

# Development Assessment Panel Minutes

**19 October 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

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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 7:00pm

**PRESENT**

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

**Staff** Mr Carlos Buzzetti (General Manager, Urban Planning and Environment)  
Mr Mark Thomson (Manager, Development Assessment)  
Mr Matt Atkinson (Senior Urban Planner)  
Mr Nenad Milasinovic (Acting Senior Urban Planner)  
Ms Emily Crook (Development Officer-Planning)

**APOLOGIES** Nil

**ABSENT** Nil

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 21 SEPTEMBER 2015**

*Mr Minney moved that the minutes of the Meeting of the Development Assessment Panel, held on 21 September 2015 be taken as read and confirmed,*

*Seconded by Mr Dottore and carried.*

**2. STAFF REPORTS**

- Items to be starred (2.1, 2.2, 2.3, 2.4)

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/563/2015 – T & H LIM – 60A FOURTH AVENUE, ST PETERS

<b>DEVELOPMENT APPLICATION:</b>	155/0563/2015
<b>APPLICANT:</b>	T & H Lim
<b>SUBJECT SITE:</b>	60A Fourth Avenue, St Peters (Certificate of Title; Volume: 5185, Folio: 311)
<b>DESCRIPTION OF DEVELOPMENT:</b>	Demolition of a detached dwelling and the construction of a single storey detached dwelling with an associated swimming pool, carport, fencing and landscaping
<b>ZONE:</b>	Residential Historic (Conservation) Zone – The Avenues Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
<b>PUBLIC NOTIFICATION CATEGORY:</b>	Category 1

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of a detached dwelling and the construction of a single storey detached dwelling with an associated swimming pool, carport, fencing and landscaping.

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in the 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:	regular
Frontage width:	24.99 metres
Depth:	45.72 metres
Area:	1142.5m <sup>2</sup>
Topography:	gently sloping from the front to the rear
Existing Structures:	detached dwelling and associated outbuildings
Existing Vegetation:	two mature (non-regulated) trees and many semi-mature and juvenile trees

The subject land is a regular shaped allotment on the north-western side of Fourth Avenue. Vehicular access to the site is available from Fifth Lane at the rear of the site and an existing vehicle crossover on Fourth Avenue.

The allotment slopes from front to back, falling approximately 300mm over the 45.7 metre depth of the site, resulting in a relatively gentle gradient. A single storey detached dwelling and associated outbuildings occupies the land.

The existing dwelling is not listed as a Local Heritage Place or Contributory Item within the Development Plan. There are two (2) large mature trees on the subject land, including a large Pine tree and a Eucalypt with a trunk circumference of 1.65 metres, neither of which are regulated trees.

**Locality Attributes**

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

The subject land is surrounded by single storey detached dwellings on generous allotments.

The adjacent dwellings at 60 and 62 Fourth Avenue are listed as a Contributory Items within the Council's Development Plan.

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

**Proposal in Detail**

The Applicant seeks consent to demolish a relatively modern dwelling, to clear the land of all ancillary structures and vegetation; and to construct a single storey detached dwelling, together with a swimming pool, fencing and landscaping.

The proposed dwelling is of a traditional form with a Federation influence. The dwelling incorporates 3.6 metre floor to ceiling heights and a high (35 degree) roof pitch. The dwelling is of brick/veneer construction, with a Kanmantoo Bluestone front facade and acrylic texture rendered side and rear walls. The roof is "Colorbond Windspray" with a corrugated profile and ogee profile gutters. The front facade of the dwelling incorporates two (2) bay windows and a verandah. All of the windows within the front facade are of traditional proportions and incorporate timber frames. All other windows have commercial grade aluminium window frames.

The proposed dwelling comprises four (4) bedrooms and a study, four (4) bathrooms, a combined kitchen/family room, a formal living room, a home theatre, a kid's retreat and a separate laundry and pantry. The dwelling includes a double width garage under the main roof, with access from Fifth Lane at the rear of the site and an attached carport, which is to be accessed via an existing driveway crossover on Fourth Avenue.

A central alfresco area is proposed with direct access from the family room, adjacent to the proposed in-ground swimming pool. The Applicant has provided a landscaping plan and schedule which illustrates landscaping at the front and side of the proposed dwelling, including a range of trees, shrubs and ground covers. A large lawn area is proposed at the rear of the dwelling.

The Applicant is not proposing to alter the front fence as part of this Application. The side and rear boundary fences will be replaced with corrugated profile "Colorbond – Woodland Grey" fencing, with a low level (up to 300mm) retaining wall required at the rear of the allotment.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	1142.5m <sup>2</sup>	600m <sup>2</sup>
Allotment Width	24.99m	18m
Allotment Depth	45.72m	N/A

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
External Wall Height*	3.3m-3.6m	N/A
Maximum Overall Height (to roof apex)*	5.1m-6.1m	N/A
Floor Area (total)	574m <sup>2</sup>	N/A
Floor Area (footprint)	574m <sup>2</sup>	N/A
Site Coverage	50.2%	50% (The Avenues Policy Area PDC 6)
Private Open Space	338m <sup>2</sup> 29.6% of site area 87.6% uncovered	20% of site area 50% uncovered
Street Set-back	8.35m-9.43m (facade) 6.15m (verandah)	Consistent with the adjoining dwellings
Side Set-back	1.0m to 1.5m (dwelling) 2.2m (garage)	N/A
Rear Set-back	1.0m (dwelling) 1.5m (garage)	N/A
Car Parking Provision	3 undercover + 1 visitor	2 (one of which is covered)

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

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

#### Notification

The proposed development has been identified and processed as a Category 1 form of development. The single storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) of the *Development Regulations 2008*. The other ancillary structures such as the swimming pool, fencing and carport are all Category 1 development pursuant to Schedule 9, Part 1, 2 (d) of the *Development Regulations 2008*.

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

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

#### Land Use and Density

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

The Avenues Policy Area Desired Character Statement  
The Avenues Policy Area Objectives: 1.  
The Avenues Policy Area PDC's: 1, 2, 3, 5 & 7.

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

City Wide Objectives: 1, 2, 7, 8, 10 & 55-57.  
City Wide PDC's: 1, 2, 3 & 4.

The construction of a detached dwelling on the subject land accords with the above provisions, as it retains the existing subdivision pattern, reflects the low density nature of the locality and will not adversely impact upon the established amenity or the historic character of The Avenues Policy Area.

The proposed detached dwelling is to be constructed on an allotment of 1142.5m<sup>2</sup> with a frontage to Fourth Avenue of 24.99 metres, which accords with The Avenues Policy Area Principles of Development Control 5 and 7 (which require 600m<sup>2</sup> site area and 18m frontage respectively). Accordingly, the proposal is considered appropriate from a land use and density perspective.

Streetscape/bulk/scale/height/character

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

The Avenues Policy Area Desired Character Statement  
The Avenues Policy Area Objectives: 1.  
The Avenues Policy Area PDC's: 1, 2, 3 & 4.

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

City Wide Objectives: 18, 19 & 20.  
City Wide PDC's: 28-32, 37, 39, 41, 191 & 209-216.

The proposed dwelling is based on a replica of a Federation style dwelling, with a hipped roof, bay windows, simple verandah and vertically proportioned timber windows.

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

The proposed dwelling is single storey with an external wall height and roof pitch that complements the adjacent traditional built form. The scale of the proposed dwelling is consistent with Policy Area PDC 4 and will provide for a good fit in the context of the streetscape.

The Applicant has prepared a streetscape diagram of the proposed dwelling, which provides a good illustration of the bulk and scale of the proposed dwelling and the relationship with adjacent dwellings. The streetscape diagram is contained in **Attachment B2**.

The Application was referred to the Council's Heritage Advisor, David Brown, as the subject land is located within the Residential Historic (Conservation) Zone. A summary of Mr Brown's comments on the proposed dwelling is set out below:

- *the style of the proposed dwelling is loosely a symmetrical double bay window cottage with side additions and a Federation influenced simplified verandah;*
- *the Applicant has revised the proposed design following initial comments, to remove the front garage and replace it with an open carport, and to set the dwelling further back on the site;*

- *the verandah has been simplified and merely retains the roof form and feature entrance that are borrowed from a Federation style verandah;*
- *whilst the dwelling remains very wide across the block, the impact has been lessened with the conversion of the integrated garage to an attached carport;*
- *the bedroom wing is quite dominant, but will be off-set but dense landscaping to provide privacy for the occupants that will reduce the prominence of this portion of the dwelling;*
- *the remaining elements of the design are acceptable, including the roof sheeting, the materials and opening proportions of the front facade, the eaves height and the front setback; and*
- *overall, the proposed dwelling will be an acceptable infill design within the streetscape.*

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

The Desired Character Statement within The Avenues Policy Area states, in part:

*“Development in this Policy Area will conserve and enhance the historic streetscape character created by the regularity of the avenues and the development patterns that have formed around them. Old and new development will be combined in a way that shows an understanding of historic design patterns, avoids poor imitation and improves the overall visual amenity of streetscapes.”*

The detailing, materials and proportions of the proposed dwelling are such that it will be of a high quality and in comparison to the existing dwelling on the land, will improve the overall visual amenity of the Fourth Avenue streetscape, in accordance with the Desired Character Statement for The Avenues Policy Area.

It is considered that the proposed development accords with relevant provisions of the Development Plan that relate to bulk, scale and character. Accordingly, the proposal is considered to be acceptable from a heritage and character perspective.

#### Setbacks and Site Coverage

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

The Avenues Policy Area PDC's:	6 & 8.
RH(C)Z PDC's:	10, 11 & 12.
City Wide PDC's:	50, 204-206, 208 & 218.

The main facade of the dwelling is proposed to be set back between 8.35 metres and 9.73 metres from the Fourth Avenue property boundary. The proposed front verandah is proposed to extend to 6.15 metres from the front boundary.

