

Development Assessment Panel Agenda & Reports

20 July 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
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City of
Norwood
Payneham
& St Peters

15 July 2015

To all Members of the Development Assessment Panel

NOTICE OF MEETING

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

Monday 20 July 2015, commencing at 7.00pm.

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

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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City of
**Norwood
Payneham
& St Peters**

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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 15 JUNE 2015**

2. **STAFF REPORTS**
 - Items to be starred (.....)
 - All unstarred items to be adopted (.....)

2. STAFF REPORTS

2.1 DEVELOPMENT ASSESSMENT PANEL TERMS OF REFERENCE

REPORT AUTHOR:	Manager, Development Assessment
GENERAL MANAGER:	General Manager, Urban Planning & Environment
CONTACT NUMBER:	8366 4567
FILE REFERENCE:	S/1099
ATTACHMENTS:	A

PURPOSE OF REPORT

The purpose of this report is to enable the Development Assessment Panel to adopt Terms of Reference to enable it to conduct its business.

BACKGROUND

Section 56A (19) of the *Development Act 1993* (the Act), prescribes that the procedures to be observed in relation to the conduct of business of a council Development Assessment Panel will be:

- (a) as prescribed by regulation;
- (b) insofar as a procedure is not prescribed under paragraph (a) – as determined by the panel.

In this context, there is a legislative obligation on the Panel to adopt Terms of Reference to guide the way in which the Panel conducts its business.

DISCUSSION

The Terms of Reference for the new Development Assessment Panel represent a starting point for the new Panel to conduct its business. The Terms of Reference reflect the Council's expectations for how the Panel should conduct its business. Over time, the Panel may choose to modify any provisions within the Terms of Reference that relate to procedures to be observed in relation to the conduct of the Panel's business.

The Council considered a report at its meeting held on 6 July 2014, regarding a review of the delegations conferred to the Development Assessment Panel. The review was undertaken by the Council due to the introduction of new policies into the Development Plan, via the Residential Development (Zones and Policy Areas) DPA. The Residential Development (Zones and Policy Areas) DPA was approved by the Minister for Planning on 19 June 2015 and was consolidated into the Development Plan on 2 July 2015.

The new policies, together with residential policies that were introduced through the Residential Development (City Wide Policy) DPA on 18 August 2011, provide quantitative provisions relating to site area, site frontage, site coverage, building height, setbacks and private open space.

The current delegation criteria applied to determine whether the Panel or staff will determine Development Applications for the construction of two (2) dwellings on one (1) allotment and Land Division which creates two (2) allotments from one (1) existing allotment, are based on quantitative standards relating to site area, site frontage, site coverage, building height, setbacks, car parking and private open space, which are largely not expressed in the Development Plan.

Due to the fact that the previous Residential Zones within the Development Plan, did not contain these design criteria, the delegation criteria set out in Tables 1-5 in the Panel's Terms of Reference, were developed as standards which the Council used to determine the level of delegations provided to the Panel and to staff.

Now that the Residential Development (Zones and Policy Areas) DPA is authorised, it is considered appropriate for the delegation criteria for determining Development Applications for two (2) dwellings on an allotment and the division of land into two (2) allotments, to be consistent with the quantitative criteria contained in the Development Plan, if for no other reason than to avoid confusion.

Accordingly, at its meeting held on 6 July 2015, the Council passed the following resolutions relating to Development Assessment delegations:

1. *That the City of Norwood Payneham & St Peters Development Assessment Panel, be delegated the following powers in relation to the assessment and determination of Development Applications:*
 - *In accordance with the delegations conferred by the Council, the Development Assessment Panel is responsible for assessing and determining the following, other than where the matter relates to a type of development that falls within Schedule 4 of the Development Regulations 2008 or that is a complying form of development by virtue of Section 35(1b) of the Development Act 1993;*
 - *any Development Application classified as Category 3, except where such Applications relate to the installation of satellite dishes, solar panels, water tanks and similar structures, for which no representations opposing the proposal have been received;*
 - *any Development Application classified as Category 2, to which there are unresolved representations opposing the development, relating directly to the component of the development that triggered the need for public notification;*
 - *any Development Application of a form deemed to be non-complying (not including minor alterations and additions, or the decision to proceed to notification and assessment of the application);*
 - *any Development Application for more than two dwellings on one allotment;*
 - *any Development Application for two dwellings on one allotment which do not meet the relevant quantitative Development Plan criteria with respect to dwelling type, site area, site frontage, site coverage, height, setbacks, car parking and private open space, unless the Development Application fails only one of those criteria and both the Manager, Development Assessment and the General Manager, Urban Planning & Environment determine that the variation is very minor in nature;*
 - *any new dwelling in an Historic (Conservation) Zone;*
 - *Development Applications for land division to which there is no approved related development and which does not meet the relevant quantitative Development Plan criteria with respect to site area or site frontage, unless the Development Application fails only one of those criteria and both the Manager, Development Assessment and the General Manager, Urban Planning & Environment determine that the variation is very minor in nature;*
 - *any Development Applications that seek to vary a Development Plan Consent which has previously been issued, provided that such Applications are processed in accordance with the Council's Policy relating to 'Applications to vary a previously issued Consent', adopted by the Council on 3 December 2012;*
 - *any Development Application, where a Council Employee or an Elected Member or, in either case, a member of their immediate family², own or have an interest³ in the property, with the following exceptions:*
 - *any Development Application for the installation of satellite dishes, solar panels, water tanks, and similar structures;*
 - *any Land Division Development Application relating to a boundary realignment or the amalgamation of allotments; and*
 - *any other Development Application which, in the opinion of staff, should be referred to the Panel for determination*

Notes

¹ ***In the event that the Development Plan contains two or more conflicting criteria, the relevant quantitative Development Plan criteria will be the higher order criteria (i.e. Policy Area criteria prevails over Zone criteria and Zone criteria prevails over City-wide criteria).***

² *An immediate family member for the purpose of this clause is defined as a persons parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, sibling in-laws, grandparents, grandchildren, aunts, uncles, nieces, and nephews.*

³ *An 'interest' in a property for the purpose of this clause is defined as a person receiving or having a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit."*

2. *That Clause 9.1 of the Panel's Terms of Reference be amended accordingly.*

The changes endorsed by the Council with respect to the delegations conferred to the Panel, have been incorporated into a revised draft of the Panel's Terms of Reference, a copy of which is contained in **Attachment A**. In this context, it is recommended that the Panel endorse the Terms of Reference included in Attachment A.

If Panel Members have major concerns with the Terms of Reference that were endorsed by the Development Assessment Panel on 20 April 2014, it is suggested that those concerns be expressed to staff, who in turn can prepare a discussion paper for the Panel's consideration or can facilitate a workshop so that Panel Members can make well informed decisions regarding the Panel's Terms of Reference.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Forming a Panel in accordance with the relevant legislation is good governance and provides the community with the confidence that our processes, procedures and delegations are robust; all of which allows us to focus on the implementation of the Council's Strategic Management Plan, City Plan 2030.

FINANCIAL IMPLICATIONS

N/A

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

OPTIONS

The Panel can either adopt the draft Terms of Reference attached to this report or adopt a modified version of the Terms of Reference. However, the Panel cannot alter delegations relating to whether the Panel or staff can determine Development Applications.

CONCLUSION

It is recommended that the Panel endorse the draft Terms of Reference contained in Attachment A, which continue to recognise the Panel's principal role in development assessment and related matters, in accordance with the requirements of the Section 56(A)(19) of the *Development Act 1993*.

COMMENTS

Nil

RECOMMENDATION

1. That, pursuant to Section 56A(19) of the *Development Act 1993*, the City of Norwood Payneham & St Peters Development Assessment Panel adopt the Development Assessment Panel Terms of Reference, contained in Attachment A to this report, until reviewed further by the Panel.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/282/2015 – MEDICAL HQ GROUP – 127 GLYNBURN ROAD, GLYNDE

DEVELOPMENT APPLICATION:	155/282/2015
APPLICANT:	Medical HQ Group
SUBJECT SITE:	127 Glynburn Road, Glynde (Certificate of Title Volume: 5223 Folio: 849)
DESCRIPTION OF DEVELOPMENT:	Variation to Development Application Number 155/875/2012, comprising the deletion of condition of Consent Number 2 to allow for extended trading hours for a previously approved medical centre.
ZONE:	Local Shopping & Residential 2A 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 to vary the trading hours of a previously approved medical centre at 127 Glynburn Road, Glynde.

Staff do not have delegated authority to determine the Application, as the Application was processed as a Category 3 development for the purposes of public notification. 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.

Shape:	regular
Frontage width:	17.98m
Depth:	57.0m
Area:	1019.96m ²
Topography:	slightly sloping from front to rear (ie. east to west)
Existing Structures:	the two-storey building Approved in 155/875/2012 is currently being developed

The subject land benefits from a free and unrestricted right-of-way that is located at the rear (west) of the property, providing access to Marian Road.

Locality Attributes

Land uses:	mixed use – in the form of commercial development and residential building stock in equal measure on both the western and eastern side of Glynburn Road
Building heights (storeys):	predominantly single-storey
Streetscape amenity	low to moderate – due to heavy traffic on Glynburn Road and the variety of building stock

The locality contains a variety of building types and styles. Land uses on the western side of Glynburn Road within the locality include shops, a locksmith, automotive service centre, offices, a veterinary clinic and a dwelling. Land uses on the eastern side of the Glynburn Road include residential properties, shops and a pharmacy which operates until 8pm weeknights, Saturday 9:00am to 7:00pm and Sunday 10:00am to 7:00pm.

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

Proposal in Detail

An Application for the demolition of existing medical consulting rooms and the construction of a two-storey building comprising a medical centre at the upper floor level and offices at the ground floor level (DA No. 155/875/2012) was granted Development Plan Consent on 15 July 2013 and full Development Approval on 14 July 2014.

Condition number 2 of the Consent states:

“The hours of operation of the medical centre herein approved shall be limited to 8:00am until 5:30pm Monday to Friday.”

A copy of the relevant section of the minutes of the Development Assessment Panel meeting held on 15 July 2015 and associated plans is contained in **Attachment B**.

The Applicant is now seeking approval to vary these hours of operation and has proposed the following hours of operation:

Monday to Friday:	8:00am to 8:00pm
Saturday:	8:00am to 4:00pm
Sunday:	10:00am to 3:00pm

Notification

The proposal has been identified and processed as a Category 3 form of development. No representations were received.

State Agency Consultation

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

Discussion

The subject land is located within the Local Shopping Zone and 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

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

Local Shopping Zone Objectives:	1
Local Shopping Zone Principles of Development Control:	1
Residential 2A Objective:	2
Residential 2A Zone Principle of Development Control:	2

City Wide Objectives: 2 & 7.
City Wide Principles of Development Control: 1, 4, 6, & 83.

The zone boundary separating the Local Shopping Zone and Residential 2A Zone runs in a north-south direction through the western third of the subject land and is shown on **Attachment A2**.

The proposed extended hours of operation are not considered to substantially alter the nature of the approved medical centre and the proposed variation does not seek to increase the number of consultants operating from the site at any given time. However, consideration has been given to the potential impact the proposed extended trading hours may have on occupants of surrounding properties, particularly the residential properties in Marian Road, in terms of noise and activity of vehicles egressing the property via Marian Road.

Although the extended trading hours are outside of ordinary daytime business hours, the subject land is located on an arterial road, where background noise levels resulting from large volumes of vehicular traffic are typically higher than traffic noise levels experienced in the heart of a residential zone. The eastern end of Marian Road would also experience higher traffic volumes than in the centre of the residential area given the signalised intersection with Glynburn Road.

In addition, the right of way where vehicles will exit the site is adjacent to a garage and verandah of the dwelling at 184 Marian Road and therefore is not directly adjacent to bedrooms or internal living areas.

Summary

The proposed extended hours of operation will have some impact on the occupants of adjacent and nearby properties, particularly the adjacent dwelling at 184 Marian Road, resulting from additional activity in the evenings on weekdays and on weekends during the day. However, given the moderate scale of the medical centre, the relatively benign nature of the land use (ie. visitors are unlikely to create noise nuisance in the carpark) and the location of the site on an arterial road, where background noise levels are high, the resultant impact is not considered unreasonable.

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 and Development Approval be **granted** to Development Application No 155/282/2015 by Medical HQ Group for a variation to Development Application Number 155/875/2012 comprising revised hours of operation of medical centre to : Monday to Friday 8.00am to 8.00pm, Saturday 8.00am to 4.00pm and Sunday 10.00am to 3.00pm (deletion of Condition of consent Number 2) on the land located at 127 Glynburn Road, Glynde subject to the following requirements, conditions and notes:

Relevant Plans

Except where varied by this approval, all other conditions, plans and details relating to Development Application 155/875/2012 continue to apply to this amended application.

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. 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.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/308/2015 – MR A COOK – 206-208 PORTRUSH ROAD, TRINITY GARDENS

DEVELOPMENT APPLICATION:	155/0308/15
APPLICANT:	Mr A Cook
SUBJECT SITE:	206-208 Portrush Road, Trinity Gardens (Certificates of Title - Volume: 5385, Folio: 917 & Volume: 5386, Folio: 24)
DESCRIPTION OF DEVELOPMENT:	Demolition of existing structures associated with a bus depot and the construction of a medical centre together with associated signage, car parking and landscaping
ZONE:	District Commercial Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of existing structures associated with a bus depot and the construction of a medical centre together with associated signage, car parking and landscaping, at 206-208 Portrush Road, Trinity Gardens. Staff do not have delegated authority to determine the Application, as the Application is a Category 3 development for the purposes of public notification. As such, the Application is referred to the Panel for determination.

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

Subject Land Attributes

Shape:	irregular
Frontage width:	37.25m
Depth:	71.45m
Area:	2339m ²
Topography:	slightly sloping from the rear to the street (i.e. east to west)
Existing Structures:	bus depot (hard-stand parking area, workshop and office building)
Existing Vegetation:	one (1) mature (non-regulated) Norfolk Island Pine

Locality Attributes

Land uses:	primarily commercial development adjacent Portrush Road, with residential development located to the west of the land
Building heights (storeys):	mix of single-storey and two-storey development
Streetscape amenity:	low to moderate – influenced by the heavily trafficked nature of Portrush Road and inconsistency in the scale, form and siting of the existing building stock

The subject land is bounded by a commercial bakery on the northern side of the subject land; a bulky goods outlet (Officeworks) on the southern side of the subject land and a dwelling and motor repair workshop to the east (rear) of the subject land. A range of office and residential development is located to the west of the subject land, on the opposite side of Portrush Road. The dwelling which is located abutting the rear boundary of the subject land at 9 Amherst Avenue, is located within the District Commercial Zone.

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

Proposal in Detail

The Applicant is seeking consent to demolish all existing structures on the subject land, comprising the bus depot; in order to construct a single storey medical centre with associated signage, car parking and landscaping.

The proposed medical centre has an overall floor area of 958 square metres. The medical centre includes sixteen (16) general consulting rooms, three (3) dental rooms, two (2) rooms for the collection of pathology samples, a treatment area for minor procedures, a pharmacy and associated staff amenities.

The Applicant has proposed that a maximum of nine (9) practitioners will consult from the premises at any time. The provision of sixteen (16) general rooms and three (3) dental rooms is to facilitate the seven-day operation of the centre.

The proposed hours of operation for the medical centre are set out below:

- Monday to Friday – 7.00am to 9.00pm;
- Saturday & Sunday – 7.30am to 5.00pm.

The proposed building is single storey and has a contemporary appearance. The building is proposed to be constructed with insulated 'Kingspan' external metal sheets, which have a horizontal plank appearance. The walls are proposed to be finished with a range of colours including 'Surfmist' (off-white), 'Windspray' (grey) and 'Deep Ocean' (blue). Powder-coated aluminium window and door frames are proposed, which will be finished with Dulux 'Black Satin'.

The building has a skillion roof with a relatively low pitch (3 degrees). The roof is proposed to be finished with corrugated metal sheeting (Colorbond 'Surfmist'), while the proposed gutters and soffits are proposed to be finished with corrugated Colorbond 'Windspray'. The Applicant has provided a perspective of the proposed building which provides a good indication of the proposed materials and colour scheme. A copy of the perspective is contained in **Attachment B7**.

The proposed development includes the construction of a car parking area with provision for thirty-nine (39) vehicles to park on the site. The car parking area is proposed to be constructed with concrete and will be line-marked to delineate the parking spaces, vehicle turning areas and vehicle circulation movements. Two-way vehicular access is proposed from Portrush Road, adjacent to the northern side of the subject land.

The Applicant has proposed to retain the mature (non-regulated) Norfolk Island Pine within a landscaping area at the front of the site, adjacent to the Portrush Road frontage. Other limited areas of landscaping are proposed adjacent to the side and rear boundaries of the subject land.

A 4.0 metre high freestanding internally illuminated business identification sign is proposed adjacent to the vehicular access point, with additional back-lit fascia identification signs on the front and northern side elevations of the building.

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 Development	Development Plan Merit Assessment Quantitative Guideline
Site Area	2339m ²	N/A
Allotment Width	37.25 metres	N/A
Allotment Depth	71.45 metres	N/A
External Wall Height*	3.5-4.9 metres	N/A
Maximum Overall Height (to roof apex)*	5.0 metres	N/A
Building Floor Area	958m ²	N/A
Street Set-back	14.5 metres	N/A
Side Set-backs	1.05-1.99m & 1.0-17.8m	N/A
Rear Set-back	2.02 metres	N/A
Car Parking Provision	39 spaces	96 spaces (Table NPSP/9)

* 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 building, a range is given.

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

The Applicant as provided a planning statement in support of the proposal. The planning statement has been prepared by Ekistics Planning and Design. A copy of the planning statement is contained in **Attachment C**.

Notification

The proposal has been identified and processed as a Category 3 form of development. No representations were received in response to this notification.

