknowledged the Panel's concern with the lack of an internal staircase to enable access between the ground floor level and the first floor level in the event that the lift is out of order, or as a healthy option for staff and physically capable residents.

The amended plans now include an internal staircase, which is conveniently located adjacent to the main entrance and the reception area. This is considered to be a positive amendment to the proposal.

Summary

The proposal development was deferred by the Panel in order to enable the Applicant to consider several defined aspects of the proposal that were considered to be sufficiently at odds with the provisions of the Development Plan, such that Development Plan Consent could not be granted.

Specifically, there was a fundamental issue with the external wall colours, the lack of rainwater retention and reuse, the bulk and style of the walls to the roof garden, the proposed signage, and the lack of a dedicated access for emergency service vehicles and access cabs.

The Applicant has amended the plans to nominate specific external wall colours. The Applicant's preferred colour, Dulux Antique White U.S.A., is considered to be acceptable in the context of the Residential Historic (Conservation) Zone and surrounding development.

The Applicant has included a 5000 litre rainwater tank, which is plumbed back to the building for reuse, with the overflow directed to a 5000 litre detention tank which will detain roof runoff during a large rainfall event. Overflow from the detention tank will be directed to the street water table.

The external wall height of the roof garden area has been reduced by 2.5 metres and the external wall colour has been varied to include a natural grey finish. The portion of the proposed building containing the roof garden, which projects forward of the original character building alignment, is now considered to be of an appropriate scale, which will not unreasonably obstruct views of the original character building when viewed from Winchester Street.

The proposed 4.0 metre high business identification sign has been deleted from the proposed development.

The Applicant has included a dedicated access area for ambulances and access cabs, which will enable vehicles to enter and exit the site in a forward direction, with direct ramp access to the facility. The proposed access point from Second Avenue will only result in the loss of one (1) on-street car parking space and will enable the retention of most of the existing landscaping and mature trees.

The inclusion of an internal staircase is considered to be a positive amendment to the proposed development.

The proposed amendments are all considered to improve the merit of the proposed development, when assessed against the relevant provisions of the Council's Development Plan.

All other aspects of the previous assessment remain unchanged and the information provided in the previous report contained in **Attachment A**, remains applicable. Accordingly, it remains the view of staff that the proposal, on balance, is not seriously at variance with the Development Plan and sufficiently accords with the provision 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 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 B, received by the Council on 5 June 2015;

- the Stormwater Management Plan and Hydrological Analysis prepared by Structural Systems Pty Ltd, Job No. DT 150423, PA.1, received by the Council on 1 June 2015.

Conditions

1. The colour of the external render of the building additions, herein approved, shall be Dulux Antique White U.S.A., in accordance with the sample provided by the Applicant on 4 June 2015.
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 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 Donaldson moved

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 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 B, received by the Council on 5 June 2015;*
- *the Stormwater Management Plan and Hydrological Analysis prepared by Structural Systems Pty Ltd, Job No. DT 150423, PA.1, received by the Council on 1 June 2015.*

Conditions

1. *The colour of the external render of the building additions, herein approved, shall be Dulux Antique White U.S.A., in accordance with the sample provided by the Applicant on 4 June 2015.*
 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 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.*

Seconded by Mr Smith and carried

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/244/2015 – CITY OF NORWOOD PAYNEHAM & ST PETERS – 337 MAGILL ROAD, TRINITY GARDENS

DEVELOPMENT APPLICATION:	155/244/15
APPLICANT:	City of Norwood Payneham & St Peters
SUBJECT SITE:	The Council verge area directly adjacent to 337 Magill Road, Trinity Gardens
DESCRIPTION OF DEVELOPMENT:	Removal of a Regulated Street Tree (Eucalyptus Sideroxylon – Red Ironbark)
ZONE:	Residential 2A Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the removal of a Regulated street tree (Eucalyptus Sideroxylon – Red Ironbark), located directly adjacent the front boundary of the property at 337 Magill Road, Trinity Gardens.

Pursuant to Section 9.1 of the Development Assessment Panel Terms of Reference, staff do not have delegated authority to determine the Application, as it comprises a Development Application classified as a Category 2 form of development, to which there is/are unresolved representations opposing the proposal.

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

Background & Proposal in Detail

A Development Application was lodged by the Council's Project Officer Civil on behalf of the Council's Urban Services Department, on 22 April 2015, for the removal of the Regulated street tree.

