

Development Assessment Panel Agenda & Reports

16 November 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

11 November 2015

To all Members of the Development Assessment Panel

NOTICE OF MEETING

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

Monday 16 November 2015, commencing at 7.00pm.

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

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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City of
Norwood
Payneham
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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES Mr Terry Mosel, Mr John Minney

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 19 OCTOBER 2015**
2. **STAFF REPORTS**
 - Items to be starred (.....)
 - All unstarred items to be adopted (.....)

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/641/2015 – ANTHONY DONATO ARCHITECTS – 8 EDWARD STREET, EVANDALE

DEVELOPMENT APPLICATION:	155/0641/15
APPLICANT:	Anthony Donato Architects
SUBJECT SITE:	8 Edward Street, Evandale (Certificate of Title; Volume: 5755, Folio: 460)
DESCRIPTION OF DEVELOPMENT:	Construction of two (2) group dwellings (a two-storey dwelling at the front and a single storey dwelling at the rear), with associated carports, fencing and landscaping
ZONE:	Residential Character Zone – Evandale/Maylands/Stepney Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to construct two (2) group dwellings (a two-storey dwelling at the front and a single storey dwelling at the rear), with associated carports, fencing and landscaping.

Staff do not have delegated authority to determine the Application, as it comprises a development in a battle-axe allotment configuration. 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:	13.72 metres
Depth:	62.87 metres
Area:	871m ²
Topography:	essentially flat
Existing Structures:	a single storey detached dwelling and outbuildings
Existing Vegetation:	a range of small trees and shrubs

Locality Attributes

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

The locality is characterised by a range of residential development. The adjacent land at 10-14 Edward Street has developed with seven (7) dwellings, including two (2) pairs of two-storey semi-detached dwellings and three (3) single storey group dwellings. The adjacent two-storey semi-detached dwellings have been designed with their second storeys set back behind a single storey 'pavilion'.

The remaining dwellings within Edward Street are single storey detached dwellings, with a range of traditional and contemporary architectural styles. A single storey detached dwelling on a battleaxe allotment is located adjacent to the rear boundary of the subject land at 69A Bakewell Road.

The subject land is located approximately 40 metres to the west of the Local Centre (St Peters) Zone and the Local Commercial Zone, which comprises allotments with a frontage to Portrush Road. The adjacent zones contain a number of small shops, offices and consulting rooms. Portrush Road provides a frequent bus service to Norwood and the Adelaide CBD beyond.

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

Proposal in Detail

The Applicant seeks consent to construct two (2) group dwellings. The dwellings are proposed to be constructed in a 'battleaxe' configuration, with a two-storey dwelling fronting Edward Street and a single storey dwelling at the rear of the allotment. The two-storey portion of the front dwelling is proposed to be set back behind a single storey 'pavilion', similar to the design of the adjacent two-storey semi-detached dwellings at 10-14 Edward Street.

A common driveway is proposed adjacent to the western boundary of the land to facilitate vehicular access to both dwellings. An existing vehicle driveway crossover is proposed to be widened to accommodate a wider driveway. Each dwelling is proposed with one (1) covered car parking space and one (1) uncovered car parking space.

The proposed dwellings have a traditional appearance with simple hipped roof forms, rendered masonry facades, face brick external walls and corrugated profile 'Colorbond' roof sheeting. The proposed colour scheme includes 'Monument' roof sheeting, 'Urban Tree' rendered masonry, 'Liquorice' face brick, grey/silver aluminium window frames, 'Bishop Red' front doors, 'Summershade' side and rear fencing and 'Cloudy Sky' front fence render. All of the proposed colours are 'earthy tones' (aside from the front doors) and the colours are depicted in the streetscape diagram contained within **Attachment B5**.

The Applicant has proposed to replace some of the side fences with 1.8 metre high Colorbond fencing, with the side fencing located forward of the front dwelling alignment taped down to 1.5 metres to match the proposed front fence. The front fence is of a contemporary form with 1.5 metre high rendered masonry pillars, with a 400mm high plinth and black tubular steel infill.

A landscaping plan and schedule has been provided which includes a range of small trees, shrubs and ground covers within the private yards of the proposed dwellings and the common driveway area.