The Avenues 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 adjacent double fronted Cottage at 60 Fourth Avenue is a Contributory Item and has a front setback to the primary facade of 7.6 metres from the Fourth Avenue property boundary, with a verandah extending to 5.9 metres from the front boundary. The adjacent Villa at 62 Fourth Avenue is also a Contributory Item and has a setback to the primary facade of 9.4 metres from the Fourth Avenue property boundary, with the verandah extending to 7.7 metres from the front boundary.

Given that the proposed dwelling will be sited between two (2) Contributory Items, the dwelling should be set back in line with the greater of the two adjacent building setbacks (i.e. 9.4 metres to the facade and 7.7 metres to the verandah). In this respect, the proposed front setback does not comply with The Avenues Policy Area PDC 9.



However, the dwelling has been designed such that a large portion of the front facade (the bedroom wing) aligns with the dwelling at 62 Fourth Avenue (the greater of the two (2) adjacent dwelling setbacks), and the remaining dwelling facade and verandah are set back behind the lesser of the adjacent setbacks at 60 Fourth Avenue. In this context, the proposed front setback will provide for a good fit in the context of the streetscape and is considered acceptable, despite the inconsistency with The Avenues Policy Area PDC 9.

The side setbacks of the proposed dwelling vary from 1.04 metres to 9.3 metres on the north-eastern side of the allotment and 1.15 metres to 9.0 metres on the south-western side of the allotment. At the front of the dwelling, the dwelling is set back 1.5 metres from the north-eastern side boundary and 4.7 metres from the south-western side boundary, with an attached carport extending to within 1.5 metres of the side boundary.

The proposed side setbacks provide for reasonable space around the dwelling and will maintain the general pattern of setbacks and space around dwellings that characterises the locality.

The proposed dwelling is set back 1.0 metre from Fifth Lane at the rear of the allotment. The double width garage at the rear of the dwelling is set back 1.5 metres from Fifth Lane to enable safe and convenient vehicle manoeuvring. This will be discussed in greater detail under the heading *Car-parking/access/manoeuvring* later in the report.

In terms of site coverage, The Avenues Policy Area Principle of Development Control 6 states that “*buildings should not cover more than 50 percent of the total area of the site.*” The proposed development has an overall site coverage of 50.2%.

Whilst the site coverage of the proposed dwelling is marginally higher than that prescribed within The Avenues Policy Area, the resulting site coverage includes the front verandah, carport and a large alfresco area. As such, it is unlikely that there will be any additional need for covered space in the immediate future. In any case, the variance with The Avenues Policy Area PDC 6 is considered to be negligible.

Accordingly, the setbacks and site coverage of the proposed development are considered to be acceptable.

#### Overshadowing/overlooking

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

City Wide PDC's: 11, 31, 71, 72, 195, 196, 235 & 236.

It is considered that there will not be any unreasonable overshadowing of adjacent land resulting from the construction of the proposed dwelling, due to the single storey form, the varying side setbacks of the dwelling and the orientation of the subject land.

Similarly, the subject land is relatively flat and the proposed finished floor levels are such that there will be no unreasonable overlooking of adjacent dwellings or their private open space as a result of the proposed development.

As such, the proposed development is considered to be consistent with City Wide Principle of Development Control 11, in that no unreasonable overlooking or overshadowing will result from the development.

#### Private open space

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

City Wide PDC's: 222-225, 227 & 229.

The proposed dwelling includes approximately 338m<sup>2</sup> of private open space in two (2) separate areas. The primary area of private open space has an area of 284m<sup>2</sup> and is located on the northern side of the dwelling. The primary area of private open space includes the alfresco area, the swimming pool area and a large lawned area toward the rear of the allotment. The primary area of private open space is well oriented and will have good solar access.

A secondary “kids courtyard” is located on the southern side of the dwelling and has an area of 54m<sup>2</sup>. Both areas of private open space have good links with the living areas within the dwelling.

The proposed area of private open space equates to 29.6% of the overall site area, which accords with the minimum provision of 20%, stated in City Wide Principle of Development Control 244(a). The provision of private open space is considered to be acceptable.

Car-parking/access/manoeuvring

RH(C)Z PDC's:	32.
City Wide Objectives:	34.
City Wide PDC's:	98, 101, 104, 118, 120, 181, 198 & 219.

Table NPSP/8.

Table NPSP/8 states that detached dwellings should be provided with two (2) on-site car parking spaces per dwelling, of which at least one (1) space should be covered. The proposed development will enable three (3) vehicles to be parked undercover with two (2) within a double width garage at the rear of the dwelling and one (1) within a carport adjoined to the front of the dwelling. There is adequate space for one (1) visitor vehicle to be parked within the driveway.

The provision of on-site car parking is therefore considered to be acceptable.

In terms of access, Residential Historic (Conservation) Zone PDC 32 states:

*“Vehicle access to sites should be via minor streets and/or existing crossovers where possible. Where rear lanes exist, vehicle access and garaging should be located at the rear of the allotment.”*

The primary garaging for the proposed dwelling is accessed from Fifth Lane at the rear of the site, consistent with Residential Historic (Conservation) Zone PDC 32. In addition, a secondary vehicular access point is proposed using an existing driveway crossover from Fourth Avenue to provide access to a carport adjacent to the front of the dwelling. The secondary vehicular access point will also enable a visitor to park on the subject land.

Whilst it is preferable to have all access and vehicle parking from the rear lane from a streetscape perspective (i.e. to maintain a landscaped garden setting and to reduce garage dominance), Residential Historic (Conservation) Zone PDC 32 does also anticipate the reuse of existing crossovers. In this instance, the existing dwelling on the subject land has a double width garage, while the proposed dwelling includes an open sided carport which is proposed to be set back behind the main facade of the dwelling. The provision of landscaping at the front of the dwelling is also proposed to be improved, such that the proposed carport will not detract from the anticipated garden setting within The Avenues Policy Area.

In terms of manoeuvring, the proposed garage is set back 1.5 metres from Fifth Lane at the rear of the subject land and incorporates a single (5.1m wide) panel lift door. Fifth Lane is approximately 4.2 metres wide adjacent to the subject land, resulting in a vehicle manoeuvring width of 5.7 metres.

City Wide Principle of Development Control 218 states:

*“Unless otherwise stated in the relevant Zone or Policy Area, garages and carports fronting a laneway should be set back from the laneway the distance required to provide a width of 6 metres from the opposite side of the laneway to the opening of the garage/carport, to allow for appropriate vehicular manoeuvring in and out of the garage/carport. A lesser set back may be considered in circumstances where an alternative design (such as a wider opening to the garage/carport) demonstrates safe and efficient access.”*

In this instance, staff have applied vehicle manoeuvring templates for an 85<sup>th</sup> percentile vehicle and the proposed 5.1 metre wide panel lift door will enable vehicles to enter and exit the garage in a safe and convenient manner.

Similarly, vehicle manoeuvring templates have been applied to the driveway at the front of the allotment to ensure that vehicles can access and egress the proposed carport in a safe and convenient manner. As a result, the taper of the driveway has been altered by the Applicant to enable reasonable clearance from the verandah post and the street tree.

The provision of on-site car parking, vehicle access and manoeuvring are considered to be acceptable.

Finished floor levels/flooding/retaining

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

City Wide PDC's: 53-58, 79, 164, 167-171.

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

The finished floor level of the proposed dwelling is approximately 300mm above the top of kerb level in Sixth Avenue, such that all stormwater from the dwelling will be able to drain by gravity to the street water table.

The dwelling then 'steps down' to the garage at the rear of the dwelling, such that vehicles can gain access from Fifth Lane in a safe and convenient manner. The proposed finished floor level of the garage (99.96mRL) is approximately 260mm above the level of Fifth Lane, which will provide secondary flood protection while maintaining a reasonable transition for vehicle access.

City Wide Principle of Development Control 165 states:

*"Stormwater from a site should not discharge into or onto a laneway (including a service lane), or other minor or unserviced street unless there is a defined underground piped stormwater drainage system which has sufficient capacity to receive the stormwater flows."*

Fifth Lane, at the rear of the subject land, does not have any stormwater infrastructure. As such, all stormwater must be disposed of directly to the Fourth Avenue street water table. Given the topography of the site, this can generally occur via gravity. To avoid doubt, if the Panel determines to approve the application, it is recommended that a condition be imposed to ensure that all stormwater is discharge to the Fourth Avenue water table and not on the surface of Fifth Lane.

The rear yard is proposed to be benched at 100.00mRL, which ranges between 100mm lower and 300mm higher than the existing natural ground level in that location. As such, only minimal retaining (up to 300mm) will be required adjacent to Fifth Lane. The Applicant proposes to replace the existing side and rear fencing with 1.8 metre high corrugated "Colorbond – Woodland Grey" fencing.

The combined height of fencing and retaining walls will not exceed 2.1 metres in any location, consistent with City Wide PDC 58 which prescribes that the combined height of a retaining wall and fence should not exceed 2.4 metres.

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's: 36 & 37.  
City Wide Objectives: 24, 98, 117, 118 & 119.  
City Wide PDC's: 220, 221, 396, 398- 400.

There are several mature trees on the subject land which are proposed to be cleared to make way for the proposed development, including a large Pine Tree with a trunk circumference of 2.1 metres and a large Eucalypt with a trunk circumference of 1.65 metres. Both of these trees make a contribution to the character of the locality. However, neither of these trees are regulated trees, as defined in the Development Regulations, and can be removed as of right.

There are also many other semi-mature trees on the subject land that are proposed to be removed, including several Palm trees. These trees do not make any contribution to the character of the locality in their own right, but do assist in making a contribution collectively in terms of providing a landscaped garden setting.

It is also noted that a very large regulated Pine Tree is located on the adjacent land at 60 Fourth Avenue, adjacent to Fifth Lane at the rear of the allotment. The proposed development is not expected to have an adverse impact on the health of the adjacent Pine Tree, as the garage of the proposed dwelling is located within the footprint of an existing large Shed with a concrete footing.

