

Development Assessment Panel Agenda & Reports

21 September 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

16 September 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 21 September 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**

Page No.

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 17 AUGUST 2015.....	1
2.	STAFF REPORTS.....	1
2.1	DEVELOPMENT APPLICATION 155/1030/2014 – EASTERN BUILDING GROUP – 395-399 PAYNEHAM ROAD, MARDEN	2
2.2	DEVELOPMENT APPLICATION 155/499/2015 – MS HS WHITFORD – 4 KINGSBOROUGH LANE, NORWOOD.....	16
2.3	DEVELOPMENT APPLICATION 155/380/2015 – LEIGHTON HALL DESIGN – 50A LAMBERT ROAD, ROYSTON PARK	23
2.4	DEVELOPMENT APPLICATION 155/884/2014 – F & V D’ANGELO – 2 HAMPTON GROVE, NORWOOD	33
2.5	DEVELOPMENT APPLICATION 155/309/2015 – GRIEVE GILLETT DIMITTY ANDERSON ARCHITECTS – 8-10 BALIOL STREET, COLLEGE PARK.....	45
3.	OTHER BUSINESS	50
4.	CONFIDENTIAL REPORTS.....	50
5.	CLOSURE	50

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 17 AUGUST 2015**
2. **STAFF REPORTS**
 - Items to be starred (.....)
 - All unstarred items to be adopted (.....)

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/1030/2014 – EASTERN BUILDING GROUP – 395-399 PAYNEHAM ROAD, MARDEN

DEVELOPMENT APPLICATION:	155/1030/2014
APPLICANT:	Eastern Building Group
SUBJECT SITE:	395-399 Payneham Road, Marden (Certificate of Title Volume: 5108, 5735, 5474 & 5545 Folio: 19, 115, 118 & 656)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey building comprising a child care facility at ground level and offices at upper level, together with car parking, outdoor play areas and landscaping (Non-complying)
ZONE:	Residential 2A 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 involving the construction of a two-storey building comprising a child care facility at ground level and offices at upper level, together with car parking, outdoor play areas and landscaping (Non-complying).

Staff do not have delegated authority to determine the Application, as it is a non-complying form of development and a Category 3 form of development for public notification purposes. 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:	64.3 metres
Depth:	47.9 metres
Area:	3274m ²
Topography:	slightly sloping
Existing Structures:	vacant
Existing Vegetation:	overgrown grass

The subject land comprises four (4) allotments, two of which have existing rights of way, appurtenant only to the subject land. These rights of way were created for the purpose of a previous development proposal which did not proceed and are proposed to be extinguished as part of the new title arrangements, if this Application is approved. Prior to the land becoming vacant in 2003, the subject land had been occupied by two dwellings and a small shop building comprising three individual tenancies.

Locality Attributes

Land uses: mix of commercial, community and residential
 Building heights (storeys): single-storey and two-storey
 Streetscape amenity: low due to heavily trafficked nature of Payneham Road

The character of the locality is heavily influenced by the nature and function of Payneham Road, with its high traffic volumes, Marden Shopping Centre located approximately 200 metres to the southwest of the subject land and a large office complex on the north-eastern corner of O.G. Road, approximately 75 metres to northeast of the subject land. A mix of building forms is evident in the locality, with a Local Heritage Place (213 OG Road, 1920’s Gentlemen’s bungalow used as a dwelling) and a State Heritage Place (401 Payneham Road, St Aidan’s Anglican Church) located adjacent to the subject land. Directly to the south of the subject land at 374 Payneham Road is the Payneham Community Centre, which is identified as a Local Heritage Place.

On the northern side of the Payneham Road locality, the Residential 2A Zone boundary is situated between 387 and 389 Payneham Road and extends into the broader locality to the intersection of Payneham Road and Briar Road. In terms of the southern side of Payneham Road, other than the Local Industry Zone (ie. the area bounded by Payneham Road, Thelma Street, Lewis Road and Ashbrook Avenue), both the Residential 3 Zone and the Residential 2A Zone abut the southern side of Payneham Road within the locality. In terms of the residential development that is located either side of Payneham Road within the locality, the only example is a two-storey residential flat building located at 389 Payneham Road (that includes an integrated shop/personal services use at ground level). Beyond this, the surrounding local street network (ie. Wear Avenue, Kent Street and Arthur Street) is characterised by residential development.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey building comprising a child care facility at ground level and offices at upper level, together with car parking, outdoor play areas and landscaping (Non-complying). The proposed car parking area comprises 51 spaces with access and egress from Wear Avenue.

The child care centre is proposed to operate Monday to Friday between the hours 6:30am – 6:30pm and is intended to cater for up to 110 children. Three outdoor children’s play areas are proposed, each with shade sail structures over the play areas and are to be situated adjacent the Payneham Road frontage of the site.

The proposed upper level office area is to comprise three individual tenancies with floor areas of 172.3m² (Tenancy 1), 281.3m² (Tenancy 2) and 197.7m² (Tenancy 3), totalling 651.3m²

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 Plan Merit Assessment Quantitative Guideline
Site Area	3274m ²	N/A
Payneham Road frontage	64.3m	N/A
Wear Avenue frontage	43.4m	N/A
Floor Area (office)	654.2m ²	N/A
Floor Area (childcare)	654.2m	N/A
Floor Area (total)	866m ² approximate building envelope	N/A
Overall Height	8.4 – 9.9m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed	Development Plan Merit Assessment Quantitative Guideline
Car Parking Provision	51 car parking spaces	Child care facility: No Development Plan rate Office: 4 spaces per 100m ² (Table NPSP/9)
Street setback (Payneham Road)	NIL – 15.8m	Development fronting the primary street should be set back not less than the average of the setbacks of the adjoining buildings, if the difference – CWPDC 52(a)
Street setback (Wear Avenue)	NIL	N/A

Plans and details of the proposed development are contained in **Attachment B** including the combined Statement of Support and Statement of Effect.

Notification

The proposal has been identified and processed as a Category 3 form of development.

At the time of public notification, four (4) representations were received (all opposed) copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- the proposal is a non-complying form of development.
- increased traffic congestion along Kent Street and Wear Avenue during peak hour periods;
- on-street car parking demand will be exacerbated;
- noise impacts, particularly from refuse/rubbish removal vehicles;
- the location of the refuse/rubbish storage area will lead to the impacts upon the residential amenity of adjacent residential occupiers; and
- impact upon the heritage value of the building located at 213 OG Road.

The following representor desires to be heard personally by the Panel, in support of their representation:

- *Mr and Mrs Eisenblatter; and*
- *Mr McCormack;*

The Applicant has responded to the representations by seeking to address specific aspects of the proposal, which in summary are as follows:

- the proposed land use is considered acceptable, given the mixed character of the locality that the subject land is located within;
- access/egress to the proposed development from Payneham Road only is not supported by DPTI;
- the anticipated traffic volumes generated by the proposed development are not anticipated to have a significant impact upon the Weaver Avenue and Kent Street;
- the proposed on-site car parking provision is considered to be adequate to cater for the anticipated car parking demand; and
- collection of waste/refuse will only be undertaken between the hours of 9:00am and 3:00pm therefore, eliminating early morning noise disturbances;

A copy of the Applicant's written response is contained in **Attachment D**.

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 (Payneham 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 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:

Residential 2A Zone Objective: 2
Residential 2A Zone DPC: 2

City Wide Orderly and Sustainable Development Statement

City Wide Objectives: 1, 2, 3, 12, 5, 7 & 73
City Wide PDC's: 4, 5, 6, 12, 26, 27, 64, 65, 66, 83 & 85.

Residential 2A Zone Objective 2 states:

A zone primarily accommodating detached dwellings on individual allotments, with residential flat buildings not exceeding one storey in height, row dwellings or semi-detached dwellings in suitable areas.

An office is a non-complying land use within the Residential 2A Zone. Notwithstanding this, Council staff determined that the Application displayed sufficient merit to warrant a full assessment against the relevant provisions of the Development Plan, pursuant to Regulation 17(3)(b) of the *Development Regulations 2008*.

A childcare centre is a merit use within the Residential 2A Zone.

Objective 64 of the City Wide section of the Development Plan seeks shopping, administrative community, entertainment, educational, religious and recreation facilities, located in integrated centres, distributed rationally throughout the area of metropolitan Adelaide. Objective 65 seeks centres to be established and developed in accordance with a hierarchy based on function, so that each type of centre provides a proportion of the total requirement of goods and services commensurate with its role. Further to this, Objective 66 recommends that a hierarchy of centres located in centre zones or areas be established.

Pursuant to these provisions, it is generally appropriate that land uses which provide administrative and community services be located within the nearest appropriate centre zone.

The subject land is situated approximately 80 metres from the nearby District Shopping Zone. Although the subject land is not located within a designated centre, it is close to the District Shopping Zone, which functions as a designated centre. In this context, the proposal is not considered to undermine the nearby District Shopping Zone, but instead complement and form a logical extension to activities within it, as the District Shopping Zone anticipates a range of shops serving the needs of a wider area as well as offices uses.

In terms of existing examples of notable “out of centre” commercial development in the locality, a large two-storey office building is located at 196 OG Road and a community hall is located at 374 Payneham Road. In addition to this, there are small scale offices located at 364, 366, 378, 380 and 391 Payneham Road, a small group of shops located 356 Payneham Road, two other smaller halls located at 360 and 393 Payneham Road and a commercial complex at 2 Portrush Road comprising mainly offices and consulting rooms. All of these examples of non-residential development are located within either the Residential 2A Zone and/or the Residential 3 Zone both which abut the District Shopping Zone. In this context, the proposed development from a land use perspective is considered to be appropriate notwithstanding the subject land is outside of a designated centre.

