

# Development Assessment Panel Agenda & Reports

**17 August 2015**

## **Our Vision**

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

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

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City of  
Norwood  
Payneham  
& St Peters

12 August 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 17 August 2015, commencing at 7.00pm.**

Please advise Jo Kovacev on 8366 4530 or email [jkovacev@npsp.sa.gov.au](mailto: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 20 JULY 2015**
  
2.     **STAFF REPORTS**
  - Items to be starred (.....)
  - All unstarred items to be adopted (.....)

**2. STAFF REPORTS**

**2.1 DEVELOPMENT APPLICATION 155/C050/2014 – MR M MILICEVIC – 20 RIVER STREET, ST PETERS & PORTION OF 10 PLAYER AVENUE, ST PETERS**

**DEVELOPMENT APPLICATION:** 155/C050/14

**APPLICANT:** Mr M Milicevic

**SUBJECT SITE:** 20 River Street, St Peters & portion of 10 Player Avenue, St Peters (Certificate of Title, Volume:5134, Folio: 259 & portion of Folio 260)

**DESCRIPTION OF DEVELOPMENT:** Community Title Land Division (creating three (3) individual allotments and a common driveway area)

**ZONE:** Residential 1 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 a Community Title Land Division creating three (3) individual Lots and a common driveway area from one (1) allotment.

Staff do not have delegated authority to determine the Application, as it comprises the creation of more than one (1) additional allotment.

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

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

**Subject Land Attributes (ie. both parcels of land combined)**

Shape: irregular  
Frontage width: 3.76 metres to River Street  
Depth: 62.09 metres  
Area: 1919m<sup>2</sup>  
Topography: sloping from northeast (front) to southwest (rear)  
Existing Structures: the subject land is occupied by a variety of building materials such as sheet metal, sleepers, timbers pallets, a rain water tank and a tractor amongst other things.  
Existing Vegetation: large grassed/impervious areas with several mature trees. There are no Regulated Trees on the subject land.

The subject land comprises the entirety of the property at 20 River Street, St Peters and a contiguous portion of the property at 10 Player Avenue, St Peters. A separate Development Application (Development Application Number 155/D049/14) has been lodged to realign the boundary between 20 River Street and 10

Player Avenue, St Peters, to create the subject land and a 404m<sup>2</sup> Torrens Title allotment fronting Player Avenue. Council staff have delegation to approve that Application, however have held off on issuing a decision, pending the outcome of the Community Title Development Application, that is the subject of this report.

**Locality Attributes**

Land uses: residential development  
 Building heights (storeys): single-storey and two-storey development

The north-eastern side boundary of the subject land abuts the Adelaide O-Bahn transport corridor. River Street is characterised by predominantly single-storey detached dwellings. Of the five (5) dwellings within the River Street locality, three (3) are single-storey construction (ie. 14, 16 and 18 River Street) and two (2) are of two-storey construction (ie. 31 and 31A River Street). The dwelling at 31A was the most recently constructed dwelling in 2012.

The majority of dwellings that front the eastern side of River Street have relatively consistent front setbacks in the order of 6.0 to 10.0 metres. The locality has a moderate level of amenity, which is influenced by the extent of varied architectural styles and building forms, as well as the high volumes and speed of buses using the O-Bahn.

The prevailing existing land division pattern in both the Player Avenue and River Street localities is that of regular shaped allotments. For example, the properties at 4, 4A, 6A, 6B, 8A and 8B Player Avenue (ie. located directly to the south-west) have frontages that are on average 9.5 metres wide and overall allotment areas that average approximately 524m<sup>2</sup>. The properties at 14, 16 and 18 River Street have average frontages of 18.0 metres and have allotment areas of 426m<sup>2</sup>, 884m<sup>2</sup> and 892m<sup>2</sup> respectively.

Examples of infill development within the locality include 4 – 8B Player Avenue as well as 5A and 5B Player Avenue which have all been constructed after 2001. With regard to River Street, the property at 14A River Street was created as a result of Torrens Title Land Division that was approved in 2012. The property at 12B River Street, which abuts the south-eastern side of the subject land, was created as part of a Torrens Title Land Division approved in 2012.

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

**Proposal in Detail**

The Applicant is seeking consent to create three (3) Community Lots and a common driveway area on the subject land. The Applicant has provided indicative floor plans in order to demonstrate that group dwellings can be constructed on each of the three (3) Community Lots.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Lot 72 (Community Title)	Lot 73 (Community Title)	Lot 74 (Community Title)	Development Plan Merit Assessment Quantitative Guideline
Site Area	414m <sup>2</sup>	382m <sup>2</sup>	449m <sup>2</sup>	N/A
Allotment Width	19.0m (minimum)	12.2m (minimum)	12.1m (minimum)	N/A
Allotment Depth	16.5 – 18.8m	19.8 – 32.9m	32.9 – 43.1m	N/A

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

## Notification

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

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

### Land Use and Density

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

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

Objective 1 of the Residential 1 Zone encourages a zone primarily accommodating detached dwellings at low densities on individual allotments.

Lots 72, 73 and 74 do not have a frontage to a public road and as such, any future dwellings constructed on those lots would be defined as group dwellings, which are not the primary anticipated dwelling type within the Residential 1 Zone. Whilst this is at odds with the intent of the zone, City Wide Principle of Development Control 2(a) encourages development that forms a compact and continuous extension of an existing built-up area. The proposed land division achieves this by creating three (3) individual allotments on land that is situated between existing established residential development and a portion of the Adelaide O-Bahn corridor. In addition, the proposed allotments are capable of accommodating future residential development on land that is currently not utilised for residential purposes and which is located within a residential zone. In this context, the proposed land division is considered to be consistent with Principle 2(a) and acceptable in this instance, notwithstanding that it does not accord with the objective and intent of the Residential 1 Zone.

The Development Plan does not contain any quantitative minimum allotment areas or dimensions for merit forms of development within the Residential 1 Zone. The proposed land division therefore must be assessed against the relevant qualitative provisions of the Development Plan when considering the proposed density.

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

The indicative plans demonstrate that three (3) single-storey dwellings can be constructed on the land in a manner that meets the criteria listed in City Wide Principle of Development Control 189. Specifically, the dwellings achieve appropriate side and rear setbacks, modest site coverage, areas for the provision of landscaping and private open space with good orientation, safe and convenient access for two (2) vehicles

undercover with an additional two (2) visitor spaces and multiple siting opportunities are available for the provision of a rainwater tank for each dwelling.