The street tree's removal is sought on the basis that civil engineering upgrade works are required to be undertaken to the concrete kerb and footpath along various sections of the northern side of Magill Road. The Red Ironbark's removal is sought, as it is located in a section of Magill Road that has been identified for upgrading work to be undertaken and those works cannot be suitably accommodated without its removal.

A plan showing the location and photographs of the Red Ironbark on the northern side of Magill Road is contained in **Attachment A**.

Locality Attributes

Land uses:	aside from consulting rooms located at 339 Magill Road the locality is predominantly residential – the majority of the dwellings fronting onto Magill Road are interwar dwellings (ie. bungalow style)
Building heights (storeys):	predominantly single storey
Streetscape amenity	moderate – high. Notwithstanding the heavily trafficked nature of Magill Road, the visual amenity of the locality is influenced by the consistent architectural building styles as well well-established mature street trees that are located at relatively regular spacing's.

Notification

The proposal has been identified and processed as a Category 2 form of development pursuant to Schedule 9 Part 2 (25) of the *Development Regulations 2008*. Pursuant to this clause, any development which comprises a tree-damaging activity in relation to a regulated tree, on land owned or occupied by a council and where the council is the relevant authority in relation to the development, must be Category 2.

One (1) representation was received in response to this notification, a copy of which is contained in **Attachment B**. The representor is opposed to the tree removal for the following reasons:

- The street tree has been established for many years and is not displaying any decline in health.
- The street tree is not presenting any obvious issues.
- An alternative design solution can be achieved that results in the street tree being retained.

Council's Planning staff telephoned the representor after receiving the written representation, to explain the Council's reasons for applying to remove the tree. The representor remains opposed to the tree removal and is unconvinced that the improvement works to the kerb and water table cannot occur without removing the tree.

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.

Regulated Trees

The following Development Plan provisions provide guidance on the assessment of the removal of Regulated trees:

City Wide Objective 117

The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

City Wide Objective 118

Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

- (a) significantly contributes to the character or visual amenity of the locality;*
- (b) indigenous to the locality;*
- (c) a rare or endangered species;*
- (d) an important habitat for native fauna.*

City Wide Principle of Development Control 422

Development should have minimum adverse effects on regulated trees.

City Wide Principle of Development Control 423

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) the tree is diseased and its life expectancy is short;*
- (b) the tree represents a material risk to public or private safety;*
- (c) the tree is causing damage to a building;*
- (d) development that is reasonable and expected would not otherwise be possible;*
- (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*

City Wide Principle of Development Control 424

Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.

Having regard to the assessment approach which has been endorsed by both the Supreme Court and the Environment Resources & Development Court, only trees which display one or more of the qualities contained in City Wide Objective 118, warrant further consideration against the criteria in Principle of Development Control 423. In other words, if a Regulated tree does not make a significant contribution to the visual character or amenity of the locality, is not indigenous to the local area, does not represent an important habitat for native fauna etc, then its removal may be approved, without the need to consider whether the tree is diseased, represents an unacceptable risk etc.

The Council's Coordinator Arboricultural & Horticultural Services has considered the Ironbark against the qualitative criteria contained in City Wide Objective 118. The Coordinator Arboricultural & Horticultural Services has opined that the tree satisfies parts (a) and (d) of Principle 118 respectively in that:

"the specimen is part of a stand of large native Eucalyptus species that provide character and amenity to the locality."

and

"a mature Eucalyptus species is known to support up to 100 species of insect and small animal. Furthermore, the species is native and therefore critical to native fauna."

That said, it is considered by the Council's Planning staff, that the street tree may not possess the qualities described in criterion (a) or (d) of Objective 118, insofar as:

- the tree does not "significantly contribute to the character or visual amenity of the locality" because whilst the tree adds to the general vegetated character of the local area, the tree's removal would not significantly impact on the character of the existing landscape, as there is sufficient vegetation in the form of trees on Council land and/or private land, to maintain the existing character; and
- the street tree in itself does not provide an important habitat for native fauna in that there is another red Ironbark located within close proximity to the subject tree as well as several other mature trees.