In addition to considering the strategic context of out-of-centre commercial development, it is also important to consider whether or not the development will jeopardise the residential amenity of the zone. In this respect, the primary source of potential nuisance to adjoining properties arising from the proposed office and a child care facility use is vehicular movements and associated noise from staff and/or visitor parking, as well as noise associated with children in care.

As the subject land is located directly adjacent to an arterial road carrying high traffic volumes, background noise levels are very high. Accordingly, low-speed traffic movements associated with an office and a child care facility use on the subject land are not likely to be obtrusive above the background traffic noise, particularly in light of the proposed hours of operation.

Consideration also needs to be given to the likely impacts associated with the operation of the proposed uses of the land on the directly adjacent and nearby residential properties. In this regard, the operational impacts that have the potential to affect the amenity of adjacent residential properties relate to noise associated with vehicular movements to and/or from the car parking area.

City Wide Objectives 26, 27 and City Wide Principle of Development Control 83(h) and 85, state the following respectively:

Development located and designed to minimise adverse impact and conflict between land uses.

Protect community health and amenity from the adverse impacts of development and support the continued operation of all desired land uses.

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

(h) traffic impacts.

Non-residential development in residential zones should:

- (a) not detrimentally impact on the amenity of nearby residents;*
- (b) provide adequate protection for residents of adjoining sites from air and noise pollution, traffic disturbance and other harmful effects on health or amenity; and*
- (c) not negatively impact on adjoining open space, mature trees or vegetation.*

Office land uses are generally less intense in terms of traffic and noise generation than other commercial land uses such as shops and consulting rooms. That said, the proposal includes a child care facility component. In general terms, the intensity of child care facilities can vary depending on the number children than are to be accommodated at any one time. In particular, the level of vehicular activity both on-site and in the surrounding street network is more than likely to be the key impact upon adjacent and nearby residential occupiers.

The proposal is therefore considered to provide for a compatible transition between the adjacent residential land uses and also provides a buffer for the residential properties along Wear Avenue, from the heavily trafficked and noisy Payneham Road.

The representors have primarily raised issues regarding the likely increased traffic impacts as a result of the development. These objections relate specifically to a key factor associated with the development, not to the fundamental use of the land as a combination of offices and a child care facility. The representors concerns will be discussed under the relevant headings later in the report.

The accessibility of the subject land to cars, public transport and local residents to walk to, together with the arterial road exposure, make the subject land conducive to both an office and childcare facility use. Furthermore, it is considered that the already compromised level of residential amenity caused by the traffic noise of Payneham Road, makes the site more conducive to the use proposed use than a residential use.

On balance, both the proposed land uses are considered to be an acceptable within the zone.

Therefore, the fundamental use of the land as an office and a child care facility is considered to be acceptable within this part of the Residential 2A Zone, notwithstanding that the proposal is at odds with the Zone Objective. In particular, the child care facility is located near existing homes which would meet the needs of local residents and surrounding workers within the locality as well potentially servicing workers in the proposed upper level office use.

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 – 32, 35, 36, 38, 39, 40, 41 & 42

The proposed building displays a contemporary two-storey commercial form.

Although the proposed two-storey building has a secondary presentation to Wear Avenue, the building has been sited and configured so that it primarily faces Payneham Road, which is considered appropriate, given that this part of Payneham Road is predominantly characterised by commercial development.

In terms of the built form character of the locality, two-storey development is evident at 389 and 382 Payneham Road as well as 196 OG Road. Directly to the northeast of the subject land at 401 Payneham Road, the historic St Aidan's Anglican Church is a vertically proportioned single-storey building that is akin to a two-storey building in terms of overall height.

City Wide Principle of Development Control 30 states:

"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 Payneham Road locality comprises a variety of architectural styles, including character buildings constructed of brick and stone with pitched roofs through to commercial buildings constructed of masonry (rendered or otherwise) that display rectilinear forms with roof areas concealed behind parapeted walls. In terms of the proposed design approach, the rectilinear form, visual bulk and architectural scale of the proposed two-storey building is considered to be consistent with Principle 30, in that the building complements the existing urban character of the locality.

In terms of the Payneham Road elevation, the proposed two-storey building occupies 31.0 metres of the 64.3 metre Payneham Road frontage of the land. The proposed building incorporates an internal void area (ie. outdoor play areas associated with the child care facility) that is 24.7 metres wide (at its narrowest point) x 16.0 metres deep, which is enclosed by sections (ie. between 9.5 – 10.0 metre sections) of the southern portion of the building. This void assists in reducing the visual bulk and scale of the building when viewed within a Payneham Road streetscape context.

City Wide Principle of Development Control 36 states (in part) the following:

“Development on corner allotments should:

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

On the adjacent allotment on the other side of the intersection of Payneham Road and Wear Avenue (393 Payneham Road), a single-storey hall with outwardly tall external wall heights is built to both the Payneham Road and Wear Avenue frontages.

The proposed building maintains its two-storey form to Wear Avenue and is to be built to both the Payneham Road and Wear Avenue frontages, which is consistent with Principle 36(b) and is consistent with the configuration of the building at 393 Payneham Road.

The proposed two-storey building is considered to display an acceptable design response in the context of the streetscape built form character of Payneham Road, as it has a reasonable level of articulation and incorporates a mix of materials and finishes, including a painted “sandstone” finish to the precast concrete panels with expressed joints, “heritage red” custom orb horizontally fixed wall cladding and commercial natural anodised aluminium windows and doors. It is considered that the appearance of the building, combined with the proposed landscaping (discussed later in this report), ensures that the existing character and visual amenity of the locality is reasonably maintained.

The resulting bulk and scale of the proposed building is considered to be compatible with that of adjacent and nearby buildings within the Payneham Road locality, which includes a much larger two-storey office building at 196 OG Road. In terms of the impact upon the adjacent St Aidan’s Anglican Church, there is adequate space (ie. 43.2 metres at the closest point) between the adjacent church building at 401 Payneham Road and the proposed building to ensure that the heritage value of the State Heritage Place is not unreasonably compromised.

As such, the proposed development is considered to be acceptable from a bulk, scale and streetscape perspective.

Setbacks

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

City Wide PDC’s: 51, 52, 54 & 55.

The proposed new building abuts both the Payneham Road and Wear Avenue property boundaries. The single-storey hall directly to the southwest, located at 393 Payneham Road, is also built to both the Payneham Road and Wear Avenue boundaries. The church building directly to the northeast, located at 401 Payneham Road, is set back 5.3 metres from Payneham Road.

City Wide Principle of Development Control 51 and 52(a) state the following respectively:

“The setback of buildings should:

- (a) be similar to, or compatible with, the setbacks of buildings on adjoining land and the predominant setback of buildings in the locality, unless otherwise specified in the relevant Zone and/or Policy Area;*
- (b) contribute positively to the existing or desired 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.”*

And

“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.”*

The proposed front set back of the two-storey building does not accord with the requirement specified in Principle 52(a) in that the building does not have a setback from Payneham Road of 2.65 metres from Payneham Road. In terms of street setbacks of existing buildings within the locality of Payneham Road, they vary considerably as shown on **Attachment A1**. Of the development within the immediate area, the buildings at 356, 360, 364, 369, 371, 373 and 393 Payneham Road, and a portion of the Schweppes facility at 374 Payneham Road, are all built to the Payneham Road property boundary.

On this basis, the proposed development whilst not consistent with Principle 52(a), is however considered to be consistent with Principle 51, which requires buildings to be set back from public roads at a compatible distance to buildings on adjoining and nearby land, without comprising the appearance and character of the locality.

City Wide Principle of Development Control 54 states the following:

“Except where otherwise specified in the relevant Zone and/or Policy Area, the setback of development from a secondary street frontage should reflect the setbacks of the adjoining buildings and the predominant setback of other buildings in the locality.”

With regard to the predominant setback pattern from the eastern side of Wear Avenue, this consists of dwellings at 50, 52 and 54 Wear Avenue set back approximately between 7 - 8 metres from the street. As stated before, the proposed new building is to abut the Wear Avenue frontage and as such, is inconsistent with this setback pattern and is also at odds with Principle 54. However, consideration should be given to the fact that this is the secondary frontage of the building and is typical for secondary street setbacks on corner sites, to be less than the primary street setback pattern of dwellings on the same street. Furthermore, the proposed built form presentation to Wear Avenue is in the order of 22.5 metres away from 54 Wear Avenue. On this basis, the lack of secondary setback from Wear Avenue is considered appropriate.

At the closest point, the rear elevation of the proposed two-storey building is set back 19.1 metres from the rear boundary. The rear setback is considered to provide for adequate separation between the proposed two-storey building and adjacent dwelling at 54 Wear Avenue.

Overall, the proposed setbacks are 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, 126, 127, 130, 131 & 132

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 building work within a portion of land identified as potentially required for road widening purposes in the Metropolitan Adelaide Road Widening Plan. DPTI advised the Council that they raised no objections with respect to any road widening encroachment.

A copy of DPTI's report is contained in **Attachment E**.

The proposed development involves the creation of a car parking area that includes 51 car parking spaces, which are to be accessed/egressed from a new crossover located adjacent to Wear Avenue.

Table NPSP/9 - Off Street Vehicle Parking Requirements for Non-Residential Land Uses, contained in the Development Plan, provides car parking requirements for an office land use of four (4) spaces per 100m². No car parking rate is specified in Table NPSP/9 for a child care facility.

On this basis, consideration has instead been given to the *Planning Bulletin: Parking Provision for Selected Land Uses prepared by Planning SA*, which provides a recommended rate for a child care centre of one (1) park for every four (4) children.

Based on the above detailed rates, the following car parking demand would be generated:

- 652.3m² of office area = 26 car parking spaces; and
- 110 children within the child care facility = 28 car parking spaces.