In addition, the indicative plans for the group dwellings on Lots 72, 73 and 74 are for single-storey dwellings that would not be readily seen from either Player Avenue or River Street. More importantly, it is anticipated that three (3) future single-storey group dwellings can be designed and developed in a manner that does not have an unreasonable visual impact on adjacent property occupiers (ie. 8B Player Avenue, 12B River Street and 18 River Street).

On this basis, the proposed allotments are considered to be of sufficient area and dimensions to be able to accommodate three (3) future dwellings, without compromising the objective of the Residential 1 Zone. The proposed density is therefore considered to be acceptable.

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

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

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

The Player Avenue streetscape character will not be altered as a result of the proposed land division with the existing allotment frontage of 10 Player Avenue (ie. Lot 71) remaining unchanged.

Likewise, the existing River Street streetscape will not be altered as the 3.76 metre frontage to River Street is fixed and is not proposed to be widened as part of Land Division Application Number 155/C050/14. In terms of the adequacy or otherwise of vehicle movements through the 3.76 metre frontage, this assessment consideration will be discussed in the section of this *Car parking/access/manoeuvring*.

#### Setbacks and Site Coverage

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

City Wide PDC's:	51, 52, 207, 212 - 217.
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City Wide Principle of Development Control 207 states:

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

The three (3) indicative single-storey group dwellings on Lots 72, 73 and 74 generally satisfy this provision in that the habitable areas incorporate 2.5 metre side setbacks from the existing southern and eastern side boundaries. The only anomaly to this is the indicative group dwelling on Lot 74 which incorporates a garage wall on the existing southern boundary which is shared with the property at 18 River Street. Whilst the dwellings are indicative only, they demonstrate that it may be difficult for a future dwelling on Lot 74 to achieve a 2.5 metre separation (ie. to a garage wall) from the southern side boundary. That said, it is considered that the amenity of the adjacent residential occupiers at 18 River Street, would not be compromised by a garage wall on or close to the side boundary, insofar as the garage wall would likely be located adjacent a service yard area of the dwelling at 18 River Street. The existing relatively open eastern outlook for the occupiers at 18 River Street would be maintained in this scenario.

#### Overshadowing/overlooking

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

City Wide PDC's:	200, 201 & 217.
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Having regard to the indicative dwelling footprints, the construction of single-storey dwellings would ensure that any overshadowing to the rear yard areas of the neighbouring dwellings at 8B Player Avenue 18 River Street is not excessive. If a future dwelling proposal(s) included a two-storey dwelling height, careful consideration of the proposed siting and shading impacts would need to be undertaken as part of the assessment of that proposal.

Private open space

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

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

Based on the indicative floor plans, the Applicant has indicated that 179m<sup>2</sup> (41%) of Lot 72, 132m<sup>2</sup> (34%) of Lot 73 and 168m<sup>2</sup> (37%) of Lot 74 can be allocated for private open space. This amount of private open space would exceed the 20% private open space guideline referred to in Principle of Development Control 244(a), which is a positive aspect of the proposal and reflects that the proposed allotment sizes and dimensions are generous and would enable the siting of future dwellings that can achieve a descent level of residential amenity for future occupants.

Finished floor levels/flooding/retaining

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

City Wide Objectives: 9 25 & 42.  
City Wide PDC's: 10 60 61 82 149 151 152 153 154 155 156 157 161 & 162

The subject land is not located in a recognised flood plain and falls gently from the north, down to the River Street frontage.

It is anticipated that roof water and surface water for Lots 72, 73 and 74 can be drained and directed to the Player Avenue water table and the River Street water table via a gravity fed system respectively.

In terms of the construction of any future dwellings on the proposed Lots, no substantial filling will be required to the extent that could adversely impact on the level of residential amenity currently enjoyed by occupiers at 8B Player Avenue and 18 River Street. More specifically, it is anticipated that any future proposal(s) to develop the proposed allotments can be achieved with retaining walls and fencing that would not exceed the maximum height of 2.4 metres prescribed in City Wide Principle of Development Control 61. In this regard, the visual outlook from the two (2) directly adjacent residential properties will not be unreasonably compromised.

Car parking/access/manoeuvring

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

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

Each of the indicative group dwellings on Lots 72, 73 and 74, have two (2) covered car parking spaces and two (2) visitor parking spaces.

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

City Wide Principle of Development Control 194(c)(ii) states in part:

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

- (ii) not less than 6 metres in width for at least the first 6 metres and 5 metres in width thereafter, for a site that accommodates three or more dwellings (Refer to Figure 4).

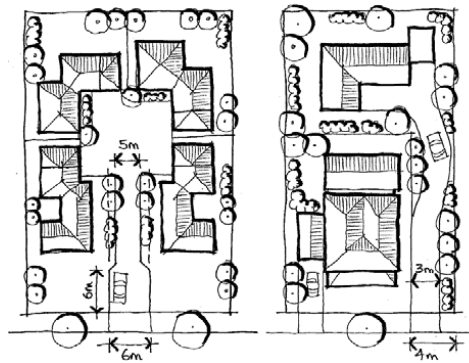


Figure 4

The proposed driveway access/egress point adjacent River Street is only 3.76m wide, which gave rise to initial concerns regarding the ability for future occupiers and/or visitors to safely and conveniently access and egress the proposed common driveway. The Applicant approached the owner of 18 River Street in order to determine if an agreement could be reached whereby either:

- a right of way could be obtained over a portion of their land to provide a 6m x 6m access point to the subject land, or
- the existing fence dividing 18 and 20 River Street could be lowered for a portion of length in order to enable improved driver sightlines to be achieved.

The Applicant subsequently advised the Council's Planning staff that they were not able to reach an agreement with the owner with respect to lowering the fencing height.