Given that there is some doubt as to whether or not the tree possesses the qualities described in Objective 118, advice was sought from the Council's Coordinator Arboricultural & Horticultural Services with respect to criteria (a) and (b) of Principle 423 (ie. tree health and safety) and from the Council's Project Manager – Civil with respect to criteria (c) of Principle 423 (ie. damage being caused to a building). In summary, the following advice has been provided:

Advice in relation to Principle 423, criteria (a) and (b)

- The Ironbark has a trunk circumference of 2.2 metres.
- The tree displays good health and has full foliage throughout the canopy.
- The Ironbark has poor structure as noted by a single stem that rises from the ground before division into four further stems that make up the structural framework of the large upright crown. At the point of division a large included bark union is noted and bark inclusion generally indicates a weak/compromised point of attachment.
- A history of branch failure can be observed within the Ironbark's crown and this is of some concern when considering the high use of the target area (ie. an arterial road).
- In terms of the street tree's overall visual form, the Ironbark has a reasonably straight stem, upright branching and tight canopy.

Advice in relation to Principle 423, criteria (c)

- currently, the Ironbark has a structural root that is raising the adjacent watertable, as well a portion of the trunk/buttress encroaching out on the existing kerbing. Severing this portion of the tree's root system will result in an adverse impact upon the street tree's overall health and structural integrity.

- retaining the existing concrete kerbing in its current form adjacent the street tree would lead to water ponding which in turn, results in moisture ingress into the pavement surface which will likely result in subsequent premature structural failure of the pavement area. Furthermore, any raised concrete kerb area creates a potential safety hazard directly adjacent the bike lane located along the northern side of Magill Road and to a lesser extent, results in a generally unsightly appearance.
- whilst an exact distance is unknown until such time as the existing concrete kerbing is removed and the root area of the Ironbark is exposed, it is reasonable to assume that a distance in the order of at least 300mm would be required to achieve an adequate separation from the base of the tree, in order to construct a new concrete kerb that radiates away from the street tree and subsequently encroaches into Magill Road. That said, this is not a design solution supported by the Department of Planning Transport and Infrastructure, who are the authority that maintain the arterial road. In itself, this would result in a sizable and unexpected hazard to cyclists using the adjacent bicycle lane located along the northern side of Magill road. Furthermore, in the event that the Ironbark sustains further future growth, it is more than like that new concrete kerbing would be required that would result in further encroachment into Magill Road.

With respect to part (c) of Principle 423 and in particular, the term "building", the *Development Act 1993* provides a definition in these terms:

building means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code of Australia), whether temporary or permanent, moveable or immovable, and includes a boat or pontoon permanently moored or fixed to land, or a caravan permanently fixed to land.

The noun "structure" is also defined in Section 4 of the *Development Act 1993*. The definition reads:

structure includes a fence or a wall.

In the Supreme Court case of CARTER v MID-MURRAY COUNCIL & ANOR [2007] SASC 145 (27 April 2007), The Honourable Justice DeBelle stated:

"In ordinary usage, "structure" has a wide meaning. In this context, it means that which has been built or constructed: Hobday v Nichol [1944] 1 All ER 302 at 303-304."

"The works involved in upgrading the airstrip included demolishing the earlier embankments which had existed along the sides of the airstrip, grading an even strip some 15 metres wide and 760 metres long to a depth of approximately 200 millimetres, replacing the excavated material with about 2300 cubic metres of imported rubble to a depth of some 150 millimetres, capping that with crushed rock to a depth of some 50 millimetres, and finally compacting the crushed rock to the standard of typical road construction. Those works resulted in a structure, that is to say, the improved airstrip. "

"It would be a correct use of language to speak of the construction of the airstrip, which serves to demonstrate that the result of the works is a structure. As the work involved the construction of a structure, it was building work as defined and was, therefore, a development as defined for the purposes of the Development Act."

"to qualify the definition of "structure" so as to limit it to a structure to which the Building Rules apply is to defeat the intention of the Parliament. If Parliament had intended that the meaning of "structure" should be qualified in that way, it could have easily expressed the definition of "structure" in terms to that effect. Plainly, it did not. The judge has effectively amended the definition in an inappropriate way. Allied to that consideration is the fact that s 33 of the Development Act provides that a development will be assessed against the Building Rules only insofar as they are relevant. Thus, the fact that there is nothing in the Building Rules which applies to certain kinds of structures does not mean that they are not buildings as defined and hence development."

Similarly, whilst the provisions of the Building Rules do not apply to the construction of a kerb and water table, it is a structure nonetheless and therefore, a building for the purposes of Principle 423.