Therefore, the proposed development as a whole is anticipated to generate 54 car parking spaces and would result in a shortfall of three (3) spaces.

The Applicant has provided a report from Mr Phil Weaver, a traffic engineer, regarding the likely car parking demand of the proposal and the proposed access and parking arrangements. Mr Weaver's report is contained in **Attachment F** accompanied by a second report in response to the concerns expressed by the representors.

In summary, Mr Weaver has concluded the following:

- a car parking rate of 1 space for every 4 children is appropriate to apply for the child care facility.
- the peak staff car parking demands associated with the child care facility and office do not coincide with when parents and/or careers arrive on-site – child care staffing peaks generally peak during the midday period whereas parents and/or guardians arrive in the early morning and later afternoon periods. In terms of the office component, the main parking periods tend to be between 9:00am and 5:00pm.
- it is also conceivable that future employees within the proposed office tenancies would utilise the child care facility.
- in terms of the anticipated number of additional vehicle movements entering the site traveling south on Wear Avenue and exiting the site and travelling north on Wear Avenue, is 67 and 47 movements in the peak morning and peak afternoon periods respectively.
- the site is located directly adjacent to Payneham Road which is serviced by frequent public bus services.

Mr Weaver has also provided a supplementary report in which he has undertaken traffic surveys of an existing operational child care facility at 484 Grand Junction Road, Northfield, that accommodates 90 children and has extrapolated the likely car parking generation associated with the proposed facility on the subject land. On this basis, Mr Weaver has concluded that his original assessment was conservative and that the additional number of vehicle movements entering the site traveling south on Wear Avenue and exiting the site and travelling north on Wear Avenue, is now likely to be in the order of 33 and 24 movements in the peak morning and peak afternoon periods respectively.

Having regard to Mr Weaver's advice, staff are satisfied that the shortfall of three (3) car parking spaces is considered to be acceptable, particularly given that the peak car parking demand periods associated with when children are dropped-off and are collected, is different to when the child care facility and the office are likely to be staffed fully.

The proposed access/egress arrangements and the car parking configuration are considered to be safe and convenient and the car parking spaces provided are sufficient for the anticipated demand generated by the development, consistent with City Wide Principles of Development Control 101 and City Wide Objective 34.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24
City Wide PDC's:	76 - 80

The proposed crossover will require the removal of the north-western-most street tree, a poorly formed Eucalypt, located on the Wear Avenue verge area. The proposal was referred to the Council's Horticultural and Arboricultural Services Coordinator, who has advised that from an arboricultural perspective, the loss of the tree is acceptable, subject to the Applicant paying the cost of removing and replacing the street tree in question.

A Regulated street tree (South Australian Blue Gum) is centrally located on the Payneham Road verge area (ie. adjacent to where the southern portion of the proposed building is to be sited). The Council's Horticultural and Arboricultural Services Coordinator has advised that this street tree is in good health, displays good structure and overall form. As such, he has advised that a Tree Protection Zone of 8.25 metres should be achieved, with no built form within this zone.

A copy of the Council's Horticultural and Arboricultural Services Coordinator report is contained in **Attachment G**.

The Applicant subsequently sought advice from Mr Shane Selway of Adelaide ARB Consultants. Having regard to *Australian Standard 4970 - Protection of trees on development sites*, Mr Selway has calculated a Tree Protection Zone of 7.6 metres. Mr Selway has recommended that a pier and beam footing system be used within the Tree Protection Zone and that non-destructive excavation and construction methods take place, in order to determine the location of piers for the proposed suspended slab, so as to avoid damage to the tree's Structural Root Zone and minimise any affect on the long-term health of the tree.

In addition, Mr Selway has proposed a detailed pruning plan for the street tree's northern facing lateral branches (ie. those that overhand the subject land) in order to facilitate the two-storey building within this location.

A copy of Mr Selway's report, including the extent of the Tree Protection Zone and the proposed extent of pruning is contained in **Attachment H**.

The Council's Horticultural and Arboricultural Services Coordinator has reviewed Mr Selway's assessment and recommendations and has provided an updated response, which in summary is as follows:

- from an arboricultural perspective, the preferred approach with respect to the proposed development adjacent to the Regulated street tree, is that there be no building work within the Tree Protection Zone, as detailed in **Attachment G**.
- notwithstanding this, the proposed pier and beam footing system supporting a suspended slab along with the suggested non-destructive excavation and construction methods within the tree's Tree Protection Zone (TPZ) recommended by Mr Selway, are considered acceptable, subject to additional refinement.
- the required TPZ for the street tree has been calculated to 8.25 metres and not 7.56 metres as suggested.
- any excavation and/or construction work within the TPZ of the street tree requires consultation with the Council's Coordinator, Horticultural & Arboricultural Services.
- the pruning recommendations are considered acceptable and must be undertaken by Council staff. The costs incurred in undertaking the pruning work are to be borne by the Owner/Applicant.

A copy of the Council's Horticultural and Arboricultural Services Coordinator additional analysis is contained in **Attachment I**.

If the Panel determines to approve the Application, it is recommended that the recommendations of Mr Selway and the additional measures recommended by the Council's Coordinator, Horticultural & Arboricultural Services, be incorporated as conditions of approval.

The Applicant has incorporated a landscaping plan and planting schedule on the site plan. The proposed landscaping includes a variety of trees (small and medium sized) including crepe myrtles, magnolias and shrub plantings such as nandinas and cupheas, is to be implemented, around the perimeter boundaries of the property. 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 building. Furthermore, it also recommended that a condition be imposed that requires that the proposed magnolia trees be planted with a minimum planting height of 2.0 metres, as these trees will assist in softening and providing shade to the northern portion of the proposed car parking area.

Overall the proposed landscaping is considered to accord with City Wide Objective 24 in that it will enhance the proposed built form outcome.

Stormwater Management

The following Development Plan provisions provide guidance with respect to stormwater management considerations:

City Wide Objectives: 42, 43 & 44.
City Wide PDC's: 149, 150, 151, 153, 156, 157, 162 & 164.

The Application has been reviewed by the Council's Project Manager – Civil, who has recommended that, as the site is currently pervious, the Panel includes detention requirements on the development in line with City Wide Principle of Development Control 162, which states:

"A development which includes:

(c) in the case of a non-residential development, an impervious surface area that is greater than the pre-development state;

should incorporate an on-site stormwater detention system (either above or below ground) to ensure that stormwater discharged from the site and/or combined sites does not exceed the capacity of the existing or planned 1 in 5 year Average Recurrence Interval stormwater system and increase the risk of flooding to downstream properties or add any significant pollutant load to the downstream stormwater system."

Accordingly, should the Panel determine to approve the proposed development, a condition of consent should be imposed requiring that the Applicant adhere to this requirement.

Environmental Sustainability

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

City Wide Objectives: 23
City Wide PDC's: 70 & 72.

On the northern and western elevations of the proposed building, the window areas at ground and upper level have projecting aluminium louvered canopies, which will assist in reducing the heat load during summer and will allow for solar access to the windows in winter. This is considered to be a positive aspect of the development and as such accords with Principle 72(b) with respect to allowing penetration of heat and light from the sun in winter and to provide shade in summer.

Summary

The Residential 2A Zone list offices as a non-complying use within the zone and is silent with respect to child care facilities. However, the subject land is located on a major arterial road, where the residential amenity is compromised by traffic noise, and there are mixed and varied land uses in the locality. Whilst the child care component is the more intense of the two proposed land uses, it is nevertheless considered to be an appropriate use for the subject land in the context given that it is conveniently accessible for local residents.

The child care facility is not considered to result in any unreasonable noise impacts on nearby residents, particularly given the location of three (3) outside play areas are located adjacent to Payneham Road, and not adjacent to residential properties to the north.

The extent of proposed landscaping is considered to provide a good level of visual amenity for the proposed development.

Whilst there is a minor quantitative on-site car parking shortfall, the proposal is considered to incorporate sufficient on-site car parking spaces to cater for the anticipated demand of the proposed uses. In terms of access and egress from the proposed car parking area, this is considered to be safe and convenient.

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 155/1030/14 by Eastern Building Group to construct of a two-storey building comprising a child care facility at ground level and offices at upper level, together with car parking, outdoor play areas and landscaping (Non-complying), on the land located at 395 – 399 Payneham 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:

- Statement of Support & Effect prepared by Lou Fantasia Planning Pty Ltd and received by the Council on 10 March 2015.
- Response to Representations prepared by Lou Fantasia Planning Pty Ltd and received by the Council on 10 July 2015.
- plans and elevations (Drawing Numbers 13/14-P1F, 13/14-P2A, 13/14-P3A and 13/14-P4F) prepared by John Perriam Architects and received by the Council on 8 September 2015 and 15 September 2015.
- Stormwater Management Plan and Stormwater Drainage Plan (Drawing Number TX-11124.00-C10, Issue D) prepared by Triaxial Consulting and received by the Council on 8 September 2015.
- arboricultural report and scope of tree pruning work prepared by Mr Shane Selway of Adelaide ARB Consultants and received by the Council on 8 September 2015.