Subsequently, the Applicant engaged the services of a traffic engineer, Mr Paul Morris from GTA Consultants, to review and provide a report with respect to how safe and convenient, from a traffic engineering perspective, the access/egress point to River Street is. Mr Morris has advised that a 3.3 metre wide driveway can be accommodated at the River Street frontage which satisfies the requirements of *Australian Standard 2890.1:2004* insofar that the anticipated number of predicted traffic volumes to the three (3) proposed allotments is relatively low (ie. 27 trips per day). In terms of providing adequate driver sightlines (given that the 1.8 metre high fencing between 18 and 20 River Street is to remain unchanged), Mr Morris has suggested that a driver assisted vision mirror can be installed on the land that would enable motorist(s) sightline vision to and from the proposed driveway entrance to be improved.

A copy of Mr Morris' report and additional supplementary comments are contained in **Attachment C**.

The Council engaged Mr Paul Simons of Tonkin Consulting, to review the proposed driveway access/egress arrangements for Lots 72, 73 and 74. Mr Simons concluded that in principle, the proposed access/egress arrangement from these three (3) proposed allotments are considered acceptable. Whilst Mr Simons acknowledges that there is a small degree of risk when a vehicle reverses from the driveway area of 18 Player Avenue at the same time as when a vehicle exits the proposed common driveway area in a forward direction, he considers the degree of potential conflict is tolerable. A copy of Mr Simons report is contained in **Attachment D**.

It is acknowledged that the proposed access/egress point adjacent to River Street is not ideal and will lead to some inconvenience (ie. between any future occupiers/visitors of the three (3) proposed allotments and the occupiers and/or visitors of 18 River Street). That said, the proposed access/entry point to the common driveway situated at the end of River Street, in a low speed and low traffic volume environment. Having regard to both Mr Morris' and Mr Simons' advice, as well as the location of the proposed driver sightline assistance mirror, staff are satisfied that the degree of vehicular conflict is acceptable in terms of achieving safe and convenient vehicular access/egress to and from the development site.

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:	239 & 240.

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

The proposal is consistent with City Wide Principle of Development Control 194 which states (in part):

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

- (c) *have a driveway 'handle' width of no less than 4 metres and not more than 6 metres to enable the provision of landscaping along the full length of the driveway, with the paved area of the driveway 'handle' being:*
  - (ii) *not less than 6 metres in width for at least the first 6 metres and 5 metres in width thereafter, for a site that accommodates three or more dwellings (Refer to Figure 4);*
- (e) *incorporate a combined total width of 1 metre of landscaping along the full length of the driveway 'handle'.*

The proposed land division does not accord with Principle 194, in that a 6.0 metre wide strip of common property is not provided in order to allow for a 5.0 metre wide carriageway plus, a 1.0 metre section of landscaping along the length of the driveway handle. Whilst this quantitative requirement is not achieved, the actual nominated landscaping provision will not be readily visible from the street given the narrow frontage that the subject land has to River Street. In addition, the indicative site plan demonstrates that there is ample opportunity for landscaping at the front of each of the private lots, to enhance the amenity of the adjacent driveway environment in accordance with City Wide Principle of Development Control 240(a), which requires that landscaping should enhance the residential amenity of development in residential zones.

In terms of each of the proposed allotments, they are considered to be of sufficient size to be able to accommodate a reasonable degree of landscaping in accordance with City Wide Principles of Development Control 239.

Environmental Sustainability

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

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

Based on the indicative group dwelling plans on Lots 72, 73 and 74, as well as any likely future configuration of a detached dwelling facing Player Avenue on Lot 71, access to northern light in the winter months for both the internal living areas and the main private open space areas can be maximised in accordance with City Wide Principle of Development Control 72.

Any future proposal(s) to construct dwellings on the three (3) lots has the potential to result in a compromised amenity for future occupants as a result of noise impacts, given that the subject land is located directly adjacent to the heavily trafficked O-Bahn transport corridor. To this end, any future Development Applications for dwellings will need careful consideration with respect to the proposed acoustic treatments to the dwellings, in order to ameliorate any noise impacts associated with the O-Bahn system.

## Summary

The proposed land division will result in the creation of new allotments that are reasonably consistent with other allotments within the locality in terms of site areas. Whilst there are no merit based quantitative Development Plan provisions for allotment areas and dimensions of group dwellings within the Residential 1 Zone, the Applicant has reasonably demonstrated that the proposed allotments can be created without unreasonably compromising the living amenity of directly adjacent residential occupiers.

More specifically, the indicative plans provided for Lots 72, 73 and 74 suggest that these proposed allotments can be developed with group dwellings. It is also anticipated that future dwellings can be designed and constructed that are generally consistent with the Development Plan's City Wide provisions, in terms of an acceptable future built form outcome with the locality and more specifically, will not have an unreasonable impact on the occupants of neighbouring allotments.

Accordingly, it is considered the Community Title Land Division, is not seriously at variance with the Development Plan and sufficiently accords with the relevant provisions of the Development Plan to warrant consent.

## RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application Number 155/C050/14 by Mr M Milicevic to undertake a Community Title Land Division in order to create three (3) individual allotments and a common driveway area at 20 River Street, St Peters and a portion of 10 Player Avenue, St Peters, subject to the imposition of 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:

### DAC Requirements – Development Application Number 155/C050/14

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

For further processing of this application by SA Water to establish the full requirements and costs of this development the developer will need to advise SA Water of their preferred servicing option.

Information of our servicing options can be found at:

<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Custom+Connections+Centre.htm>.

For further information or queries please contact SA Water Land Developments on 7424 1119.

2. Payment of \$12,976 into the Planning and Development Fund (2 allotment(s) @ \$6,488 per allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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 72: 20 River Street, St Peters SA 5069;
  - Allotment 73: 22 River Street, St Peters SA 5069; and
  - Allotment 74: 24 River Street, St Peters SA 5069.
  
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. 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.
  
4. 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

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

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

#### **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 20 July 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. 155/0308/15) was lodged on 12 May 2015, 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.

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

- a shortfall of on-site car parking spaces to cater for all likely users of the site; and
- the provision of additional landscaping to provide shade and amenity to the car parking area.

A copy of the relevant section of the Minutes of the Panel meeting held on 20 July 2015, including attachments, is contained in **Attachment A**.

The Applicant has submitted amended plans to address the Panel's concerns and these plans form the basis of this report. In summary, the proposed amendments include:

- reducing the total floor area of the building by approximately 84m<sup>2</sup> (from 958m<sup>2</sup> down to 874m<sup>2</sup>) by removing the proposed dental rooms;
- increasing the number of car parking spaces by six (from 39 spaces to 45 spaces);
- increasing the width of the landscaping strip along the Portrush Road frontage by 700mm (from 300mm to 1000mm), within which six (6) Evergreen Ash trees are proposed to be planted; and
- including an additional landscaped area within the car parking area, adjacent to proposed car parking space Number 30.