State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development includes the alteration of an access point to an arterial road (Portrush Road). The Commissioner of Highway's response is discussed in detail under the heading *Car parking/access/manoeuvring* later in the report.

Discussion

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

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

Land Use

The following Development Plan provisions provide guidance on land use considerations envisaged within the Development Plan:

District Commercial Zone Objectives:	1
District Commercial Zone PDC's:	1 & 3

City Wide Objectives: 2, 3, 7, 10, 12, 13, 26, 27 & 77.
City Wide PDC's: 3-6, 12, 19, 83, 88 & 327.

A medical centre is not an explicitly anticipated land use within any zone contained in the Development Plan. That in itself does not mean that such a land use is not appropriate within the Council area. Rather, the proposed medical centre must be assessed on its individual merit, with consideration given to the general intent of the relevant zone. If the general intent of the relevant zone is not unreasonably compromised and the proposal can be supported following an assessment of other relevant provisions contained in the Development Plan, then the proposed land use may generally be appropriate.

District Commercial Zone Principle of Development Control (PDC) 1 states:

"Development undertaken in the District Commercial Zone should be, major servicing, wholesaling, storage and associated activities."

In addition, District Commercial Zone PDC 3 provides a list of complying forms of development within the Zone (subject to conditions). Consulting rooms are listed as a complying form of development within the Zone.

The proposed medical centre comprises nineteen (19) consulting rooms (including the dental rooms), in addition to a pathology service, pharmacy and treatment areas. The scale of the building is considered to be appropriate to the District Commercial Zone, as the 'District' prefix in the hierarchy of Zones usually indicates that larger built form providing services to a wide customer catchment can be anticipated within the Zone compared to smaller scale services and businesses servicing small catchments that can be reasonably anticipated within 'Local' or 'Neighbourhood' zones.

The subject land is located adjacent to an arterial road and is surrounded predominantly by commercial development. The proposed land use is not likely to have any unreasonable adverse impacts on the amenity of the local area. The adjacent dwelling at 9 Amherst Avenue is also located within the District Commercial Zone and the level of residential amenity that can be reasonably anticipated when living within a non-residential zone differs and would be lower from that which can be expected within a residential zone. In any event, given the nature of the proposed land use, it is unlikely that the proposed development would give rise to any unreasonable impacts on the adjacent resident's amenity.

The pharmacy (shop) component of the proposed development is considered to be a relatively minor land use given the overall scale (110m²). Although not specifically anticipated in the Zone, the ancillary shop use is considered appropriate within the context of the locality, which contains a range of commercial land uses.

As such, the proposed use of the subject land for a medical centre is considered to be acceptable.

Streetscape/bulk/scale/height/character

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

City Wide Objectives: 8, 18, 19 & 20.
City Wide PDC's: 29-31, 33-35, 39, 41, 42, 48 & 326.

The District Commercial Zone does not provide quantitative nor qualitative guidance in terms of recommended building heights. In lieu of this, City Wide PDC's 30 and 31 state respectively:

City Wide Principle of Development Control 30

"Buildings and structures should have a visual bulk and architectural scale which is consistent with structures on adjoining or nearby land and should not visually dominate the surrounding locality, unless the Zone or Policy Area Objectives or Principles of Development Control provide otherwise."

City Wide Principle of Development Control 31

"New buildings should complement the urban context of existing buildings on adjoining and nearby land in terms of:

- (a) *maintenance of existing vertical and horizontal building alignments;*
- (b) *architectural style, building shape and the use of common architectural elements and features;*
and
- (c) *consistent colours, material and finishes.”*

The proposed building is single storey and has a bulk and scale that complements existing development within the locality.

The facade of the proposed single storey building is relatively contemporary and incorporates a skillion roof form and includes architectural features and articulation which are considered to create interest and improve the visual appearance of this particular section of Portrush Road. Such features include varied wall treatments and colours, an articulated facade, black powder coated window and door frames.

Whilst the primary blue colour of the facade ('Deep Ocean') is relatively bold, it is reasonably complemented by the recessed off-white walls and grey soffit, such that it will not have an adverse impact on the character of the locality. The adjacent Officeworks building is finished in a similar colour. The perspective contained in **Attachment B7** provides a good indication of how the proposed colour scheme will complement other buildings within the locality.

The skillion roof is proposed to be finished with Colorbond 'Surfmist' corrugated sheeting. The colour surfmist is quite reflective and, in large quantities, has the potential to cause unreasonable glare.

City Wide PDC 39 states:

“The external walls and roofs of buildings should not incorporate highly reflective materials which will result in excessive glare.”

In this instance, the use of Colorbond 'Surfmist' roof sheeting is considered to be acceptable, as the proposed roof pitch (3 degrees) is relatively low and will not result in any unreasonable glare when viewed from adjacent land or public areas.

The proposed building and its surrounds are considered to result in a reasonable character and amenity, which will make a positive contribution to the character and amenity of this part of Portrush Road.

Setbacks

The following Development Plan provisions provide guidance with respect to setbacks and site coverage considerations:

City Wide PDC's: 51, 52, 53 & 326.

City Wide PDC's 51 and 52 state respectively:

City Wide Principle of Development Control 51:

“The setback of buildings from public roads should:

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

City Wide Principle of Development Control 52:

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

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

The front facade of the proposed medical centre is proposed to be set back 14.5 metres from the Portrush Road property boundary. Front setbacks are varied within this portion of Portrush Road. The adjacent bakery at 204 Portrush Road is set back approximately 14 metres from the Portrush Road property boundary, while the adjacent Officeworks building is set back approximately 42 metres from the Portrush Road property boundary to accommodate a large car parking area at the front of the building.

A large two-storey bulky goods outlet (Spotlight) has been approved by the Council at 210-212 Portrush Road (Development Application 155/0228/14). The building is approved with a front setback of 4.5 metres.

City Wide PDC 326 states:

“Industrial and commercial development should be of a high architectural standard and be setback from the road frontage to allow for landscaping.”

The proposed medical centre building is set back such that a reasonable level of landscaping can be established at the front of the site, which includes the retention of a mature (non-regulated) Norfolk Island Pine. As such, the proposed development is considered to be consistent with City Wide PDC 326, as it relates to front setbacks.

There is no predominant or consistent building setback on the eastern side of Portrush Road, within this locality. As such, given that the proposed setback is consistent with the front setback of the adjacent building at 204 Portrush Road, the proposed front setback is considered to be acceptable.

The proposed medical centre incorporates side setbacks that range from 1.0 metre to 17.8 metres from the northern side boundary and 1.05 metres to 1.99 metres from the southern side boundary. A commercial bakery and motor repair station occupy land which abuts the northern side boundary of the subject land and a large commercial building (Officeworks) and associated car parking area occupies the land that abuts the southern side boundary of the subject land. Given the context of the subject land and the adjacent built form and land uses, the proposed side setbacks are considered to be acceptable.

The medical centre is proposed to be set back 2.02 metres from the rear boundary of the subject land. A detached dwelling is located abutting the rear boundary of the subject land, albeit that it is also located within the District Commercial Zone. Notwithstanding, the proposed setback is considered to be acceptable given the scale of the building, with a maximum height of 5.0 metres, is not considered to be excessive within the District Commercial Zone.

Overall, the front, side and rear setbacks are considered to be acceptable within the context of the locality and are not considered to result in any unreasonable loss of visual amenity when viewed from adjacent and/or nearby land.

Overlooking and overshadowing

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

City Wide Principle of Development Control: 11

City Wide Principle of Development Control 11 states the following:

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

The proposed medical centre only abuts one (1) residential property, which is located at the rear of the site at 9 Amherst Avenue. The proposed building has a single storey form and will not cause any overlooking or loss of privacy to the occupiers of the adjacent dwelling.

The adjacent dwelling at 9 Amherst Avenue is located to the east of the subject land and, given the height of the building (up to 5 metres) and the siting of the building, with a setback of approximately 2 metres from the common boundary, the proposed building will only cause overshadowing of the adjacent dwelling's private open space to varying degrees after 2.00pm during the winter solstice.

The extent of overshadowing which will occur as a result of the proposed development is therefore considered to be acceptable.

Car-parking/access/manoeuvring

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

City Wide Objectives:	31, 32 & 34
City Wide PDC's:	101, 104, 107, 112, 113, 116, 118, 120, 121-123, 126, 127 & 129-133.
Table NPSP/9	

Thirty-nine (39) on-site car parking spaces are proposed to service the development, which are located at the front and side of the proposed building. The car parking area is proposed to be accessed via a two-way driveway crossover from Portrush Road.

In terms of the provision of car parking, Table NPSP/9 prescribes a rate of 10 spaces per 100m² of gross leasable area for medical centres. This results in a theoretical demand for 96 on-site car parking spaces, based on the gross leasable area (958m²).

Using the rate prescribed within the Development Plan, the proposed development would have a shortfall of 57 on-site car parking spaces. This theoretical shortfall was communicated to the Applicant prior to the lodgment of the Development Application. The Applicant has experience with the establishment of medical centres and disputes the suitability of the theoretical rate prescribed within Table NPSP/9.

Given the significant theoretical shortfall of car parking spaces, the Applicant has provided a report from GTA Consultants which provides empirical data regarding car parking demand associated with medical centres with similar floor areas. A summary of the GTA Consultants' report is set out below:

- the car parking rate prescribed in the Development Plan, which would result in the need for 96 on-site car parking spaces, is inappropriate for a medical centre and parking should be assessed on a needs basis;
- based on empirical evidence, the proposed development is anticipated to generate a car parking demand of 35 spaces;
- the proposed supply of 39 spaces, including two (2) accessible car parking spaces, is considered to be appropriate and could support up to ten (10) practitioners on site at any given time;
- the proposed car parking layout is generally consistent with the relevant Australian Standards;
- the provision of two (2) bicycle parking racks can accommodate up to four (4) bicycles, which would cater for the likely demand;
- the site is conveniently located for access to public transport; and
- the anticipated traffic generated by the proposed development will not compromise the safety or function of the surrounding road network.

A copy of the GTA Consultants' report is contained in **Attachment D**.

The empirical data provided within the GTA Consultants report is based on their own experience recording demand at 26 other medical consulting rooms and the proposed rates within other relevant documents such as the *Parking Spaces for Urban Spaces: Car Parking Study* prepared by the State Government; the *Guide to Traffic Generating Development* prepared by the Road and Traffic Authority New South Wales; and the Victorian Planning Scheme parking requirements.

The GTA Consultants' report was referred to the Council's Traffic Engineering Consultant, Paul Simons of Tonkin Consulting, to review the proposed provision of car parking and for general traffic advice. A summary of Mr Simons' advice is set out below:

- the alternative car parking rates presented in the GTA report are accepted and the provision of 39 on-site car parking spaces will be adequate to cater for the likely demand associated with the development;

- this rate is based on the Applicant's advice that a maximum of nine (9) practitioners will operate from the medical centre at any given time;
- the car parking layout complies with the relevant Australian Standard (AS2890.1 Off Street – Class 3 Short Term Turnover Medical Centres);
- the median strip opening in Portrush Road adjacent to the proposed access point is the first opening north of the Magill Road intersection which allows U-turns and could create a minor conflict with vehicles turning right into the subject land;
- there are no pedestrian facilities for crossing Portrush Road in the immediate vicinity of the development; and
- consideration should be given to prohibiting U-turns adjacent to the development and to providing a pedestrian median walk-through north of the proposed driveway (although it is considered that both of these issues are minor and would require the consent of DPTI given that Portrush Road is an arterial road).

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

Both traffic engineering consultants agree that the Development Plan car parking rate for medical centres (10 spaces per 100m²) is not an accurate reflection of the practical and realistic car parking demand associated with medical centres. Based on the empirical data provided, both traffic consultants are satisfied that the provision of 39 car parking spaces is considered to be acceptable to cater for the likely demands generated by the proposed medical centre. It is noted that both traffic consultants have factored the pharmacy area into their calculations for car parking demand.

However, both traffic consultants advice is premised on the Applicant's advice that a maximum of nine (9) practitioners will consult from the proposed medical centre at any given time. As such, should the Panel determine to approve the Application, it is recommended that a condition be imposed to restrict the number of practitioners that can consult from the premises to nine (9) at any given time.

Subject to the caveat on the total number of practitioners working at any time, it is considered that adequate on-site car parking is proposed to cater for the likely demands generated, consistent with City Wide Principle of Development Control 107.

The proposal was referred to the Department of Planning, Transport and Infrastructure (DPTI) pursuant to Schedule 8 of the *Development Regulation 2008*, as the proposal includes the alteration of an access point to an arterial road. A summary of DPTI's advice is set out below:

- Portrush Road is classified as a Major Traffic Route, a Primary Freight Route, a Major Cycling Route and a Standard Frequency Public Transport Corridor under DPTI's *A Functional Hierarchy For South Australia's Land Transport Network*;
- recent surveys show that Portrush Road carries approximately 36,100 vehicle per day at this location, with 7% commercial vehicles;
- DPTI does not object to the proposed change of use to a medical centre;
- DPTI supports the location and configuration of the proposed access point in principle, but recommends that car parking space number 1 be deleted as it is likely to result in vehicular conflict adjacent to an access point;
- DPTI have identified a need to upgrade the nearby Portrush Road/Magill Road intersection, which will include an extended right turn lane adjacent to the subject land. Consequently, the existing median opening will be closed beyond the subject land such that all access and egress to the subject land will be left in-left out. This work is proposed to be undertaken in the 2015/16 financial year;
- servicing of the site by heavy vehicles will need to be undertaken outside of business hours (as is proposed);
- no significant structures are proposed within 4.5 metres of the Portrush Road property boundary, therefore approval is hereby granted for the purposes of the Metropolitan Adelaide Road Widening Plan;
- the proposed pylon sign is unlikely to pose a risk of distraction to motorists; and
- DPTI does not object to the proposal in-principle, subject to the imposition of a number of conditions as outlined in the recommended conditions below.

A copy of DPTI's advice is contained in **Attachment F**.

The closure of the median opening adjacent to the proposed access driveway will alleviate one of the minor concerns expressed by the Council's Traffic Engineer regarding conflicts with vehicles undertaking U-turns adjacent to the proposed access point. The potential vehicular conflict with the access driveway and car parking space number 1 could be minimised by clearly marking the space for staff use, thereby minimising the number of vehicle movements from that space.

Heavy vehicle access to the site for the purposes of waste collection is proposed to be undertaken outside of usual business hours to ensure that vehicles have adequate space to manoeuvre and to access and egress the land in a forward direction. DPTI have included a recommended condition to this effect, such that it is not necessary for the Panel to impose a separate condition.

The Applicant has advised that deliveries to the site will be undertaken primarily by small courier vans which can utilise regular car parking spaces within the site. In the event that larger vehicles are required from time to time, deliveries will be scheduled outside of business hours.

Whilst it is accepted that a dedicated delivery area is not required, given the nature of the proposed development, a bin storage area is likely to be required. Further, given that the proposed medical centre incorporates a pharmacy, there will likely be a requirement that medicinal waste be appropriately secured, which would necessitate the provision of a secured bin enclosure. Having reviewed the proposed site plan, there does not appear to be a convenient location for a bin enclosure.

However, if the proposed car parking area was reconfigured slightly at the eastern end, a bin enclosure could be established with the loss of one (1) car parking space (possibly space number 18 adjacent to the eastern boundary of the land). The loss of one (1) car parking space is not considered to be fatal to the overall merit of the proposed development, particularly given that GTA Consultants had recommended that the overall demand for car parking associated with the proposed development is 35 spaces, which would create a surplus of four (4) spaces.

Therefore, having considered DPTI's advice and the need for a bin storage enclosure, it is recommended that if the Panel approves the Application, conditions be imposed to ensure that a bin storage area is illustrated on the plans submitted for Building Rules Consent; and that car parking space number 1 be clearly marked for staff car parking.

The provision of two (2) bike racks, which can accommodate four (4) bicycles adjacent to the front of the building, is considered to be a positive aspect of the proposed development.

Overall, the provision of car parking, access, egress and manoeuvring associated with the development are all considered to be acceptable.

Finished floor levels/stormwater/retaining

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

City Wide Objectives:	9, 37, 42, 44 & 51.
City Wide PDC's:	10, 12, 60, 61, 138, 140, 143, 157, 163, 164 & 166.

The subject land is relatively flat; with the natural ground level approximately 700mm higher at the rear of the allotment than it is adjacent to Portrush Road (the site has a depth of over 70 metres). The subject land is not located within a recognised flood affected area.

The proposed finished floor level (60.5AHD) is approximately 700mm higher than the top of kerb level adjacent to the subject land, which is approximately 100mm above the existing natural ground level. The proposed finished floor levels will ensure that the building and site can be drained via gravity to the Portrush Road kerb and water table, without the need for any retaining walls.

The Applicant has submitted a preliminary Stormwater Management Plan, prepared by FMG Engineering, in support of the Application. A summary of the Stormwater Management Plan is set out below:

- the nearest underground stormwater infrastructure is located 90 metres north of the subject land, beneath the intersection of Portrush and Albermarle Avenue;
- extension of the underground drainage infrastructure is not considered feasible on the basis that it will cause significant disruption to traffic and services along Portrush Road;
- site drainage shall be managed using shallow underground drainage infrastructure discharged to the street water table;
- no detention is required on the basis that the fraction impervious will not change post development;
- dispensation is sought from the Council for the requirement of a proprietary Gross Pollutant Trap (GPT) device on the basis that such a device would require a costly underground pump solution and a single discharge point to the kerb and water table;
- it is recommended that gross pollutant and litter traps treat stormwater runoff from the majority of the car park catchment;
- it is recommended that roof water is collected in above or underground storage tanks and recycled for toilet flushing within the building, with the size and location of the tank to be confirmed during detailed design; and
- where practicable, the provision of landscaping features to treat stormwater (through filtration) or recycle stormwater (through passive irrigation) should be considered.