Conditions

1. The proposed development, herein approved, may only commence following the payment of all costs associated with the removal of the northernmost street tree situated in the location of the proposed crossover adjacent Wear Avenue 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. The Tree Protection Zone of the Regulated South Australian Blue Gum street tree, located adjacent the Payneham Road frontage of the subject land, shall be 8.25 metres and not 7.56 metres.
3. All costs associated with pruning the Regulated South Australian Blue Gum street tree, shall be borne solely by the Applicant.
4. Details of the proposed pier and beam footing system supporting a suspended slab within the Tree Protection Zone of the Regulated South Australian Blue Gum street tree, shall be provided by the Applicant to the Council's Urban Services Department for analysis, prior to the granting of Development Approval.
5. All building work within the Tree Protection Zone, including the non-destructive excavation of pier locations, is to be inspected by Council's Coordinator Horticultural & Arboricultural Services prior to commencing. This arrangement is to be made by contacting Joel Ashforth on 8366 4588.
6. The Magnolia "Little Gem" trees located in the landscaping strips adjacent the rear northern boundary, shall have a minimum planting height of 2.0 metres above the finished ground levels herein approved, at the time of planting to the reasonable satisfaction of the Council.
7. Operating hours for child care services, herein approved, shall be limited to the following times:

Monday – Friday: 6:30am – 6:30pm

8. All waste collection, shall be restricted to the following times:
Monday – Friday 9:00am – 3:00pm
9. All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
10. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
11. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
12. 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.
13. The vehicle entrance and exit of the car parking area shall be clearly marked with directional signs indicating the flow of traffic.
14. The 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.
15. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
16. The obsolete crossovers on Wear Avenue and Payneham Road shall be reinstated to Council satisfaction at the applicants cost.
17. The proposed landscaping 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.
18. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device.
19. The Magnolia “little gem” trees shall be planted in the landscaping strip adjacent the rear northern rear boundary and shall have a minimum planting height of 2.0 metres, so as to establish a continuous spread of dense foliage, at the time of planting to the reasonable satisfaction of the Council.
20. All stormwater from 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 kerb & water table or a Council underground pipe drainage system.
21. Stormwater discharge from the subject land shall remain at pre-development levels. On-site retention of stormwater will be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.

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.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/499/2015 – MS HS WHITFORD – 4 KINGSBOROUGH LANE, NORWOOD

DEVELOPMENT APPLICATION:	155/0499/15
APPLICANT:	Ms HS Whitford
SUBJECT SITE:	4 Kingsborough Lane, Norwood (Certificate of Title: Volume: 5048; Folio: 371)
DESCRIPTION OF DEVELOPMENT:	Removal of a Significant Tree (Eucalyptus Cladocalyx – Sugar Gum)
ZONE:	Residential Character (Norwood) Zone – Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
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 removal of a Significant Tree (Eucalyptus Cladocalyx – Sugar Gum), located within the rear yard of a semi-detached dwelling at 4 Kingsborough Lane, Norwood.

Whilst the Applicant is the owner of the adjacent land at 2 Kingsborough Lane, the Council was made aware that the owner of the subject land is a Council Employee.

Part 9.1 of the Development Assessment Panel's Terms of Reference states (in part):

"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 the 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, where a Council Employee or an Elected Member or, in either case, a member of their immediate family, own or have an interest in the property, with the following exemptions:*
 - *any Development Application for the installation of satellite dishes, solar panels, water tanks, and similar structures;*
 - *any Land Division Application relating to a boundary realignment or the amalgamation of allotments;*

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:	5.5 metres
Depth:	27.7 metres
Area:	161.2m ²

Topography:	slight fall from east to west
Existing Structures:	single storey semi-detached dwelling
Existing Vegetation:	Significant Tree (Sugar Gum)

The subject land is occupied by a single storey semi-detached dwelling. The other portion of the semi-detached dwelling is located at 2 Kingsborough Lane.

A large significant Sugar Gum is located within the rear yard of the dwelling, with a portion of the adjacent to the dwellings at 2 Kingsborough Lane, 6 Kingsborough Land and 20 Church Avenue located beneath the tree's canopy.

Locality Attributes

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

The subject tree is a large specimen and makes an important contribution to the character of the locality.

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

Proposal in Detail

The Applicant seeks consent to remove the significant Sugar Gum, as it is opined by the Applicant that the tree is causing substantial damage to several adjacent dwellings. The subject tree has a trunk circumference of 3.57 metres, when measured 1.0 metre above natural ground level. Given that the tree is a Eucalypt, the tree is classified as a significant tree, as defined by Regulation 6A of the *Development Regulations 2008*. If the tree was a species other than a Eucalypt, then due to being within ten (10) metres of a dwelling, it would not be classified as a significant tree.

The Applicant has provided a covering letter; a Structural Engineer's report; letters of support; and photographs of damage from adjacent owners and occupiers of land. The Applicant's package of information is contained in **Attachment B**.

Notification

The proposal has been identified and processed as a Category 1 form of development pursuant to Schedule 9, Part 1 (13) of the *Development Regulations 2008*. As such, no 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.

Significant Trees

The following Development Plan provisions provide guidance when assessing applications for the removal of Significant Trees:

City Wide Objective 119

The conservation of significant trees in Metropolitan Adelaide which provide important aesthetic and environmental benefit.

Trees are a highly valued part of the Metropolitan Adelaide environment and are important for a number of reasons including high aesthetic value, conservation of biodiversity, provision of habitat for fauna, and preservation of original and remnant vegetation.

Whilst indiscriminate and inappropriate significant tree removal should be generally prevented, the conservation of significant trees should occur in balance with achieving appropriate development.

City Wide Principle of Development Control 398

“Where a significant tree:

- (a) makes an important contribution to the character or amenity of the local area; or*
- (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or*
- (c) represents an important habitat for native fauna; or*
- (d) is part of a wildlife corridor of a remnant area of native vegetation; or*
- (e) is important to the maintenance of biodiversity in the local environment; or*
- (f) forms a notable visual element to the landscape of the local area;*

development should preserve these attributes.”

City Wide Principle of Development Control 400

“Significant trees should be preserved and tree-damaging activity should not be undertaken unless:

- (a) in the case of tree removal;*
 - (1) (i) the tree is diseased and its life expectancy is short; or*
 - (ii) the tree represents an unacceptable risk to public or private safety; or*
 - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or*
 - (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and*
all other reasonable remedial treatments and measures have been determined to be ineffective.
 - (2) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*
- (b) in any case:*
- (i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or*
 - (ii) the work is required due to unacceptable risk to public or private safety; or*
 - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or*
 - (iv) the tree is shown to be causing, or threatening to cause damage to a substantial building or structure of value; or*
 - (v) the aesthetic appearance and structural integrity of the tree is maintained; or*
 - (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activities occurring.”*

The assessment of significant tree removal applications is effectively a two-step process. Initially, the Panel will need to determine whether the subject tree displays any attributes that are worthy of preserving, as set out in City Wide PDC 398 above. If the tree does not display any of the specified attributes, then there is no need to proceed with any further assessment and the Application should be approved.

If the tree does display one or more attributes that are worthy of preserving, as set out in City Wide PDC 398, then the reasons for the proposed tree removal need to be assessed against the criteria contained within City Wide PDC 400. In this instance, the Applicant is asserting that the tree represents an unreasonable risk to up to four (4) dwellings and is causing substantial damage to two (2) substantial buildings or structures of value (i.e. two (2) dwellings) and that there are no other reasonable remedial treatments available to protect further damage to the dwellings and to retain the tree.

The Application was referred by the Council to a consultant Arborist, Michael Palamountain of Tree Environs, to review the health and structure of the tree and to provide qualified Arboricultural advice regarding the merit of the application, when assessed against City Wide PDC's 398 and 400. A summary of Mr Palamountain's advice is set out below:

- the Eucalyptus Cladocalyx (Sugar Gum) in the rear yard of 4 Kingsborough Lane, Norwood, is a significant tree with attributes worthy of preservation. Specifically, the tree is considered to make an important contribution to the character and amenity of the local area and the tree forms a notable visual element to the landscaping of the local area;
- the tree is not indigenous to the local area, nor is it an important habitat for native fauna, part of a wildlife corridor or important for biodiversity in the local environment;
- the tree is in good health and is not considered to be diseased with a short life expectancy;
- the tree has a good structure that is free of notable defects;
- a risk assessment was carried out and the tree presents a low risk to people and property. The tree is not considered to pose an unacceptable risk to public or private safety at this point in time;
- my observations indicate that the tree may be one of the main contributing factors to the damage found in the dwellings. This should be verified by a building or geotechnical engineer.

A full copy of Mr Palamountain's advice is contained in **Attachment C**.

The Council's Planning staff agree with Mr Palamountain's view that the subject tree is considered to make an important contribution to the character and amenity of the local area and the tree forms a notable visual element to the landscaping of the local area. As such, the subject tree is considered to display attributes that are worthy of preservation, as set out in City Wide PDC 398. Whilst it is understood that the Environment Resources and Development Court prefers the opinion of a Landscape Architect when considering the landscape value of trees, in this instance, it is considered that the landscape value of the tree is clearly evident and able to be suitably considered by the Panel having regard to the advice from Mr Palamountain and Council's Planning staff.

Mr Palamountain has also advised that the subject tree does not meet two (2) of the four (4) criteria described in City Wide PDC 400(a)(1), which describe circumstances where the removal of a significant tree may be justified, specifically the subject tree does not meet the criteria contained within points (i) and (ii).

Regarding point (i), Mr Palamountain has advised that the tree is in good health, is free of disease and does not have a limited life expectancy.

Regarding point (ii), Mr Palamountain has advised that the tree does not represent an unacceptable risk to public or private safety. Given that the Applicant has advised that the owners and occupiers of four (4) dwellings, which are situated partially beneath the canopy of the subject tree (specifically the dwellings at 2, 4 and 6 Kingsborough Lane and 20 Church Avenue), are concerned with the risk of falling branches posed by the tree, Mr Palamountain was requested to undertake a risk assessment.

Mr Palamountain's risk assessment is summarised on pages 8 and 9 of his report (**Attachments C7 and C8**). The risk assessment considers factors such as the likelihood of a failure occurring, the likelihood of the failure impacting a target and the consequence of any failure.

Having assessed the health and structure of the tree, and the context within which the tree is situated, Mr Palamountain has concluded that the subject tree presents a low risk to public or private safety at this time.