Having regard to the advice from the Council's Project Manager – Civil, it is considered to have been adequately demonstrated that there are no acceptable design solutions that would enable the retention of the Regulated street tree in this instance, given the need to factor in an appropriate exclusion zone around the tree to begin with. From a planning assessment perspective, the Ironbark's removal is considered to be warranted in that it has been demonstrated that the tree is causing damage to a building (ie. the existing concrete kerb and watertable) and as such, City Wide Principle of Development Control 423 clause (c), is satisfied.

The Council's Coordinator Arboricultural & Horticultural Services, has advised that, if removal of the Ironbark is approved, two replacement trees, of a species yet to be determined, will be planted within the next available planting season in a similar location to where the Ironbark is currently located.

Summary

The Red Ironbark is a healthy specimen and in general terms, makes a contribution to the visual character and amenity of the local area. Whether that contribution is significant is questionable.

In terms of the advice that has been provided by the Council's Project Manager – Civil, it is apparent that an alternative civil engineering design solution cannot be achieved that would facilitate both upgrade works to the concrete kerb and footpath along the northern side of Magill Road, and enable the retention of the Regulated street tree.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/244/15 by the City of Norwood Payneham and St Peters to remove a Regulated street tree (*Eucalyptus Sideroxylon* – Ironbark) located directly adjacent to the property at 337 Magill Road, Trinity Gardens, 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 development shall proceed in accordance with the details of Development Application Number 155/244/15.

Conditions

1. Two (2) replacement trees, with a minimum mature height of five (5) metres, shall be planted in a suitable location along the northern side Magill Road as soon as is practical within 12 months of the date of this Approval.

Notes to Applicant

1. 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.

2. For the purpose of this assessment, it is assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Mr Duke moved

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 155/244/15 by the City of Norwood Payneham and St Peters to remove a Regulated street tree (Eucalyptus Sideroxylon – Ironbark) located directly adjacent to the property at 337 Magill Road, Trinity Gardens, 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 development shall proceed in accordance with the details of Development Application Number 155/244/15.*

Conditions

1. *Two (2) replacement trees, with a minimum mature height of five (5) metres, shall be planted in a suitable location along the northern side Magill Road as soon as is practical within 12 months of the date of this Approval.*

Notes to Applicant

1. *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.

2. *For the purpose of this assessment, it is assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

Seconded by Mr Smith and carried.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/125/2015 – PHILLIPS PILKINGTON ARCHITECTS – 1 ALFRED STREET, STEPNEY

DEVELOPMENT APPLICATION:	155/125/15
APPLICANT:	Phillips Pilkington Architects
SUBJECT SITE:	1 Alfred Street, Stepney (Certificate of Title Volume: 5368 Folio: 454)
DESCRIPTION OF DEVELOPMENT:	Construction of a single-storey detached dwelling and 2.0 metre high sheet metal fence (along north-western rear boundary)
ZONE:	Residential Historic (Conservation) Zone (Stepney Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single-storey detached dwelling and a 2.0 metre high sheet metal fence (along the rear north-western boundary).

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	16.0 metres
Depth:	15.3 metres
Area:	244 m ²
Topography:	slightly sloping from north-east to south-west – in the order of 300mm
Existing Structures:	vacant allotment
Existing Vegetation:	several mature trees situated around the perimeter of the subject land

The subject land was created as a result of a Torrens Title land division (Development Application Number 155/D011/13), involving the creation of one additional allotment at the rear of 70 Ann Street, Stepney, that was approved by the Panel at its meeting held on 19 August 2013.

The subject land is situated at the interface of the Residential Historic (Conservation) Zone and the Light Industry Zone.

Locality Attributes

Land uses:	residential fronting onto Ann Street and commercial land uses fronting onto Nelson Street
Building heights (storeys):	Predominantly single-storey residential development and a mix of single-storey and two-storey commercial development.
Streetscape amenity	moderate to high – characterised by the existing original pre-war building stock, slight extent of infill development and the predominantly commercial “feel” of Alfred Street.

The residential building stock within the locality is located along Ann Street. In addition, all of the dwellings that are located on the south-western side of Ann Street between 60 – 78 Ann Street, are identified as Contributory Items within the Council’s Development Plan.