The reasons for deferral will be discussed in the context of the amended plans below. A copy of the amended plans and the Applicant's covering letter are contained in **Attachment B**.

Pursuant to Regulation 20(4) of the *Development Regulations 2008*, the amendments are not considered substantial and as such, public notification and agency referral of the application have not been repeated.

### **Discussion**

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

#### On-site car parking

The car parking area has been expanded and the layout amended to include six (6) additional on-site car parking spaces, resulting in a total of forty-five (45) on-site car parking spaces. The additional car parking spaces have been facilitated by reducing the footprint of the proposed medical centre from 958 square metres to 874 square metres, principally by removing three (3) dental consulting rooms from the proposed centre.

The Applicant has provided an amended Traffic Impact Assessment, which was prepared by GTA Consultants. GTA Consultants have made the following observations based on the amended plans:

- based on empirical evidence, the proposed development is anticipated to generate a car parking demand of 35 spaces;
- the proposed supply of 45 on-site car parking spaces, including two (2) accessible spaces, is considered to be appropriate and could support up to twelve (12) practitioners on site at any given time;
- the proposed car parking layout is generally consistent with the dimensional requirements as set out in the Australian/New Zealand Standards for Off Street Car Parking;
- the site is expected to generate up to 60 vehicle movements in peak hour and 419 vehicle movements per day; and
- the additional traffic generated by the proposed development will be within the existing daily variations in traffic volumes on Portrush Road and will not compromise the safety or function of the surrounding road network.

A copy of the amended Traffic Impact Assessment, prepared by GTA Consultants, is contained in **Attachment C**.

The amended Traffic Impact Assessment has not been reviewed by the Council's consultant Traffic Consultants, Tonkin Consulting, as they supported the original proposal and the ratio of car parking spaces to consulting rooms and floor area has improved. Council staff have applied vehicle turning templates and are satisfied that vehicle manoeuvring will remain safe and convenient, subject to the car parking related conditions originally proposed by the Council's consultant Traffic Engineer.

The Applicant has requested that no condition be imposed limiting the number of practitioners that may consult from the premises at any given time, given the additional car parking spaces now proposed. The Applicant maintains that it is likely that only nine (9) practitioners would be consulting from the premises at any given time, but would like some flexibility for future operations based on the additional car parking numbers.

Given the Panel's primary concern with the original proposal was the adequacy of on-site car parking, not imposing a cap on practitioners consulting from the premises at any given time is considered to contradict the reasons why additional car parking numbers were sought.

In the previous report presented to the Panel, staff recommended that a condition be imposed to limit the number of practitioners consulting from the premises at any given time to nine (9). If that 'cap' is removed, the provision of six (6) additional car parking spaces may not provide the car parking relief that the Panel desires.

A compromise might be to impose a higher 'cap'. Given that the empirical data provided by GTA Consultants results in a rate of 3.41 spaces for each consulting room within a medical centre, the provision of six (6) additional car parking spaces would theoretically cater for the demand generated by an additional one (1) to two (2) practitioners consulting at any given time.

Given that the Panel is seeking an improved ratio of car parking spaces to consulting rooms and/or floor area, it is recommended that a 'cap' at the lower end of the range be imposed. As such, if the Panel determines to approve the development, it is recommended that a condition be imposed to limit the number of practitioners consulting from the premises at any given time to ten (10). This would result in a slightly improved ratio of practitioners to car parking spaces, compared with the previous proposal which was considered by the Panel. Specifically, the ratio would be 4.5 car parking spaces per practitioner, whereas the previous ratio was 4.3 spaces per practitioner.

The Panel expressed concern when considering the previous proposal, that the proposed 'cap' of nine (9) practitioners was not realistic, in light of the overall size of the building and number of rooms contained within. In this respect, the ratio of practitioners to total floor area has reduced from 106m<sup>2</sup> per practitioner to 87m<sup>2</sup> per practitioner (based on the proposed cap of 10 practitioners). This is considered to be a realistic ratio, taking into account the explanation which has been provided by the Applicant, with respect to the way in which practitioners would utilise space within the Centre. As such, the proposed condition limiting the number of practitioners is considered to be a valid and enforceable condition.

The proposed access point and dimensions remain unchanged and, as such, the Application was not re-referred to the Commissioner of Highways.

#### Landscaping

The Applicant has increased the width of the landscaping strip adjacent to Portrush Road from 300mm to 1000mm, to enable the planting of six (6) *Fraxinus Griffithii* (Evergreen Ash) trees; and has proposed an additional landscaped area adjacent to proposed car parking space Number 30. It is noted that the landscaping area includes the retention of a mature (non-regulated) Norfolk Island Pine as previously proposed, which is located adjacent to the Portrush Road frontage.

*Fraxinus Griffithii* (Evergreen Ash) trees have a mature height of up to eight (8) metres. The root systems of *Fraxinus* trees are not invasive and the proposed trees are considered to be suitable for planting in a car parking area, which is located adjacent to a public footpath. The proposed Evergreen Ash trees will provide for additional shade with summer months and will improve the general amenity of the subject land.

The Applicant has proposed to plant Lavender *Grevillea* as the predominant plant species within the remaining landscaping areas, which is an indigenous drought-tolerant flowering shrub, with a mature height of up to 1.5 metres.

Final details of the landscaping areas will be confirmed with the submission of a final Stormwater Management Plan, which is proposed to use stormwater runoff from the car parking area for the passive irrigation of landscaping areas.

#### **Summary**

The Applicant has amended the proposed plans to address the Panel's concerns with the original proposal. The amendments include the provision of six (6) additional on-site car parking spaces, as a result of a reduction in floor space and the removal of three (3) dental consulting rooms.

As a result of the increase in the provision of on-site car parking, the Applicant has requested that no 'cap' be imposed on the number of practitioners that can consult from the premises at any given time. However, given that one of the Panel's deferral reasons was insufficient car parking, the removal of a 'cap' on practitioners consulting at any given time would be counter-productive. As a compromise, it is recommended that a 'cap' be imposed to limit the number of practitioners consulting from the premises to ten (10) at any given time.