The subject land is not located within a Bushfire Prone Area. As such, point (iii) of City Wide PDC 400(a)(1) does not apply.

Point (iv) of City Wide PDC 400(a)(1) relates to damage that may be caused to substantial buildings and structures by the tree. Mr Palamountain has advised that the subject tree may be one of the main contributing factors to the damage found in the dwellings and has advised that this is outside of his expertise and should be verified by a building or geotechnical engineer.

The Applicant has asserted that there is substantial damage to the dwellings located at 2 and 4 Kingsborough Lane and that the damage has been predominantly caused by the subject tree. The Applicant has provided a Structural Engineer's report, prepared by FMG Engineering, in support of the Application. The conclusions reached within the FMG Engineering report are set out below:

- *the tree is causing substantial damage to the existing dwelling on the site (4 Kingsborough Lane), the neighbour's dwelling (2 Kingsborough Lane) and poses a risk for any future development of the site; and*
- *in FMG's experience, there are no reasonable measures that can be employed to prevent the damage other than the removal of the tree.*

A copy of the Applicant's Structural Engineer's report is contained in **Attachments B12 to B38**.

The Application, including the Applicant's Structural Engineering report was forward to the Council's consultant Structural Engineer, Warwick Graham of Mountford Prider and Associates, for review. A summary of Mr Graham's response is set out below:

- *the damage to the dwellings at 2 and 4 Kingsborough Lane has been caused by the Sugar Gum tree and falls within the classification of "substantial damage";*
- *of greatest concern is the damage occurring to the floors of the kitchen and rear lobby of the dwelling at 4 Kingsborough Lane by the expansion of tree roots;*
- *no measures are available to ameliorate the effect of the tree on the dwellings, given the compact context of the site, as detailed below;*
- *the tree is too close to the building to allow severing of major roots as it could kill the tree or destabilise it;*
- *it is not practicable to underpin stone footings where significant cracking has already occurred;*
- *wall articulation can be effective in external walls, but less so in internal plastered walls particularly for those composed of stone;*
- *targeted watering of the volume required to attract roots may cause damage to other nearby buildings and may encourage rising damp; and*
- *on balance, it is concluded that the removal of this significant tree can be justified on the grounds that damage is substantial, the influence of the tree on the dwellings is likely to increase, and there are no measures which can be taken to significantly reduce its effect.*

A copy of Mr Graham's report is contained in **Attachment D**.

Mr Graham generally agrees with the findings contained within the FMG Engineering report provided by the Applicant, insofar as the subject tree is causing substantial damage to a substantial building or structure of value, and that all other reasonable remedial treatments and measures have been determined to be ineffective.

The proposed tree removal is therefore consistent with one of the criterion within City Wide Principle of Development Control 400(a)(1), which describes circumstances where the removal of a significant tree is appropriate, specifically point (iv) which states:

"The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and all other reasonably remedial treatments and measures have been determined to be ineffective."

As such, the proposed removal of the significant tree is considered to be acceptable.

If the Panel determines to approve the removal of the significant tree, Section 42 (subsections 4 to 7) of the *Development Act 1993* require that the Applicant either plant replacement trees of a prescribed class or, if the relevant authority allows, make a payment of a prescribed amount into the Council's Urban Tree Fund.

Development Regulation 117 prescribes that replacement trees must not be located within ten (10) metres of an existing dwelling or swimming pool. In this instance, given the compact nature of the dwelling and its allotment, there is nowhere that any replacement trees could be planted on the subject land. As such, it is

considered appropriate to impose a condition that the Applicant pays into the Council's Urban Tree Fund in accordance with Section 42(6).

Regulation 117 (2) prescribes that three (3) trees should be planted to replace a significant tree and Regulation 117 (4) prescribes a rate of \$84 per tree in lieu of planting replacement trees. Accordingly, if the Panel determine to approve the Application, it is recommended that a condition be imposed requiring the Applicant to pay \$252.00 into the Council's Urban Tree Fund.

Summary

The subject significant tree, a large Eucalyptus Cladocalyx or Sugar Gum, meets the qualitative provisions of the Development Plan to warrant its retention. Specifically, the tree makes an important contribution to the character and amenity of the local area and forms a notable visual element to the landscape of the local area.

The tree has been assessed to be in good health and is structurally sound. Whilst the Applicant has cited unacceptable risk to public or private safety as one of the reasons for seeking the removal of the tree, the Council's consultant Arborist has undertaken a tree risk assessment and determined the risk to public and private safety associated with the subject tree to be low.

The Council's consultant Arborist noted substantial damage to the adjacent dwellings, which may have been caused by the subject tree. However, given that the structural damage was outside of his expertise, it was recommended that the Council employ a Structural Engineer to survey the damage.

The Applicant provided a Structural Engineer's report, prepared by FMG Engineering, in support of their Application. The Application, including the Applicant's Structural Engineering report, was referred to the Council's consultant Structural Engineer for his review. Both Structural Engineers concluded that the subject tree was causing substantial damage to a substantial building or structure of value (the dwellings at 2 and 4 Kingsborough Lane).

As such, the proposed tree removal is consistent with the prescribed criteria for the removal of significant trees outlined in City Wide Principle of Development Control 400.

Therefore, 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 155/0499/15 by Ms HS Whitford to remove a significant tree (Eucalyptus Cladocalyx – Sugar Gum) located at 4 Kingsborough Lane, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- the development shall proceed in accordance with the Applicant's documentation provided with Development Application Number 155/0499/15.

Conditions

1. Payment of \$252.00 is required to be paid into the Council's Urban Tree Fund, prior to the tree removal herein approved being undertaken. Payment may either be made in person at the Norwood Town Hall at 175 The Parade, Norwood, or by telephoning 08 8366 4555 and providing your credit card details.

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. It is advisable to seek the expertise and advice of an engineer to determine whether the soil conditions will be altered as a result of the removal of the significant tree as changes in the moisture conditions of the soil may result. (An investigation called "transition of moisture content" is able to be undertaken by a certified engineer).

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/380/2015 – LEIGHTON HALL DESIGN – 50A LAMBERT ROAD, ROYSTON PARK

DEVELOPMENT APPLICATION:	155/380/2015
APPLICANT:	Leighton Hall Design
SUBJECT SITE:	50A Lambert Road, Royston Park (Certificate of Title Volume: 6063 Folio:874)
DESCRIPTION OF DEVELOPMENT:	Construction of a two storey detached dwelling, front pillar fence, side fence and associated landscaping
ZONE:	Residential Historic (Conservation) Zone (Joslin/Royston Park Policy Area) Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for construction of a two storey dwelling, front pillar fence, side fence and associated landscaping.

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in a Residential Historic (Conservation) Zone. As such, the Application is referred to the Panel for determination.

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

Subject Land Attributes

Shape:	irregular
Frontage width:	19.75 metres
Depth:	24.08 – 36.87 metres
Area:	641m ²
Topography:	slightly sloping
Existing Structures:	nil
Existing Vegetation:	some small – medium vegetation

The subject land is currently vacant, contains some established vegetation and slopes approximately 500mm from the north eastern to south western corner. The subject land was originally part of the property at 50 Lambert Road, prior to a land division which was approved in 2007.

Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	predominantly single storey
Streetscape amenity	high (due to quality of building stock)

The locality contains entirely single storey detached dwellings, with the exception of a two storey Local Heritage Place located at 50 Lambert Road and commercial properties (former shops) on the corner of Lambert Road and Sixth Avenue. The locality displays a high level of streetscape amenity, due to the quality of the established dwellings and mature street trees.

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

Proposal in Detail

The Applicant seeks consent to construct a two storey detached dwelling, front masonry fence, side fencing and associated landscaping.

The front section of the dwelling has been designed in the style of a villa resulting in a predominately single storey streetscape appearance, with a contemporary two storey section at the rear. The proposed materials and colours complement the surrounding development and include colorbond, sandstone, render and face brick on the sides and rear.

The dwelling contains three bedrooms (the master contains a walk in robe, ensuite and separate living area), a combined kitchen/meals/living, separate dining room, separate bathroom, study, gym, laundry, double garage and two undercover outdoor areas.

The proposal also includes a front masonry pillar and plinth fence to a height of 1.67 metres, replacement south eastern boundary fencing and landscaping in the front and rear yard.

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	641m ²	600m ² (Joslin/Royston Park PDC 5)
Allotment Width	19.75m	18m (Joslin/Royston Park PDC 7)
Allotment Depth	24.08 – 36.87 m	N/A
External Wall Height*	3.1m lower 6m upper (6.7m including parapet)	N/A
Maximum Overall Height (to roof apex)*	6.7m	N/A
Floor Area (total)	329.14m ²	N/A
Floor Area (footprint)	227.98m ² (excl. verandahs) 282.17m ² (incl. verandahs)	N/A
Site Coverage	44%	50% (Joslin/Royston Park PDC 6)
Private Open Space	128.28m ² 20% of site area 77% uncovered	20% City Wide PDC 244(a)
Street Set-back	10m	In line with adjacent Local Heritage Place
Side Set-back	600mm – 1.2m	At least 1 metre on one side (City Wide PDC 215)
Rear Set-back	1.2 - 7m	N/A
Car Parking Provision	1 undercover & 2 visitor	2 (1 covered) on-site parking spaces – Table NPSP/8.