In comparison to surrounding residential streets within the Stepney locality, Alfred Street is a relatively shorter street measuring 91 metres in length. The secondary frontages of the two corner residential properties located at 68 and 70 Ann Street present to Alfred Street. Both of these two properties have freestanding garages presenting to Ann Street. For the remainder of Alfred Street, the property directly to the south-west at 69-71 Nelson Street has an enclosed carport that is situated on both the south-western side boundary of the subject land and the Alfred Street frontage. On the southern side of Alfred Street, the commercial building located at 63-67 Nelson Street, has its side masonry wall sited on the Alfred Street boundary.

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

Proposal in Detail

The Applicant seeks consent to construct a single-storey detached dwelling and a 2.0 metre high sheet metal fence (along the rear north-western boundary).

The internal living spaces of the proposed dwelling comprise an open plan living/kitchen/dining area, two bedrooms, a bathroom area and a laundry area within the garage. The proposed dwelling also includes an open rear pergola within the rear yard area and a small service yard area (for clothes drying, waste bin storage, siting of an air conditioning unit and an aboveground rainwater tank) on the south-wester side.

The design of the new dwelling is outwardly contemporary in appearance when viewed within the streetscape and comprises Flat-pan iron sheeting (Fielders Nailstrip), that is punctuated by concrete besser block construction of the projecting single-vehicle garage on the front elevation.

The proposal also includes the construction of a 2.0 metre high sheet metal fence (to match the existing fence along the south-western side boundary) along the rear north-western boundary.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	244m ² (existing allotment)	200m ² (Stepney Policy Area PDC 6)
Allotment Width	16.0m	8.0m (Stepney Policy Area PDC 8(a))
Allotment Depth	15.3m (average)	N/A
External Wall Height*	2.9 – 4.1m	N/A
Maximum Overall Height (to roof apex)*	4.1m	N/A
Floor Area (total)	127m ²	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Floor Area (footprint)	127m ²	N/A
Site Coverage	52%	60% (Stepney Policy Area PDC 6)
Private Open Space	51m ² 21% of site area uncovered	a dwelling with a site area of less than 250m ² , a minimum of 35m ² should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres (CWPDC 244(b))
Street Set-back	500mm – 2.9m	N/A
Side Set-back	Nil (north-eastern side) 1.5m (south-western side)	1.0m from one side boundary (CWPDC 215)
Rear Set-back	2.6 – 3.9m	N/A
Car Parking Provision	1 undercover & 1 visitor	2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the Primary street frontage, unless otherwise specified in the relevant zone and/or policy area. (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

Pursuant to Schedule 9 Part 1(2)(a) of the *Development Regulations 2008*, the development proposal has been identified and processed as a Category 1 form of development. In terms of the proposed fencing along the rear north-western boundary, this has been identified as a minor form of development, pursuant to Schedule 9 Part 1(2)(g) pursuant to the *Regulations*.

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 Stepney Policy Area of the Residential Historic (Conservation) 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:

Stepney Policy Area Desired Character Statement

Stepney Policy Area Objectives: 1.
Stepney Policy Area PDC's: 1, 2, 3 & 4.

RH(C)Z Desired Character Statement

RH(C)Z Objectives: 1.
RH(C)Z PDC's: 1, 2, 7 & 8.

City Wide Objectives: 1, 2, 7, 8 & 10.
City Wide PDC's: 1, 2, 3, 4, 16, 18 & 19.

The proposal to construct a detached dwelling on the subject vacant land is considered to be in accordance with the above provisions, as no change to the existing subdivision pattern is proposed, it reflects the low to medium density nature of the locality and will not adversely impact upon the established amenity and the historic character of the Stepney Policy Area.

In addition, the proposal comprises the construction of a detached dwelling on a vacant allotment which accords with Stepney Policy Area Principle of Development Control 3.

streetscape/bulk/scale/height/character/heritage

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

Stepney Policy Area Desired Character Statement

Stepney Policy Area Objectives: 1.
Stepney Policy Area PDC's: 1, 2, 3 & 4.

Residential H(C)Z Desired Character Statement

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

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

The proposed dwelling would be the only dwelling to front Alfred Street, which is characterised by residential outbuildings, the side elevation of dwellings fronting Ann Street and the side wall of a commercial building fronting Nelson Street.

The design of the proposed dwelling displays reference to the scale, setbacks, heights, forms and materials of the non-residential buildings and outbuildings fronting Alfred Street, while avoiding deliberate historic replication of nearby original dwellings on Ann Street.

The proposed dwelling comprises an outwardly contemporary design with the 'dual component' facade comprising two projecting "rectilinear" facade elements, both linked by a centrally located recessed entry area.