The proposed planting of six (6) Evergreen Ash trees within a widened landscaping bed adjacent to Portrush Road will improve the amenity of the subject land. The mature Norfolk Island Pine will be retained within the proposed landscaping area and an additional landscaping bed is proposed adjacent to car parking space Number 30.

All of the other aspects of the proposed development remain unchanged.

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 4 August 2015.

### Conditions

1. The medical centre shall have a maximum of ten (10) practitioners (qualified doctors and/or dentists) consulting from the facility at any time.
2. Car parking space No. 1 shall be clearly marked with a painted surface or sign for 'staff parking' to reduce potential conflicts with vehicles entering the site, by reducing the number of vehicle movements from this space.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. Access to buildings and designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in *Australian Standard AS1428*.
10. 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.
11. 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.
12. 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**

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

<b>DEVELOPMENT APPLICATION:</b>	<b>155/460/14</b>
<b>APPLICANT:</b>	<b>Anavic Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>71-77 Hackney Road, Hackney (Certificates of Title Volume: 5720 Folio: 84)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of thirty seven (37) dwellings comprising four (4) two-storey semi-detached dwellings facing Hackney Road, eight (8) two-storey row dwellings facing Cambridge Street, eight (8) two-storey row dwellings facing Hatswell Street, three (3) two-storey residential flat buildings including sixteen (16) dwellings, one (1) single-storey group dwelling, associated internal roadways, fencing, visitor car parking, communal open space and landscaping - (Appeal Compromise Proposal)</b>
<b>ZONE:</b>	<b>Residential 2 (St Peters) Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

**Purpose of Report**

The purpose of this report is to provide details to the Panel on amended plans submitted in relation to an Application which was refused by the Panel and that is the subject of an Appeal to the Environment Resources and Development (ERD) Court. The Panel is required to consider the amended plans and advise the ERD Court as to whether or not they satisfactorily address the concerns identified with the Application, such that consent would now be warranted.

**Background**

A Development Application (155/460/14) was lodged in July 2014 for the construction of forty two (42), two-storey dwellings comprising four (4) semi-detached dwellings facing Hackney Road, eight (8) row dwellings facing Cambridge Street, eight (8) row dwellings facing Hatswell Street and three (3) residential flat buildings including twenty two (22) dwellings, associated internal roadways, fencing, visitor car parking, communal open space and landscaping.

The Panel considered Development Application Number 155/460/14 at its meeting held on Monday 16 March 2015 and determined to refuse the Application for the following reasons:

1. *The communal spaces and pedestrian footpaths allow for possible entrapment spaces and create an unsafe environment contrary to Objective 22 and PDCs 62, 63, 67, 68, 69, 78, 262, more specifically:*
  - a) *the private access footpath to dwellings 13 – 19 is a long, narrow gated space with a dead end at the southern end. The proposed vegetation is likely to reduce visibility and add to the unsafe nature of the access;*

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

A copy of the relevant section of the Minutes of the Panel meeting held on 16 March 2015, including the refused plans, is contained in **Attachment A**.

Following the refusal of the Application by the Panel, the Applicant lodged an Appeal with the ERD Court. A preliminary conference was held at the ERD Court on Wednesday 13 May 2014, at which the Appellant advised that they intended to amend the proposal, in an attempt to resolve the issues of contention and to gain the Panel's support of the proposal.

Amended plans and details have been provided by the Appellant, which are the subject of this report and are contained in **Attachment B**.

In summary, the proposed amendments include:

- the total number of proposed dwellings has been reduced from forty two (42) to thirty seven (37);
- the proposed twenty five (25) dwellings located internally on the site and facing Hatswell Street, incorporate a more varied architectural design response;
- vehicular access/egress is proposed from Hackney Road (service road) for twelve (12) of the dwellings; and
- the proposed communal private open space has been omitted.

The original proposal considered by the Panel included four (4) semi-detached dwellings facing Hackney Road, eight (8) row dwellings facing Cambridge Street and eight (8) row dwellings facing Hatswell Street. The configurations (ie. floor plans and elevations) of each of the proposed dwellings that have a frontage to one of the three (3) public roads, are essentially unchanged by the compromise proposal, apart from the eight (8) row dwelling facing Hatswell Street, which are now separated into two (2) groups of four (4). The number of proposed dwellings located in the core of the subject land has been reduced from twenty two (22) dwellings tot seventeen (17) dwellings.

The siting of the dwellings without direct street frontage has been amended so that for fourteen (14) of the seventeen (17) dwellings, are orientated in a north-south direction. The remaining three (3) proposed internal dwellings (identified as Dwellings 13, 14 and 15) are orientated east-west.

The proposal has been amended such that the four (4) semi-detached dwellings facing Hackney Road (Dwellings 1, 2, 3 and 4) and the eight (8) row-dwellings facing Cambridge Street (Dwellings 5 – 12) are to utilise a new crossover that is adjacent the Hackney Road (service road) frontage. Nine (9) visitor car parking spaces are proposed to service these twelve (12) proposed dwellings. With respect to the remaining twenty five (25) proposed dwellings, vehicular access/egress is proposed via only one (1) crossover located adjacent to the Hatswell Street frontage, which is to lead into a common driveway area that also includes access to eight (8) visitor car parking spaces.

The existing 4.2 metre high x 34.3 metre long masonry wall that is situated adjacent the rear boundaries of the properties of 7 (partially), 9, 11 and 13 Cambridge Street is still proposed to be retained. Structural work is proposed to be undertaken in order to support and brace the structure from the subject land side of the wall. More specifically, the Applicant is proposing to construct an open pergola that is connected and fixed to the northern side of Dwelling 37 and to the 4.2 metre high masonry wall in order to provide the necessary structural rigidity and integrity.

As part of the original proposal considered by the Panel, the eastern-most proposed row dwelling facing Cambridge Street (ie. Dwelling 12) incorporated an 11.1 metre long x 3.0 metre high single-storey wall along the eastern side boundary which is shared by the directly neighbouring property at 3 Cambridge Street. In addition, at upper level, Dwelling 12 incorporated an eastern side setback that varied between 1.3 – 2.1 metres. As part of the compromise proposal, the design and configuration of Dwelling 12 results in the single-storey wall being set back from the eastern side boundary by 900mm whilst the upper level, is setback between 2.5 – 3.1 metres.