A full copy of the preliminary Stormwater Management Plan is contained in **Attachment G**.

The preliminary Stormwater Management Plan was referred to the Council's Project Manager – Civil, Matthew Kildea, for review. A summary of Mr Kildea's response is set out below:

- the Council supports the preliminary design detail contained within the preliminary Stormwater Management Plan, in principle;
- the use of a spelecoceptor is not required for a development of this nature. The Council would support the use of DrainAce Gross Pollutant / Silt Trap or other approved equivalent for treatment of stormwater;
- the Council agrees in principle with the reuse of roof runoff for toilet flushing and for surface water to passively irrigate landscaping features, thereby decreasing the possibility of pollutants leaving the site; and
- a final Stormwater Management Plan illustrating the above points should be provided to the Council prior to Development Approval.

It is noted that the Stormwater Management Plan was forwarded to DPTI with the referral documents and that DPTI has not raised any objection to stormwater discharging to the kerb and water table in the absence of any underground drainage infrastructure.

If the Panel determine to approve the Application, it is recommended that a condition be imposed requiring the final Stormwater Management Plan to be provided to the Council prior to the granting of Development Approval, with details of stormwater reuse and irrigation.

The measures contained within the Stormwater Management Plan are considered to be acceptable in terms of stormwater disposal, particularly given that the site is currently predominantly impervious and does not contain any water treatment infrastructure. The proposed reuse of roof runoff and passive irrigation will significantly reduce stormwater discharge from the subject land.

Trees (regulated, 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:	46, 76-79 & 81

There are no regulated trees on the subject land or on adjacent land which could be affected by the proposed development.

A mature (non-regulated) Norfolk Island Pine is located adjacent to the Portrush Road frontage, which is proposed to be retained and incorporated within a landscaping area. City Wide PDC 46 states:

“Development should:

- (a) protect existing site features, including mature vegetation and trees from damage; and*
- (b) not result in damage to neighbouring trees.”*

The retention of the Norfolk Island Pine is considered to be a positive aspect of the proposed development, particularly given the predominantly impervious nature of the proposed medical centre and car parking area.

A mature (non-regulated) street tree is located adjacent to the subject land. The street tree is located approximately 13 metres from the proposed driveway crossover, such that the tree will not be adversely affected by the establishment of the crossover.

The proposed development includes the establishment of a narrow (300mm wide) landscaping strip adjacent to Portrush Road, with three (3) larger landscaping beds (one containing the mature Norfolk Island Pine and the other two adjacent to the entry to the site), as well as modest landscaping strips adjacent to the southern side and eastern rear boundaries. The landscaping beds are proposed to be planted with Grevillea ‘Pinky Petite’, which is a small garden shrub suitable for ensuring vehicle and pedestrian sight lines.

Final details of the landscaping areas will be confirmed with the submission of a final Stormwater Management Plan, which is proposed to use passive irrigation of landscaping areas for ground water run-off.

The provision of soft landscaping within the car parking area is generally considered to be reasonable, with the exception of the 300mm wide strip adjacent to Portrush Road. If the Panel determines to approve the proposed development, it is recommended that a condition be imposed to increase the width of the landscaping strip adjacent to Portrush Road to 1.0 metre, so as to provide more opportunity for meaningful landscaping. The additional 700mm required should be offset by reducing the length of the building rather than decreasing side or rear setbacks; or compromising vehicle manoeuvring areas.

Whilst modest in terms of area, the proposed landscaping areas are located such that the general character and amenity experienced within the locality will be improved.

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, 72, 73 & 149.

The proposed building has a relatively low pitch roof with a northern orientation, which would provide an opportunity for the installation of solar collectors in the future, consistent with City Wide Principle of Development 73.

The building also incorporates a relatively wide roof overhang, which will assist in providing shade to windows during summer months, when the sun angle is high; and solar access to windows during winter, which will reduce the need for artificial heating and cooling.

The Applicant has provided a site analysis plan which illustrates solar access and typical wind directions, which is contained in **Attachment B6**. Whilst the site analysis plan appears to demonstrate cross-ventilation, it is unlikely that there will be any natural ventilation of the building given the nature of the medical centre (other than the periodic opening of the automatic doors).

Whilst the subject land would remain predominantly impervious, the measures outlined in the preliminary Stormwater Management Plan, including stormwater retention and reuse and passive irrigation of the landscaping areas, would reduce the amount of stormwater discharged to the street. The inclusion of gross pollutant traps will improve the quality of water being discharged from the site.

Summary

The establishment of a medical centre is considered to be an appropriate land use within the District Commercial Zone. The medical centre is of a scale that would serve a catchment beyond that of the local area, consistent with the intent of the zone. The proposed land use is unlikely to create any loss of amenity for adjacent and nearby residents within the locality.

The Council's consultant Traffic Engineer has advised that the provision of car parking is considered to be adequate to cater for the likely demands generated by the proposed development. Access, egress and vehicle manoeuvring is considered to be safe and convenient.

From a design perspective, the proposed building displays a visual bulk that will complement adjacent buildings. The formalisation of the car parking area and the proposed landscaping, including the retention of the Norfolk Island Pine, will improve the character and amenity within the locality.

On balance, it is considered that the proposed development 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 155/0308/15 by Mr A Cook to demolish the existing structures associated with a bus depot and to construct a single-storey medical centre together with associated signage, car parking and landscaping, on the land located at 206-208 Portrush 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:

- plans and details prepared by GrayPuksand Architects, Project No. 214114, received by the Council on 11 May 2015.

Conditions

1. The medical centre shall have a maximum of nine (9) practitioners consulting from the facility at any time.
2. The hours of operation of the medical centre, herein approved, shall be limited:
 - Monday to Friday – 7.00am to 9.00pm;
 - Saturday & Sunday – 7.30am to 5.00pm.
3. A bin enclosure shall be constructed adjacent to the eastern end of the car parking area, with details to be provided with the documentation for Building Rules Consent. It is anticipated that the bin enclosure will result in the loss of one (1) on-site car parking space. Drugs and/or chemical waste shall be secured and separated from general waste.
4. Car parking space No. 1 shall be clearly marked for 'staff parking' to reduce potential conflicts with vehicles entering the site, by reducing the number of vehicle movements from this space.

5. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
6. The preliminary Stormwater Management Plan is approved in principle. A final Stormwater Management Plan shall be submitted to the Council prior to the issuing of Development Approval. The final Stormwater Management Plan shall include detailed design for stormwater retention and reuse through either above-ground or underground rainwater tanks; the passive irrigation of landscaping areas; and the inclusion of suitable gross pollutant traps.
7. The 300mm wide landscaping strip, located adjacent to the Portrush Road frontage, shall be increased in width to 1.0 metre, so as to provide more opportunity for meaningful landscaping. The additional 700mm required should be offset by reducing the length of the building, rather than decreasing side or rear setbacks, or compromising vehicle manoeuvring areas. A final landscaping plan, including the above amendments and details of irrigation in accordance with the Stormwater Management Plan, shall be submitted to the Council prior to the issuing of Development Approval.
8. All landscaping and/or garden 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.
9. All of the car parking spaces, driveway and vehicle manoeuvring areas shall be constructed of concrete, paving bricks or bitumen; and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
11. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
12. Access to buildings and designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in *Australian Standard AS1428*.
13. All car parking spaces shall be line-marked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
14. All external lighting of the site, including car parking areas and buildings, 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.
15. All deliveries to and from the site shall occur outside of regular operating hours, to prevent conflict with customer vehicles. Loading and unloading shall occur entirely on the subject land.

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 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.

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/210/2015 – AZZURRI SPORTS CLUB INCORPORATED – 61-65 LOWER PORTRUSH ROAD, MARDEN

DEVELOPMENT APPLICATION:	155/210/15
APPLICANT:	Azzurri Sports Club Incorporated
SUBJECT SITE:	61-65 Lower Portrush Road, Marden (Certificate of Title Volume: 5675 and Folio: 913 and 914)
DESCRIPTION OF DEVELOPMENT:	Weekly Produce Market (Saturday between 8:00am and 1:00pm) within the existing car parking area associated with the Azzurri Sports Club.
ZONE:	Community Uses Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 13 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 a weekly produce market (Saturday between 8:00am and 1:00pm) within the existing car parking area associated with the Azzurri Sports Club. Staff do not have delegated authority to determine Development Applications for Category 3 forms of development. Accordingly, the Application is forwarded 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 and Locality

The subject land is occupied by a main soccer pitch that is bound by designated spectator areas to the north, east and south. A covered grand stand area is located centrally adjacent to the eastern side of the main soccer pitch and spans approximately 50 metres in length. The northern and southern spectator areas are uncovered. Three (3) practice soccer pitches are located to the east and north-east of the main soccer pitch. A bitumen car parking area is located south of the main soccer pitch and the southern-most practice pitch adjacent to Lower Portrush Road.

The primary vehicular access point to the car parking area is directly via Lower Portrush Road, with both access and egress being on a left-in and left-out basis only. The car parking area at present contains 293 spaces. Alternative access to the car parking area is available via an access driveway which services Marden Senior College, Church of Jesus Christ Latter Day Saints and Mars basketball stadium.

A number of mature trees are located on the site and are primarily located in the car parking area. The trees in the car parking area include a range of Eucalyptus species. Of the trees in the car parking area, three (3) are classified as regulated trees. The three (3) regulated trees are located north of an existing pedestrian walkway which links Lower Portrush Road with Marden Senior College. A number of mature native Eucalyptus trees are situated on the Council verge area adjacent to the Lower Portrush Road frontage of the site.

A bus stop is located north of the existing access point to the car parking area of the Azzurri Club site adjacent Lower Portrush Road.

A number of easements and rights-of-way exist over the subject land and in particular, the existing car parking area.

The locality surrounding the subject land contains a variety of land uses. The MARS Sporting Complex is located to the east of the practice pitches and further to the east beyond that, is Marden Senior College. The Church of Jesus Christ Latter Day Saints Temple is located to the south-east of the existing car parking area. To the south and west of the subject site, on the opposite side of Lower Portrush Road, is predominantly residential land uses on varying allotment sizes. River Torrens Linear Park is located to the north and north-west of the subject land. The Adelaide O-Bahn guided busway runs parallel to the north-western portion of the subject land. Two (2) dwellings associated with a residential development at 17-19 Church Street abut the subject site land to the north-east adjacent the northern most practice pitch.

The nearest shopping complex is the Marden Shopping Centre which is located southwest of the subject land at the intersection of Lower Portrush Road and Payneham Road. Within the Marden Shopping Centre, an existing fruit and vegetable shop, Fruita Bella, operates during the following days and hours:

Monday to Wednesday and Friday:	6:00am – 6:00pm
Thursday:	6:00am – 9:00pm
Saturday:	6:00am – 5:30pm

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

Proposal in Detail

The Applicant seeks consent to commence and operate a weekly produce market on Saturdays between 8:00am and 1:00pm within the existing car parking area associated with the Azzurri Sports Club. More specifically, the proposed produce market is intended to occupy a portion of the existing north-western section of car parking (ie. in the order of 30 spaces) adjacent to Lower Portrush Road. The Applicant has indicated that approximately 24 – 26 tents, each of which are to be 3.0 metres x 6.0 metres in area, are to be situated over the market stalls.

The proposed produce market is intended to be managed by an intermediary (ie. a business named Farmco) on behalf of the Azzurri Sports Club. The Applicant has advised that there will be written licence agreements signed with each of the stall holders, specifying the procedures and responsibilities of operating within the market. For instance, the agreement includes the area that can be used and/or allocated for each stall holder, operating times, what can be sold to the public etc. Farmco currently operates The Gawler Park Open Air Market at 485 Main Road, Evanston.

The Applicant has advised that when the produce market are operating during the specified hours of operation, the Azzurri Sports Club would provide catering (eg. drinks, coffee/tea, take-away food) and amenities (ie. toilet facilities) for customers. In addition to providing refreshments for patrons, the revenue raised from sales are proposed to be put back into the Club.

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

Notification

The proposal has been identified and processed as a Category 3 form of development. Accordingly, public notification, as prescribed by the *Development Regulations 2008*, was undertaken.

One (1) representation was received in response to this notification, a copy of which is contained in **Attachment C**. The key issues raised by the representor are, in summary:

- the location and site for the proposed produced market is inappropriate; and
- there is no demand for a produce market.

The representor does not wish to be heard by the Panel in support of their representation.

The Applicant has responded to the representor's concerns. A copy of the Applicant's response is contained in **Attachment D**. In summary, the Applicant's response is as follows:

- the proposed produce market is to be situated within a section of underutilised car parking area.
- the proposal produce market will have minimal impact upon the amenity of locality.
- ample on-site car parking provision exists in order to cater for the anticipated car parking demand.
- the proposed market provides the local community with an alternative produce shopping option.

State Agency Consultation

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

Discussion

The subject land is located within the Community Uses 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

The following Development Plan provisions provide guidance on the type of land use envisaged within the Development Plan:

Community Uses Zone Objective:	1
Community Uses Zone Principles of Development Control:	1 & 2.
City Wide Objectives:	1, 2, 7 & 13.
City Wide Principles of Development Control:	1, 3, 4 & 19.

A shop is non-complying within the Community Uses Zone. A shop is defined within the Development Regulations 2008 as follows:

shop means—

- (a) *premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or*
- (b) *a restaurant; or*
- (c) *a bulky goods outlet or a retail showroom; or*
- (d) *a personal service establishment,*

but does not include—

- (e) *a hotel; or*
- (f) *a motor repair station; or*
- (g) *a petrol filling station; or*
- (h) *a plant nursery where there is no sale by retail; or*
- (i) *a timber yard; or*
- (j) *service trade premises; or*
- (k) *service industry;*

In considering whether the proposed weekly fresh produce market constitutes a shop, part (a) of the shop definition is most relevant. In this respect, the first consideration is whether the site proposed for the market constitutes a 'premises'. If so, the second consideration is whether it is used 'primarily' for the market. A premises is defined in the dictionary as a building and its land. As such, the site of the market is not a premises. Even if the site (ie. the open car park) was regarded as a premises, given that it is proposed to be used for the purposes of hosting the market one day per week and used for car parking the remainder of the time, the proposed land use is not regarded as being primarily for the proposed retail use. Therefore, the proposal is not for a shop and the Application has not been processed and assessed as a non-complying form of development.

Community Uses Zone Objective1 states the following:

“Accommodation of educational, community, sporting and recreational activities.”

A fresh produce market is first and foremost a retail activity and is therefore not consistent with the objective of the Zone. That said, it is considered that there is an element of ‘community activity’ to a fresh produce market, insofar as it provides a place for members of the local community to meet and shop for fresh produce, and is associated with and supports a local sporting club through their fund raising activities.

With the market proposed to be held once per week, it is considered to be frequent enough to constitute an additional use of the land (therefore requiring development approval), however does not significantly derogate from the primary function and purpose of the Community Uses Zone. For the balance of the time, the site of the proposed market would revert to use as car parking in association with the Azzurri Sports Club.

The subject land is located within close proximity (ie. 500 metres) to the District Shopping Zone on the corner of Lower Portrush Road and Payneham Road. The District Shopping Zone anticipates a range of shops serving the needs of a wide catchment area.

In February 2015 the Council was advised by the Minister for Planning that the State Government initiated investigations for the drafting of two Development Plan Amendments (DPA’s) that seek to consider requirements affecting retail development that are contained within metropolitan Development Plans across Greater Adelaide (excluding the City of Adelaide).

The second of the two proposed DPA’s seeks to consider and explore the possibility of commercial uses and in particular shops, in broader locations that are outside of designated centres. In particular, it is understood that the intended policy approach will be to designate shops as merit forms of development (rather than non-complying) on all arterial roads, regardless of whether sites are in designated centre zones or not. Whilst this mooted policy has not yet been introduced (nor is there any certainty that it will be), it is demonstrative of a general shift in thinking amongst policy makers, since the original centres hierarchy system was introduced. In particular, there is increasing recognition that the restriction of retail activity to designated centres is an unnecessary impediment to economic development.

Ultimately, whether the proposal is consistent with the current Development Plan provisions from a land use perspective is finely balanced. The current Development Plan is focussed on shops being established within designated centres and whilst the proposed market is not a shop by definition, it is a retail activity. That said, it is considered that there is good reason in this instance to consider the proposed market outside of a designated centre. The market is compatible with the Community Uses Zone, insofar as a market has an element of community activity and the nature of the Community Uses Zone is that it facilitates activities which ordinarily attract large groups of people and traffic, such that related impacts are ordinarily anticipated.

The Applicant has anticipated that the proposed produce market on the subject land is likely to attract in the order of 750 – 1000 customers weekly, which is a similar number of visitors to the Gawler Park Open Air Market. That said, it is worth noting that the Gawler Park Open Air Market operates Sunday mornings between 8:00am – 2:00pm within the car parking area of the Gawler Park Homemaker Centre, with most of the existing shops within the Centre commencing trading at 11:00am on Sunday’s. As such, there is a likelihood of customers visiting both the shops within the Centre and the markets on each Sunday. On this basis, given that the proposed produce markets will operate within a different context, it is difficult to accurately determine the likely number of visitors to the proposed produce markets.

In terms of compatibility with the existing functioning use of the subject land, the produce market is intended to occupy and operate in a portion of the existing car parking area at the Azzurri Sport Club for part of each Saturday, which is outside of the main timeframe when the public attend soccer matches that are played at the existing facility. In its current format, the National Premier League minor round “home and away” competition is played over 26 weeks commencing in February and ending August.

As stated earlier in this report, an existing fruit and vegetable shop (Fruita Bella) operates within the Marden Shopping Centre. Currently, Fruita Bella operates 6 days per week and benefits from being co-located with a range of other shops and facilities within the Marden Shopping Centre. The fruit and vegetable shop and the Marden Shopping Centre currently serve a broad residential catchment area within the adjacent and surrounding suburbs.