In terms of landscaping, the Applicant has provided a detailed landscaping plan and schedule, which identifies a range of small trees, shrubs and ground covers. The proposed landscaping will enhance the garden setting of the proposed dwelling, which is a characteristic of the locality. A copy of the landscaping plan and schedule is contained in **Attachment B**.

The landscaping plan includes small to medium tree species including Prunus, Manchurian Pear and Weeping Mulberry; plants and shrubs including Murrayas (a hedge plant for privacy of the bedroom), Nandinas, Convolvulus and Dietes; and a range of ground covers and lawn.

The establishment of the landscaping plan will help to off-set the loss of the mature (non-regulated) trees from the site. Overall, the provision of landscaping is considered to be acceptable and will complement the dwelling and other gardens within the locality.

#### Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDC's:	67-72, 147, 148, 151 & 159.

The proposed dwelling is well orientated on the subject land so as to provide solar access to the main living areas and the northern private open space area.

No windows are proposed in the north-west facing rear elevation. The Applicant has provided shade to the north-east side facing living room windows/openings by including an alfresco area under the main roof, which will minimise direct sunlight (i.e. heat loading) to the internal living areas. This is considered to be a positive and practical design approach with regard to reducing the need for artificial cooling during the summer months within the proposed dwelling.

The Applicant has proposed a 1000 litre rain water tank, which is to be plumbed back to the dwelling for reuse, in accordance with the minimum requirement of the Building Code of Australia (BCA).

City Wide Principle of Development Control 161 states that new dwellings should be provided with a 2000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. As such, if the Panel determines to approve the development, it is recommended that a condition be imposed requiring the Applicant to install a rainwater tank with a minimum capacity of 2000 litres.

It is also recommended that a condition be imposed to ensure that the filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 45db(a), when measured at adjoining property boundaries (i.e. to accord with the relevant Environment Protection Act requirement).

#### **Summary**

The proposed development is consistent with the land use provisions contained within the Residential Historic (Conservation) Zone and The Avenues Policy Area.

The general architectural design of the proposed dwelling is considered to be acceptable and will complement the traditional building stock within the locality, from a streetscape perspective. The environmental aspects of the dwelling design, including shading of north-facing windows and minimal north-west facing windows, are positive aspects of the development.

The proposed built form will not result in any unreasonable impacts such as compromised visual outlook for adjoining occupiers, nor shadowing of adjoining land. The proposed setbacks, the provision of private open space and the overall site coverage are considered to be acceptable.

On balance, the proposed dwelling will fit comfortably into the existing streetscape, will not compromise the rhythm of front setbacks in the locality and will not unreasonably impact on adjacent residential properties.

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 155/0563/15 by T & H Lim, to demolish a detached dwelling and associated outbuildings; and to construct a single storey detached dwelling with an associated swimming pool, carport, fencing and landscaping, on the land located at 60A Fourth Avenue, St Peters, 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, elevations and details prepared by Abela Design & Drafting, Project No. 1254-05-15 (amended 30 September 2015), received by the Council on 30 September 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 Fourth Avenue kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged to Fifth Lane at the rear of the site.
2. The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
3. 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 licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

Mr Smith moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/0563/15 by T & H Lim, to demolish a detached dwelling and associated outbuildings; and to construct a single storey detached dwelling with an associated swimming pool, carport, fencing and landscaping, on the land located at 60A Fourth Avenue, St Peters, 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, elevations and details prepared by Abela Design & Drafting, Project No. 1254-05-15 (amended 30 September 2015), received by the Council on 30 September 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 Fourth Avenue kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged to Fifth Lane at the rear of the site.
2. The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
3. 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 licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

*Seconded by Mr Dottore and carried.*



## 2. STAFF REPORTS

### 2.2 DEVELOPMENT APPLICATION 155/632/2015 – PROSKE ARCHITECTS – 48 THIRD AVENUE, ST PETERS

<b>DEVELOPMENT APPLICATION:</b>	<b>155/632/2015</b>
<b>APPLICANT:</b>	<b>Proske Architects</b>
<b>SUBJECT SITE:</b>	<b>48 Third Avenue, St Peters (Certificate of Title Volume: 5790 Folio: 816)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Demolition of an existing dwelling and construction of a single storey detached dwelling with associated landscaping and fencing</b>
<b>ZONE:</b>	<b>Residential Historic (Conservation) Zone Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of an existing dwelling and construction of a single storey detached dwelling with associated landscaping and fencing.

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:	regular
Frontage width:	22.86 metres
Depth:	45.72 metres
Area:	1045.15 m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	dwelling and swimming pool
Existing Vegetation:	mature trees

The subject land is relatively flat and contains a 1920s bungalow, a swimming pool and established trees.

#### **Locality Attributes**

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

The locality is predominately residential however East Adelaide Primary School is located across the road on the south eastern side of Third Avenue. Residential development within the locality is entirely detached dwellings of varying styles, most of which are single storey.

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

### Proposal in Detail

The Applicant seeks consent to demolish an existing detached dwelling and construct a single storey detached dwelling with associated landscaping and side and rear fencing.

The dwelling has been designed as a simple hipped roof building with deep set windows and a horizontal verandah element that runs across the front of the building below the roof element over the windows. The dwelling uses materials common within the area including colorbond corrugated iron in 'Wallaby' colour, render in 'Oppulence' colour, painted timber window frames on the front of the dwelling and timber battens. The proposed front fence incorporates timber pickets and masonry pillars.

The dwelling has a 'U' shape design and contains four (4) bedrooms (the master contains an ensuite and walk-in-robe), a combined living/dining/kitchen, second living/study room, bathroom, separate toilet, laundry, carport attached to the dwelling and an undercover terrace.

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	1045.15m <sup>2</sup>	600m <sup>2</sup> (The Avenues PDC 5)
Allotment Width	22.86m	18m (The Avenues PDC 7)
Allotment Depth	45.72m	N/A
External Wall Height*	3.7m	N/A
Maximum Overall Height (to roof apex)*	6.28m	N/A
Floor Area (including carport and terrace)	337m <sup>2</sup>	N/A
Site Coverage	32.2%	50% (The Avenues PDC 6)
Private Open Space	437.8m <sup>2</sup> 41% of site area 90% uncovered	20% site area (City Wide PDC 225)
Street Set-back	9.5m	N/A
Side Set-back	1.5 -2.25m Nil to carport	N/A
Rear Set-back	10.00m	N/A
Car Parking Provision	1 undercover & 2 visitor	2 (1 undercover) 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:

The Avenues Policy Area Objectives: 1  
The Avenues Policy Desired Character Statement  
The Avenues Policy Principles of Development Control: 1, 3, 7, 8

Residential Historic (Conservation) Zone Objectives: 4, 6  
Residential Historic (Conservation) Zone Desired Character Statement  
Residential Historic (Conservation) Zone Principles of Development Control:

City Wide Objectives: 1, 2, 5, 7, 55, 56  
City Wide Principles of Development Control: 1, 2, 3, 4

Principles of Development Control 2 and 3 of The Avenues 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 Avenues Policy Area, with a more sympathetic style of development.”*

The proposal is for a detached dwelling, consistent with Principle of Development Control 2. The existing dwelling on the property is not a State or Local Heritage Place, is not a Contributory Item and is not considered to contribute to the desired character of the area. As such, the demolition of this dwelling and the construction of a replacement dwelling is consistent with Principle of Development Control 3.

As the proposal is for a single dwelling on an existing allotment, there will be no increase in density resulting from the development.

### streetscape/bulk/scale/height/character

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

The Avenues Policy Area Objectives: 1  
The Avenues Policy Area Desired Character Statement  
The Avenues 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: 8, 18, 19, 55  
City Wide Principles of Development Control: 28-33, 181, 198, 209

The Avenues Policy Area Desired Character statement states, in part:

*“New dwellings will reflect the scale of the existing dwellings and will maintain similar roof profiles as well as respect the detailing of the original buildings. Dwellings will maintain a setback from the boundary of roads 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 will be applied). Any new dwellings will include verandahs on the primary frontage of the building.”*

As the dwelling is located within the Residential Historic (Conservation) Zone 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 design has adopted a conservative approach to a new house in an Historic Conservation Zone with minimal applied detail, which is considered to result in a design which complements, without competing with, surrounding character homes. Originally the dwelling design incorporated lower ceiling heights and a lower roof pitch, however these aspects of the dwelling have been amended to provide a scale and form which is more consistent with surrounding homes, albeit that the roof pitch remains lower than that of the roof of the adjacent Contributory Item. The dwelling is single storey, consistent with The Avenues Policy Area Principle of Development Control 4.

The dwelling is proposed with a single width carport to be accessed from the front of the property, via an existing crossover. Residential Historic Conservation Zone Principle of Development Control 32 states:

*“Vehicle access to sites should be via minor streets and/or existing crossovers where possible. Where rear lanes exist, vehicle access and garaging should be located at the rear of the allotment.”*

The dwelling is not proposed with rear lane vehicle access which is inconsistent with the above policy. In this instance, the inconsistency with Principle 32 is not considered to be fatal to the Application, as the proposed carport does not dominate the appearance of the dwelling and there is an opportunity for future garaging to be provided at the rear of the property, should the current or future owners wish to do so. Other dwellings within the street have vehicle access and carports from Third Avenue including those at numbers 40, 42, 46, 50 and 54.

The proposed carport is akin to those associated with existing dwellings in the locality, in that it is well set back from the front of the dwelling, occupies 13% of the site frontage, has a simple flat roof design and the remainder of the front yard is well landscaped to offset the hard paved driveway. As such, the proposed carport with access from Third Avenue is considered to be consistent with Residential Historic Conservation Zone Principle of Development Control 31 which seeks carports which are designed to not visually dominate the streetscape.