The proposed dwelling comprises a modest scale, akin to the scale of historic dwellings along nearby Ann Street, in terms of external wall heights, but with a flat roof form.

In terms of finishes and materials, the proposed dwelling is to include Flat-iron sheeting Fielders Nailstrip (colour "Woodland Grey") wall cladding, concrete besser garage block walls (colour "light grey"), panel lift garage door (colour "Woodland Grey") and anodised aluminium window frames.

With regard to the design appearance of the garage projecting forward of the main facade, the Alfred Street streetscape is considered to offer little architectural value as it is characterised by garaging/carports and commercial development. Whilst such a contemporary design approach that takes cues from the adjacent commercial development, is ordinarily considered inappropriate with the Residential Historic (Conservation) Zone, the design and siting configuration of the garage component is considered acceptable in this instance, given the existing compromised streetscape character of Alfred Street.

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

Development within the Residential Historic (Conservation) Zone should be carried out, where applicable, in accordance with the Design Guidelines for Heritage Places and Development in Historic (Conservation) Zones contained in Table NPSP/4.

“Component or Aspect of Development 3.3, Windows and Doors” within Table NPSP/4 provides the most clear advice on what joinery materials are appropriate for new dwellings within a Residential Historic (Conservation) Zone. It states:

“Windows and Doors Openings in walls adjacent to a road frontage should generally have proportions similar to historic dwellings in the locality. Window frames fronting roads, other than lanes shown on Map NPSP/1 (Overlay 4), should be of timber construction. Simple rendered surrounds of windows are preferable to elaborate projecting quoins.”

The proposed dwelling incorporates aluminium window frames to the Alfred Street elevation. As identified previously, the streetscape character of Alfred Street is compromised to a large degree by garaging and commercial development. On this basis, the proposed aluminium window frames are acceptable.

Overall, the proposed dwelling:

- has a bulk and scale, which is akin to the directly adjacent and nearby buildings facing Alfred Street;
- incorporates a design that, while obviously contemporary, includes elements such as a varied combination of sheet metal cladding and masonry construction materials, well-proportioned glazing, a horizontal entry pergola in lieu of a traditional verandah, all of which reflect (without replicating) traditional design; and
- has a relatively simple overall built form outcome, which does not compete with the surrounding historic building stock and incorporates materials and finishes which complement dwellings in the locality.

Given that the subject land is located within a Historic (Conservation) Zone, advice was sought from the Council’s Heritage Advisor regarding the heritage aspects of the proposal. The advice received from the Heritage Advisor concludes that the proposed dwelling, will result in an appropriate built form for the subject land within the Stepney Policy Area.

In this context, the streetscape ‘fit’ of the development proposal from a heritage perspective, is considered acceptable primarily as the location of the subject land and its surrounding built form context along Alfred Street bears little relationship to the historic character of the Zone that is evident along Ann Street.

A copy of this advice is contained in **Attachment C**.

Whilst the overall design approach and appearance does not conserve nor enhance the historic streetscape character of the Stepney Policy Area as called for in the Desired Character Statement for the Policy Area, the siting context for the subject allotment, as described above, combined with the modest building size and scale proposed, provides a reasonable basis for an alternative design approach.

It should also be noted that the building does not incorporate a front verandah, nor front fence as called for in the Desired Character Statement for the Policy Area, but notwithstanding this, the scale of the external walls proposed is modest, as is the overall vertical and horizontal proportions of the dwelling and this, combined with dark finishes on the external wall cladding, will result in building that will not stand out in a garish way within the streetscape nor compete with or loom large over dwellings fronting Ann Street.

Setbacks and Site Coverage

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

Stepney Policy Area PDC’s:	7 & 9.
RH(C)Z PDC’s:	10, 11 & 12.
City Wide PDC’s:	212, 216 & 221.

The proposed street setback (when measured to the closest point) of the dwelling is 500mm to the garage and 2.9 metres to the main facade.

The property directly to the south-west at 69-71 Nelson Street has an enclosed carport that is situated on both the south-western boundary of the subject land and the Alfred Street frontage. The recently constructed directly adjacent freestanding carport located at 70 Ann Street is setback between 350 – 500mm from the Alfred Street frontage. The secondary street setback of the existing dwelling at 70 Ann Street is 3.4 metres from Alfred Street.