Conversely, the proposed open-air produce market is to operate part of each Saturday and is subject to weather extremes in the summer and/or winter months, the latter of which will significantly affect the trading turn-over on any given Saturday. In this context, the proposed produce market is not anticipated to significantly undermine the nearest established fruit and vegetable competitor (ie. Fruita Bella), located within the Marden Shopping Centre, nor is it in broader terms anticipated to undermine the function of the Marden Shopping Centre.

In overall terms, the proposal to establish a produce market is considered to be an acceptable land use, provided that the market will not have an adverse effect on nearby residential properties and adequate on-site car parking provision is provided to cater for the anticipated demand. Furthermore, the proposed produce market is not considered to undermine the nearby District Shopping Zone, but instead complement and form a logical extension to activities within it.

Car parking/access/manoeuvring

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

Community Uses Zone Principles of Development Control:	1 & 2
City Wide Objective:	13 & 17
City Wide Principles of Development Control:	101 103 105 107 116 118 & Table NPSP/9.

The proposed produce market is to be serviced by the existing car parking area, accessed via Lower Portrush Road that services the Azzurri Sports Club, the MARS Sporting Complex and the Marden Senior College. It is proposed that during the operation of the produce market, at least 263 of the 293 car parking spaces will be available to both stall holders and patrons.

Each year, the Adelaide Blue Eagles Soccer Club play thirteen home games at the Azzurri Sports Club site. The majority of the thirteen home games are played on Saturdays but can include a Friday evening or Monday public holiday game during the course of a season. The earliest time when home matches commence on Saturday afternoons is when the Club's Under 18 team commences playing at 11:00am, followed by the Reserve team commencing at 1:00pm and the Senior team commencing at 3:00pm.

The Applicant has advised that home game attendances vary according to the opposition and importance of games. More specifically, the Applicant has advised that the overall attendance for a given Saturday home game can vary from as little as 300 spectators up to approximately 1,200 spectators for a derby match involving Adelaide City and/or Campbelltown City.

In terms of considering the likely car parking implications of when an overlap involving the Adelaide Blue Eagles Under 18 team playing and the proposed market would operate, the Applicant has advised the Council's Planning staff that in general terms, there would be no more than 50 people in total (ie. players, coaching and/or support staff as well as spectators) attending during the course of an Under 18's home. In terms of the majority of spectators that attend Adelaide Blue Eagles home games, the Applicant has advised staff that patron numbers are at their highest between 2:00 – 3:00pm prior to the Senior team commencing play at 3:00pm.

Regard has been given to information that was considered when assessing a previous Development Application from 2007 for the subject land. More specifically, a car parking survey that was undertaken (which formed part of a traffic and car parking report) prepared by Mr Frank Siow, a traffic engineer, during a "derby" home game involving Adelaide Blue Eagles and Campbelltown City on Saturday 1 September 2007 at the soccer stadium. In his report, Mr Siow commented that a derby fixture at the Azzurri Sports Club generates the highest attendance at the soccer stadium. Furthermore, the fixture in question is considered to draw an above-average number of spectators, compared with other Senior men's matches, given that Blue Eagles and Campbelltown City are both soccer teams that have Italian origins and the supporters of the two clubs are predominantly of Italian heritage.

The survey for the abovementioned soccer match shows that the number of vehicles that entered the existing car parking area peaked at 164 vehicles. In addition to the 164 vehicles counted within the car parking area, Mr Siow also observed that approximately 40 vehicles were parked on Lower Portrush Road. Given that the Azzurri Club charge an admission fee (\$3) to park a vehicle in the car parking area, Mr Siow has suggested that this is the rationale for spectators electing to seek on-street car parking that is free of cost, despite ample car parking spaces remaining vacant on-site.

The car parking survey in question remains applicable in terms of anticipating the likely current car parking demand that would be associated with home games at the existing venue. In any event, the proposed produce market is proposed to only operate up until 1:00pm, which is two (2) hours prior to Senior matches commencing.

Whilst it is difficult to quantify a specific car parking rate that is applicable to a community market given that there is not a specific rate contained within the Development Plan, a shop car parking rate of 5 spaces per 100m² of gross area (ie. as detailed in Table NPSP/9 of the Development Plan) would like generate a demand of 38 spaces, based on an area of 760m² being occupied by the market. This provision includes car parking for stall holders and visitors and therefore the provision of at least 263 car parking spaces for visitors, significantly exceeds the anticipated car parking requirements.

Impact on residential amenity/noise and traffic/waste

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

City Wide Principles of Development Control: 83, 87 & 88.

City Wide Principle of Development Control 87 states the following:

“Non-residential development on land abutting a residential zone or within a residential zone should be designed to minimise noise impacts and achieve adequate levels of compatibility between existing and proposed uses.”

The nearest residential properties are located directly to the southwest of (ie. on the other side of Lower Portrush Road) of the proposed location of the produce market. The only representation that was received in response to the public notification period did not identify impact upon residential amenity as a concern with respect to the proposal. Whilst it is acknowledged that a market can have the potential to create noise disturbances and create an increase in traffic and parking in nearby residential areas, in this instance, the proposed market is small scale and is intended to only operate once a week. With this in mind and in combination with the provision of 263 car parking spaces to service stall holders and patrons, it is considered that the proposed market is unlikely to unreasonably compromise the existing amenity of the locality which is significantly influenced the heavily trafficked nature of Lower Portrush Road.

In terms of waste management from stall holders (eg. food offcuts), the Applicant has advised that individual stall holders will be responsible for tidying their area and removing their own rubbish at the conclusion of the produce market. Accordingly, should the Panel determine to support the proposal, it is recommended that conditions of consent be imposed requiring that food waste and/or rubbish generated by the produce market shall be stored in an orderly manner pending removal and that the existing car park area shall be returned to a clean and tidy condition, at the conclusion of each trading day.

Summary

Whilst the proposed produce market is not a land use that is specifically anticipated within the Community Uses Zone, the scale and the frequency that the market is intended to operate is not anticipated to undermine both the objective of the zone and the existing land uses on and adjacent to the subject land which seek to accommodate educational, community, sporting and recreational activities.

The proposed car parking provision is considered sufficient to accommodate the demands that will be generated by the proposed produce market in conjunction with the existing soccer matches being held on Saturdays during specific periods of the year.

The proposal is not anticipated to have a detrimental impact on the amenity of the nearby residential area given its small-scale nature, frequency and hours of operation.

The proposed produce market is considered to be an appropriate addition to the locality as it is likely to attract people to the area by providing an alternative shopping experience for both the local and broader community.

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 155/210/ by Azzurri Sports Club Incorporated to conduct a weekly produce market (Saturday's between 8:00am and 1:00pm) within the existing car parking area associated with the Azzurri Sports Club, on the land located at 61-65 Lower Portrush Road, Marden, 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 supporting documentation prepared by the Azzurri Sports Club Incorporated and received by the Council on 7 April 2015 and 22 April 2015.;

Conditions

1. The operating hours for the produce market herein approved shall be restricted to Saturdays only between the hours of 8:00am and 1:00pm.
2. All stalls, tents and associated equipment shall be removed from the car parking area by no later than 2:00pm.
3. All food waste and/or rubbish generated by the produce market shall be stored in an orderly manner pending removal to the reasonable satisfaction of the Council or its delegate.
4. The car park area shall be returned to a clean and tidy condition and any food waste and/or rubbish cleared at the conclusion of each trading day.
5. All remaining car parking area that is not to be utilised for the produce market shall not be used for storage or display of any goods at any time.

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. 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.

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/972/2014 – WHITEHALL PROPERTY DEVELOPMENTS PTY LTD – 30 GARDINER AVENUE, ST MORRIS

DEVELOPMENT APPLICATION:	155/972/2014
APPLICANT:	Whitehall Property Developments Pty Ltd
SUBJECT SITE:	30 Gardiner Avenue, St Morris (Certificate of Title Volume: 5776 Folio:362)
DESCRIPTION OF DEVELOPMENT:	Construction of two (2) single storey detached dwellings.
ZONE:	Residential 3 Zone 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 two (2), single storey detached dwellings.

Staff do not have delegated authority to determine the Application, as it comprises the creation of an additional allotment that is less than the minimum area and dimensions set out in the Panel's Terms of Reference. Specifically, each of the proposed allotments has a frontage of less than 10.0 metres.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	18.39 metres
Depth:	50.34 metres
Area:	925.75m ²
Topography:	sloping in the order of 1.0 metre from rear (east) to front (west)
Existing Structures:	single-storey detached dwelling
Existing Vegetation:	landscaping and an established tree

The subject land contains a single-storey red brick bungalow and a number of mature trees (none of which are Regulated Trees) are located adjacent the existing side and rear property boundaries.

Locality Attributes

Land uses:	entirely residential
Building heights (storeys):	predominantly single-storey
Streetscape amenity	moderate

The locality is characterised by predominantly single-storey dwellings in the form of detached dwellings with some group dwellings and residential flat buildings. The locality has a mixed architectural character, resulting from there being a mix of relatively intact Interwar dwellings, as well as dwellings constructed between 1960 and the 1990's. The most recent examples of infill development are at 24 and 24A Gardiner Avenue, which are both single-storey detached dwellings.

Beyond the immediate area, the Korean Adelaide Church is located at the north-eastern corner of the intersection of Third Avenue and Gardiner Avenue.

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

Proposal in Detail

The Applicant seeks consent to construct two (2) single-storey detached dwellings on the subject land.

The proposed dwellings each comprise a combined kitchen/dining/living area, a study, three (3) bedrooms (Bedroom 1 incorporates an ensuite and walk-in-robe), bathroom, laundry, a covered outdoor living area and garaging for two vehicles under the main roof.

Each proposed dwelling has a single width garage able to accommodate two (2) vehicles in a stacked configuration. Vehicular access to the proposed garages is intended via an existing crossover and the construction of a new crossover for the northern dwelling.

The proposed dwellings are to be brick veneer construction with a combination of brown brick, rendered masonry and feature brown brick banding to the front elevations. The rendered sections are to be painted a "paper white" colour. The dwellings are to have 30 degree pitched colorbond roof sheeting in a "gull grey" colour, natural stained western red cedar timber framed windows and roller doors to the garages (colour "grey").

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

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1 (northern dwelling)	Dwelling 2 (southern dwelling)	Development Plan Merit Assessment Quantitative Guideline
Site Area	462.12m ²	462.9m ²	N/A
Allotment Width	9.18m	9.2m	N/A
Allotment Depth	50.34m	50.3m	N/A
External Wall Height*	3.0m (dwelling) 3.5m (garage)	3.1m (dwelling) 3.5m (garage)	N/A
Maximum Overall Height (to roof apex)*	5.6m	5.6m	N/A
Floor Area (total)	253m ²	253m ²	N/A
Site Coverage	55%	55%	N/A
Private Open Space	114m ² 25% of site area 82% uncovered	114m ² 25% of site area 82% uncovered	20% of the site area and 50% open to the sky (City Wide PDC 244(a) & PDC 248)

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1 (northern dwelling)	Dwelling 2 (southern dwelling)	Development Plan Merit Assessment Quantitative Guideline
Street Set-back	7.8m (facade)	7.5m (facade)	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	900mm (northern side) Nil & 1.2m (garage and dwelling respectively – southern side)	900mm (northern side) Nil & 1.2m (garage and dwelling respectively – southern side)	At least 1 metre on one side (City Wide PDC 215)
Rear Set-back	12.4m (rear wall)	12.4m (rear wall)	N/A
Car Parking Provision	2 undercover & 1 visitor	2 undercover & 1 visitor	2 (1 covered) on-site parking spaces – Table NPSP/8.

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 dwellings have been identified and processed as 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 PDC's:	1
City Wide Objectives:	1, 7, 55, 56, 57, & 58.
City Wide PDC's:	1-4, 6 & 189.

The Residential 3 Zone policies anticipate the construction of detached dwellings (as well as other forms of dwellings) at densities ranging from low to medium.

The proposal is for detached dwellings at medium density, consistent with Objective 1 of the Residential 3 Zone and as such, is considered suitable from both land use and density perspectives.

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, 227 & 228.

The Residential 3 Zone provisions do not provide any specific guidelines on the appropriate height or scale of new buildings. Gardiner Avenue contains predominately single storey dwellings with some examples of two-storey development. The proposed dwellings are single storey with 3 metre floor to ceiling heights, which is considered to result in a scale which will complement buildings in the locality.

The dwellings have been designed as a modern interpretation of a villa, using materials and features which are common or complementary to buildings within the area including Colorbond roofing at 30⁰ pitch, coursed brickwork (including feature banding), render, and a contemporary cantilevered verandah. The proposed dwellings are considered to be consistent with City Wide Objective 18 and Principles of Development Control 29 and 31 which seek to ensure that new dwellings do not impair the character of their localities and complement the urban context of existing buildings on adjoining and nearby land.

The proposed dwellings each include a single width garage set behind the main face of the building and behind the verandah, consistent with City Wide Principle of Development Control 227 and 228.

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:...

(a) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres;

The dwelling at 32 Gardiner Avenue is set back 9.0 metres to the verandah and 11.6 metres to the main wall and the dwelling at 28 Gardiner Avenue has a front setback of 7.7 metres to the front wall. The proposed front setback of 7.8 metres is considered acceptable and is in accordance with City Wide Principle of Development Control 213(a).

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 side setbacks of dwellings in the immediate locality are varied and include some boundary development, particularly for carports and garages. The proposed dwellings are each set back from the northern boundary 900mm which is considered to provide adequate space around the dwellings from a streetscape perspective. The side setbacks are also considered to provide adequate visual separation for adjacent property occupants.

The dwellings are proposed with generous rear setbacks of 12.4 metres (rear wall), which, while less than the adjacent dwellings, are considered to be adequate to avoid a negative impacting 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 55% site coverage (including verandahs) which allows for a reasonable allocation of soft landscaping area, space around the dwellings and opportunities for future small outbuildings and the like.

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. Each dwelling is proposed with a total of 114m² of private open space, comprising a rear yard with a rear verandah under the main roof. The private open space equates to 25% of the respective site areas and has generous dimensions in the rear yard which will provide a good level of amenity for future occupants.

Car parking/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 dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered. Each proposed dwelling will accommodate two (2) vehicles in the garage with room for a visitor park in the driveway. The level of vehicle parking for each dwelling exceeds the quantitative figure in Table NPSP/8

Vehicle access utilising the existing cross over and the proposed new crossover is free from impediments and as such is considered to be safe and convenient.

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 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 affected area.

The subject land falls approximately 880mm from the rear property boundary to the front of the site. The proposed finished floor level of the dwelling is approximately 400mm above natural ground level.

Whilst a Site Drainage Plan has not been provided, given the fall of the land towards the kerb and water table, a typical gravity-fed stormwater disposal system will be appropriate.

The Applicant has indicated that the side and rear boundary fencing will be replaced with 1.8 metre high Colorbond 'good neighbour' fences.

Overshadowing/overlooking

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

City Wide Principles of Development Control: 11, 32, 37, 86, 200, 201, 253 & 254

As the proposed dwelling is single storey with appropriate side and rear boundary setbacks the relevant Development Plan provisions relating to overshadowing and overlooking are satisfactorily achieved.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24
City Wide PDC's:	76-78, 239 & 240

The subject land contains a number of mature trees (none of which are Regulated Trees) located adjacent the existing side and rear property boundaries, which will be removed to accommodate the development.

The Applicant has proposed landscaping areas in the front and rear yards each dwelling. The landscaping will consist of grass cover, small shrubs, and medium and tall screening plants and trees. The proposed landscaping is considered adequate to 'soften' the appearance of the dwellings and hard paved areas.

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

Given the orientation of the allotments, both dwellings will have some internal access to northern light however Dwelling 2 will be overshadowed to some extent by Dwelling 1. The rear verandahs will provide protection to the west facing rear glass doors and all other windows will be provided with some protection from the eaves.

City Wide Principle of Development Control 161 states that each dwelling should be provided with 2,000 litre rainwater tanks. The proposal includes the installation of 1,000 litre rainwater tanks for each dwelling. 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 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, scale, architectural style and materials.

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. 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 and access is considered to be safe and convenient.

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 155/653/2014 by SLP Pty Ltd the construction of two (2) single storey detached dwellings with associated landscaping and fencing on the land located at 31 Gardiner Avenue, St Morris, 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 prepared by Whitehall property Developments Pty Ltd marked Planning Drawings 03.07.2015 and received by Council on 6 July 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 & 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.

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

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission available at www.lsc.sa.gov.au. Alternatively a hard copy can be mailed to you on request by contact the Planning Department on 8366 4530 or 8366 4508.

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

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.

2. STAFF REPORTS

2.6 DEVELOPMENT APPLICATION 155/216/2015 – MR E KHOURY – 30 WHEATON ROAD, STEPNEY

DEVELOPMENT APPLICATION:	155/216/15
APPLICANT:	Mr E Khoury
SUBJECT SITE:	30 Wheaton Road, Stepney (Certificate of Title, Volume: 5444, Folio: 180)
DESCRIPTION OF DEVELOPMENT:	Construction of a pair of two-storey semi-detached dwellings and associated retaining walls and fencing
ZONE:	Residential 2A Zone - 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 pair of two-storey semi-detached dwellings and associated retaining walls and fencing.