The Avenues Principle of Development Control 9 states, in part:

*“Fencing along the front street boundary... should maintain the scale of existing historic development and should:*

- (a) not detract from the character or restrict the visibility of the building;*
- (b) not exceed 1.2 metres in height if masonry or a maximum of 1.5 metres in height if wrought iron, brush, timber and or wire or woven mesh, with masonry pillars able to be constructed up to a height of 2 metres;...”*

The proposed front fence consists of timber pickets, masonry pillars and a small portion of solid masonry. The fence is generally 1.5 metres high, however as illustrated on **Attachment B2**, a small portion of the fence is up to 1.6 metres high to accommodate the fall of the land and maintaining a consistent height for each half of the fence. The use of pickets up to 1.6 metres high is considered to be a minor departure from the above provision while the use of solid masonry up to 1.55 metres compared to the 1.2 metres high anticipated is a more substantial variation. That said, as the portion of solid fencing comprises a small (1 metre wide) section of the fence only, the proposed fence is not considered to have a detrimental impact within the streetscape.

'Good Neighbour' Colorbond custom orb fencing in a 'Wallaby' finish is proposed to the side and rear boundaries ranging in height from 2.1 metres at the rear, 1.8 metres on the side boundaries behind the face of the dwelling and 1.5 metres between the front of the dwelling and the front boundary. A small 1.95 metre high privacy wall is also proposed on the north eastern boundary adjacent the drying court.

#### Setbacks and Site Coverage

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

The Avenues Policy Area Principles of Development Control: 6, 8

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

City Wide Principles of Development Control: 50, 204, 207

The dwelling at 50 Third Avenue is a Contributory Item and is set back from the street eight (8) metres from the main facade (excluding the bay window). The dwelling at 46 Third Avenue, which is not identified as a Contributory Item, is set back from the street twelve (12) metres to the main facade. The proposed dwelling is set back 9.55 metres to the front verandah element and 10.5 metres to the main building face. The proposed setback is considered to provide a suitable transition between the adjacent buildings and is consistent with The Avenues Principle of Development Control 8 as the dwelling is not forward of the adjacent Contributory Item.

The proposed dwelling has side setbacks of 1.5 metres to 2.2 metres however the carport is proposed on the boundary. Although boundary development is not typical within the Residential Historic Conservation Zone, many carports are located on or close to the boundary and due to the simple roof form and open nature of the proposed carport, the dwelling is still considered to have the appearance of space on both sides of the dwelling which is consistent with surrounding dwellings.

The side setbacks are also considered to provide adequate visual separation from the occupants of adjacent properties given the wall heights. The extent of boundary development is not considered to have an unreasonable visual impact on the occupants of 50 Third Avenue as it is adjacent to a driveway. The rear setback provides sufficient private open space and maintains an adequate visual outlook from adjacent properties.

The site coverage resulting from the development is 33% which is well below the 50% anticipated by The Avenues Policy Area Principle of Development Control 6 and allows further opportunity for the construction of a garage with rear lane access, garden storage sheds and similar structures.

#### Overshadowing/overlooking

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

City Wide Principles of Development Control: 194 - 196

As the property is single storey with an appropriate finished floor level relative to natural ground level, the dwelling is unlikely to lead to any overlooking or overshadowing of adjacent properties.

Private open space

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

City Wide Principles of Development Control: 222-225, 229

The proposed dwelling is provided with 41% of the site area as private open space including an undercover terrace for year-round use, swimming pool and a large lawn area at the rear. The private open space area has good links to internal living areas and good access to northern light. Other areas on the property are able to accommodate clothes drying, rainwater tank and bin storage to avoid the need for these activities to occur within the designated private open space. The extent of private open space area is considered to be a positive aspect of the development and is consistent with Principles of Development Control 222-225 and 229.

Carparking/access/manoeuvring

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

Residential Historic Conservation Zone Principle of Development Control: 32.

City Wide Objectives: 34.

City Wide PDC's: 101, 113, 118, 212

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 one (1) undercover car park and two (2) visitor parks in the driveway. The internal dimensions of the carport are consistent with Principle of Development Control 212.

The development proposes to use the existing crossover. 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, 58, 164

The subject land is not within a recognised flood plain.

The subject land is relatively flat with a maximum fall of 350mm from front to rear over the 45.7 metre depth of the site. The proposed finished floor level will range between nil to 290mm above relative natural ground level and 160 to 300mm 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. As there is no stormwater infrastructure in Fourth Lane, all stormwater will need to be directed to the Third Avenue 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, 98

City Wide PDC's: 73, 74, 75, 220, 221

The subject land does not contain any regulated trees however the Applicant has proposed to retain two established trees.

The adjacent street tree is sufficiently separated from the proposed fencing and dwelling so that it won't be adversely affected.

The Applicant has proposed landscaping in the front and rear yards, along the side and rear boundaries and within the central courtyard. The species proposed to be used include trees, hedges and lawn area. The proposed landscaping is considered to complement the development and the locality and is considered to be consistent with City Wide Objective 24 which anticipates development enhanced with appropriate landscaping.

### 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, 159, 161

The proposed dwelling has been designed to provide good levels of access to natural light throughout the dwelling. Eaves will provide some shading to all windows and the eaves are up to 750mm wide on the north western side of the house. The undercover terrace will also provide shading to the south western living/dining windows.

The dwelling is proposed with a 2000 litre rainwater tank consistent with PDC 159 and the large areas of permeable area will help to reduce hard surface run off.

### **Summary**

The proposed single 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 siting, style and materials of the dwelling is considered to complement, without competing with, surrounding character homes.

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 roof pitch and overall dwelling height is lower than the adjacent Contributory Item which is considered a negative aspect of the development. The front fence has elements which are not anticipated within The Avenues Policy Area however these departures are not considered to result in an unreasonable streetscape impact.

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 155/632/2015 by Proske Architects to demolish the existing dwelling and construct a single storey detached dwelling with associated landscaping and fencing on the land located at 48 Third Avenue St Peters 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 and floor plan and elevations prepared by Proske Architects, Plan No's. 15-007.PL02.H, 15-007.PL03.F, 15-007.PL04.F, received by the Council 6 October 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 Third Avenue kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged to Fourth Lane at the rear of the site.
2. 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.
3. 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.
4. The associated filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

#### Notes to Applicant

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



Mr Donaldson moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/632/2015 by Proske Architects to demolish the existing dwelling and construct a single storey detached dwelling with associated landscaping and fencing on the land located at 48 Third Avenue St Peters 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 and floor plan and elevations prepared by Proske Architects, Plan No's. 15-007.PL02.H, 15-007.PL03.F, 15-007.PL04.F, received by the Council 6 October 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 Third Avenue kerb & water table or a Council underground pipe drainage system. No stormwater shall be discharged to Fourth Lane at the rear of the site.
2. 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.
3. 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.
4. The associated filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

Notes to Applicant

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

*noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*

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

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

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

*Seconded by Ms Newman and carried.*

## 2. STAFF REPORTS

### 2.3 DEVELOPMENT APPLICATION 155/586/2015 – MR G VOLLEBREGT – 17 ASHBROOK AVENUE, PAYNEHAM

<b>DEVELOPMENT APPLICATION:</b>	<b>155/586/2015</b>
<b>APPLICANT:</b>	<b>Mr G Vollebregt</b>
<b>SUBJECT SITE:</b>	<b>17 Ashbrook Avenue, Payneham (Certificate of Title Volume: 6110 Folio: 383)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Conversion and change of use from a detached dwelling to two dwellings within a residential flat building</b>
<b>ZONE:</b>	<b>Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on a retrospective Development Application comprising the conversion and change of use from a detached dwelling to two dwellings within a residential flat building.

Staff do not have delegated authority to determine the Application, as the dwellings comprise site areas that do not meet the criteria set out in the Development Plan. In particular, the dwellings result in site areas less than the smallest site area for a dwelling within the Residential Zone, that is a 250m<sup>2</sup> minimum site area average for a dwelling within a residential flat building.

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

#### **Background**

At its meeting held on 19 November 2012, the Panel granted Development Plan Consent for Development Application Number 155/633/12, which involved the construction of a two-storey detached dwelling (upper floor within the roof space) to the rear of the existing dwelling at 17 Ashbrook Avenue, Payneham South.

Subsequent to this, a land division Application (Development Application Number 155/C/048/12), comprising the creation of one additional allotment, was approved on 22 June 2013. The Land Division Application created an allotment to accommodate the dwelling which was approved via Development Application Number 155/633/12 and a newly configured allotment to accommodate the existing dwelling at 17 Ashbrook Avenue. A two-storey dwelling (upper level in the roof space) has subsequently been constructed on the land now known as 9 Ruby Street, Payneham.

Also subsequent to Development Plan Consent being granted for DA 155/633/12, Development Application Number 155/357/13 was lodged seeking to vary the original Application by primarily converting the verandah in association with the existing dwelling at 17 Ashbrook Avenue (located adjacent to the “lounge/dining” area of the southern dwelling) to a carport and modifying the existing fence (adjacent Ruby Street) in order to enable vehicular access. Development Application 155/357/13 was approved on 16 August 2013.

In June 2015, the Council’s Planning staff became aware that the original dwelling on the land at 17 Ashbrook Avenue had been modified to create two (2) separate dwellings without Development Approval having been sought and obtained. The Applicant/Owner subsequently lodged a retrospective Application with the Council, in an attempt to regularise the current breach of the Development Act. That Application (Development Application Number 155/586/15) is the subject of this report.

### Subject Land Attributes

Shape:	regular
Frontage width:	15.24 metres (including the corner cut-off)
Depth:	28.88 metres
Area:	468.60m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	single-storey detached dwelling, two attached carports and masonry and slatted timber fencing (ie. spanning across Ashbrook Avenue frontage and a portion of the Ruby Street frontage)
Existing Vegetation:	established landscaping – no Regulated trees

### Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	predominantly single-storey with several examples of two-storey infill development
Streetscape amenity:	moderate

The locality is characterised by predominantly single-storey conventional hipped roof dwellings that have been constructed during the 1950's and 1960's. Several examples, both single and two-storey construction, of infill development from the 1980's onwards are evident in the area.