On the southern side of Alfred Street, the commercial building located at 63-67 Nelson Street, has its side wall sited on the Alfred Street property boundary. The detached dwelling on the corner of Ann Street and Alfred Street (68 Ann Street) has an ancillary freestanding garage sited on the Alfred Street frontage.

In this context, the proposed front setbacks are considered to be appropriate and would not have a negative streetscape impact given the minimal building setbacks prevailing on adjacent land.

With regard to side setbacks, the proposed dwelling is intended to abut the north-eastern side boundary whilst on the south-western side, the proposed dwelling incorporates a setback of 1.5 metres which accords with City Wide Principle of Development Control 215, which requires that residential development should be set back at least 1.0 metre from one side boundary.

The height of the proposed boundary wall on the north-eastern side boundary varies between 1.8 – 3.7 metres, resulting from a 7 degree roof pitch and parapet wall that slopes down towards the rear of the allotment. The recently constructed carport (3.2 metres high x 5.0 metres wide) situated at 70 Ann Street will screen at least one third of the proposed boundary development as part of the new dwelling and the rear façade of the dwelling at 70 Ann Street is sited approximately 4.0 metres from the proposed boundary wall. Accordingly, it is considered that the north-eastern elevation of the proposed dwelling is unlikely to have any unreasonable visual impact on the occupiers at 70 Ann Street and as such, is considered to be acceptable.

In terms of the proposed rear setback of the dwelling, the proposed dwelling is set back between 2.6 – 3.9 metres. The proposed rear setback is considered to result in an adequate degree of visual separation for the directly adjacent occupiers at 72 Ann Street when viewed from the private open space area of this directly neighbouring property.

With respect to site coverage, the proposed dwelling will result in site coverage of 52%, which satisfies Stepney Policy Area Principle of Development Control 7 which seeks a maximum site coverage of 60%.

Overshadowing/overlooking

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

City Wide PDC's: 11, 32, 37, 200 & 201.

The proposed built form will not create unreasonable overshadowing or overlooking issues for the occupiers of the neighbouring properties at 70 and 72 Ann Street, due to the orientation of the subject land, the single-storey nature of the dwelling and the proposed dwelling's siting configuration.

No overlooking will result from the proposed development due to its single-storey nature and relatively low natural ground level. As such, the proposal is considered to be consistent with City Wide Principles of Development Control 11 which states:

"Buildings should be designed so as not to unreasonably overlook or overshadow indoor or outdoor living areas of adjacent dwellings."

Private open space

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

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

City Wide Principle of Development Control 244 states the following (in part):

Dwellings (other than residential development in the form of apartments within a multi storey building) should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:

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

The proposed dwelling incorporates 51m² or 21% of the subject land for private open space. This amount of private open space exceeds Principle of Development Control 244(b), which states a dwelling with a site area of less than 250m² be provided with a minimum of 35m².

Notwithstanding that the proposed private open provision does not incorporate a minimum dimension of 4 metres as stated in Principle 244(b), a departure from this requirement is considered to be a minimal shortfall as in overall terms, the proposed private open space has a good functional relationship with the internal living areas of the dwelling. In addition, the proposal also includes a service yard area (adjacent the south-western elevation) for clothes drying, waste bin storage, an air conditioning unit and a rain water tank.

Access to northern light is maximised given the predominantly northern orientation of the subject land. As such, the dwelling has been designed so that access to natural light is maximised into the internal areas of the dwelling with direct access to the private open space areas.

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: 101, 116, 123, 237, 238 & 265.

Table NPSP/8.

The proposed dwelling incorporates a single-vehicle garage and single-vehicle visitor car parking space. Table NPSP/8 prescribes that detached dwellings should be provided with two (2) on-site car parking spaces per dwelling, of which at least one (1) is covered. As such, the provision of on-site car parking satisfies this requirement.

In overall terms, the provision of on-site car parking as well as vehicle access and manoeuvring are considered to be acceptable.

Finished floor levels/flooding/retaining/fencing

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

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

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

The finished floor level of the proposed dwelling is to be 370mm above the top of kerb level in Alfred Street, such that all roof and ground surface stormwater will be able to drain by gravity to the street water table. Whilst the proposed finished floor level of the dwelling is 370mm above the top of kerb level, the topography of the site is such that the finished floor level of the dwelling ranges between being 70mm and 390mm above natural ground level, at any given point. As such, given that paving levels are usually about 150mm-200mm

below the finished floor level, retaining walls at the boundary of the site are not expected to exceed 190mm along the north-western rear boundary.