Staff do not have delegated authority to determine the Application, as it comprises the construction of two dwellings which do not meet the criteria set out in Table 2 of the Panel's Terms of Reference. In particular, the proposed dwellings have site areas less than 380m² and the first floor levels are not contained within the roof space of each dwelling.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	16.22 metres
Depth:	32.39 – 39.05 metres
Area:	580m ²
Topography:	sloping from back to front and north to south
Existing Structures:	single-storey detached dwelling and a shed/outbuilding within the rear yard area
Existing Vegetation:	several small tree and/or shrubs located within the front and rear yard areas

The subject land currently contains a single-storey detached brick dwelling (with an attached carport to the southern side of the dwelling) and a shed/outbuilding in the rear yard area. The subject land is located on the north-eastern side of Wheaton Road, at the end of a no-through road. The subject land falls approximately 1 metre from the back to the front and also has a cross-fall of approximately 500mm from north to south

Locality Attributes

Land uses:	entirely residential
Building heights (storeys):	predominantly single-storey
Streetscape amenity	moderate – high due to the number of original dwellings that are located within the locality (ie. the locality comprises dwellings that have a frontage to Wheaton Road and that are located south-east of the Olive Road intersection)

The locality is predominately characterised by single-storey detached dwellings. The locality is considered to have a consistent architectural character, strongly influenced by the presence of several original dwellings including double frontage cottages. No new dwellings have been constructed in recent times within the locality, however, several dwellings have had alterations undertaken including the dwellings at 25 Wheaton Road and 28 Wheaton Road.

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

Proposal in Detail

The Applicant seeks consent to construct a pair of two-storey semi-detached dwellings on the subject land. The proposal also includes the construction of combined retaining walls and 2.1 metre high colorbond fencing.

At ground level, the proposed dwellings comprise a combined kitchen/dining/living area, master bedroom (with ensuite and walk-in-robe), a study, a separate toilet and single-width double-length carports. At upper level, the proposed dwellings comprise two (2) bedrooms (Bedroom 2 has a walk-in-robe), separate bathroom areas and a secondary living area.

The proposed dwellings are to be constructed with a combination of bluestone wall tiles and red brickwork at ground level and rendered masonry (painted Dulux “Antique White USA”) construction at upper level. The dwellings are to have 23 degree and 7 degree pitched colorbond custom orb roof sheeting in a “shale grey” colour at ground level and upper level respectively, timber frame doors and windows to the front elevations and roller doors to the carports.

A cast iron (black anodized finish) 1.5 metre high front fence, with pedestrian and driveway gates, is proposed to the front property boundary of the semi-detached dwellings

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

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1 (southernmost dwelling)	Dwelling 2 (northernmost dwelling)	Development Plan Merit Assessment Quantitative Guideline
Site Area	277m ²	303m ²	N/A
Allotment Width	8.1m	8.1m	N/A
Allotment Depth	32.9 – 35.7m	35.7 – 39.1m	N/A
External Wall Height*	5.8m	5.8m	N/A
Maximum Overall Height (to roof apex)*	6.6m	6.6m	N/A
Floor Area – Ground Level	133m ²	133m ²	N/A
Floor Area – Upper Level	85m ²	85m ²	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1 (southernmost dwelling)	Dwelling 2 (northernmost dwelling)	Development Plan Merit Assessment Quantitative Guideline
Floor Area (total)	218m ²	218m ²	N/A
Site Coverage	48%	44%	N/A
Private Open Space	46.2m ² 17% of site area 100% uncovered	91.6m ² 30% of site area 100% uncovered	20% (City Wide PDC 244(b) & PDC 248)
Street Set-back	6.0m (facade) 6.5m (carport)	6.0m (facade) 6.5m (carport)	The same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey. (City Wide PDC 213(c))
Side Set-back	NIL (carport) 900mm (ground level) 1.9m (upper level) 5.6m (Garage)	NIL (carport) 900mm (ground level) 1.9m (upper level) 5.6m (Garage)	At least 1 metre on one side (City Wide PDC 215)
Rear Set-back	3.7m (closest point)	7.7m (closest point)	N/A
Car Parking Provision	2 undercover & 1 visitor	2 undercover & 1 visitor	2 (1 covered) on-site parking spaces – Table NPSP/8.

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

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

Notification

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

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

Residential 2A Zone Objective: 1
Residential 2A Zone PDC's: 1

City Wide Objectives: 1, 7, 55, 56, 57 & 58
City Wide PDC's: 1-4, 6 & 189

Objective 1 of the Residential 2A Zone states:

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

The Residential 2A Zone anticipates the construction of semi-detached dwellings in suitable areas within the Zone. The established character of the subject locality is derived from single-storey detached character dwellings with the only anomalies being the dwelling at 26 Wheaton Road which is occupied by a single-storey detached dwelling with an older two-storey addition towards the rear of that building and 33 Wheaton Road, which is occupied by an outwardly two-storey dwelling.

Site areas of 277m² and 303m² are proposed for Dwelling 1 and Dwelling 2 respectively. The site area density of development within the locality is relatively consistent, with, the smallest allotments being 439m² and 486m² at 33 Wheaton Road and 31 Wheaton Road respectively and the largest allotment being 26 Wheaton Road and 24 Wheaton Road with site areas in the order of 1097m² and 941m² respectively. The average allotment area in the locality is approximately 600m². As such, the proposed site areas are inconsistent with existing allotment pattern within the locality.

In terms of allotment frontages, the proposed allotment frontages of 8.1 metres are less than the allotment frontage widths along Wheaton Road, which range from approximately 12.0 metres (33 Wheaton Road) to 20.6 metres (28 Wheaton Road).

The subject land is approximately 290 metres from The Avenues Shopping Centre which is located at the intersection of Payneham Road and Nelson Street. In addition to this, Payneham Road is a well serviced public transport corridor. In this regard, the subject land is considered to be located in a 'suitable area' within the zone for semi-detached dwellings, subject to any such proposal resulting in an appropriate design and built form outcome that has minimal impact on the adjacent residential occupiers as well as the established streetscape character.

However, in the context of the consistent dwelling types that characterise the locality, the locality is not considered to be an appropriate locality for the construction of semi-detached dwellings in the manner proposed. As such, the proposed development is considered to be at odds with Objective 1 of the Residential 2A Zone.

Streetscape/bulk/scale/height/character

Residential 2A Zone Objectives: 1
Residential 2A Zone PDC's: 1

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

The proposed development presents to Wheaton Road as a single cohesive building.

City Wide Principle of Development Control 195 states:

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

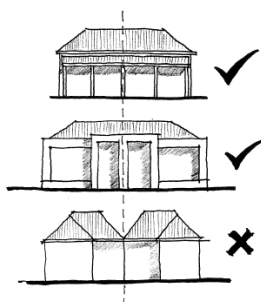


Figure 5

The proposal is consistent with Principle 195, insofar as the roof form and design of the semi-detached dwellings achieves the form of a single integrated building, particularly given that the character of the locality is derived from detached dwellings.

In terms of the design appearance of the proposed semi-detached dwellings, they can be described as traditional in style, with traditional design elements in the form of pitched corrugated roof forms, proportioned window openings and traditional and reasonable quality materials.

With respect to building height, the locality is predominantly characterised by character single-storey dwellings. City Wide Principles of Development Control 29 and 30 state respectively:

“The appearance of land and buildings should not impair the amenity of the locality in which they are situated.”

And

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

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

The overall proportions and siting characteristics of the semi-detached dwellings, (when viewed within a streetscape context), do not complement those of existing detached dwellings within the Wheaton Road locality in that the proposed development is to be built from boundary-to-boundary which in turn is out of character with the established built form development pattern within the locality. In terms of this consideration, the existing pattern of development within the locality is characterised by dwellings set on generously landscaped surrounds and a sense of separation between dwellings when viewed from the street, which is indicative of existing dwellings being sited on larger allotments than those being proposed.

In terms of the ground level front pavilions of the proposed dwellings, the overall proportions are inconsistent with surrounding detached dwellings insofar that the proposed 2.7 metre ceiling heights are less than the 3.0 metre or greater ceiling heights associated with original dwellings within the locality and in particular, the directly adjacent dwelling at 28 Wheaton Road which incorporates 3.3 metre ceiling heights.

In this context, it is considered that the proposal is contrary with City Wide Principles of Development Control 29 and 30, in that the proposed development results in an incompatible built form appearance within the context of the existing locality. In particular, the single storey portion of the building is relatively ‘squat’, with 2.6m external wall heights, while the two storey form beyond will be readily visible in a streetscape characterised by single storey dwellings.

Setbacks and Site Coverage

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

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

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

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

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

The detached dwelling on the adjoining land to the north-west at 28 Wheaton Road is set back 7.0 metres to the facade and 4.4 metres to the front verandah, from the front boundary. As the subject land is located at the end of the street, there is no dwelling on the south-eastern side. Principle 213 requires that the proposed building be the same as that of 28 Wheaton Road (ie. 4.4 metres to the verandah and 7.0 metres to the facade). The proposed building is set back 5.0 metres to the verandah and 6.0 metres to the facade. As the verandah forms part of the dwellings, Principle 213 is satisfied, despite the fact that the facade is 1.0 metre closer to the street than that of the dwelling at 28 Wheaton Road.

In addition, the proposed front setbacks are closer to the street frontage than 24 and 26 Wheaton Road, which are set back in the order of 8.5 metres and 9.5 metres respectively. On this basis, the proposed front setbacks are at odds with City Wide Principle of Development Control 214, which requires that development should incorporate front setbacks that complement the predominant front setback pattern established by the surrounding dwellings.

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

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

The attached carports proposed for each dwelling are proposed to be built to the side boundaries at ground level. The dwellings themselves comprise setbacks of 900mm and 1.9 metres (at the closest point) at ground level and upper level respectively. In the context of the existing predominantly single-storey residential development in the locality, the prevailing development pattern is boundary development on one side boundary of an allotment and a setback on average of 2.0 metres from the other side boundary. On this basis, the 'boundary to boundary' development as proposed is considered inappropriate.

With respect to the impact of the semi-detached dwellings on the amenity of the adjacent occupiers to the north at 28 Wheaton Road and 22 and 24 Flora Street, the upper level is set back of 1.9 metres from both the existing outer side boundaries. This is considered inadequate in terms of incorporating an appropriate degree of visual separation for these directly neighbouring occupiers. More specifically, the proposed side setbacks to the upper level are considered likely to severely compromise the relatively open northern outlook for the occupiers at 24 Flora Street that these occupiers currently enjoy from their rear yard area.

With respect to rear setbacks, Dwelling 1 is proposed to be setback between 3.7 – 7.7 metres whereas Dwelling 2 is to be setback 7.7 – 11.3 metres from the eastern rear property boundary.

The proposed rear setback for Dwelling 2 is considered appropriate as it is not anticipated to compromise the visual outlook for nearest occupiers located at 5/92 Frederick Street. In terms of the rear setback of Dwelling 1, the proposed separation when measured at the closest point of 3.7 metres to a two-storey wall height of 5.8 metres is considered to be inadequate, particularly in the event that the large mature non-regulated tree within the rear yard area at 26 Flora Street was to be removed in the future. In this context, it is considered that the two-storey form would compromise the visual amenity for the occupiers at 26 Flora Street.

The proposed site coverage is 48% for Dwelling 1 and 44% for Dwelling 2.

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

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

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

It is noted that the resulting site coverage does not include covered outdoor living areas and/or rear verandahs as the Applicant has not proposed any as part of this Application.

Dwelling 1 and Dwelling 2 result in 48% and 44% site coverage respectively. Notwithstanding the undersized allotment areas and compact siting characteristics, it is considered that reasonable amounts of space are preserved around the proposed dwellings for soft and hard landscaping and in overall terms, the proposed site coverage is relatively consistent with site coverage of other residential development within the locality.

Overshadowing/overlooking

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

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

The Applicant has provided shadow diagrams that demonstrate the extent of proposed overshadowing on the winter solstice that is likely to result from the proposed dwellings. The shadow diagrams demonstrate that there will be shadowing of the directly adjacent property to the south-east at 24 Flora Street predominantly during the late afternoon period, with the main north-west facing private open space area most affected.

City Wide Principle of Development Control 201 states the following:

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

Applying Principle 201, the siting of the proposed development ensures that half of the ground level private open space area of the dwelling at 24 Flora Street will have access to sunlight for at least a minimum of two hours between 9.00am and 3.00pm during the winter solstice.

The Applicant has proposed all of the upper level windows are to incorporate fixed glazing (ie. which can incorporate privacy treatment) and/or have windows with sill heights to a height of 1.7 metres at the upper level at the upper level.

Should the Panel determine to support the proposed development and subject to a condition of consent being imposed, the proposal would conform with City Wide Principle of Development Control 223 and 224 with respect to ensuring visual privacy for adjoining occupiers.

Private open space

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

City Wide PDC's: 241-244, 246 & 248

City Wide Principle of Development Control 216 states the following (in part):

“Dwellings (other than residential flat buildings 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 250 square metres or greater, 20 percent of the site area should be private open space, of which one portion should be equal to or greater than 10 percent of the site area and have a minimum dimension of 4 metres;*

Dwelling 1 and Dwelling 2 are to have 46.2m² (17%) and 91.6m² (30%) respectively of have private open space areas in the form of rear yard areas.

The proposed private open space provision for Dwelling 1 fails to meet the quantitative requirement of this provision and is considered a shortcoming of the proposed development as a whole. Dwelling 2 satisfies the quantitative requirement details in Principle 216(a).

The private open space areas are directly accessible from the main open plan living areas of each of the proposed dwellings. Access to northern sunlight during the winter months will be compromised during the afternoon hours given the orientation of the subject land. Accordingly, this is considered to be a negative aspect of the proposed development.

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, 121, 123, 126, 229, 231 & 264

Table NPSP/8

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

In terms of vehicle manoeuvring, the proposed vehicular access and egress movements satisfy City Wide Principle of Development Control 223(d) which requires vehicular access and egress to be safe and convenient.

Finished floor levels/flooding/retaining

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

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

The subject land is not within a recognised flood plain.

The subject land has a fall (ie. from northwest to southeast) across the width of the property that averages approximately 550mm over a distance of 8.2 metres and a fall from back to front in the order of 1 metre. The Applicant has provided a contour survey plan (contained in **Attachment B10**) which details the existing topography of the subject land.

The proposed dwellings have a proposed finished floor level of RL100.00, matching the floor level of the existing dwelling on the subject land. The proposed finished floor level ranges from being 250mm below ground level at the rear of Dwelling 2 and 710mm above ground level for Dwelling 1. Retaining walls up to 1.0 metre in height will be required along the side and rear boundaries, as the finished ground level on the subject land will be lower than adjoining properties. .

The Applicant has indicated that they intend to erect 2.1 metre high colorbond fencing along both side boundaries and the rear boundary of the subject land. With this in mind, the combined retaining wall and fencing heights will be up to 3.1 metres in height. In this regard, sections of the combined retaining wall and fencing heights are at odds with City Wide Principle of Development Control 61 which states that the combined height of a fence and a retaining wall should not exceed 2.4 metres in height. This is less of a concern in the scenario where the subject land is lower than adjoining properties, as is the case with the proposed development.

In terms of stormwater collected on the roofed areas of the proposed dwellings and/or the adjacent paving areas, a gravity fed system is able to direct and drain stormwater to the Wheaton Road watertable.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24 & 117-119
City Wide PDC's:	46, 76, 81, 183, 187, 239, 240 & 422-429

The subject land contains several trees that are located within the front and rear yard areas of the subject land. None of these trees are identified as being regulated pursuant to Regulation 6A of the *Development Regulations 2008*.

The Applicant has indicated that landscaping can be implemented within the front and rear yard areas as part of the development proposal.

Environmental Sustainability

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

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

The ground level living areas and private open space provision of both dwellings are to have a north-eastern aspect. Access to northern sunlight from the primary private open space areas of both dwellings will be predominantly compromised from midday through to the late afternoon periods of both the summer and winter months. In terms of gaining access to northern light for the main internal living areas of the proposed dwellings, the proposal is considered to achieve a relatively poor outcome.

The windows at both ground and upper floor level on the predominantly eastern facing rear elevation are not protected from direct sunlight (ie. heat loading). As such, this aspect of the proposal is at odds with City Wide Principle of Development Control 74, which states (in part):

“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;”*

In terms of capturing and harvesting rainwater, the proposal includes the installation of a 1000 litre rainwater tank for each dwelling, which fails to satisfy City Wide Principle of Development Control 161 which states the following:

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

Summary

The proposed development is considered to be inconsistent with the established residential built form character of the locality. Elements of the proposal, including the proposed allotment size and frontage, are fixed due to the dimensions of the subject land and cannot be altered to conform to the existing subdivision pattern of the locality. In this context, the subject land is considered to be too small and too narrow to accommodate two dwellings. Accordingly, it is considered that the subject land is able to accommodate one dwelling only.

Overall, the proposed development is considered to be inconsistent with the established character of the locality and the character intended in the Residential 2A Zone.

Accordingly, it is considered that whilst the proposal is not seriously at variance with the Development Plan, it does not 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 **refused** to Development Application No 155/216/15 by Mr E Khoury for the construction of a pair of two-storey semi-detached dwellings and associated combined retaining walls and colorbond fencing, on the land located at 30 Wheaton Road, Stepney, for the following reasons:

1. The proposed development is considered to be at odds with Residential 2A Zone Objective 1 and Principle of Development Control 1 insofar as the locality is not an appropriate locality for the establishment of semi-detached dwellings at the density proposed, as the built form character of the locality is predominantly characterised by detached dwellings at low densities.
2. The proposed development is at odds with City Wide Principles of Development Control 22(d) as the intended use of the land is contrary to the Zone objective.
3. The proposed development does not accord with City Wide Principles of Development Control 25(a) as the proposed site areas and dimensions of the allotments including the proposed allotment frontages, are considered to be out of character with the prevailing allotment pattern on adjacent and nearby land, and within the locality.
4. The proposed development is contrary to City Wide Principle of Development Control 29 and 31 as the proposed allotment sizes and frontages would result in dwelling forms that are at odds with existing built form within the locality in terms of the proposed design appearance and siting characteristics does not reflect on the overall horizontal architectural scale and design characteristics of development within the locality.
5. The proposed development is contrary to City Wide Principle of Development Control 215 as the proposed development does not incorporate side boundary setbacks that reflect the existing predominant character in the locality.
6. The proposed development does not accord with City Wide Principle of Development Control 224(a) as the southernmost proposed dwelling does not satisfy the 20% quantitative private open space requirement.