The western side of Ashbrook Avenue is characterised by predominantly detached dwellings whereas the eastern side of Ashbrook Avenue is characterised by a combination of residential flat buildings and detached dwellings.

The immediate locality of the subject land (ie. western side of Ashbrook Avenue and Ruby Street) contains predominately detached dwellings on sites ranging from 304m<sup>2</sup> to 754m<sup>2</sup>. More specifically, allotments that front onto the western side of Ashbrook Avenue and both sides of Ruby Street within the locality have an average area of 583m<sup>2</sup>. The existing average allotment frontage widths along the western side Ashbrook Avenue and Ruby Street, are approximately 17.4 meters and 17.8 metres respectively.

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

### Proposal in Detail

The Applicant seeks retrospective consent to convert an existing single-storey detached dwelling into two dwellings, within a residential flat building.

The internal area of the existing detached dwelling has been modified so that the former family area (located adjacent to the Ruby Street frontage) is now isolated from the remainder of the dwelling and comprises a living area/dining area/kitchen, bathroom and a bedroom. The remainder of the building remains unchanged and comprises the other dwelling. The delineation between the dwellings is depicted in **Attachment B14**.

Each dwelling has its own separated private open space yard areas contained within the former front yard area, each with separate entrance gates and letter boxes. Each dwelling is provided within one (1) covered car parking space.

Schedule 1 of the Development Regulations 2008 contains the following definitions:

**dwelling** means a building or part of a building used as a self-contained residence

**semi-detached dwelling** means a dwelling—

- (a) occupying a site that is held exclusively with that dwelling and has a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current planning authorisation; and
- (b) comprising 1 of 2 dwellings erected side by side, joined together and forming, by themselves, a single building

**residential flat building** means a single building in which there are 2 or more dwellings, but does not include a semi-detached dwelling, a row dwelling or a group dwelling

Recent legal authorities suggest that it is not appropriate to describe a dwelling as a semi-detached dwelling in a situation where individual allotments have not been created to provide exclusively held sites for each of the dwellings. There is also some doubt as to whether the manner in which the two dwellings have been created accords with the part of the definition of a semi-detached dwelling which states “erected side by side, joined together”, since they were not in fact erected side by side, but rather have been created through the modification of an existing building.

On the other hand, the definition of a residential flat building appears to appropriately describe the subject development, as two dwellings (ie. self-contained residences) exist within one building.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area</b>	354.6m <sup>2</sup>	114.1m <sup>2</sup>	250m <sup>2</sup> average (exclusive of common areas)
<b>Average Site Area</b>	234.4m <sup>2</sup>		
<b>Allotment Width</b>	13.2m	5.1m	N/A
<b>Total Site Frontage</b>		18.29m	18m
<b>Allotment Depth</b>	25.9m	22.9m	N/A
<b>External Wall Height*</b>	Unchanged	Unchanged	N/A
<b>Maximum Overall Height (to roof apex)*</b>	Unchanged	Unchanged	N/A
<b>Floor Area</b>	199.3m <sup>2</sup>	55.2m <sup>2</sup>	N/A
<b>Floor Area (footprint)</b>	199.3m <sup>2</sup>	55.2m <sup>2</sup>	N/A
<b>Site Coverage</b>	56%	48%	N/A
<b>Private Open Space</b>	161.9m <sup>2</sup> 46% of site area 85% uncovered	59m <sup>2</sup> 52% of site area 100% uncovered	N/A
<b>Street Set-back</b>	Unchanged	Unchanged	N/A
<b>Side Set-back</b>	Unchanged	Unchanged	N/A
<b>Rear Set-back</b>	Unchanged	Unchanged	N/A
<b>Car Parking Provision</b>	1 undercover existing	1 undercover existing	<u>Dwelling 1</u> - 2 (1 covered) spaces per dwelling (up to 3 bedrooms) and <u>Dwelling 2</u> – 1 covered space per 1 bedroom dwelling  Plus 1 visitor space per every 2 dwellings

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

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

### Land Use and Density

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

Residential Zone Objectives:	1, 2 & 3
Residential Zone PDC's:	1, 6 & 7
City Wide Objectives:	15, 18 & 56
City Wide PDC's:	1, 21, 24 & 28

The Desired Character Statement for the Residential Zone states:

*'the zone will provide opportunities for a range of low-scale infill development to support population growth and provide a diverse range of housing, including affordable housing.'*

Principle of Development Control 1 of the Residential Zone lists "dwelling" as an appropriate land use within the zone.

Principle of Development Control 7 of the Residential Zone states that an average site area of 250m<sup>2</sup> should be provided for dwellings within a residential flat building, with a total site frontage of 18 metres.

The proposal fails to meet the average site area requirement for dwellings within a residential flat building (ie. the proposal results in an average site area of 234.4m<sup>2</sup>) however accords with the minimum overall site frontage requirement of 18m, with an 18.29m frontage to Ashbrook Avenue.

Despite the minimal shortfall in average site area per dwelling (a 6% shortfall), the proposed land use and density is generally consistent with the Residential Zone.

### Setbacks and Site Coverage

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

Residential Zone PDC's:	8
City Wide PDC's:	204, 206 & 207

As no new buildings are proposed, the proposal will not result in any changes to the existing street setbacks or site coverage.

Private open space/fencing/levels

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

City Wide PDC's: 222, 223, 224, 225 & 229.

City Wide Principle of Development Control 241 states:

*“Private open space (land available for the exclusive use of residents of each dwelling) may comprise of the following forms, or a combination of the following forms of open space, provided the total area of private open space for each dwelling is in accordance with the requirements for that type of dwelling (which are specified in other Principles of Development Control):*

- (a) *a ground level courtyard, garden, yard, decking or patio space, or other private open space that:*
  - (i) *is screened to achieve privacy from adjoining properties and public areas by a suitable fence of at least 1.8 metres in height. The space should not be located between the primary street frontage and the main face of an existing or proposed building unless high, solid front fences form part of the existing streetscape and the desired character of the relevant Policy Area; and*
  - (ii) *has a minimum dimension of 2.5 metres and a minimum area of 10 square metres;*
- (b) *a roof top outdoor private open space, with a minimum dimension of 2.5 metres provided the area is equal to or greater than 10 square metres; or*
- (c) *a balcony, terrace, or other upper level outdoor areas (other than a roof top outdoor area), with a minimum dimension of 2 metres, provided the area of each is equal to or greater than 8 square metres.*

As part of Development Application Number 155/633/12, private open space for the existing dwelling comprised the rear yard area as well a portion of the side yard area (ie. 33.1m<sup>2</sup>) adjacent to the Ruby Street frontage. Since then, the owner has modified the existing low masonry front and side (portion of) fence by increasing the height to 1.8 metres by increasing the pillar heights and installing horizontal timber slats. As such, the front yard area has become useable private open space and is adequately screened from Ashbrook Avenue and Ruby Street, as well as internally, due to existing external 1.8 high masonry and timber slatted fencing and internal 1.8 metre high colorbond fencing.

In terms of the existing situation, the existing private open space areas for both dwellings achieve the quantitative size requirements for private open space, as set out in City Wide Principle of Development Control 244. More particularly, the larger dwelling site has a private open space area in excess of 20% of the site area (being 46%) and the smaller dwelling site has a private open space area in excess of 35m<sup>2</sup>, which is the minimum amount required for a site area of less than 250m<sup>2</sup>.

Overshadowing/overlooking

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

City Wide PDC's: 194 - 196

Given that the subject land is bounded by public roads to the east and south, and that no new building work is proposed, the proposal will not result in any shadowing nor will it result in loss of visual privacy for the directly adjacent occupiers to the west and north.

Trees (significant, mature & street) and landscaping/levels/bin storage

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  
City Wide PDC's: 73, 74, 75, 208, 220 & 221

The front yard areas of both dwellings incorporate existing landscaping in the form of shrubs and plants as well as mature medium-sized trees along with lawned areas, all of which are primarily located around the perimeter of the front yard areas. The existing landscaping is considered to complement the private open space areas and outdoor living amenity of each dwelling which is consistent with City Wide Objective 24 which anticipates development enhanced with appropriate landscaping.

As no new building work is proposed, the proposal will not result in any changes to the existing floor, paving and/or ground levels.

In terms of storing three individual waste bins for each dwelling, this can occur within the rear yard area of the northern dwelling and adjacent to the carport/lawn area of the southern dwelling. As such, this aspect of the proposal accords City Wide Principle of Development Control 208(g) which requires that sufficient space is provided for the convenient storage of household waste and recycling receptacles.

#### Car parking/access/manoeuvring

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

Table NPSP/8	
City Wide Objectives	34
City Wide PDC's:	101, 113, 118 & 212

Two existing and approved carports provide two undercover car parking spaces – ie. one space for each self-contained dwelling. As both carports are situated directly adjacent the Ruby Street property boundary, there is no opportunity to accommodate visitor car parking on the site.

Applying the car parking rates specified in Table NPSP/8, the northern dwelling (comprising three bedrooms) would require a car parking rate of two (one of which is covered) spaces whereas the southern dwelling (comprising one bedroom) would require one covered space. In addition to this, one on-site shared visitor space would also need to be provided for the two dwellings.

As such, the on-site car parking provision represents a shortfall of two on-site car parking spaces, which is a shortcoming of the Application. Notwithstanding this, there is capacity adjacent the subject land and generally in the immediate locality for visitors to park off-site without undermining the overall parking capacity within the surrounding street network.