If, after considering the amended plans and information, the Panel determines that the proposed development is sufficiently in accordance with the Development Plan to warrant consent, the ERD Court will be advised and consent orders will likely be prepared accordingly. Alternatively, if the Panel determines that the proposal remains at variance with the Development Plan to an extent that approval is not warranted, the matter may proceed to a hearing by a Commissioner of the ERD Court.

With regard to public notification, the ERD Court determined that the amended proposal does not require public re-notification to the adjacent occupiers that were previously notified as part of the original assessment process. However, the Court requested that the Council refer the compromise proposal to the Department for Planning, Transport and Infrastructure (DPTI) for comment, as the compromise proposal results in the creation of a new access to an existing arterial road. This particular aspect of DPTI's comments will be discussed further under the section of Vehicular access/egress, traffic movements and car parking provision in this report.

## **Discussion**

The following discussion is based on the reasons for refusal that were given by the Panel at its meeting held on 16 March 2015.

### *The proposed development results in unsafe environment with ability for no passive surveillance*

The proposal has been amended so that the dwellings without a frontage to one of the three (3) public roads (ie. Dwellings 13 – 29) are now orientated to face "inwards". This results in the front of the dwellings and the front yard areas now having an improved ability for casual surveillance to occur from both the private and public realm.

The internal private pedestrian access footpaths have been removed as part of the compromise proposal which in turn has eliminated the potential of "entrapment points" within the proposed development. This design change now satisfies City Wide Principle of Development Control 67, which states:

*"Development should avoid pedestrian entrapment spots and routes and paths that are predictable or unchangeable and offer no choice to pedestrians."*

Insufficient landscaping areas excessive use of hard paving

The Applicant has provided a detailed landscaping scheme, which provides some additional landscaping within common areas. In particular, the compromise proposal includes the provision of landscaping strips and buffers primarily adjacent to the internal driveway areas and adjacent to the visitor car parking areas. Within these areas, a variety of trees (for example Ginkgo Biloba's and Cycad's) and grasses in combination with small shrubs are proposed to which is considered to be a positive aspect of the amended proposal. On this basis, the proposed landscaping provision is considered to satisfy City Wide Principle of Development Control 239, which states:

*“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.”*

Some additional landscaping of individual dwelling lots is proposed for the thirty seven (37) proposed dwellings. The Applicant has provided details of specific planting schedules for each of the proposed dwellings which includes the provision of at least two (2) trees for Dwellings 16 – 37 and between three (3) and five (5) trees for Dwellings 1 – 4 and 13 – 15. All of these dwellings are also proposed to have ground covers and/or shrubs. Accordingly, the proposed landscaping for these twenty nine (29) dwellings is considered to accord with City Wide Principle of Development Control 240 in that the proposed landscaping will enhance the living amenity of the future occupiers of these dwellings.

Conversely, seven (7) of the eight (8) row dwellings facing Cambridge Street (ie. Dwellings 5 – 11) lack genuine opportunity to establish landscaped areas given the “compact” allotment sizes. Whilst this is a negative aspect, it is not considered to be a fundamental shortcoming of the proposal in this instance as it is anticipated that any future occupiers are likely to incorporate potted plantings within the internal courtyard areas. Furthermore, the proposed private landscaping provision for each dwelling is considered to enhance the living amenity for the future occupiers as each dwelling has an outlook to their individual private open spaces provision from their internal living areas.

Insufficient private open space provision and inconvenient access to adjacent public open space

With the exception of the eight (8) proposed row dwellings facing Cambridge Street (ie. Dwellings 5 – 12), the other twenty nine (29) dwellings have private open space areas that satisfy the quantitative requirements of City Wide Principle of Development Control 244, in that dwellings with site areas of 250m<sup>2</sup> or more, are provided with 20% percent private open space, and dwellings with site areas of less than 250m<sup>2</sup>, are provided with a minimum private open space area of 35m<sup>2</sup>. The original proposal considered by the Panel resulted in only six (6), the four (4) two-storey semi-detached dwellings facing Hackney Road, of the forty two (42) proposed dwellings satisfying the quantitative requirements of 35m<sup>2</sup>.

With respect to Dwellings 5 – 12, the Appellant has suggested that these dwellings are situated in close proximity to Botanic Park (ie. no further than 110 metres for any future occupiers of Dwelling 12) and on this basis, the occupiers of these eight (8) row dwellings would have reasonably good access to the Parklands, for outdoor recreation in accordance with City Wide Principle of Development Control 246(b), which states:

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

*(b) the development is directly adjacent to large areas of useable public open space, such as Felixstow Reserve, the Parklands and the River Torrens Linear Park, which can be easily accessed by all occupants of the development.”*

In considering the original proposal, the Panel raised concerns with the practicality of the future occupiers accessing the Parklands, given the heavily trafficked nature of Hackney Road, particularly given that there is currently no pedestrian actuated crossing on Hackney Road between the North Terrace/Hackney Road and the Park Road/Hackney Road intersections. In addition to this, whilst the future O-Bahn City Access Project is in its infancy, the Project may also result in further access impediments.

It is considered that the Panel's concerns with respect to the accessibility of future occupiers to the Parklands is valid and as such, the quantitative private open space shortfall for Dwellings 5 – 12 (ie. 10.1m<sup>2</sup> for each of these dwellings as opposed to 35m<sup>2</sup> prescribed in Principle 244) is considered to be negative aspect of the compromise proposal. That said, given the modestly sized nature of Dwellings 5 – 12 (ie.

159m<sup>2</sup> of overall floor area), the provision of small internal courtyards to these eight (8) dwellings is considered to be acceptable in that it provides a choice of lifestyle that does not require the upkeep of a garden and/or landscaped area and despite being less accessible than would first appear, the Parklands do provide an alternative open space recreation option.

The compromise proposal includes the addition of internal courtyard areas for Dwellings 34 – 37, in addition to the front yard areas for each of these proposed dwellings. The internal ground floor living areas are situated between the courtyard and front yard areas. City Wide Principle of Development Control 241 states that private open space should not be located between the primary street frontage and the main face of a proposed building unless high, solid front fences form part of the existing streetscape. Dwellings 34 – 37 as well as Dwellings 30 – 33 incorporate private open space areas within the front yard areas directly adjacent to Hatswell Street. In addition, the proposed dwellings are to be situated adjacent to a sports oval associated with St Peter's College and combined with the fact that this portion of Hatswell Street is not heavily trafficked, the amenity of the front yard private open space areas when in use is considered to be akin to the private open space area located within a rear and/or side yard area within a residential context.