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 (fronting Edward Street)	Dwellings 2 (rear dwelling)	Development Plan Merit Assessment Quantitative Guideline
Site Area (exclusive of common areas)	310m ²	350m ²	400m ² – Evandale/Maylands/Stepney (EMS) Policy Area PDC 2
Site Width		13.72m	18.0m – EMS Policy Area PDC 2
Site Depth	33.6m	29.3m	N/A
External Wall Height*	3.0m – 5.5m	2.7m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1 (fronting Edward Street)	Dwellings 2 (rear dwelling)	Development Plan Merit Assessment Quantitative Guideline
Maximum Overall Height (to roof apex)*	6.4m	5.0m	Two-storey – EMS Policy Area PDC 3
Floor Area (total)	212m ²	169.8m ²	N/A
Floor Area (footprint)	153.5m ²	169.8m ²	N/A
Site Coverage	49.5% (excluding common area)	48.5% (excluding common area)	50% - EMS Policy Area PDC 3
Subject Land Coverage	37.1%		N/A
Private Open Space	66m ² 21% of site area 77% uncovered	114m ² 33% of site area 91% uncovered	20% of site area (minimum) 50% uncovered (minimum) (City Wide PDC 225)
Street Set-back	8.1m	39.4m	average of adjacent dwelling setbacks (City Wide PDC 225)
Side Set-back	nil and 1.0m	2.5m & 2.5m	1.0m from one side for dwellings facing the street (EMS Policy Area PDC 3) 2.5m for dwellings on battleaxe allotments (City Wide PDC 202)
Rear Set-back	13.0m	2.5m	6.0m for dwellings facing the street (EMS Policy Area PDC 3) 2.5m for dwellings on battleaxe allotments (City Wide PDC 202)
Car Parking Provision	1 covered & 1 uncovered	1 covered & 1 uncovered	2.5 spaces per dwelling (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 2 form of development, as it includes the construction of a two-storey group dwelling. No representations were received in response to the notification of adjacent property owners and occupiers.

State Agency Consultation

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

Discussion

The subject land is located within the Evandale/Maylands/Stepney (EMS) Policy Area of the Residential Character 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:

EMS Policy Area Desired Character Statement	
EMS Policy Area Objectives:	1
EMS Policy Area PDC's:	2
Residential Character Zone Objectives:	1, 2
Residential Character Zone PDC's:	1
City Wide Objectives:	1, 2, 7, 8, 10 & 55-57
City Wide PDC's:	1-4, 188, 189

The following excerpt is taken from the Evandale/Maylands/Stepney (EMS) Policy Area Desired Character Statement.

“Group dwellings may be proposed in Evandale and Payneham and dwellings on battle-axe or hammerhead configuration allotments may be proposed in Maylands, Evandale and Payneham, providing that, in both cases, such development complements the existing streetscape character and is designed to maintain relatively spacious siting characteristics between buildings.”

The subject land is located within Evandale, within a locality that has several group dwelling developments including the adjacent land at 10-14 Edward Street and 69A Bakewell Road. The proposed design will complement the existing streetscape character and will maintain spacious siting characteristics between buildings, consistent with the Desired Character Statement for the EMS Policy Area. A broader assessment of the streetscape character will be undertaken later in this report.

The proposed land use is therefore considered to be acceptable.

In terms of density, the table provided within EMS Principle of Development Control 2 states that group dwellings should have an average site area per dwelling of 400m², exclusive of common areas, and should have a frontage width to a public road of 18 metres.

The proposed development results in an average site area per dwelling of 330m², exclusive of the common areas (435m² including the common areas). The proposed development has a frontage width of 13.72 metres to Edward Street. Both the proposed allotment areas and the site frontage width are therefore less than that prescribed by EMS Principle of Development Control 2. This is a negative aspect of the proposed development.

That said, the subject land abuts seven (7) dwellings, including three (3) group dwellings, with similar site areas.

The adjacent development at 10-14 Edward Street includes three (3) group dwellings and four (4) semi-detached dwellings. The adjacent development at 10-14 Edward Street has an average allotment size per dwelling of 328m², excluding common areas, which is similar to the average site areas proposed.

There is also a detached dwelling located on a battleaxe allotment at the rear of the subject land, although it is noted that the site area for that dwelling is significantly larger (652m²) due to the driveway 'handle' being held exclusively on the allotment of the dwelling.

Accordingly, the proposed pattern of development is similar to development on adjacent land and the failure to comply with the minimum site areas per dwelling and frontage widths may not necessarily be fatal to the overall merit of the proposed development in its own right.

In terms of layout, City Wide PDC 189 provides guidance for the assessment of development involving the creation of hammerhead or battle-axe allotments.

The proposed development is consistent with City Wide Principle 189 insofar as it:

- contains sufficient area on the development site, excluding area/s designated as covered and uncovered car parking spaces, for a vehicle to turn around and enable it to egress the allotment in a forward direction;
- is capable of draining stormwater efficiently, without the need to excessively raise the floor or bench level of the development;
- the driveway 'handle' is located adjacent to the site boundary;
- the driveway 'handle' length is less than 35 metres and has a width of 4 metres;
- the driveway 'handle' has a vehicle carriageway of 3 metres in width for a site that accommodates up to two dwellings; and
- the driveway 'handle' incorporates a combined total width of 1 metre of landscaping along the length of the driveway 'handle'.

The proposed development achieves the above guidelines for a battleaxe development. Furthermore, the proposed dwellings include adequate setbacks, site coverage and private open space, which will be discussed in greater detail later in the report.