#### Other matters

In the event that the Panel determine to approve the Application, the proposal would require modifications to the existing building in order to satisfy Building Code of Australia requirements as part of any future Building Rules Consent assessment. In particular, the following aspects will need to be addressed:

- as the existing carport attached to the western elevation of the building is associated with the northern dwelling, the two bedroom windows on the western elevation of the southern dwelling will need to be fire-rated as the carport is a fire-source feature pursuant to the Building Code. In terms of overcoming this issue, a practical solution would be to convert the two bedroom windows to glass blocks. Whilst glass blocks would enable access to natural light, they however preclude ventilation to occur. With this in mind, a likely solution would be to install a vented sky light that would enable this habitable room to conform to the Building Code of Australia requirements.
- the roof cavity area between the two dwellings must achieve fire separation requirements and compliance with the Building Code in that each dwelling must be protected in the event of a fire and the containment of a fire spreading.

It is anticipated that these issues can be satisfactorily addressed and overcome as part of documentation submitted and assessed through the Building Rules Consent Assessment process.



## Summary

The Residential Zone anticipates a range of dwelling types and increased dwelling densities within the zone.

The proposed site areas for each dwelling are less than the average areas specified in Principle of Development Control 7 of the Residential Zone. However, the existing configuration demonstrates that the subject land is capable of accommodating two dwellings, within the existing built form, without having significant adverse impacts on existing levels of residential amenity. In terms of the residential character of the dwellings within the residential flat buildings located on the eastern side of Ashbrook Avenue within the locality, a number have average site areas less than 234.4m<sup>2</sup>, providing further justification for the proposed density.

The two dwellings provide an alternative form of housing choice which is consistent with Residential Zone Objective 1.

It is acknowledged that the proposed allotment for the southern dwelling is unusual, in the context of the prevailing allotment pattern within the locality, particularly with its compact configuration. Also the southern dwelling results in a compromised access to natural light. The proposal results in an overall car parking shortfall of two spaces. That said, given the small scale nature of the southern dwelling, it is not anticipated to be occupied by more than two occupiers at any one time which in turn would minimise the demand for car parking.

Notwithstanding these shortcomings, the negatives aspects of the proposal are not major enough to warrant refusal.

In the event the Panel determine to approve this Application and a subsequent Land Division Application was lodged to divide the dwellings (ie. in their current configuration) onto individual allotments, then the merits or otherwise of such an Application would need to be considered at that time. No land division proposal forms part of this Application. That said, it is acknowledged that an Application to divide the land may well be problematic, particularly given the narrow dimensions of the land area associated with the southern dwelling.

Overall and on balance, 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 155/586/15 by Mr G Vollebregt to undertake conversion and change of use from a detached dwelling to two dwellings within a residential flat building, on the land located at 17 Ashbrook Avenue, Payneham, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- plans and elevation (Project Number VBD.047) prepared by Verrocchi Building Design and received by the Council on 26 August 2015.

### Conditions

1. All plants within the existing landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

1. The 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](http://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.

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

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*Mr Matthew King (on behalf of the Applicant) and Mr Glen Vollebregt addressed the Panel from 7:23pm until 7:23pm.*

*Mr Minney moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/586/15 by Mr G Vollebregt to undertake conversion and change of use from a detached dwelling to two dwellings within a residential flat building, on the land located at 17 Ashbrook Avenue, Payneham, for the following reasons:*

1. *The development results in a poor level of residential amenity for the occupants of the smaller dwelling contrary to City Wide Objective 55, which encourages safe, pleasant, convenient, and healthy-living environments, due to:  
noise impacts and a reduced level of privacy resulting from the adjacency of the carport serving the larger dwelling to the bedroom of the smaller dwelling; and  
the inability of the private open space of the smaller dwelling to be accessed directly from the internal living areas of the dwelling, due to the location of the car parking space for the dwelling, which in turn is contrary to City Wide Principle of Development Control 224(a).*
2. *The development does not result in off-street vehicle parking in accordance with rates contained in Table NPSP/8, contrary to City Wide Principle of Development Control 120.*

*Seconded by Mr Duke and carried.*

## 2. STAFF REPORTS

### 2.4 DEVELOPMENT APPLICATION 155/575/2015 – LAND/17 RIVER STREET, MARDEN

<b>DEVELOPMENT APPLICATION:</b>	<b>155/575/2015</b>
<b>APPLICANT:</b>	<b>Marden (No 5) Trust Pty Ltd</b>
<b>SUBJECT LAND:</b>	<b>LAND/17 River Street, Marden</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a three-storey residential flat buildings, containing 42 dwellings, together with car parking and landscaping</b>
<b>ZONE:</b>	<b>Residential Zone, Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a three-storey residential flat buildings, containing 42 dwellings, together with car parking and landscaping.

Staff do not have delegated authority to determine the Application, as it is for the construction of more than two (2) dwellings. As such, the Application is referred to the Panel for determination.

#### **Subject Site Attributes**

Shape:	irregular and non-contiguous
Frontage width:	45m (to Arabella Court)
Depth:	52.4m
Area:	2467m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	Nil
Existing Vegetation:	Nil

The subject land is a 2.1ha parcel of land, formerly owned and operated by the South Australian Housing Trust. Prior to the demolition of all buildings on the land in 2012, it was occupied by medium density single storey group dwellings with vehicular access to the land provided via two driveways off River Street, each leading to communal car parking areas within the land.

In May 2014, the Development Assessment Panel considered and approved a Development Application by Marden (No.2) Pty Ltd for a Torrens Title land division, to divide the 2.1ha land into 44 allotments. A copy of the approved land division is contained in **Attachment A**. Two of the 44 approved allotments (Allotments 401 and 402) comprise the site for the subject Development Application. As Allotments 401 and 402 have not yet been deposited, the overall 2.1 ha parcel remain referred to as the subject land, while Allotments 401 and 402 are jointly referred to as the subject site.

The subject site is located approximately 75 metres back from River Street, on the southern side of the subject land, between Arabella Court and the neighbouring land to the south. The site is non-contiguous, as Allotments 401 and 402 are separated by a private roadway. There are no regulated trees located on the site. The land is essentially flat in topography.

**Locality Attributes**

Land uses: entirely residential  
 Streetscape amenity moderate

Beyond the rear boundary of the subject land, the topography steeply falls down to the River Torrens, which is located approximately sixty (60) metres to the west of the land. This area between the river and the site is heavily treed and contains a shared-use bitumen pedestrian/cyclist trail following the general alignment of the river. The Adelaide O-Bahn is located to the rear of the land, ranging in distance from 10 metres away from the north western corner to 80 metres away from the south western corner. The Klemzig interchange provides the closest access to the O-Bahn and is located approximately 1.2km to the north-east of the land.

To the north of the subject land is a large parcel of land owned by the South Australian Housing Trust and containing five (5) three-storey residential flat buildings. To the south of the subject land is another large parcel of land owned by the South Australian Housing Trust, containing predominantly two-storey medium density housing, set behind six (6) privately owned two-storey row dwellings fronting River Street, with rear garaging.

The eastern side of River Street, adjacent to the subject land, is characterised by single storey detached dwellings, comprising a mix of original mid-twentieth century dwellings at low density and recent medium density infill development whereby original dwellings have been replaced with two new dwellings.

More specifically, the site of the proposed development is bound by Arabella Court to the north, land owned by the South Australian Housing Trust, containing predominantly two-storey medium density housing to the south, Orlando Court to the west and a private unnamed roadway to the east.

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

**Proposal in Detail**

The Applicant seeks consent to construct a three-storey residential flat building, containing 42 dwellings.

The residential flat building is proposed to contain twelve (12) apartments at ground floor level and fifteen (15) apartments at each of first and second floor levels. All are two-bedroom apartments. All apartments have a floor area of 71m<sup>2</sup> and a private open space area of 9m<sup>2</sup> (courtyards at ground level and balconies at upper floor levels).

A total of 53 car parking spaces are proposed, comprising 42 resident car parking spaces and 11 visitor car parking spaces. Four of the resident car parking spaces are covered spaces.

Twenty four (24) of the proposed dwellings are proposed to be offered as affordable housing units pursuant to a Land Management Agreement for affordable housing on the site. The LMA was entered into between the Applicant and the Urban Renewal Authority upon acquisition of the land from the Urban Renewal Authority. As such, if the Application is approved, the LMA will require twenty four (24) of the dwellings to be offered to the market for a fixed period of time at an agreed fixed price point.

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
<b>Site Area Total</b>	2467m <sup>2</sup>	N/A
<b>Site Area per Dwelling</b>	59m <sup>2</sup>	No Minimum
<b>External Wall Height</b>	10.4m	N/A

<b>Maximum Overall Height (to roof apex)</b>	10.4m	Three (3) Storeys
<b>Floor Area per Dwelling</b>	71m <sup>2</sup>	70m <sup>2</sup> minimum*
<b>Floor Area (total of all buildings on site)</b>	4054m <sup>2</sup>	N/A
<b>Floor Area (footprint of all buildings on site)</b>	1228m <sup>2</sup>	N/A
<b>Site Coverage</b>	50%	70%*
<b>Private Open Space</b>	9m <sup>2</sup>	12m <sup>2</sup> *
<b>Street Set-back (Arabella Court)</b>	Nil	4m*
<b>Street Set-back (Orlando Court)</b>	0.2m – 2.4m	2m*
<b>Street Set-back (private roadway)</b>	Nil (balconies) 800mm (wall)	2m*
<b>Rear Set-back</b>	11m – 15.6m	6m*
<b>Car Parking Provision</b>	4 covered & 49 uncovered	42 covered & 55 uncovered

\* The Desired Character Statement for the River Street/Glenbrook Close Marden part of the Medium Density Policy Area states that built form parameters other than height, may be less than those prescribed for the zone and/or Policy Area, provided that sound urban design principles are applied in terms of the orientation, siting and design of buildings.

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

### Notification

The proposal has been determined to be a Category 1 form of development, pursuant to Schedule 9 Part 1 (2)(g) of the Development Regulations 2008.