7. The proposed development is at odds with City Wide Principle of Development Control 61 with the combined retaining walls and fencing exceeding 2.4 metres in height.
8. The proposed development does is contrary to City Wide Principle of Development Control 74(a) in that the rear eastern facing windows do not incorporate any shading elements to reduce summer heat load.

2. STAFF REPORTS

2.7 DEVELOPMENT APPLICATION 155/309/2015 – GRIEVE GILLETT DIMITTY ANDERSEN ARCHITECTS – 8-10 BALIOL STREET, COLLEGE PARK

DEVELOPMENT APPLICATION:	155/309/15
APPLICANT:	Grieve Gillett Dimitty Andersen Architects
SUBJECT SITE:	8-10 Baliol Street, College Park (Certificate of Title Volume: 5811 Folio: 911)
DESCRIPTION OF DEVELOPMENT:	Demolition of a supported residential facility and the construction of a single storey detached dwelling, together with a swimming pool, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone 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 supported residential facility and the construction of a single storey detached dwelling, together with a swimming pool, fencing and landscaping.

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:	irregular
Frontage width:	32.76 metres
Depth:	67.67 metres
Area:	2148m ²
Topography:	essentially flat
Existing Structures:	supported residential facility
Existing Vegetation:	regulated palm tree

The subject land was originally developed in the 1950's as a motel. The most recent use of the property was as a supported residential facility (SRF), in the form of a transitional mental health unit with 20 beds. The land is currently vacant. It is understood that the SRF ceased operating approximately three (3) years ago.

Vehicular access to the land is provided by way of a six (6) metre wide driveway, located central to the property frontage. The driveway leads to a large bitumen surfaced car parking area on the southern side of the property, behind a lawned area. The land is essentially flat. A large palm tree is located adjacent to the front property boundary, in front of the former SRF building. The palm is a regulated tree.

Locality Attributes

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

The subject land is located within the Residential Historic (Conservation) Zone, approximately 80 metres north-west of North Terrace. To the north-west of the subject land, Baliol Street is entirely residential, containing substantial character villas on generous, well landscaped allotments. Directly adjacent to the subject land on the north-eastern side of Baliol Street, is the College Park Seventh-Day Adventist Church. The church is a large historic stone building and a Local Heritage Place. The dwellings at 7, 11, 12, 13, 14, 16, 18 and 20 Baliol Street are Contributory Items. The dwelling at 5 Baliol Street is a Local Heritage Place.

To the south-east of the subject land, towards North Terrace, Baliol Street becomes less consistent with respect to built form character and land use. The property adjoining the subject land at 6 Baliol Street, is a single fronted cottage and Contributory Item, with a recent rear extension located on the boundary of the subject land. Further south-east at 4 Baliol Street is a symmetrical double-fronted cottage and Contributory Item and beyond that is a pair of two-storey circa 1990's semi-detached dwellings. The property located beyond these semi-detached dwellings contains shops and is located within the Urban Corridor Zone.

On the opposite side of Baliol Street, the property located south-east of the Church is located in the Mixed Use Historic (Conservation) Zone and contains single-storey circa 1990's gable roofed dwellings, while the property beyond that on the corner of North Terrace is also in the Mixed Use Historic (Conservation) Zone and contains a two storey historic commercial building containing shops.

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

Proposal in Detail

The Applicant seeks consent to demolish all buildings on the land and construct a single storey detached dwelling, swimming pool, fencing and landscaping. A tennis court is shown on the plans and it is understood that the Applicant intends to lodge a subsequent Development Application for lighting and fencing for the tennis court.

The proposed dwelling has a modern architectural form, with no visible roof from the public realm, expansive glass facade with a feature stone walls (chimney and blade wall) and UB profile steel fascia. The remaining walls of the dwelling are rendered masonry.

The dwelling is sited on the southern side of the subject land, enabling optimum orientation of living areas and private open space to the north of the dwelling. A swimming pool is proposed towards the rear of the land, between the proposed dwelling and tennis court.

A front fence is proposed, comprising a low level (510mm high) stone wall, with painted steel bar fencing above, to a total combined height of 1450mm. A painted steel bar sliding gate is proposed at the vehicular access driveway point and a painted solid panel gate is proposed at the pedestrian access path point.

The regulated palm tree is not affected by the proposal.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Development Plan Merit Assessment Quantitative Guideline
Site Area	2148m ²	900m ²
Allotment Width	32.8m	N/A
Allotment Depth	67.7m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1	Development Plan Merit Assessment Quantitative Guideline
External Wall Height*	4.1m	N/A
Maximum Overall Height (excluding chimney)*	4.5m	single storey
Floor Area (total)	576m ²	N/A
Site Coverage	27%	40%
Private Open Space	935m ² 43% of site area 90% uncovered	20% of site area, 50% of which is uncovered
Street Set-back	7.1m (to fascia) 9.1m (to facade)	11.0m (to fascia) 14.0m (to facade)
Side Set-back	1.1 – 2.2m (southern side) 14.5m (northern side)	N/A
Rear Set-back	5.0m	N/A
Car Parking Provision	2 undercover & 3 visitor	2 spaces, including 1 visitor space

** 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 attached (**Attachment B**).

Notification

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

State Agency Consultation

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

Discussion

The subject land is located within the Residential Historic (Conservation) Zone and more particularly, the College Park Policy Area. 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:

College Park Policy Area Desired Character Statement
 College Park Policy Area Principles of Development Control: 2, 3 & 5

Residential Historic (Conservation) Zone Objectives: 4 & 6
 Residential Historic (Conservation) Zone Desired Character Statement
 Residential Historic (Conservation) Zone Principles of Development Control: 7-12

The Desired Character Statement for the College Park Policy Area states:

“New dwellings will be limited to the replacement of non-contributory items or the re-use of underutilised allotments (ie. allotments currently used as tennis courts)”

Principles of Development Control 2 and 3 of the College Park Policy Area state respectively:

“Development should comprise the erection, construction, conversion, alteration of, or addition to a detached dwelling.”

and

“A new dwelling should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of the College Park Policy Area, with a more sympathetic style of development.”

The proposal is for a detached dwelling, consistent with Principle of Development control 2. The existing buildings on the subject land do not contribute to the historic character of the College Park Policy Area. The buildings were constructed during the 1950's and have a contemporary architectural form, whereas the historic character of the Policy Area is derived from late 19th century to early twentieth century cottages and villas.

As such, the replacement of the existing buildings on the subject land with a detached dwelling is consistent with the land use provisions of the Development Plan, subject to the new dwelling being a 'more sympathetic style of development' consistent with Principle of Development Control 3 of the College Park Policy Area. Whether or not that is the case, is discussed later in this report.

With respect to density, Principle of Development Control 5 of the College Park Policy Area states:

“The site area per dwelling resulting from new development should be consistent with the surrounding historic development pattern and should not be less than 900 square metres.”

The subject land is consistent with Principle 5, insofar as it exceeds 900m² in area and is generally consistent with the size of residential allotments in the locality, particularly north-west of the subject land.

streetscape/bulk/scale/height/character

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

College Park Policy Area Objective: 1
College Park Policy Area Desired Character Statement
College Park Policy Area Principles of Development Control: 1, 3 & 4

Residential Historic (Conservation) Zone Objectives: 1, 3 & 5
Residential Historic (Conservation) Zone Desired Character Statement
Residential Historic (Conservation) Zone Principles of Development Control: 1, 2, 3, 5, 13-19, 22, 23, 26, 29 & 38

City Wide Objectives: 18, 19 & 20
City Wide Principles of Development Control: 29-37, 39-44, 48 & 185

The Desired Character Statement for the College Park Policy Area states, in part:

“College Park was subdivided during the 1870s and as a result a large portion of the dwellings in this Policy Area were built between the late 1870s and 1900. The housing styles range from double fronted, symmetrical and asymmetrical dwellings through to East Adelaide Investment Company dwellings and some larger villas and mansions. The double fronted, symmetrical and asymmetrical dwellings in the College Park

Policy Area are an elegant larger version of the simple colonial cottage with the addition of a projecting wing (in the case of the asymmetrical dwelling), a more elaborate verandah and increased detailing in plaster and render work around openings. The pitch and size of the roof makes this an important design element that will continue to be repeated in any new developments. The external walls are generally constructed of bluestone or dressed and coursed sandstone. Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling which will be repeated on new dwellings." (underlining my emphasis)

"Development in this Policy Area will preserve and enhance the historic streetscape character created by the subdivision patterns and the development that has 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."

and

"New dwellings will be limited to the replacement of non-contributory items or the re-use of underutilised allotments (ie. allotments currently used as tennis courts). They will reflect the scale of the existing dwellings and will incorporate similar roof profiles as well as respect the detailing of the original buildings, such as front verandahs, by utilising contemporary architectural detailing which makes reference to these key elements. The material and colours used will complement and reinforce traditional materials and colours. Stone, brick and rendered masonry are all appropriate. New dwellings will incorporate high ceilings to achieve similar wall heights to the adjoining heritage places and contributory items. Openings in front walls will generally repeat the proportions of traditional dwellings."

Roof

The Desired Character Statement states that the pitch and size of the roof (of historic dwellings built between 1870 and 1900) is an important design element that will be repeated in any new developments. This is a clearly expressed policy.

The following comments from the Supreme Court case of Town of Gawler v Impact Investment Corporation (2007) SASR 115, set out the relevant considerations that the relevant authority should have regard to, when considering a proposal that is at variance with a clearly expressed policy:

"In order to determine whether a relevant Planning Authority or the ERD Court is justified in departing from a clearly expressed policy like principle 8, I consider that each of the following matters is relevant:

- 1. The language of the principle or principles concerned – whether it is direct or contemplates some flexibility in approach;*
- 2. Whether the relevant principle is in conflict with some other applicable planning principle. That is likely to happen only rarely, in which case the more specific principle may displace the more generally expressed principle;*
- 3. The evident purpose and objective of the policy expressed in the principle or principles concerned;*
- 4. The significance of the policy to this particular Development. The clearer the policy in its application to a particular development, the more compelling the reasons for departing from the policy will need to be;*
- 5. Where the policy contemplates possible degrees of compliance, the extent of the Development's compliance with the policy;*
- 6. Consistency of the Development with other objectives and purposes of the Zone;*
- 7. Whether there is something unusual about the Development or the land on which it is to take place which makes the policy inapplicable or inappropriate;*
- 8. Whether other events have happened since the Development Plan was adopted which make the policy redundant, either generally or in respect of this particular development;*
- 9. The probable effect of non-compliance with the policy on the planning objectives of the Zone; and*
- 10. Whether non-compliance with the policy in this case is likely to encourage other non-complying developments in the Zone."*

Each of the ten (10) considerations are addressed below:

1. the language of the Desired Character Statement is direct. It uses the word “will” rather than “should”;
2. the Applicant has suggested that the desire for a traditional pitched roof is in conflict with the desire for “contemporary architectural detailing”, as referenced in the latter part of the Desired Character Statement. When read in its totality however, that part of the Desired Character Statement states: *“They (new dwellings) will reflect the scale of the existing dwellings and will incorporate similar roof profiles as well as respect the detailing of the original buildings, such as front verandahs, by utilising contemporary architectural detailing which makes reference to these key elements.”*
The proper interpretation of this sentence, is considered to be that new dwellings will incorporate similar roof profiles and will incorporate contemporary detailing, such as contemporary front verandahs. The statement does not envisage contemporary roof forms that are dissimilar to the profile of historic dwellings, as is suggested by the Applicant. Therefore, there is no conflict in the Development Plan provisions as they apply to roof form considerations in the Policy Area.
3. The purpose of the policy regarding roof form is evident and well expressed. It is to ensure that new dwellings are compatible with the historic character of the area.
4. The policy is directly applicable to the proposed development. It clearly relates to “any new development”.
5. The wording in the latter part of the Desired Character Statement appears to contemplate some degree of compliance, by requesting “similar roof profiles”. The proposal has no visible roof from the public realm however and is therefore substantially at odds with the policy.
6. The purpose of the Policy Area, as expressed in the only Objective, is for “*development which enhances the historic character of the College Park Policy Area.*” The Council’s Heritage Advisor, Mr David Brown, considers that the proposed dwelling, with its non-visible roof and non-traditional fenestration, does not enhance the historic character of the Policy Area. Mr Brown’s comments are summarised later in this section of the report.
7. There is nothing unusual about the development or the land on which it is to take place which makes the policy inapplicable or inappropriate.
8. No events have happened since the Development Plan was adopted which make the policy redundant.
9. The probable effect of non-compliance with the policy is that the planning objectives of the Policy Area (ie. development which enhances the historic character) would not be achieved.
10. If the proposed dwelling was approved, it is considered likely that it would be referred to by future applicants seeking to develop other land in the College Park Policy Area. As there is nothing unusual about the development or its locality that justifies the divergence from the policy with respect to roof form, it would likely serve to encourage other people to pursue a design approach similarly at odds with the desired character of the Policy Area.

As such, it is considered that there is insufficient justification to stray from the clearly expressed policy on roof form in the College Park Policy Area.

Verandah

The Desired Character Statement for the College Park Policy Area states, in part:

“Verandahs along the front elevation are another important element of both the double fronted symmetrical and asymmetrical dwelling which will be repeated on new dwellings.”

and

They (new dwellings) will reflect the scale of the existing dwellings and will.....respect the detailing of the original buildings, such as front verandahs, by utilising contemporary architectural detailing which makes reference to these key elements.

The Council’s Heritage Advisor, Mr David Brown, has provided the following advice with respect to the front verandah:

“The applicant claims that the main roof is carried forward to form a verandah element at the front of the house. By definition a verandah is a covered area unwallled on at least one side adjacent to a domestic dwelling. While this verandah is not traditional in that it is not like the other verandahs in the street, it does to some extent satisfy the criteria, as well as providing shade and protection to the front of the dwelling.”

It is questionable as to whether the roof fascia extension can be considered a contemporary form of verandah, since a verandah is usually a separate element to the main roof of a dwelling. The purpose of the policy seems to be to provide some compatibility between existing historic dwellings and new dwellings. The roof extension of the proposed dwelling does not provide the same visual effect as a separate verandah, which is typically lower than the fascia of the main roof of a dwelling. Therefore, whilst on one hand it could be considered a contemporary form of verandah, it is not considered to have the desired effect of referencing the key elements of historic dwellings in the Policy Area.

Height

Principle of Development Control 4 of the College Park Policy Area states that new dwellings should be more than two-storeys above natural ground level. Principle of Development Control 9 of the Residential Historic (Conservation) Zone is more contextually specific and states that where single-storey heritage places and contributory items prevail at or close to the primary street frontage, single storey development and a consistent building set-back should be maintained. As the subject land is surrounded by single storey Contributory Items and Local Heritage Places (with the exception of the Church), Zone Principle 9 is considered more relevant.

In any event, the proposal is for a single storey dwelling. The Desired Character Statement for the College Park Policy Area states that new dwellings will incorporate high ceilings to achieve similar wall heights to the adjoining heritage places and contributory items. Mr Brown has provided the following comment in relation to this point:

“The eaves height of the proposed house is indicated as quite high 3.6m ceilings and the house set up from the ground level on a stepped plinth. There is no streetscape elevation provided, so the comparison with the surrounding dwellings can only be made by referencing the perspectives provided. From these drawings it appears that the proposed eaves height appears to match well with those of the building immediately to the south east.”

Accordingly, the wall height of the building is considered to be appropriate. That said, the overall height and scale of the dwelling is not considered appropriate, due to the omission of a visible roof form in a form that is similar to historic dwellings in the Policy Area.

Fenestration

The Desired Character Statement for the College Park Policy Area states that openings in front walls will generally repeat the proportions of traditional dwellings. Traditional dwellings in the Policy Area generally have masonry front walls punctuated with vertically proportioned windows with deep reveals. The proposal is substantially at odds with this, with the facade comprising aluminium framed glazing, punctuated with a stone chimney feature wall. Mr Brown has provided the following comment in relation to the fenestration:

“The proposed design includes floor to ceiling windows with vertical divisions that given them a vertical proportion, however this is not like the small windows in solid walls in the traditional dwellings. The complete north western side wall is glass, also not something traditionally seen in the area.”

Accordingly, the fenestration is not considered to be consistent with the Desired Character of the Policy Area.

Materials and Finishes

The Desired Character Statement for the College Park Policy Area states that the material and colours used in new development will complement and reinforce traditional materials and colours and suggests that stone, brick and rendered masonry are all appropriate. The proposal incorporates sections of rendered masonry and stone and is therefore considered appropriate in this respect.

Overall, the proposal is not considered to adequately satisfy the Development Plan provisions with respect to streetscape, scale and character, due in the main to the absence of a visible roof form, separate front verandah and traditional fenestration proportions.

Garage Design

Principle of Development Control 31 of the Residential Historic (Conservation) Zone states:

Development of carports and garages or other outbuildings should, without necessarily replicating the historic detailing of the surrounding Heritage Places or Contributory Items:

- (a) be set behind the main face of the dwelling and may be freestanding;*
- (b) be designed and sited to ensure garage doors do not visually dominate the primary or secondary street frontage of the dwelling;*
- (c) not extend design elements such as verandahs, roof forms or historic detailing at the same alignment as the main face of the principal building;*
- (d) exhibit architectural and roof form designs, and exterior finishes to enhance and not diminish the historic character of the locality; and*
- (e) not incorporate undercroft parking or other parking or access arrangements that are not in keeping with the historic character of the area.*

The proposal includes the provision of a double garage integrated into the floor plan of the dwelling, without it dominating the streetscape. This is considered a positive aspect of the design.