The Applicant has indicated that they intend to erect a 2.0 metre high sheet metal fence along the rear boundary of the subject land. As the property is located within a Historic (Conservation) Zone, should the Panel determine to approve the proposed development, it is recommended that a condition of consent be imposed requiring that the proposed sheet metal fence be a galvanised and/or a colorbond material and incorporate a corrugated profile.

Trees (significant, mature & street) and landscaping

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

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

There are several small to medium sized tree on the subject land, none of which are identified as Regulated trees. There are no street trees located on the Council verge adjacent the front property boundary of the subject land.

The Applicant has provided a landscaping plan and planting schedule. The front yard is to be landscaped with a variety of shrubs and hedging whereas the rear yard incorporates a reasonable sized lawn area that can be utilised for the enjoyment of the occupant(s).

The proposed landscaping will enhance the proposed built form and will provide for a positive contribution to the streetscape and a high level of residential amenity for future occupants, in accordance with City Wide Principles of Development Control 239 and 240.

Environmental Sustainability

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

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

The proposed dwelling has been designed and situated on the subject land to maximise access to northern light as much as possible. In particular, the dwelling has been designed to capture natural light sunlight into the living areas and provides good cross-ventilation. The roof overhang over the rear elevation provides shade from the summer sun whilst allowing for winter sunlight to enter the living/dining area. As such, the development proposal accords sufficiently with City Wide Principles of Development Control 70, 71 and 53.

The proposal also includes the installation of a 1,100 litre aboveground rainwater tank, which satisfies the mandatory Building Code of Australia requirement as well as a future solar electrical panel system on the roof of the dwelling.

Overall, it is considered that the design of the dwelling has a strong focus on environmentally sustainable principles.

Summary

The proposal for a detached dwelling on the subject land is consistent with the land use objectives of the Residential Historic (Conservation) Zone.

The outwardly contemporary design of the dwelling has been considered in the context of the existing built form character of the locality and is supported by the Council's Heritage Advisor.

On balance, it is considered that the proposal reflects a similar bulk and scale as buildings facing Alfred Street by way of incorporating common architectural elements, and uses materials and finishes which complement the built form in the locality. It is considered that the design will not detract from the historic streetscape character in the immediate or broader locality.

The proposal is considered to be a good quality and functional design, with a strong focus on environmentally sustainable principles.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords with the provisions of the Development Plan to warrant Development Plan Consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/125/15 by Phillips Pilkington Architects to construct a single-storey detached dwelling and a 2.0 metre high sheet metal fence (along the rear north-western boundary), on the land located at 1 Alfred Street, Stepney, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations (Project/Drawing Number 14461-A100) prepared by Phillips Pilkington Architects and received by the Council on 9 June 2015.
- landscaping schedule prepared by Scott Meek of Phillips/Pilkington Architects and received by the Council on 9 June 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 Second Avenue kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged in to Second Lane at the rear of the site.
2. A rainwater tank with a storage capacity not less than 1 kilolitre (1000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. The 2.0 metres high sheet metal fencing along the rear north-western boundary shall be a galvanised and/or a colorbond material and incorporate a corrugated profile.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

Mr Donaldson moved

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 155/125/15 by Phillips Pilkington Architects to construct a single-storey detached dwelling and a 2.0 metre high sheet metal fence (along the rear north-western boundary), on the land located at 1 Alfred Street, Stepney, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *plans and elevations (Project/Drawing Number 14461-A100) prepared by Phillips Pilkington Architects and received by the Council on 9 June 2015.*
- *landscaping schedule prepared by Scott Meek of Phillips/Pilkington Architects and received by the Council on 9 June 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 Second Avenue kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged in to Second Lane at the rear of the site.*
2. *A rainwater tank with a storage capacity not less than 1 kilolitre (1000 litres) shall be installed for the dwelling herein approved, and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
3. *The 2.0 metres high sheet metal fencing along the rear north-western boundary shall be a galvanised and/or a colorbond material and incorporate a corrugated profile.*
4. *All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
5. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*

Notes to Applicant

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

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

Seconded by Ms Newman and carried

3. OTHER BUSINESS

4. CONFIDENTIAL REPORTS
Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 7:42.

Terry Mosel
Presiding Member