### State Agency Consultation

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

### Discussion

The subject land is located within the Medium Density Policy Area of the Residential 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:

Medium Density Policy Area Objectives:	1
Medium Density Policy Area PDC's:	5
Residential Zone Objectives:	1, 2
Residential PDC's:	1, 3, 7

City Wide Objectives: 1, 8, 55, 56, 59  
City Wide Principles of Development Control: 1, 4, 11

The subject land is located within a part of the Medium Density Policy Area which is specifically identified within the Desired Character Statement as the River Street/Glenbrook Close, Marden part of the Policy Area, described as comprising “an area of land in Marden which is bound by River Street, Battams Road, Lower Portrush Road and the River Torrens Linear Park and intersected by the O’Bahn Busway track”

In relation to the River Street/Glenbrook Close, Marden part of the Policy Area, the Desired Character Statement states:

*“Historically, residential densities within this locality were medium density and comprised a range of building forms, including some residential flat buildings. It is expected that new development will maintain development within a medium density range of approximately 45 dwellings per hectare (gross residential density).”*

The proposed residential flat building contributes to an overall dwelling density over the subject land (ie. taking into account all stages of the Qattro development) of 75 dwellings per hectare. This resulting density was considered by the Development Assessment Panel when it considered the Development Application in May 2014, to divide the 2.1 hectare property into 44 allotments. The Panel took into consideration when assessing that land division, what the intended use of each of the 44 allotments was and the likely dwelling density that would result from the land division.

It should also be considered that the aspiration of 45 dwellings per hectare which is referred to in the Desired Character Statement relates to a gross density across the entire area bound by River Street, Battams Road, Lower Portrush Road and the River Torrens Linear Park and intersected by the O’Bahn Busway track. The subject land represents only a portion (approximately one quarter) of that area, with the balance of the area currently containing development at a much lower density than that proposed for the subject land. Therefore, the gross residential density of the relevant part of the Policy Area is likely to be well below 45 dwellings per hectare, despite the higher density proposed for the subject land.

Principle of Development Control 5 of the Medium Density Policy area sets minimum site areas per dwelling for various dwelling types, however does not set a minimum for residential flat buildings. This differs from the policy which applies to the Residential Zone outside of the Medium Density Policy Area, where there is a minimum of 250m<sup>2</sup> per dwelling for residential flat buildings, exclusive of common areas.

There is, however, a requirement for a minimum floor area for dwellings within residential flat buildings located in the Medium Density Policy Area, of 70m<sup>2</sup> per dwelling, which the proposal achieves, with each apartment having a floor area of 71m<sup>2</sup>.

City Wide Objectives 56 and 59 state respectively:

*“An increased mix in the range and number of dwelling types available within the City to cater for changing demographics, particularly smaller household sizes, housing for seniors and supported accommodation.”*

*“Affordable housing and housing for seniors provided in appropriate locations.”*

The proposed development accords with City Wide Objectives 56 and 59, in that it increases the range and number of smaller, affordable housing options within the City.

Objective 1 of the Medium Density Policy Area and Principles of Development Control 11 of the Residential Zone are more specific with respect to the allocation of affordable housing, respectively stating:

*“A residential Policy Area comprising a range of medium density dwellings, including a minimum of 15 per cent affordable housing, designed to integrate with areas of open space, neighbouring centres or public transport nodes.”*

and

*“Development comprising of 20 or more dwellings should include a minimum of 15 per cent affordable housing.”*

As the proposal includes the allocation of 24 affordable housing units out of the 42 proposed units, each of the above policies is satisfied.

Overall, the proposal is consistent with the relevant Development Plan provisions in respect to land use and density considerations.

streetscape/bulk/scale/height/character

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

Medium Density Policy Area Objectives:	2, 4
Medium Density Policy Area PDC's:	1, 2, 3, 7
Residential Zone Objective:	3
Residential Zone Principle of Development Control:	6, 7
City Wide Objectives:	18, 19, 20,
City Wide Principles of Development Control:	29, 30, 31, 32, 33, 34, 37, 39, 40, 48, 249(d), 251

In relation to height, Principle of Development Control 7 of the Medium Density Policy Area (read in conjunction with the Desired Character Statement) states that development on the subject land should not exceed 3 storeys in height, other than where the development site fronts onto River Street. As the site of the proposed building does not front onto River Street, the proposed three storey height is consistent with Principle 7.

In this policy and locality context, the proposed construction of a three-storey residential flat buildings set back 75 metres from River Street, is considered to be acceptable from a streetscape and neighbourhood character perspective.

The buildings are reasonably well articulated along their facades and comprise an interesting mix of materials and finishes, which are compatible with earlier approved stages of the overall development of the subject land. Accordingly, it is considered that the buildings will not have an unreasonable impact on the character and amenity of the locality.

Setbacks and Site Coverage

Principle of Development Control 7 of the Medium Density Policy Area provides a range of design criteria to guide the assessment of setbacks and site coverage, which are more specific than and take precedence over those which apply within the Residential Zone more generally. That said, the specific criteria which is set out in Principles 7, other than building height, need to be considered in the context of the Desired Character Statement, which states (in reference to the River Street/Glenbrook Close, Marden part of the Policy Area):

*“Other built form parameters within this portion of the Policy Area may be less than those prescribed for the zone and/or Policy Area, provided that sound urban design principles are applied in terms of the orientation, siting and design of buildings, in order to maximise solar access, light, ventilation and views and to minimise overshadowing and overlooking. Where any reduction in private open space is sought, the development will ensure that good access to usable communal open space and/or the River Torrens Linear Park is provided.”*

In relation to site coverage, Principle 7 states that forms of dwellings other than detached and semi-detached dwellings, should not cover more than 70% of their sites. The proposed building covers 50% of the subject land. It is conceivable that at some point in the future, residents may seek approval to construct carports over some or all of the uncovered car parking spaces. Should that occur, the resultant site coverage across the site would be in the order of 68%, remaining within the 70% site coverage policy applicable to the Policy Area.

In relation to setbacks, Principle 7 states that development should be designed with a minimum setback from a primary road frontage of 4 metres. The proposed residential flat building has no setback from its primary road frontage (Arabella Court), with the exception of a central entrance area, which is set back 2.2m. Having regard to the above quoted 'dispensation clause' from the Desired Character Statement, the failure to provide a 4m primary street setback in this instance is considered acceptable, as it enables the distance between the building and the adjacent residential properties to the south to be maximised (and hence overshadowing thereof minimised). The context of the development site is also considered to support the proposed siting of the building, since the building is proposed within a locality which is currently being established, as opposed to a locality with an established character.

Similarly, the secondary street setbacks from Orlando Court and the private roadway, are considered to be acceptable, despite being less than the 2 metre distance stated in Principle 7.

In relation to the rear setback, Principle of Development Control 8 of the Residential Zone states that the upper storey of a building should be set back a minimum of 6 metres from a rear property boundary. The proposed rear setback of 11 to 15.6m is therefore consistent with this policy.

On balance, it is considered that the proposed setbacks are appropriate in the circumstances, despite not being consistent with the relevant quantitative street setback provision of the Development Plan.

#### Overshadowing/overlooking

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

City Wide Objective: 55

City Wide Principles of Development Control: 68, 69, 168, 169, 170, 171, 223, 224, 225,

The majority of shadow that would be cast by the buildings would be over the common car parking area to the south of the building. Overshadowing plans which have been supplied by the Applicant show that the proposed three storey building will cause overshadowing of the adjacent properties to the south of the subject land during the winter solstice in the morning, while from midday onwards, the overshadowing impacts would be minimal and unlikely to exceed those created from existing boundary fencing.

Accordingly, the proposal is consistent with City Wide Principle of Development Control 170, which states:

*"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)."*

City Wide Principles of Development Control 234 and 235 relate to overlooking and state respectively:

*"In areas where buildings of 3 or more storeys are contemplated, direct overlooking into habitable room windows or onto the useable private open spaces of other dwellings from upper level windows, external balconies, terraces and decks should be minimised through the adoption of one or more of the following methods and may be supplemented by landscaping:*

- (a) building layout;*
- (b) location and design of windows and balconies;*
- (c) screening devices; or*
- (d) adequate separation."*



“Except where buildings of three or more storeys are contemplated within the Urban Corridor Zone and the District Centre (Norwood) Zone, in all other circumstances upper level windows, balconies, terraces and decks should:

- (a) have a sill height of not less than 1.7 metres above the finished floor level (Refer to Figure 10); or
- (b) be treated with permanently fixed obscured treatment (such as glazing or adhesive film) in the part of the window below 1.7 metres above the finished floor level (Refer to Figure 10); or
- (c) be permanently screened to a height of not less than 1.7 metres above the finished floor level, through the use of external screening devices, such as planter boxes and angled louvres (Refer to Figure 10); and
- (d) in the case of balconies, not exceed 15 square metres in floor.

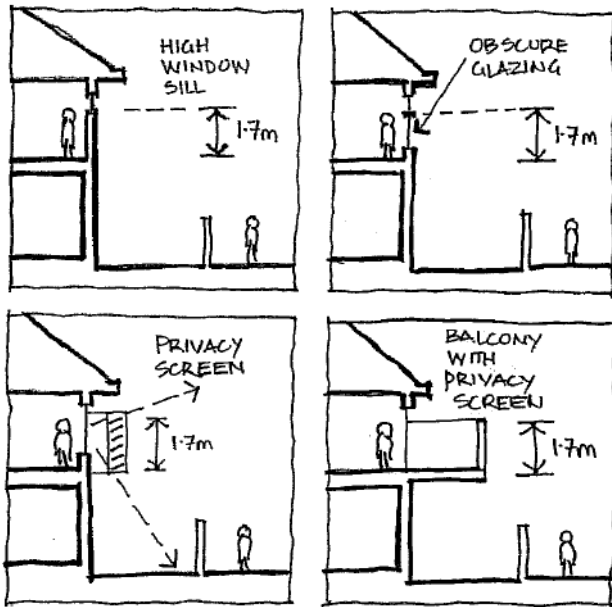


Figure 10 “

Having regard to the overlooking impacts of the proposal, the potential exists for overlooking from the south facing upper level windows and balconies of Units 13, 27, 28 and 42, over the dwellings on the adjoining land to the south.