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

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

Notification

The proposal has been identified and processed as a Category 1 form of development. As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

- Joslin/Royston Park Policy Area Objectives: 1
- Joslin/Royston Park Policy Area Desired Character Statement
- Joslin/Royston Park Policy Area Principles of Development Control: 1, 2, 3, 5, 7

- Residential Historic (Conservation) Zone Objectives: 1, 2, 4
- Residential Historic (Conservation) Zone Desired Character Statement
- Residential Historic (Conservation) Zone Principles of Development Control: 1, 7

- City Wide Objectives: 1, 2, 7
- City Wide Principles of Development Control: 1, 2, 3

Principles of Development Control 2 and 3 of the Joslin/Royston Park Policy Area state respectively:

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

and

“New dwellings should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of the Joslin/Royston Park Policy Area, with a more sympathetic style of development.”

The proposal is for a detached dwelling, consistent with Principle of Development Control 2. As the subject land is currently vacant, the proposal is also consistent with Principle of Development Control 3.

Accordingly, the proposal is consistent with the Development Plan from the perspectives of land use and density.

streetscape/bulk/scale/height/character/heritage

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

Joslin/Royston Park Policy Area Objectives: 1
Joslin/Royston Park Policy Area Desired Character Statement
Joslin/Royston Park Policy Area Principles of Development Control: 1, 3, 4

Residential Historic (Conservation) Zone Objectives: 1, 2, 3, 5, 6, 8
Residential Historic (Conservation) Zone Desired Character Statement
Residential Historic (Conservation) Zone Principles of Development Control: 1, 2, 14, 15, 16, 17, 18, 19, 22, 23

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

The Joslin/Royston Park Policy Area states, in part:

“This Policy Area is characterised by a regular pattern of large allotments, fronting wide, tree-lined avenues and consisting of single-storey, detached, bungalows and Edwardian (such as Queen Anne) and Federation dwelling styles, typical of 1910 through to 1930...

New dwellings will reflect the height and scale of the surrounding dwellings and will maintain similar roof profiles, bulk and form as well as respect the detailing of the original buildings, without directly replicating...

Verandahs along the front elevation are another important design element, any new dwellings will incorporate verandahs along the primary street frontage of the building.”

As the dwelling is located within the Residential Historic (Conservation) Zone and adjacent to a Local Heritage Place at 50 Lambert Road, the Application was referred to the Council’s Heritage Advisor, David Brown. A copy of Mr Brown’s report is contained in **Attachment C**.

The proposed dwelling is loosely based on a Federation era Villa. Originally, the dwelling design incorporated replica design items including finials, corbel mouldings and OG gutters, however these items have since been removed on advice from Mr Brown, to avoid a direct replica design. The dwelling incorporates a front verandah, consistent with the desired character statement and the proposed materials are considered to complement surrounding dwellings.

Joslin/Royston Park Policy Area Principle of Development Control 4 states:

“Development in Joslin/Royston Park Policy Area should not be more than one storey above natural ground level, except where the predominant height in the immediate locality is two storey. In this instance development should not be more than two storeys above the natural ground level.”

Residential Historic (Conservation) Zone Principle of Development Control 17 states (in part):

“Development of a new building or building addition should result in dwellings that have a single storey appearance along the primary street frontage, where these are predominant in the locality, but may include:...

(b) second storey components located to the rear of a building; and

(c) in either of these instances:

- (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
- (ii) should not overshadow or impact on the privacy of neighbouring properties;*
- (iii) should not compromise the heritage value of the building or the view of the building from the street; and*
- (iv) the total width of second storey windows should not exceed 30 percent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings.”*

The locality is predominately single storey with the exception of the two-storey Local Heritage Place at 50 Lambert Road. The dwelling has been designed in a way that presents to the street as single storey, although portions of the upper level will be visible from the street.

In his report, Mr Brown notes that the proposed upper level portion of the dwelling is not consistent with the style of the lower level of the dwelling, as the style of the lower level does not translate to a two level form. As a result, the upper level appears more like an addition to a dwelling, rather than the upper level of a purpose built two-storey home. Notwithstanding the chosen design approach, the upper level is of a modest size and has appropriate setbacks that will not result in obtrusive visual impacts on adjacent property occupants. The upper level is also set back over 20 metres from the street, so the impact on the streetscape is not considered unreasonable. On balance, the proposed dwelling design is considered acceptable.

The proposed three (3) metre ceiling heights are lower than a typical Villa (which typically have ceiling heights in the order of 3.5-4.0 metres) however this is not considered to compromise the character of the street, due to the varied styles of dwellings within this particular section of Lambert Road, particularly as the subject land is adjacent to a post-war dwelling.

Double garaging is not typical within a Historic (Conservation) Zone however may be considered appropriate where the garage is not visually dominant as part of the overall design approach. Residential Historic (Conservation) Zone Principle of Development Control 31 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.”*

Additionally, City Wide Principle of Development Control 228 states that garages should be a maximum of 6.5 metres or 40% of the site frontage, whichever is less.

The proposed garage is set back from the front of the dwelling and verandah, has a separate roof form from the main dwelling, individual entries rather than a double door, is 6.5 metres wide and is set back from the street 12 metres. On balance it is considered that the garage will not dominate the appearance of the dwelling from the street and is consistent with the above provisions.

Joslin/Royston Park Policy Area Principle of Development Control 9 anticipates front masonry pillar fences constructed up to a height of 2 metres. The proposed front fence incorporates a masonry plinth 354mm high and masonry pillars up to 1.67 metres high. The simple, contemporary, open style fence design is considered to complement the streetscape and the proposed dwelling.

Setbacks and Site Coverage

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

Joslin/Royston Park Policy Area Objective: 1
Joslin/Royston Park Policy Area Desired Character Statement
Joslin/Royston Park Policy Area Principles of Development Control: 8

Residential Historic (Conservation) Zone Objectives: 1, 6,
Residential Historic (Conservation) Zone Principles of Development Control: 10

City Wide Principles of Development Control: 51, 52, 54, 214, 215 & 217

Joslin/Royston Park Policy Area Principle of Development Control 9 states:

“The front and side setbacks of new dwellings should reflect the pattern established by the adjoining dwellings and should be sited at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item. Where a site is between two heritage places or contributory items the greater of the two set-backs should be applied.”

The dwelling at 48 Lambert Road is set back approximately 11.5 metres from the street, however the adjacent Local Heritage Place at 50 Lambert Road is set back approximately 30 metres from Lambert Road. The proposed dwelling has a front setback of 10 metres to the facade and 12 metres to the garage. As such, the dwelling will project forward of the adjacent Local Heritage Place, which is inconsistent with Principle of Development Control 8. However, given the depth of the subject land, it is not considered practical to develop the site in strict accordance with the quantitative setback policy. Given the siting and separation of the adjacent Local Heritage Place, the impact of the proposed dwelling is lessened, insofar as the visibility of the Heritage Place in the streetscape will be maintained.

The adjacent dwelling at 48 Lambert Road is not heritage listed and as this dwelling is located behind a high solid fence with limited visibility in the street, the projection of the proposed dwelling is not considered to compromise the streetscape.

The Residential Historic (Conservation) Zone policies seek dwellings which have side setbacks consistent with the pattern of development. The Applicant has amended the application to provide a 1.2 metre lower level side setback on the south eastern side while maintaining a 600mm setback to the garage, consistent with other dwellings within the street.

The upper level is proposed to be set back 4.8 metres from the south-eastern boundary and between 4.2 – 5.2 metres from the north-western boundary. The proposed upper level side setbacks are considered to provide adequate visual separation to the adjacent property boundaries.

The rear setback ranges from 1.4 metres to 7.1 metres (due to the shape of the allotment) which is also considered acceptable with respect to visual impact on neighbouring properties and to provide adequate private open space.

Joslin/Royston Park Principle of Development Control 7 states that dwelling should not cover more than 50% of the site. The proposed dwelling covers 44% of the site which is consistent with this policy and also provides adequate opportunities for soft landscaping.

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

The Applicant has provided shadow diagrams which demonstrate that due to the orientation of the subject land and the proposed upper level setbacks, the north-western windows and roof of the adjacent dwelling at 48 Lambert Road will be affected in the afternoon only which is consistent with City Wide Principles of Development Control 200 and 201. The proposed dwelling will have minimal overshadowing impact on the adjacent property at 50 Lambert Road.

The proposed side and rear upper level windows are small, however portions of the side windows are less than 1.7 metres above finished floor level and have openable portions. The south-western elevation includes larger windows which are not shown on the plans as being screened. As a result, views may be possible from these windows, into the private yards of the adjacent properties. As such, should the Panel determine to approve the Application, it is recommended that a condition be imposed requiring all upper level windows be treated prior to occupation in a manner that permanently restricts views being obtained by a person within the room (this may include restricted openings).

The existing and proposed side and rear fencing will provide adequate privacy from the lower level.

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 a rear yard with verandah and an alfresco area located in the centre of the dwelling; both areas have good links to internal living areas and the rear yard will have good access to northern light. In total the proposed dwelling is provided with 128m² of private open space, which equates to 20% of the site area consistent with City Wide Principle of Development Control 244(a). The private open space area will be 77% uncovered consistent with City Wide Principle of Development Control 248.

In addition to the private open space area, there is area which can be used as service courtyards on the north western side of the dwelling providing opportunities for the rainwater tank, bin storage, clothes drying and the like, removing the need for these activities to occur within the private open space. The provision of private open space provided 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 the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered. The proposed dwelling will accommodate two (2) undercover car parks and at least two (2) visitor parks in the driveway. The internal dimensions of the garage are consistent with Principle of Development Control 229(b).

The proposed driveway will need to have a clearance of 2.9 metres from the centre of the adjacent street tree to protect its structural root zone. This has been illustrated on the site plan and will not unreasonably affect the reversing manoeuvre of vehicles exiting the site. As such, access to and from the site is considered 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 Principles of Development Control: 10, 56, 59, 60, 61, 166

The subject land is not within a recognised flood plain.