A copy of the advice received from Mr Brown is contained in **Attachment C**.

Setbacks and Site Coverage

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

College Park Policy Area Principle of Development Control:	6
Residential Historic (Conservation) Zone Principles of Development Control:	10, 11 & 12
City Wide Principles of Development Control:	51, 52, 54, 214, 215 & 217

Principles of Development Control 10 and 11 of the Residential Historic (Conservation) Zone state respectively:

“Dwellings should be setback from the allotment boundary on the primary street frontage:

- (f) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres; or*
- (g) 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.”*

and

“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.”

Setbacks vary widely from around 3 metres to the dwellings at 1 Baliol Street and 3.5 metres to the church at 3 Baliol Street, to 13.5 metres to the dwelling at 5 Baliol Street. There is some degree of consistency in the group of dwellings at 12, 14 and 16 Baliol Street, which are all set back between 11 and 13 metres from the street, however on the whole, it is considered that there is no consistent building setback evident in the locality.

As such, Principle 11 is considered to be most applicable to the subject land and states that development should not project forward of an adjacent heritage place or contributory item. The adjacent dwelling at 12 Baliol Street is set back from the street approximately 11 metres to the verandah and 14 metres to the facade, at the closest point to the street.

The proposed dwelling, with the facade set back 9.1 metres from the street at the closest point and the roof overhang set back 7.1 metres from the street at the closest point, will therefore project forward of an adjacent Contributory Item, contrary to Principle 11.

As the proposed dwelling is well separated from the adjacent dwelling at 12 Baliol Street, due to the proposed tennis court and garden area in between the two buildings, the impact of the forward projection is lessened, insofar as the visibility of the dwelling at 12 Baliol Street in the streetscape will be maintained. That said, the proposed dwelling is also closer to the street than the Contributory Item at 6 Baliol Street, to which the proposed dwelling more closely relates. That dwelling is set back 9.8 metres to the facade and 7.6 meters to the verandah at the closest point to the street. In this context, it is considered that the dwelling should be set back approximately 600-1000mm further than is currently proposed.

The proposed side setbacks are considered to complement the predominant pattern established by the surrounding heritage places and contributory items and are considered appropriate.

Principle of Development Control 6 of the College Park Policy Area states that buildings should not cover more than 40 percent of the total area of the site. The proposed dwelling occupies 27 percent of the total area of the site and is therefore consistent with Principle 6.

Overshadowing/overlooking

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

City Wide Principles of Development Control: 11, 32, 37, 86, 200, 201, 253 & 254

As the proposed dwelling is single storey with appropriate side and rear boundary setbacks and the subject land is essentially flat, the relevant Development Plan provisions relating to overshadowing and overlooking are satisfactorily achieved.

Private open space

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

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

The proposal includes the provision of approximately 935m² of private open space at the northern side and rear of the dwelling, which is directly accessible from the main living area of the dwelling. The garden area located between the street and the tennis court has not been included in this calculation, however may also potentially be private, depending on the nature of plantings behind the front fence. The private open space area has good orientation for northern solar access, includes a swimming pool and is suitable for entertaining and the enjoyment of occupiers of the dwelling.

The proposed area of private open space equates to 43% of the overall site area, which accords with the minimum of 20% prescribed by City Wide Principle of Development Control 244(a). The provision of private open space is considered to be acceptable.

Carparking/access/manoeuvring

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

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

Table NPSP/8.

Table NPSP/8 prescribes that detached dwellings should be provided with two (2) on-site car parking spaces per dwelling, of which at least one (1) is covered. The proposed garaging provides two (2) undercover car parking spaces, while approximately three (3) uncovered visitor spaces are available in the driveway. The provision of on-site car parking is considered to be acceptable.

In order to avoid an established street tree and a stobie pole, the driveway is curved between the dwelling and the street. Whilst not ideal from a practicality viewpoint, the vehicular movements into and out of the driveway comfortably accord with the vehicle turning templates contained in the Australian Standard for off-street car parking.

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.

A regulated palm tree located adjacent to the front boundary, is proposed to be retained within the garden area to the north of the dwelling. It is unaffected by the proposal, due to the fact that palm trees have a compact root-ball, unlike most other trees which have sprawling root systems.

A straight driveway was originally proposed, which would have necessitated the removal of a healthy and mature street tree. The removal of that particular street tree was not supported by the Council's Coordinator, Horticultural & Arboricultural Services. As such, the proposal was amended to include a curved driveway, avoiding the healthy mature street tree and a stobie pole, but necessitating the removal of a smaller, less healthy and less shapely street tree. The Council's Coordinator, Horticultural & Arboricultural Services is supportive of the removal of the tree.

A detailed landscaping plan has not been provided and in the event that the Panel determines to grant approval, it is recommended that such approval be conditional upon a detailed landscaping plan being submitted to the reasonable satisfaction of the Council's Coordinator, Horticultural & Arboricultural Services and Heritage Advisor.

Environmental Sustainability

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

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

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

The Applicant has provided shade to the windows/openings on the proposed dwelling's northern and eastern elevations through wide roof overhangs, which will minimise direct sunlight (i.e. heat loading) to the internal living areas, whilst allowing the lower winter sun angle to warm and provide light to the dwelling during the cooler times of the year. This is considered to be a positive and practical design approach.

City Wide Principle of Development Control 161 states that new dwellings should be provided with a 2000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. Given that the proposed dwelling is relatively large, resulting in a significant amount of impervious surfaces on the land, the proposed allocation of a 1000 litre rainwater tank is considered to be a negative aspect of the proposal.

Summary

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

The proposal will not result in any unreasonable impacts such as compromised visual outlook for adjoining occupiers, nor shadowing of adjoining land. The proposed setbacks, site coverage and the provision of private open space are all considered to be acceptable. The design of the garage is such that it will not be highly visible in the streetscape, which is considered to be a positive aspect of the proposed development.

However, the design of the dwelling is inconsistent with the Desired Character Statement for the College Park Policy Area. In particular, the omission of a visible roof, expansive glazed facade and omission of a separate verandah, results in a presentation to the street that is vastly different and not sympathetic to that of historic dwellings in the locality.

Other, relatively minor, shortcomings with the proposal are the front setback and rain water retention capacity.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan, however, it does not 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 **refused** to Development Application No 155/309/15 by Grieve Gillett Dimitty Andersen Architects to demolish a supported residential facility and construct a single storey detached dwelling, together with a swimming pool, fencing and landscaping on the land located at 8-10 Baliol Street, College Park, for the following reasons.

1. The proposed development will not enhance the historic character of the College Park Policy Area, contrary to Objective 1 of the College Park Policy Area.
2. The proposed development is not consistent with the desired character for the College Park Policy Area, contrary to Principle 1 of the College Park Policy Area.
3. The proposed dwelling does not replace an existing building or feature, which does not contribute to the historic character of the College Park Policy Area, with a more sympathetic style of development, contrary to College Park Policy Area Principle 3.
4. The proposed dwelling projects forward of an adjacent contributory item, contrary to Residential Historic (Conservation) Zone Principle 11.
5. The proposed dwelling does not include the provision of rain water retention and reuse with a minimum capacity of 2000 litres, contrary to City Wide Principle of Development Control 161.

Note: In relation to reasons 1 to 3, the specific elements of the dwelling design of concern, are the omission of a visible roof, the omission of a separate verandah element and the non-traditional fenestration proportions to the facade.

2. STAFF REPORTS

2.8 DEVELOPMENT APPLICATION 155/884/2014 – F & V D'ANGELO – 2 HAMPTON GROVE, NORWOOD

DEVELOPMENT APPLICATION:	155/884/2014
APPLICANT:	F & V D'Angelo
SUBJECT SITE:	2 Hampton Grove, Norwood (Certificate of Title Volume: 5751 Folio: 344)
DESCRIPTION OF DEVELOPMENT:	Demolition of a single-storey detached dwelling and ancillary structures and the construction of a pair of two-storey semi-detached dwellings
ZONE:	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 involving the demolition of an existing single-storey detached dwelling and ancillary structures and the construction of a pair of two-storey semi-detached dwellings.

Staff do not have delegated authority to determine the Application, as it comprises the construction of two dwellings on one allotment, which do not meet the criteria set out in Tables 4 of the Panel's Terms of Reference. In particular;

- site coverage exceeds 50% (58% proposed);
- each allotment is less than the 250m² (203m² proposed); and
- the setback from the secondary road frontage is less than two (2) metres.

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	16.48 metres
Depth:	24.89 – 24.97 metres
Area:	410m ²
Topography:	relatively flat
Existing Structures:	single-storey detached dwelling and ancillary outbuildings
Existing Vegetation:	several mature non-regulated trees

The subject land is located on the north-eastern corner of Hampton Grove and Essery Street. A private road abuts the rear of the subject land, however the subject land does not benefit from any legal rights over that private road. One (1) mature street tree is located on the Council verge area adjacent Hampton Grove and two (2) mature street trees exist on the northern verge adjacent Essery Street. A Telstra pit and two (2) stobie poles are located adjacent the north-western corner and north-eastern corner respectively.

Locality Attributes

Land uses: entirely residential
Building heights (storeys): a mix of single and two storey dwellings
Streetscape amenity: moderate – high.

The established character of the locality is derived from a range of dwelling types, including large detached dwellings and modest single storey character maisonettes.

Hampton Grove is a narrow street with mature street trees. The eastern side of Hampton Grove contains a mix of dwellings, including inter-war bungalows and contemporary two storey homes. The western side of Hampton Grove is characterised by inter-war bungalow style maisonettes. There is a clear difference in character between the northern and southern ends of Hampton Grove, with the northern end (ie. the end where the subject land is located) containing significantly more single storey 'character homes'. The properties fronting Essery Street are entirely residential in use on the southern side with a mix of commercial and residential properties to the northern side. The northern commercial properties generally front The Parade and utilise Essery Street to gain vehicular access to car parking areas.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing detached dwelling and ancillary outbuildings on the subject land and construct a pair of two-storey semi-detached dwellings.

At ground floor, both dwellings comprise a lounge, an open plan living/dining/kitchen area, a laundry and a toilet. Both dwellings are proposed to have access to a private rear yard area from the open plan living/dining/kitchen area, as well as a side courtyard area (located on the outer side areas). The private rear yard areas incorporate covered verandah areas.

At upper floor level each dwelling comprises three (3) bedrooms (the master bedroom incorporates an ensuite and a walk-in-robe) and a separate bathroom. The master bedroom incorporates a balcony area with a direct outlook onto Hampton Grove.

The proposed dwellings have an outwardly two-storey presentation to Hampton Grove. The proposed architectural design approach can be described as "classic contemporary". Materials and finishes include a combination of rendered masonry walls (painted "Colorbond – Shale Grey), feature matrix cladding and natural western red cedar battens, 25 degree pitched custom orb colorbond roof sheeting (colour – "Basalt") and naturally anodized aluminium window and door frames at ground and upper level.

The northern and eastern boundaries are to have 1.8m high colorbond fencing in Colorbond Woodland Grey. The existing southern fencing is to remain. The application does not involve any fencing to the western (front) property boundary.

Vehicular access to the proposed dwellings is intended via a new crossover for Dwelling 2 while modifications are proposed to the existing crossover for Dwelling 1. Each dwelling is to have one (1) covered car parking space. A visitor car parking space would be available in front of the garage of Dwelling 2, however allowing for the acquisition by the Council of a 3m x 3m corner cut-off upon the subsequent division of the land, no such visitor parking space would be available for Dwelling 1.

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	200.5m ^{2**}	205m ²	250m ²
Allotment Width	8.24m	8.24m	N/A
Allotment Depth	24.93m (average)	24.93 (average)	N/A
External Wall Height*	6.0m	6.0m	N/A
Maximum Overall Height (to roof apex)*	7.1m	7.1m	N/A
Floor Area (total)	199.1m ²	199.1m ²	N/A
Floor Area (footprint)	118.45m ²	118.45m ²	N/A
Site Coverage	58%	58%	N/A
Private Open Space	48.8m ² 76% uncovered	48.8m ² 76% uncovered	35m ² 50% uncovered
Street Set-back	1.8m (balcony) 3.0m (facade) 5.5m (garage)	1.8m (balcony) 3.0m (facade) 5.5m garage	The same as the adjoining dwelling
Side Set-back	600mm – Lanai 1.042m – Garage 1.8m Kitchen (ground level) 3.7 – 4.3m (upper level)	600mm – Lanai 1.042mm – Garage 1.8m Kitchen (ground level) 3.7 – 4.3m (upper level)	1.0 metre from one side boundary –
Rear Set-back	4.058m (ground and upper level)	4.058m (ground and upper level)	N/A
Car Parking Provision	1 undercover	1undercover & 1 visitor	1 undercover and 1 visitor

* 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.

** The quoted site area takes into consideration the site area that would result from the subsequent division of the land, whereby the Council would likely acquire 4.5m² of land on the corner of Hampton Grove and Essery Street, pursuant to Regulation 52 of the Development Regulations 2008.

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

Notification

Pursuant to Schedule 9 Part 1(2)(a) of the *Development Regulations 2008*, the proposed dwellings have been identified and processed as a Category 1 form of development.

State Agency Consultation

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

Discussion

The subject land is located within the Residential Zone and within that, the Norwood Policy Area, 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:

Norwood Policy Area Desired Character Statement

Residential Zone Desired Character Statement

Residential Zone Objectives: 1
Residential Zone PDC's: 1, 2 & 8

City Wide Objectives: 1 & 55-57
City Wide PDC's: 3

Objective 1 of the Residential Zone seeks development that provides a variety of housing types and densities which do not adversely affect the established character of the locality that the proposed development is situated within. In the context of the mix of dwelling types and densities in the locality, the proposed development is considered to be consistent with Objective 1 of the Residential Zone and as such, suitable from a land use perspective.

Residential Zone Principle of Development Control 8 states (in part):

"The average site area per dwelling unit for residential development in the Residential Zone should not be less than... 250 square metres in the Norwood Policy Area west of Osmond Terrace and also east of Osmond Terrace, south of The Parade..."

The proposed development results in an average site area of 203m² per dwelling, which is inconsistent with Residential Zone Principle of Development Control 8. However, the density of the proposal is consistent with the predominant density pattern of existing dwellings within the locality, which includes a number of compact sites with areas in the order of 200m² per dwelling. In particular, the interwar maisonettes located directly opposite the subject land have site areas of between 190m² and 205m².

In terms of allotment frontages, the proposed development would result in allotment frontage widths of 8.24 metres per dwelling, which is consistent with other dwellings in the locality including the said adjacent allotments.

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

streetscape/bulk/scale/height/character

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

Norwood Policy Area Desired Character Statement

Residential Zone Desired Character Statement

Residential Zone PDC's: 4 & 7

City Wide Objectives: 8 & 18-20
City Wide PDC's: 29-35, 39, 41, 44, 195, 196 & 198

City Wide Principle of Development Control 195 states the following:

The roof form and design of semi-detached dwellings in localities where the predominant dwelling type is detached dwellings should achieve the form of a single integrated building (as illustrated below) and be of a bulk and scale that is consistent with the predominant pattern of development (Refer to Figure 3).

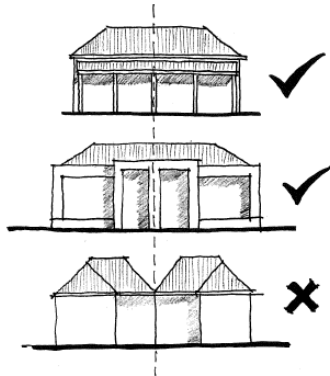


Figure 3

The proposed development presents to the street as a single cohesive two-storey building, which is consistent with Principle 195. This assists the proposed dwellings assimilate with the predominant built form pattern in the locality, ie. detached and semi-detached dwellings on allotments with frontage widths akin to that of the subject land.

In general terms, the proposed semi-detached dwellings can be described as being contemporary, with traditional design elements in the form of pitched corrugated roof forms, the use of eaves, well-proportioned window openings. In addition, the proposed materials and finishes are considered to be of a high quality.

City Wide Principles of Development Control 36 and 197 state respectively:

Development on corner allotments should:

- (a) *reinforce the primary and secondary street frontages of the subject site with highly articulated building forms; and*
- (b) *be sited to complement the siting of buildings on the adjacent corner sites.*

Dwellings of more than one storey on corner sites should address both the primary and secondary street frontages and should be designed and sited so that the dwelling facade on the secondary street frontage includes visible articulation and detail, which complements the secondary streetscape (Refer to Figure 6).

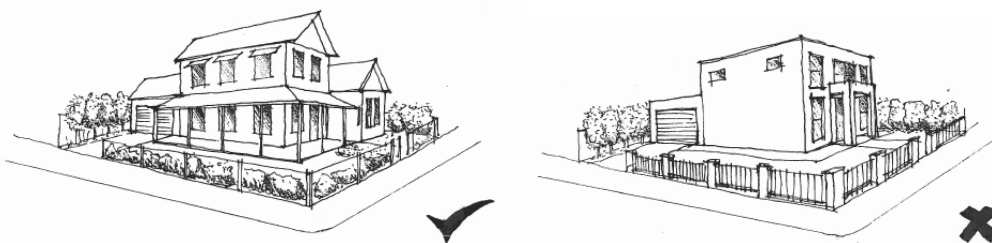


Figure 6

City Wide Principles 36 and 197 seek to achieve buildings that address the street corner of corner sites in a manner that makes a positive streetscape contribution, in recognition of the fact that corner sites are relatively high-exposure sites and therefore have a large influence over the visual character and amenity of an area.

The proposed location of the garage of Dwelling 1, means that the garage is the part of the dwelling that relates most directly to the street corner. This is not typical of a dwelling on a corner allotment and is not considered to result in a positive 'corner address' as is sought by Principle 197. Both Dwelling 1 and Dwelling 2 appear to address Hampton Grove only, with the presentation to Essery Street being no different to the presentation to the southern side boundary of the subject land.