Accordingly, it is considered appropriate that a condition be imposed, requiring that those upper level windows and balconies be treated for overlooking to a height of 1700mm above floor level.

In the event that the Applicant wishes for the Council to reconsider the need for such treatment to any number of the windows, it will be possible for an Application to be lodged seeking to vary the consent, at a stage during construction when it is possible to more accurately assess the potential overlooking impacts of the proposal. A range of different options might be available to address the specific impacts that are observed, such as wing walls, louvres, use of planter boxes which prevent users from approaching the edge etc.

#### Private open space

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

City Wide Principles of Development Control: 222, 223, 224, 226, 227, 228, 229, 230

City Wide Principles of Development Control 226 and 227 state respectively:

*“Residential flat buildings in the form of apartments within a multi storey building should have associated private open space of sufficient area and shape to be functional and capable of meeting the likely needs of the occupant(s) and should be in accordance with the following requirements:*

- (a) studio (no separate bedroom) or one bedroom, a minimum area of 10 square metres of private open space;*
- (b) two bedrooms, a minimum area of 12 square metres of private open space; or*
- (c) three bedrooms or greater; a minimum area of 15 square metres of private open space.”*

and

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

- (a) the equivalent amount of private open space is provided in the form of communal open space, which is accessible to all occupants of the development; or*
- (b) the development is directly adjacent to large areas of useable public open space, such as Felixstow Reserve, the Parklands and the River Torrens Linear Park, which can be easily accessed by all occupants of the development.*

In relation to the ‘River Street/Glenbrook Close, Marden’ part of the Medium Density Policy Area, the Desired Character Statement states:

*“Where any reduction in private open space is sought, the development will ensure that good access to usable communal open space and/or the River Torrens Linear Park is provided.”*

Each of the proposed dwellings is provided with 9m<sup>2</sup> of private open space, representing a 3m<sup>2</sup> shortfall from the amount stated in City Wide Principle 226. Having regard to Principle 227(b) and the Desired Character Statement, the shortfall is considered to be justified, due to the accessibility of the River Torrens Linear Park and the open space areas which have been incorporated into the overall development of the subject land, including a reserve immediately east of the site of the proposed residential flat building.

#### 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 Principles of Development Control: 89, 92, 97, 234, 235, 237, 238, 239, 244, 245, 246, 252

With respect to car parking, Table NPSP/8 of the Development Plan states that group dwellings, residential flat buildings and residential development in multi-storey buildings should be provided with 1 covered space per studio (no separate bedroom) or 1 bedroom dwelling and 2 spaces per 2 or 3 bedroom dwelling, 1 of which should be covered. In addition, there should be 1 space for every 2 dwellings for a development of up to 10 dwellings, plus 1 space for every additional 4 dwellings exceeding 10 dwellings.

The proposal includes the provision of 53 car parking spaces (4 of which are covered). Table NPSP/8 stipulates that 97 car parking spaces should be provided for the development, comprising 42 covered spaces and 55 uncovered spaces. Accordingly, there is a car parking shortfall in the order of 44 car parking spaces, comprising 38 covered spaces and 6 uncovered spaces. In short, it is proposed that these apartments be provided with an average of 1.2 car parking spaces per dwelling, whereas the Development Plan states that 2.2 car parking spaces should be provided per apartment.

The rate prescribed in the Development Plan is predicated on each household having two (2) cars, whilst the proposal is predicated on each of those households having one (1) car. City Wide Principle of Development Control 269 states:

*Car parking rates lower than the minimum required for group dwellings and residential flat buildings may be appropriate in locations where:*

- (a) there is readily accessible and frequent public transport;*
- (b) it can be demonstrated that a lower provision is warranted; or*
- (c) it can be demonstrated that this would not result in a greater demand for parking on the street or elsewhere in the locality.*

With respect to part (a) of Principle 269, Adelaide Metro operates a bus service along Adison Avenue, located approximately 140 metres east of the subject land. This bus service provides the ability to catch a bus directly to the City or to the Klemzig interchange O-Bahn station. The linear park also offers a convenient option for cycling either to the Klemzig interchange or the Adelaide CBD. Accordingly, it is considered that part (a) is satisfied.

With respect to part (c) of Principle 269, the fact that part (a) is satisfied means that the demand for on-street parking resulting from the failure to achieve the quantitative car parking rates Table NPSP/8, is not likely to be as high as would otherwise be the case. That said, it is highly unlikely that all future occupants of the group dwellings and residential flat buildings will have just one (1) car per household, such that there will likely be some reliance on on-street car parking. In this respect, there is ample opportunity for on-street car parking throughout the development and it is unlikely that any additional on-street parking in River Street or other nearby local streets would result.

The impact of on-street car parking in a newly created development such as this is much different to that in an established locality, where the reasonable expectations of existing residents with respect to on-street parking are higher. This difference in impact is considered to support a lower provision of parking, consistent with part (b) of Principle 269.

On balance, it is considered that Principle 269 is achieved and that there is adequate justification for the car parking rates proposed for the proposed residential flat buildings.

Access to the site is off "Arabella Court", via a 6 metre wide private roadway. This will allow for convenient two-way access and egress to/from the public road.

The consideration of traffic impacts on River Street resulting from the overall development of the subject land, were considered by the Panel in the assessment of the land division Application.

#### 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, 46 & 51.
City Wide PDC's:	10, 12, 117, 132, 139, 145, 257, 258 & 259.

The subject land is essentially flat and in light of the fact that all stormwater drainage will be to the lowest part of the subject land (ie. the rear boundary), there will be no requirement for excessive fill or retaining.

#### 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:	71, 76, 147, 211 & 212.

There are no Regulated Trees on the site of the development.

#### Environmental Sustainability

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

City Wide Objectives:	23, 42 & 43.
City Wide PDC's:	65, 66, 67, 68, 115, 116, 119, 127 & 144.

The proposed building is oriented such that ten (10) of the dwellings will receive direct northern sunlight, whilst the balance of the dwellings have east and west orientations. Whilst an alternative layout could have

resulted in a greater proportion of the dwellings having a northern orientation, in general amount of access to light and shading of east and west elevations to reduce heat load is considered reasonable.

With respect to stormwater capture and reuse, the Building Code of Australia does not provide a minimum volume of rainwater tank per dwelling for dwellings in Class 2 buildings such as this, as it does for other dwelling types. However, Principle of Development Control 161 remains valid and states:

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

Given that Principle 161 only requires that ground level apartments be provided with 2000 litre rain water tanks, the resultant total rainwater tank volume required is 24,000 litres. The Applicant has proposed to provide 24,000 litres of rainwater storage accordingly.

## Summary

The proposed affordable housing development is considered to be an appropriate use for the subject land, due to its proximity to Marden Shopping Centre, the River Torrens Linear Park and other similar and related uses in the locality.

The three storey form of the buildings is considered to be appropriate, due to the extensive set-back from River Street and resultant minimal streetscape impact.

Due to the siting characteristics of the proposed buildings and existing adjacent buildings, amenity impacts are considered to be acceptable. The potential exists for a number of adjacent units to be overlooked to an unacceptable degree and as such, it is recommended that a condition be imposed to deal with that potential.

The extent of car parking is considered to be acceptable in light of the proposed use of the land and the proximity to public transport and essential services and facilities.

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 155/575/15 by Marden (No.5) Trust Pty Ltd, to construct a three-storey residential flat building, containing 42 dwellings together with car parking and landscaping on the land located at Land/17 River Street, Marden, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- Plans prepared by Qattro, Drawing Numbers 02 – 08, Job Number 11356, Revision A, dated 20 August 2015; and

### Conditions

1. The portion of the upper floor windows to Units 13, 27, 28 and 42 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. The portion of the upper floor balconies to Units 13, 27, 28 and 42 less than 1.7 metres above the floor level of the balconies shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
3. 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.
4. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

#### Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.  
  
The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.  
  
All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

Ms Helen Dyer and Mr Matt Morrissey, on behalf of the Applicant, addressed the Panel from 7:45pm until 7:47pm.

Ms Newman moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/575/15 by Marden (No.5) Trust Pty Ltd, to construct a three-storey residential flat building, containing 42 dwellings together with car parking and landscaping on the land located at Land/17 River Street, Marden, subject to the following requirements, conditions and notes:

#### Relevant Plans

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

- Plans prepared by Qattro, Drawing Numbers 02 – 08, Job Number 11356, Revision A, dated 20 August 2015; and

#### Conditions

1. The portion of the south facing upper floor windows to Units 13, 27, 28 and 42 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. The portion of the south facing upper floor balconies to Units 13, 27, 28 and 42 less than 1.7 metres above the floor level of the balconies shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (Suggested treatments include, but are not restricted to, wing walls, solid or translucent panels or perforated panels or metal trellises which have a maximum of 24% openings).
3. 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.
4. 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.
5. That the bicycle storage area be set back an additional 500mm to the north to accommodate a 500mm wide landscaping strip.
6. That the full height aluminium slat privacy screens on the common walkways at all floor levels be deleted.

#### Notes to Applicant

7. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.

8. *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.*
9. *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.*
10. *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.*
11. *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.*
12. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*

*Seconded by Mr Smith and carried.*

**3. OTHER BUSINESS**  
(Of an urgent nature only)

Mr Mosel and Mr Minney advised that they will be apologies for the November meeting.

**4. CONFIDENTIAL REPORTS**  
Nil

**5. CLOSURE**

The Presiding Member declared the meeting closed at 7:58pm.

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**Terry Mosel**  
**Presiding Member**