The subject land slopes approximately 500mm from the north eastern (rear) corner to the south western (front) corner. The proposed finished floor level will range from essentially nil to 440mm above relative natural ground level and 340mm to 530mm above Top of Kerb. The proposed finished floor levels are considered appropriate for the site, no substantial retaining is required and stormwater can be disposed to the street via a gravity fed system.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24, 98, 117, 119
City Wide PDC's: 76, 81, 239, 240, 355, 357

There are no regulated trees on the subject land or adjacent land which are likely to be affected by the proposed development. There is a large pine tree located at 50 Lambert Road which is not regulated due to its proximity to the adjacent swimming pool but in any case, the proposed development is located outside of the structural root zone of this tree.

Three (3) street trees are located adjacent to the subject land and the central tree is regulated pursuant to the *Development Regulations 2008*. As discussed in the *carparking/access/manoeuvring* section of this report, sufficient clearance has been provided between the proposed driveway and adjacent street tree. A small portion of the proposed front fence will be within the structural root zone of the regulated street tree. As such, should the Panel determine to approve the proposal, it is recommended that a pier and beam footing system be used to limit the impact on the tree.

The Joslin/Royston Park Policy Area Desired Character Statement states that landscaping around dwellings, particularly the front garden, is an important design element within the area. The Applicant has proposed landscaping in the front yard including hedging, standard roses and lawn as well as dwarf magnolias along the side and rear boundaries and lawn in the rear yard. The proposed front landscaping does not include any tall trees or shrubs however given the size of the three (3) adjacent street trees, the proposed landscaping is considered sufficient.

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

The proposed dwelling provides good access to internal light by providing windows and glass doors on the northern-eastern and south-eastern sides of the dwelling as well as borrowed light via the central alfresco. Windows have been minimised on the north western side of the dwelling and the front and rear verandahs will help protect the larger windows and doors from excessive heat loading.

The proposal includes a 2000 litre rainwater tank consistent with City Wide Principle of Development Control 161.

Summary

The proposed development of a two-storey detached dwelling is considered to be appropriate from a land use and density perspective within the Residential Historic (Conservation) 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 despite being two-storey in a largely single storey locality. The dwelling is provided with sufficient private open space and has been designed to take advantage of access to natural light. Sufficient vehicle parking spaces and safe and convenient access has been provided.

The proposed front setback is inconsistent with Joslin/Royston Park Principle of Development Control 8 however given the context of the subject land, the siting of the adjacent Local Heritage Place and the high solid fence in front of 48 Lambert Road, the proposed front setback is considered acceptable.

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 155/380/2015 by Leighton Hall Design to construct a two storey dwelling and front pillar fence with associated landscaping on the land located at 50A Lambert Road Royston Park subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plan, elevations, and landscaping plan prepared by Federation Homes, dated 3 August 2015, received by the Council 6 August 2015
- External Colour Selections prepared by Austral bricks, dated 24 June 2015, received by the Council 6 August 2015

Conditions

1. The portion of the upper floor windows less than 1.7 m above the internal floor level shall be treated prior to occupation of the building 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 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognized 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
3. The portion of front fence extending 7.5 metres from the south-eastern boundary shall incorporate a pier and beam footing construction to prevent damage to the adjacent street trees. Details of the pier and beam construction at to be provided to the Council and are to be to the reasonable satisfaction of the Council or its delegate, prior to granting Development Approval. Excavation for this portion of the fence shall be undertaken by hand digging and any structural roots, that is, roots with a diameter greater than 25 millimetres, encountered should be retained
4. The gutters shall be painted 'Night sky' as per the external colour selections prepared by Austral bricks, not left as unpainted zincalume.
5. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed and plumbed into 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.
6. The existing crossover invert that is located along the south-western property boundary shall be reinstated to kerb and gutter prior to the occupation of the dwelling to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.
7. 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.

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.

2. STAFF REPORTS

2.4 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 relevant Development Plan criteria with respect to the site area per dwelling. In particular, the proposed site area per dwelling is 203m², whereas the Development Plan states that 250m² should be provided. 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 (i.e. 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 from Essery Street for Dwelling 1 and a new crossover on the southern side of the allotment for Dwelling 2. Each dwelling is to have one (1) covered car parking space. A visitor car parking space would be available to the side of the garage of Dwelling 1 and in front of the garage of Dwelling 2.

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

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
External Wall Height*	6.0m	6.0m	N/A
Maximum Overall Height (to roof apex)*	7.1m	7.1m	N/A
Floor Area (total)	200.29m ²	199.1m ²	N/A
Floor Area (footprint)	121.43m ²	118.45m ²	N/A
Site Coverage	61%	58%	N/A
Private Open Space	50m ² 68% uncovered	48.8m ² 78% uncovered	35m ² 50% uncovered
Street Set-back	2.7m (balcony) 3.9m (facade)	2.7m (balcony) 3.9m (facade) 5.5m garage	The same as the adjoining dwelling
Side Set-back	900mm – Alfresco 900mm – Garage 2.5m Lounge (ground level) 3.5 – 4.1m (upper level)	600mm – Alfresco 1.042m – Garage 1.8m Kitchen (ground level) 3.7 – 4.3m (upper level)	1.0 metre from one side boundary –
Rear Set-back	1.0-3.0m (ground level) and 4.0m (upper level)	4.0m (ground and upper level)	N/A
Car Parking Provision	1 undercover & 1 visitor	1 undercover & 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, in that the average is less than 250 m².

The proposed density is considered to be compatible with the allotment pattern and resultant density 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 allotments of the adjacent maisonettes.

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).

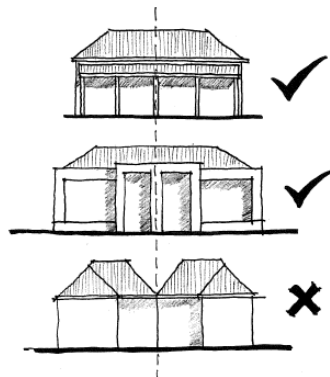


Figure 3

The proposed development presents to the street as a single cohesive two-storey building, which is consistent with Principle 195.

The proposed semi-detached dwellings have a contemporary appearance, whilst incorporating traditional design elements in the form of pitched corrugated roof forms, the use of eaves and 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).

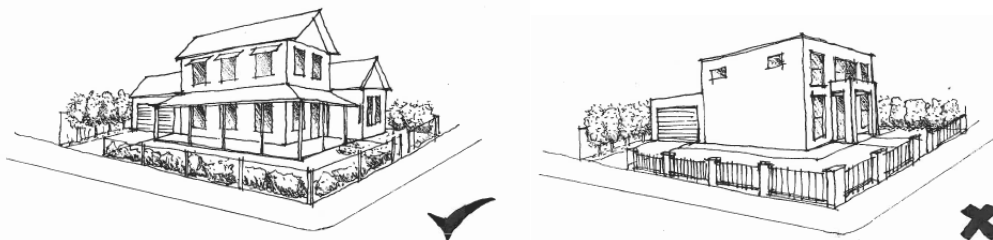


Figure 6

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.

A previous version of the proposal included garage access for Dwelling 1 from Hampton Grove, near the corner of Essery Street. This approach did not provide for an appropriate corner treatment. The revised proposal, with vehicular access for Dwelling 1 being on Essery Street, enables a more appropriate corner treatment to be provided, to enable the building to positively address both street frontages. The revised proposal does this to some extent, in that the removal of the driveway and garage from the corner enables more landscaping and a living room window facing Hampton Grove. That said, there is no real corner treatment integrated into the design (such as a return verandah or corner window for example). This is considered to be a negative aspect of the proposal, albeit an improvement over the previous iteration.

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 northern 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, than the single storey dwellings (or parts of the dwellings). 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 (i.e. those at 4 Hampton Grove and 1 Essery Street), being setback 6-7m from the street. The proposed dwelling is set back from Hampton Grove 2.7m to the balconies and 3.9m to the upper level facade.

It is considered that the proposal reasonably accords with City Wide Principles of Development Control 30 and 31, in that the dwellings are of a contemporary appearance with design elements that complement the character dwellings within the locality, such as pitched roofs, window proportions, building materials, etc. Whilst the proposed semi-detached dwellings are of a greater bulk and scale than the character maisonettes on the western side of Hampton Grove, the proposed bulk and scale of the dwellings will provide a reasonable fit on the eastern side of Hampton Grove, where dwellings are typically larger.

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 has a front setback of 3.2 metres.

The proposed semi-detached dwellings are set back 3.9 metres to the main wall and 2.7m to the projecting upper level balconies. The proposed front setbacks are considered appropriate, as they provide a compatible relationship with the adjacent two-storey dwelling to the south, which is set back 3.2 metres from the Hampton Grove property boundary.

The side setback for the lower level of Dwelling 1 is 2.5m (the rear verandah is to be located within 900mm of the boundary), while Dwelling 2 has side setbacks of between 600mm and 1.0m.

The upper level side boundary setbacks of each dwelling are 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 setbacks are proposed to be 1.0m for Dwelling 1 and 4.0m for Dwelling 2. Given the level of separation that currently exists as a result of a private road (lane) and the rear-loading nature of the dwellings fronting Osmond Terrace, the proposed rear setbacks are 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% and 61% 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 is to include 50m² (25% of its site area) of private open space within the northern side yard and dwelling 2 is to include 56.5 m² (28% of its site area) within a rear yard and southern courtyard. 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.

City Wide Principle of Development Control 248 requires that private open space provided at ground level should be open to the sky. Dwelling 1 incorporates 68% and Dwelling 2 incorporates 78% 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 incorporates garaging for one vehicle and a visitor park accessed from Essery Street, 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 satisfies 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.

The closure of the crossover associated with the existing dwelling is considered to be a positive aspect of the proposal.