The original proposal incorporated a communal private open space area that was located between the designated section of visitor car parking and the southern side boundary of the subject land. This communal private open space area has been removed in the compromise proposal which in combination with the reduction in the number of dwellings, has resulted in more space around Dwellings 13 – 29 as well as better overall siting configuration for these internally located dwellings.

*Lack of sufficient articulation and varied materiality and architectural excellence*

Reason for refusal Number 4 references Dwellings Numbered 13-42 in the original proposal, which were the 'internal' dwellings (ie. those without a public road frontage), as well as the dwellings fronting Hatswell Road.

The Applicant has sought to address that concern by revising the external design appearance of the internal dwellings. In particular the amended proposal includes:

- a more visually interesting design approach to the front facades of Dwellings 13 – 37 by incorporating front facing balcony areas, varied finishes and use of material to the front facades (ie. sandstone facade cladding) and rendered/red and/or black brick quoin work. and
- a balanced use of light-weight cladding, rendered finishing and tiled stone cladding to the facades of dwellings 13-37, whereas the internal dwellings in the previous proposal comprised a repetitive simple design approach involving painted tilt-up concrete.

These changes are considered to result in an improvement to the appearance of Dwellings 13-37, which in turn means that the amended proposal is more consistent with City Wide Objectives 19 and 20 and Principles of Development Control 31 and 39.

In terms of front fencing for the dwellings facing Hatswell Street, a more complementary front fencing design has been adopted for these dwellings through the use of horizontal timber slats. This is considered to be a positive design approach as the front of these eight (8) row dwellings and the front yard areas now have the improved ability for casual surveillance to occur from both the private and public realm.

*Poor orientation of internally located dwellings*

The original proposal involved the construction of twenty two (22) internally located dwellings (ie. those dwellings previously identified as Dwellings 13 – 34) with an east-west orientation.

The amended proposal now incorporates seventeen (17) internally located dwellings, of which fourteen (14) are orientated north-south and three (3) are orientated east-west.

Dwellings 16 – 22 have been designed and configured to maximise access to northern light. In particular, the dwellings can capture natural sunlight into all the ground floor living areas. In addition, it is anticipated that any future owners of these seven (7) proposed dwellings could construct a pergola which would maintain access to sunlight in winter and protection from the sun in summer.

Conversely, Dwellings 23 – 29 have been designed and configured such that the living areas and private open space provision is orientated with a southern aspect and as a result, is compromised with respect to direct access to northern light. Whilst this is a negative aspect of the proposal, there is insufficient depth to each of these proposed allotments to enable a dwelling design with a central courtyard, that would enable access to norther sunlight into the living areas.

Dwellings 13, 14 and 15, are proposed to be orientated east-west. The living areas and primary private open space provision for Dwelling 13 and 15 incorporate a northerly aspect whereas the living areas and primary private open space provision for Dwelling 14 incorporates a southerly aspect which in turn, is considered to be an equally positive and negative outcome of the revised proposal. Dwellings 13, 14 and 15 incorporate covered verandahs so that the window and/or door areas leading to and from the internal living areas, are protected from weather elements.

It is acknowledged that not all of the proposed internally located dwellings gain access to northern sunlight, mainly due to the orientation of the proposed allotments and subsequent configuration of the dwellings, and as such, this aspect of the compromise proposal is considered to achieve a poor outcome. That said, this negative aspect is not considered to be a fundamental shortcoming of the revised proposal overall.

### Other Matters

#### Street Tree

The provision of a new vehicular crossover is proposed adjacent the Hackney Road frontage, in order to provide vehicular access/egress for Dwellings 1 – 12 which in turn, would require the removal of a mature street tree. The street tree, a Plane tree, is the southernmost tree in a group of three (3) trees located adjacent to the Hackney Road frontage of the subject land.

The Council's Coordinator, Horticultural and Arboricultural Services is supportive of the removal and replacement of the tree, provided that the Applicant covers the cost of removal and planting of a replacement tree in a suitable location. Accordingly, should the Panel determine to support the approval of the Application, it is recommended that a condition be imposed requiring the Appellant to pay the costs for the removal and replacement of the tree.

#### Side-Entry-Pit

In order to facilitate the construction of a new crossover adjacent to Hackney Road (service road) an existing side entry pit will need to be relocated. The Council's General Manager, Urban Services, has advised the Planning staff that the side-entry-pit can be relocated in order to enable the construction of the new crossover. However, the General Manager, Urban Services has requested that should the Panel determine to support the approval of the proposed development in its current form, a condition of consent be imposed requiring that a details of the how the existing side-entry-pit is to be relocated be submitted, prior to Development Approval being granted and that the cost of this work be borne by the Applicant.

#### Vehicular access/egress, traffic movements and car parking provision

As the compromise involves the creation of a new access point to an arterial road, the proposal was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulation 2008*. In addition, comment was also sought from the Commissioner of Highways with regard to what implications there may be for the proposed development, in relation to the proposed O-Bahn City Access Project along Hackney Road.

The Commissioner of Highways raised no objections to the proposed two-way access/egress to Hackney Road (service road). With respect to the O-Bahn City Access Project, the Commissioner of Highways advised that existing traffic movements from the suburban street network to and/or from Hackney Road may be altered and as a result of the implementation of the proposed Project.

A copy of the report received from the Commissioner of Highways is contained in **Attachment C**.

The original proposal considered by the Panel resulted in a car parking shortfall of four (4) spaces across the site for the then proposed forty two (42) dwellings.



Applying Table NPSP/8 - Off Street Vehicle Parking Requirements for Residential Land Uses contained in the Development Plan, the following car parking rates are specified:

- detached, semi-detached and row dwellings - two (2) spaces (at least 1 of which is to be covered and set back no less than 5.5 metres from the primary street frontage).
- dwellings with three (3) bedrooms within a residential flat building and/or three (3) bedroom group dwellings - two (2) spaces (1 covered) per dwelling, plus 1 space for every two (2) dwellings for a development up to ten (10) dwellings and one (1) space for every additional four (4) dwellings beyond the first ten (10) dwellings.