The garage location of Dwelling 1 not only prevents the development from being able to provide a positive corner address, it also prevents the landscaping between the dwelling and the street from being able to be established in a positive manner, due to the amount of hard paving required for the driveway.

City Wide Principles of Development Control 30 and 31 state:

- 30** *Except where the zone or policy area objectives, principles of development control and/or desired character of a locality provide otherwise, new buildings:*
- (a) may be of a contemporary appearance and exhibit an innovative style;*
 - (b) should complement the urban context of existing buildings on adjoining and nearby land in terms of:
 - (i) maintenance of existing vertical and horizontal building alignments*
 - (ii) architectural style, building shape and the use of common architectural elements and features;*
 - (iii) consistent colours, materials and finishes; and**
 - (c) should not visually dominate the surrounding locality.*
- 31** *Buildings should be designed to minimise their visual bulk and provide visual interest through design elements such as:*
- (a) articulation;*
 - (b) colour and detailing;*
 - (c) materials, patterns, textures and decorative elements;*
 - (d) vertical and horizontal components;*
 - (e) design and placement of windows;*
 - (f) window and door proportions;*
 - (g) roof form and pitch;*
 - (h) verandahs and eaves; and*
 - (i) variations to facades.*

The locality of the subject land is characterised by predominantly single storey dwellings, interspersed with outwardly two-storey dwellings, including those at 8 and 10 Hampton Grove and 1 Essery Street. The dwelling on the property adjoining the subject land at 4 Hampton Grove is also two storey, but has a recessive upper storey. Further south, at the periphery of the locality, the southern end of Hampton Grove is characterised by outwardly two storey dwellings.

In all instances, two storey components of dwellings in the locality are located further back from the street. In particular, the existing two storey components of dwellings are generally set back 4 metres or more from the street, with those in the more immediate locality (ie. those at 4 Hampton Grove and 1 Essery Street), being set back 6-7m from the street. The proposed dwelling is set back from Hampton Grove 1.8m to the balconies and 3.0m to the upper level facade.

In this context, it is considered that the proposal does not accord with City Wide Principles of Development Control 30 and 31 as it would present as an overtly two storey form in close proximity to Hampton Grove that would loom large within the streetscape.

The Applicant was requested to consider reducing the size and prominence of the upper level component of the dwellings and provide vehicle access for Dwelling 1 from Essery Street. In response, the Applicant has amended the plans to include a steel arbor across the garages to provide additional landscaping and a small reduction in the upper floor area. Whilst an improvement to the proposal, the proposed changes are not considered to adequately address the concerns identified.

Accordingly, whilst the proposed development is considered to satisfy City Wide Principle 195 with respect to the general design approach for semi-detached dwellings, it is not considered to satisfy Residential Zone Principle of Development Control 4, City Wide Principle of Development Controls 31 and 32, with respect to the 'fit' of the proposal within the existing streetscape, nor City Wide Principles 36 and 197 with respect to the way in which the development addresses the corner of Hampton Grove and Essery Street.

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, 212-214, 216, 217 & 221.

In terms of front setbacks, there is a relatively consistent pattern on the eastern side of Hampton Grove within the locality and in particular, the adjoining dwelling to the south front setback of 3.2 metres.

The front setbacks of the proposed semi-detached dwellings are 3.2 metres to the main wall and 1.8m to the projecting upper level balconies. The proposed front setbacks would be considered appropriate if the proposed dwellings were single storey or had a recessive upper level, as they would provide a compatible relationship with the adjacent two-storey dwelling to the south. However, as proposed, the upper level is considered to be too close to the street, resulting in an overly dominant upper level in the streetscape.

The side setback for the lower level of each dwelling is 1.042m (the rear verandah is to be located within 600mm of the boundary).

The upper level of each dwelling is set back 3.6m, which is considered sufficient to ensure that the visual outlook for the occupier of 4 Hampton Grove will not be unreasonably impaired.

The rear setback for each dwelling is proposed to be 4.05m. Given the level of separation that currently exists as a result of a private road and the rear loading nature of the dwellings fronting Osmond Terrace the proposed rear setback is considered appropriate.

It is considered that the proposed setbacks and the potential visual impact of the proposed two-storey semi-detached dwellings on adjacent occupiers is acceptable in the context of the existing locality.

The proposed dwellings result in 58% site coverage, which is generally consistent with the site coverage of existing residential development within the locality.

Overshadowing/overlooking

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

City Wide PDC's: 11, 74, 75, 199, 201 & 254.

The Applicant has provided shadow diagrams to demonstrate the extent of overshadowing from the proposed dwellings.

City Wide Principle of Development Control 201 states the following:

Development should ensure that at least half of the ground level private open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Development should not increase the overshadowed area in cases where overshadowing already exceeds these requirements.

The shadow diagrams demonstrate that there will be shadowing of the adjacent property directly to the south (4 Hampton Grove), during the winter months. The diagrams indicate that the courtyard containing the swimming pool at 4 Hampton Grove is likely to meet the minimum amount of sunlight required by City Wide principle of Development Control 201. In addition to the ground level courtyard, a substantial deck exists at the upper level, with direct links to an upstairs living room. It is considered that as a result of this, the occupier of 4 Hampton Grove will have adequate exposure to direct sunlight.

City Wide Principle of Development Control 200 states the following:

Development should ensure that the north-facing windows of habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9am and 5pm on the winter solstice (21 June).

With regard to potential shadowing of the north facing windows of the dwelling at 4 Hampton Grove, the shadow diagrams indicate that the development proposal sufficiently complies with the abovementioned Principle, and in any event, the balcony casts a shadow over the windows.

The Applicant has proposed that all the north, south and eastern facing upper floor windows are to have either obscured glazing to a sill height of 1.7 metres when measured above the internal upper floor level, with non-obscured glazing above this point or sill heights of at least 1.7m. Accordingly, this will prevent any unreasonable overlooking of the adjoining yard areas. If the Panel determine to approve the proposed development, it is recommended that a condition be imposed reiterating that the upper floor windows on the northern, southern and eastern elevations be fixed and obscured or have minimum sill heights of 1.7m.

With respect to the balconies on the western elevation, it is considered that screening will not be required as no unreasonable overlooking potential exists for a person standing on these balconies to see across Hampton Grove into rear yard areas of nearby properties.

Accordingly, it is considered that the proposed development will not have any unreasonable impacts, in terms of overshadowing or loss of privacy, on the occupiers of adjacent land.

Private open space

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

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

Dwelling 1 and 2 comprise 48.8m² (23.7% of its site area) a of private open space within the rear yard. The proposed allotment areas for each of the dwellings are 205m². City Wide Principle of Development Control 244(b) requires that dwellings with site areas of less than 250m² have a minimum private open space of 35m² of its site area. Accordingly, the proposed dwellings satisfy the quantitative criteria specified in this provision. Each dwelling is to have a small courtyard on its outer boundaries which would be suitable for clothes drying and bin.

City Wide Principle of Development Control 248 requires that private open space provided at ground level should be open to the sky. Dwelling 1 and 2 comprise 74% of uncovered private open space, which satisfies this Principle.

Overall, the provision of private open space is considered to be acceptable and sufficiently is in accordance with the above stated provisions.

Car parking/access/manoeuvring

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

City Wide Objectives: 32 & 34

City Wide PDC's: 116, 123, 126, 130, 222-225, 229, 231, 232, 236, 237, 264 & 265.

Hampton Grove is a narrow street in which the narrow nature is further exacerbated when vehicles are parked on both sides of the street. Each of the two (2) proposed dwellings has one (1) undercover car parking space. Dwelling 2 has a visitor parking space in front of the garage. Dwelling 1 will not have an on-site visitor car parking space in front of the garage, allowing for the acquisition by the Council of a future 3m x 3m corner cut-off, which is standard practice of the Council when land division applications for corner allotments are approved. Whilst the current Development Application is not for a land division, there is a reasonable likelihood that a subsequent land division would be lodged and granted approval with a 3m x 3m corner cut-off in the event that the current Development Application was approved. This reasonable likelihood should be taken into account when considering the current Application.

The proposed development therefore does not satisfy Table NPSP/8 which states that semi-detached dwellings should have at least two (2) on-site car parking spaces of which one (1) is a visitor space.

Council staff sought advice from a Traffic Consultant, Mr Paul Simon of Tonkin Engineers, on the safety and convenience of the northern crossover, located in close proximity to the apex of Hampton Grove and Essery Street. Mr Paul Simon's report is contained in **Attachment C**.

Mr Simon has concluded, that neither of the opportunities for crossover locations for Dwelling 1 are ideal, but that given the relatively low likelihood of vehicle conflict, either option would be acceptable. Having regard to the Traffic Engineering advice, it is considered that vehicle access for Dwelling 1 would be more appropriate from Essery Street, for the reasons stated earlier in the report relating to the streetscape implications of locating the garage adjacent to the street corner.

Finished floor levels/flooding/retaining

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

City Wide Objectives:	9, 25 & 42
City Wide PDC's:	10, 60, 61, 82, 149 & 151-156

The subject land is not within a recognised floodplain.

The proposed semi-detached dwellings have finished floor levels that are between 200mm -300mm above natural ground level.

The Applicant proposes to install 1.8m colorbond fencing to portions of the boundaries (excluding the southern boundary)

The proposed semi-detached dwellings will be 400mm above the adjacent top-of-kerb level.

Given the relatively flat nature of this section of Hampton Grove, the proposed finished floor levels are considered acceptable, in the context of how the dwellings will sit within the streetscape with surrounding dwellings.

Stormwater can be readily disposed by way of a gravity system to the Hampton Grove or Essery Street water table.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24
City Wide PDC's:	76-78, 239 & 240

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

The Applicant has provided an indicative landscaping scheme that seeks to introduce specific plantings adjacent the northern and southern side boundaries as well as the rear yards

The overall landscaping scheme is considered to accord with City Wide Principles of Development Control 239 and 240 state the following respectively:

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

and

The landscaping of development in residential zones should:

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

If the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring the Applicant/Owner to plant all areas nominated as landscaping, prior to the occupation of the dwellings.

A street tree is located slightly south-of-centre on the Council verge area adjacent the front property boundary with a separation of 2.5m to the proposed crossover which is adequate to protect the health of the street tree and is in accordance with City Wide Principle of Development Control 121(c).

Environmental Sustainability

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

City Wide Objectives:	23 & 42
City Wide PDC's:	70-72 & 161

The subject land is orientated east-west and the proposed dwellings are therefore to be sited east-west on the subject land. The main living areas and private open space provision is located on the eastern side of the subject land. The private open space areas (ie. rear yard areas) of both dwellings will have a reasonable degree of access to northern sunlight primarily during the hours of 9:00am and 12.00pm over the course of both the summer and winter months.

In terms of gaining access to northern light for the internal living areas of the dwellings, the proposal is considered to achieve a poor outcome for Dwelling 2 which is mainly due the orientation of the subject land and subsequent configuration of this dwelling. Conversely, Dwelling 1 is considered to receive a reasonable level of access to its living and dining area given that it is the northernmost dwelling and has relatively large window to these areas.

The Applicant has deliberately designed the dwellings so that the windows at both ground and upper floor level on the western elevation are protected from direct sunlight (ie. heat loading). At ground level the balcony of the dwellings overhang the ground floor western elevation and at upper level, 600mm metre wide eaves afford protection to the upper floor level windows.

City Wide Objective 42 seeks development that is designed to maximise the harvest and use of stormwater. City Wide Principle of Development Control 161 requires that all new dwellings be provided with a 2,000 litre rain water tank. The proposal includes the installation of 1,000 litre rainwater tanks for each dwelling (in a yet to be specified location), contrary to Principle 161.

Summary

The proposed site areas for each dwelling are less than those specified in Principle of Development Control 6 of the Residential Zone. However, the subject land may be capable of accommodating two dwellings, subject to an appropriate built form. The Residential Zone anticipates the construction of semi-detached dwellings on sites of at least 250m² in this part of Norwood. Whilst the inter-war maisonettes located adjacent to the subject land have site areas in the order of 200m², providing some justification for the proposed density, those dwellings are single storey and achieve a more appropriate 'fit' with the character of the locality.

In this case, the proposed development would result in a built form that would loom large in the streetscape and detract from an otherwise consistent modest scale of development at the northern end of Hampton Grove.

Furthermore, the location of the garage of Dwelling 1 prevents the development from providing a suitable address to the street corner and Essery Street.

Both dwellings have side and rear setbacks that are consistent with existing residential development in the locality. As is discussed in Mr Simons report, vehicular access and egress can be achieved in a safe and convenient manner from the proposed garages. That said, an on-site visitor parking space is not achieved for Dwelling 1, taking into consideration the future acquisition of a corner cut-off.

Overall, the proposal is not considered to be seriously at variance with the Development Plan, however is not considered to sufficiently accord 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 **refused** for Development Application No 155/884/2014 by F & V D'Angelo to demolish an existing single-storey detached dwelling, construct a pair of two-storey semi-detached dwellings a, on the land located at 2 Hampton Grove, Norwood, for the following reasons:

1. The proposed allotment sizes are less than those specified in Principle of Development Control 8 of the Residential Zone.
2. The proposed development is not consistent with the desired character for the Residential Zone and City Wide Principles of Development Control 30 and 31 as the proposed development would incorporate a scale of development which is incompatible with existing buildings within the streetscape.
3. Dwelling 1 does not address both the primary and secondary street frontages and is not designed and sited so that the dwelling facade on the secondary street frontage includes visible articulation and detail, which complements the secondary streetscape, particularly due to the location of the garage, contrary to City Wide Principles of Development Control 36 and 197.
4. The proposed dwelling does not include the provision of rain water retention and reuse with a minimum capacity of 2000 litres, contrary to City Wide Principle of Development Control 161.

2. STAFF REPORTS

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

DEVELOPMENT APPLICATION:	155/D082/14
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 Zone – 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 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/D082/14) was lodged on 1 December 2014, for a Torrens Title land division creating one (1) additional allotment in a 'battle-axe' configuration; at 113 Marian Road, Firle.

The Panel determined that there was insufficient information provided to enable the Application to be determined. The Application was subsequently deferred to enable the Applicant to provide the following additional 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.

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 which illustrate the additional information required by the Panel 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 is contained in **Attachment B**.

Discussion

The additional information requested by the Panel was required to assist the Panel in determining the functionality of the existing dwelling and the association with its private open space. The plans originally provided with the Application did not illustrate the floor plan of the existing dwelling, nor did they clearly plot the existing verandah and whether the verandah would need to be removed or altered to enable the proposed land division.

The amended plan of division illustrates the floor layout of the existing dwelling and the siting of the existing verandah, which is proposed to be retained. The existing verandah has a width of 12.6 metres and a depth of 3.4 metres, with an overall area of 42.8m².

The existing verandah does not conflict with the proposed line of division. Whilst the existing verandah would only be set back 600mm from the proposed internal fence, the structure is open sided and will not present any issues from a Building Code perspective.

The retention of the verandah does not impact on the overall provision of private open space (68m²), which would result from the proposed land division. However, the existing verandah would occupy 63% of the existing dwelling's private open space.

City Wide Principle of Development Control (PDC) 248 states:

"Fifty percent of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments."

The retention of the existing verandah would result in more than 50% of the private open space being covered. However, in this instance, the failure to meet the quantitative standard prescribed in City Wide PDC 248 is not considered to be fatal to the overall merit of the proposed land division, as the qualitative aspects of the Principle are generally adhered to.

The retention of the verandah will provide the occupants of the dwelling with a covered area of useable dimensions, which will provide shelter from the sun in summer and rain in winter, such that the area will be useable year round.

Allotment 1, which would accommodate the existing dwelling and verandah, will have a generous front yard (approximately 92m² excluding the driveway and carport area) which will provide ample opportunity for soft landscaping, albeit that the area is not private open space. There will also be other opportunities for soft landscaping within the private open space area behind the proposed carport and to the side of the existing verandah.

The retention of the verandah will result in an overall site coverage on Allotment 1 of 48.4%, which is significantly less than the complying standard for detached dwellings in the area (the subject land is within a gazetted *ResCode* area where dwellings and associated structures may cover up to 60% of the site). As such, the retention of the verandah will not result in an unreasonable amount of stormwater runoff.

As such, whilst the retention of the verandah will cover more than 50% of the private open space of proposed allotment 1, the implications of not meeting this quantitative Principle are negligible for the reasons set out above.

The floor layout of the existing dwelling has direct links from the living area of the dwelling to the existing verandah at the rear of the dwelling, providing good access to the private open space in accordance with City Wide PDC 243(a).

Summary

The determination of the Application was deferred by the Panel to enable the Applicant to provide additional information, such that the Panel could complete its assessment.

The additional information included an existing floor plan and details of whether an existing verandah is to be removed, or altered, in order to facilitate the boundary between the proposed allotments.

The Applicant has provided amended plans which illustrate the existing floor plan and confirm that the existing verandah is proposed to be retained. The plan of division has been overlayed and the existing verandah is set back 600mm from the proposed line of division, such that no alterations are required in order to meet the Building Code or to clear the land division.

Whilst the retention of the verandah will cover more than 50% of the resulting private open space, the overall site coverage resulting from the retention of the verandah on allotment 1 is 48.4%, which is considered to be acceptable. The retention of the verandah will enable the private open space area to be utilised year round and will not unreasonable compromise opportunities for soft landscaping.

The existing dwelling will maintain a good link between the living areas of the dwelling and the proposed private open space.

As such, the additional information provided by the Applicant is considered to be adequate to enable the Panel to determine the Application. 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/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 amended plan of division (Plan Reference Number ABPM01619dwg01rev03) prepared by Andrew Butcher Project Management, received by the Council on 26 June 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 www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Notes to Applicant

1. The postal 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.

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