Finished floor levels/flooding/retaining

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

City Wide 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 side and 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 area of private open space for Dwelling 1 is considered to have good access to northern light and dwelling 2 is considered to 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 have good northern 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 is considered to 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 further justification for the proposed density.

In this case, whilst the proposed dwellings are outwardly two storey when viewed in the streetscape they are not considered to detract from the scale of development at the northern end of Hampton Grove.

Both dwellings have side and rear setbacks that are consistent with existing residential development in the locality.

Overall, the proposal is not considered to be seriously at variance with the Development Plan, and is considered to sufficiently accord with the relevant provisions of the Development Plan to warrant Development Plan Consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/884/2014 by F & V D'Angelo for the demolition of a single-storey detached dwelling and ancillary structures and the construction of a pair of two-storey semi-detached dwellings on the land located at 2 Hampton Grove, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Plans prepared by Abela Design & Drafting marked Project Number 1199-09-14 Amended 29 July 2015 sheets 1-12 of 12 received by Council on 31 Jul 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.

4. The portion of the upper floor windows to the norther, eastern and southern elevations less than 1.7 m above the internal floor level shall be treated prior to occupation of the building 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 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
5. The new crossover for Dwelling 2 shall be at least 2.5m from the adjoining street tree in order to protect its health.
6. The existing redundant crossover in the north eastern corner of the allotment shall be returned to footpath, kerb and water table at the applicant's expense in consultation with Council's Urban Services Department.

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

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

DEVELOPMENT APPLICATION:	155/0309/15
APPLICANT:	Grieve Gillett Dimitty Anderson 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 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 (155/0309/15) was lodged in May 2015 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.

The Panel considered Development Application Number 155/0309/15 at its meeting held on 20 July 2015 and determined to refuse the Application 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.

A copy of the relevant section of the Minutes of the DAP meeting held on 21 October 2013, including the refused plans, is contained in **Attachment A**.

Following the refusal of the Application by the Panel, the Applicant lodged an appeal against the decision with the ERD Court. A preliminary conference was held on 31 August, where the matter was listed for a conciliation conference to be held on 30 September 2015.

The Appellant has provided amended plans to the Council in an attempt to resolve the issues of contention and to gain the Panel's support of the Application. A copy of the amended plans and details is contained in **Attachment B**.

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 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.

Amended Plans

The floor plan of the proposed dwelling is ostensibly unchanged from the proposal that was previously considered by the Panel. However, the facade and side elevations have been amended significantly.

Whereas the previous dwelling had a concealed roof, entirely glazed facade with the exception of a stone chimney section and no separate verandah element, the amended dwelling design incorporates a pitched roof, more traditional solid to void proportions and a separate verandah element.

The proposed roof is in an asymmetrical gable form with the gable end facing the street. This section of the building is clad entirely (ie. the roof and walls) in zinc standing seam cladding in a brown/grey colour. A separate element, located to the south and defining the study area, has a lower, concealed roof and is to be constructed of brick in a red/brown colour. Windows in the zinc facade and the separate brick element, are vertically proportioned black powder-coated commercial aluminium windows.

Located 1400mm in front of the zinc facade, is a woven brass mesh screen with vertical frame work. The screen has similar proportions to the zinc facade, however is off-centre, lower and has different angles. The screen returns around the northern side of the dwelling, for a distance of approximately twelve (12) metres. The screen is elevated on a 750mm high sandstone plinth.

A horizontal verandah element extends across the entire facade in front of the metal screen. The verandah is proposed to be black painted steel in a '100 PCF' profile.

Discussion

The following discussion is based on the reasons for refusal that were given by the Panel at its meeting held on 21 October 2013. All other aspects of the proposal are addressed in the previous staff report contained in Attachment A and are not significantly affected by the amended plans.

Built Form Character

The following extracts from the Desired Character Statement of the College Park Policy Area provide the greatest guidance with respect to the desired design response of new dwellings within the Policy Area:

"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.”

The emphasis in the Desired Character Statement on ensuring that the pitch and profile of the roof of new dwellings is similar to that of existing historic buildings in the locality, was one of the reasons that the Panel did not consider that the original proposal, with its concealed roof, did not sufficiently accord with the Development Plan. The pitched roof which is introduced in the amended proposal, addresses that issue.

The roof pitch is now similar to that of existing dwellings in the locality, albeit that the profile is quite different, insofar as it incorporates a high and dominant gable at the front, whereas historic dwellings in the locality typically have hipped roofs with lower ridges, facilitated through ‘well-roofs’ or similar. The roof of the historic dwelling to the north of the subject land at 12 Baliol Street, was altered at some stage in the past (likely to be around 1990 based on approval history), replacing the original well roof with a continuation of the roof pitch to a high ridgeline, forming a partial gable facing the street, at the same height as the ridge of the proposed dwelling at 8-10 Baliol Street. The church located directly adjacent to the subject land also has a very high and dominant gable facing the street.

Accordingly, whilst the proposed roof profile is not reflective of original (unmodified) historic dwellings in the street, the roof pitch is similar and in any event, there are a number of buildings located in close proximity to the subject land which have a roof profile incorporating a high gable element facing the street. These include the modified dwelling at 12 Baliol Street, the adjacent church and recently constructed dwellings at 1 and 1A Baliol Street.

Another inconsistency that was identified between the original proposal and the Desired Character Statement, was the facade fenestration. Whereas the Desired Character Statement seeks openings in front walls that generally repeat the proportions of traditional dwellings, the proposal incorporated an entirely glazed facade, with the exception of a feature stone chimney section. This aspect of the proposal has been amended, such that there is now a more traditional ratio of ‘solid’ to ‘void’, where vertically proportioned windows are set in a mostly solid facade.

The original proposal also did not incorporate a separate verandah element, which was inconsistent with the Desired Character Statement. The amended proposal incorporates a contemporary flat verandah across the front of the building. This modern interpretation of a traditional verandah is consistent with the passage within the Desired Character Statement which states that new dwellings should “respect the detailing of the original buildings, such as front verandahs, by utilising contemporary architectural detailing which makes reference to these key elements”.

A positive feature of the amended proposal, is the facade composition/proportions that result from creating a separate brick element for the study area. This creates a narrower proportion for the ‘main’ façade, which is reflective of the original single-fronted cottage to the south.

In relation to the mesh screen situated in front of the facade, the Council's Heritage Advisor, David Brown has advised:

"The brass mesh screen is an element that is being used to give the simple form of the main façade some depth and to emphasise the verandah element and its position forward of the rest of the house. The early materials proposed for this screen were not entirely appropriate for the location, so the brass mesh was selected as a solution that is a high quality metal that can age without the need for replacement or repair, and have some contrast to the grey of the zinc."

Mr Brown is generally supportive of the amended proposal. In the conclusion of his report on the amended proposal, Mr Brown has stated:

"With the revised proposed design, all of the areas of major concern with the flat roofed version previously submitted have been dealt with. The overall approach is still that of a cleverly designed very contemporary house, but now with some real acknowledgement of its context. While this proposed design will not be to everyone's taste, it is still a design that is aiming to produce a modern high quality infill building in a prestigious street that is still relatively intact. It is not a reproduction design of any type, it is not derivative of a typical style, but seeks to introduce a new design, while respecting its context and being simple enough that it does not visually compete with the listed properties that surround it."

From a heritage perspective the proposed new design does address all of the heritage provisions contained in the Development Plan in some way, whether it be literally or in an interpreted manner. Hence it is considered to be an appropriate infill design in this location."

A copy of Mr Brown's report on the amended proposal is contained in **Attachment C**.

Street Setback

Principle of Development Control 11 of the Residential Historic (Conservation) Zone 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.

No change has been made to the setback of the proposed dwelling, with the facade remaining 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. As such, the dwelling continues to project forward of the adjacent Contributory Item at 12 Baliol Street, contrary to Principle 11.

Due to the considerable distance (approximately 23 metres) separating the proposed dwelling from the adjacent Contributory Item at 12 Baliol Street, the proposed setback will not affect the visibility or prominence of the Contributory Item in the streetscape. Accordingly, whilst remaining a negative aspect of the proposal, the practical implications are minimal.

Rainwater Reuse

The original application included the provision of a 1000 litre rainwater tank for rainwater reuse, contrary to City Wide Principle of Development Control 161, which seeks the provision of a 2000 litre rainwater tank. The amended proposal includes a 2000 litre rainwater tank, consistent with Principle 161.

Summary

The amended dwelling design remains overtly contemporary and different in appearance to traditional dwellings in the street, despite reflecting various important design themes, as set out in the discussion section of this report. In this respect, it is considered that there is sufficient 'scope' in the policy of the College Park Policy Area and Residential Historic (Conservation) Zone, for this type of design approach. The combination of the material choice, composition/proportions of the facade and the contemporary reflection of design themes such as roof pitch, verandah and fenestration, is considered to result in a building that will sit comfortably in the streetscape, making a positive contribution to and not detracting from the contribution that historic buildings make to the character of the locality.

Accordingly, it is considered that the amended proposal is not seriously at variance with the Development Plan and is sufficiently in accordance with the Development Plan to merit 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 155/0309/15 by Grieve Gillett Dimitty Anderson Architects, 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, at 8-10 Baliol Street, College Park, 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:

- the plans and details prepared by Grieve Gillett Dimitty Anderson Architects, Job Number 14113, Drawing Numbers SK01DA, SK02.1DA, SK02.2DA, SK03DA and SK04DA, received by the Council on 14 September 2014;
- the email from Mr Tim Fenton to Mark Thomson, sent on Tuesday 15 September 2015 9:47am, specifying the type of mesh to be used for the front screen.

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.
2. All areas nominated as landscaping or garden areas on the plans, herein approved, 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.
3. All disused driveway crossover inverts shall be reinstated to kerb and gutter prior to the occupation of the dwellings, to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.

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