Applying these rates, the proposal would be required to include the provision of seventy seven (77) car parking spaces on site whereas eighty three (83) car parking spaces are proposed. In this regard, it is considered that the number of on-site car parking spaces provided, can adequately cater for occupants and visitors.

Cambridge Street currently carries approximately 710 vehicles per day. It is generally accepted, including by the ERD Court, that residential amenity begins to be affected to an unreasonable degree and the function of a local road changes, when vehicle movements exceed 2000 vehicles per day in a two-way street.

The Traffic Consultant engaged by the Council estimated that the previous proposal considered by the Panel, would generate an additional 230 vehicles per day, resulting in a total of 940 vehicles per day using Cambridge Street. No advice was received on the likely 'split' of movements between the Cambridge Street access/egress point and the Hatswell Road Access Point. Similarly, no advice was received on what percentage of movements associated with the Hatswell Road access/egress would likely use Cambridge Street, as opposed to alternative travel routes such as Oxford Street, Bertram Street or Richmond Street. Accordingly, the figure of 940 vehicles per day was a 'worst case scenario'.

In practice, it is considered likely that approximately half of the additional 230 vehicle movements generated by the previous proposal, would have resulted in additional traffic in Cambridge Street, east of the proposed access/egress point, such that the proposal would have likely resulted in an increase in total daily traffic volumes in Cambridge Street (measured east of the proposed access/egress point) of approximately 825 vehicles per day.

Based on previous advice received from the Council's Traffic Consultant with respect to traffic generation associated with medium density development, the twenty five (25) dwellings in the compromise proposal which are accessed solely via Hatswell Road, will likely generate 135 vehicle movements per day. Again, no advice has been received on what percentage of those movements would be via Cambridge Street and what percentage would use alternative routes. That said it is considered likely that approximately 75% of those movements would be via Cambridge Street. This would mean that the compromise proposal would result in approximately 811 vehicles per day using Cambridge Street, which is marginally less than the volume anticipated with the previous proposal.

Whilst the traffic volumes could be modelled more accurately using specialised computer software which takes into account traffic light sequencing and likely driver behavioural patterns, it is not considered reasonable nor necessary for the Appellant to be required to provide that level of information on this occasion, given that the predicted overall traffic volumes in Cambridge Street are less than half the generally accepted levels for a local residential street.

## Summary

The revised design of the proposed dwellings results in a more sympathetic and visually interesting building form when viewed within a streetscape context and from the private realm of adjacent occupiers.

Although not identified as a concern by the Panel when the proposal was initially considered, the density of the compromise proposal has been reduced by five (5) dwellings. In overall terms, the proposed changes are considered to add further merit to the proposed development when compared to the original proposal.

With the exception of eight (8) of the thirty seven (37) proposed dwellings, each of the dwellings satisfy the quantitative private open space requirements.

The anticipated vehicle traffic volumes associated with the proposed development, particularly on Cambridge Street, is not anticipated to compromise the existing functionality of the adjacent road network.

The compromise proposal is considered to sufficiently accord with the Development Plan to warrant consent, for the reasons set out in the previous report and the further analysis provided in this report.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and now 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, the Environment Resources & Development Court be advised that Development Application No 155/460/14 by Anavic Pty Ltd, for the construction of thirty seven (37) dwellings comprising four (4) two-storey semi-detached dwellings facing Hackney Road, eight (8) two-storey row dwellings facing Cambridge Street, eight (8) two-storey row dwellings facing Hatswell Street, three (3) two-storey residential flat buildings including sixteen (16) dwellings, one (1) single-storey group dwelling, associated internal roadways, fencing, visitor car parking, communal open space and landscaping, at 71 – 77 Hackney Road, Hackney, is acceptable subject to the following conditions, or similar conditions as deemed suitable by the Court:

### Relevant Plans

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

- plans and elevations (Project Number 1450A) prepared by Elvio Ferrara Design & Construct received by the Council on 11 August 2015.

### Conditions

1. The proposed development, herein approved, may only commence following the payment of all costs associated with the removal of the southernmost street tree situated in the location of the proposed crossover adjacent Hackney Road and the planting of a new street tree in a suitable location. The Council will undertake the work with all costs to be borne by the Applicant.
2. Any cost associated with the proposed retention of the masonry wall located along the internal northern boundary of the subject land, shall be borne solely by the Applicant.
3. Details of how the existing side entry pit that is located along the Hackney Road (service road) property boundary is to be re-mediated and reinstated to kerb and gutter shall be provided by the Applicant to the Council's Urban Services Department for analysis, prior to the granting of Development Approval. All costs associated with re-mediating and reinstating the side-entry-pit shall be borne by the Applicant.
4. Stormwater and engineering calculations detailing pre-development and post-development levels in 1 in 5 year ARI events shall be provided by the Applicant, confirming that the detention storage provided is adequate and conforms to the Council's Urban Services requirements, prior to the granting of Development Approval.
5. The portion of the upper floor windows on the northern elevation of Dwelling 1, 16 – 22 and 37, the eastern elevation of Dwelling 12, the southern elevation of Dwelling 4 and the western elevation of Dwellings 13, 14 and 30 – 37, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)

6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
7. 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.
8. All landscaping within communal areas and adjacent to the Payneham Road property boundary shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate. Maybe limit this requirement to all landscaped beds/plantings in common areas.
9. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of disabled persons).
10. That evergreen trees with non-invasive or minimal-invasive root zones, comprising a minimum planting height of three (3) metres and a minimum mature height of five (5) metres shall be planted no later than during the first available planting season after the development has been implemented in the landscaping strips adjacent the internal western boundary that aligns with dwellings 13 to 19 (ie. adjacent to the rear property boundary of 69 Hackney Road, Hackney) so as to establish a continuous spread of dense foliage along that boundary. These plantings shall be kept in good heart and condition, to the reasonable satisfaction of the Council.
11. 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.
12. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
13. All of the new car parking spaces, and vehicle manoeuvring areas herein approved shall be maintained in a good condition at all times to the reasonable satisfaction of the Council or its delegate.

#### Reserved Matter

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

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

#### Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be

managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

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

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

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

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

6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

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