In terms of the site frontage width, the proposed development has a frontage width of 13.72 metres, which is less than 18 metres, as prescribed by EMS Policy Area PDC 2. Curiously, if Dwelling 1 had its own driveway and was on its own exclusive allotment, the site frontage requirement would reduce to an overall width of 15 metres, including a driveway handle width of 4.0 metres for Dwelling 2 at the rear of the site.

In this instance, the proposed development will share a single driveway crossover, which will have less impact on the street in terms of the availability of on-street car parking. Similarly, the provision of a single shared driveway will maintain the appearance of a detached dwelling when viewed from Edward Street. As such, the failure to comply with the minimum site frontage width for group dwellings will not have any adverse impact on the streetscape character in this instance.

Whilst the proposed development fails to meet the quantitative provisions of the Development Plan that relate to site areas and frontage widths, the failure to comply with EMS Policy Area PDC 2 is not considered to be fatal to the overall merit of the proposed development in its own right for the following reasons:

- group dwellings and battleaxe allotments are envisaged within this part of the EMS Policy Area;
- the pattern of development is consistent with other development within the locality; and
- the proposed development satisfies the criteria listed in City Wide PDC 189 in terms of design criteria for battleaxe allotments.

Streetscape/bulk/scale/height/character

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

EMS Policy Area Objectives:	1
EMS Policy Area PDC's:	1, 3
Residential Character Zone Objectives:	1, 3
Residential Character Zone PDC's:	5-8 & 10-12
City Wide Objectives:	18, 19 & 20
City Wide PDC's:	28-32, 37, 39, 41, 191 & 209-216

The proposed development includes the construction of a two-storey group dwelling adjacent to Edward Street (Dwelling 1) and a single storey group dwelling at the rear of the site (Dwelling 2).

Residential Character Zone Principle of Development Control 6 states (in part):

“Unless otherwise stated in the relevant Policy Area, or in localities where the streetscape character has already been influenced to a large degree by two-storey development, development should be designed to achieve a mostly single-storey streetscape appearance, consistent with any of the following:

- (c) *in new or existing dwellings, a second storey component which is set back sufficiently behind a single storey component, so as to achieve a mostly single-storey appearance from the primary street frontage (refer to Figure 17 below).”*



Figure 17

Dwelling 1 has been designed with a second storey that is set back behind a single storey component, with a similar form as the adjacent two-storey semi-detached dwellings at 10-14 Edward Street.

The single storey portion of the dwelling has a 3.0 metre external wall height and a traditional simple hipped roof with a 30 degree pitch, which will complement adjacent development and assist in screening the two-storey portion of the dwelling when viewed from the street.

Whilst the two-storey portion of the proposed dwelling will be visible from the street, as are the two-storey portions of the adjacent semi-detached dwellings, the single storey ‘pavilion’ at the front of the dwelling will reduce the prominence of the two-storey portion of the dwelling and will result in the dwelling having a bulk and scale that will complement other dwellings within the streetscape, consistent with Residential Character Zone PDC 6.

Dwelling 2 at the rear of the allotment is single storey and incorporates a traditional form with a simple hipped roof form on a 25 degree pitch. Both dwellings will utilise traditional building materials including rendered masonry, face brick and corrugated profile Colorbond roofing. The proposed colour scheme includes earthy hues and will complement other development within the locality.

In terms of front fencing, the Desired Character Statement for the Residential Character Zone states:

“Front fencing and side fencing (between the front of a dwelling and the street) and landscaping are important components of streetscape character within the zone. In this context, low, open-style fencing is preferable to high, solid fencing, as it allows better connectivity to the street and along the street and provides a more pedestrian friendly environment.”

The proposed front fence is an open style, with 1500mm high pillars, a 400mm high plinth and black tubular steel infill. The proposed front fence will complement the proposed dwellings and other fencing within the locality. The fence will enable views of the proposed dwellings and its garden setting, consistent with the Desired Character Statement for the Residential Character Zone.

The proposed bulk, scale and design of the proposed development will complement the character of the locality and is considered to be acceptable.

Setbacks and Site Coverage

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

EMS Policy Area PDC's:	3
City Wide PDC's:	50, 202, 204-206, 208 & 218

City Wide Principle of Development Control 205 states:

"Where the Zone and/or Policy Area does not specify a minimum distance and where there is a consistent front set-back pattern evident within a locality, dwellings should be set back from the allotment boundary on the primary street frontage:

- (a) the same distance as one or the other of the adjoining dwellings (or any distance in between), provided the difference between the setbacks of the two adjoining dwellings is not greater than 2 metres;*
- (b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres; or*
- (c) the same distance as the greater of the two adjoining dwelling setbacks, in all circumstances where a new dwelling comprising of 2 or more storeys is being introduced, and one or both of the adjoining properties are single storey."*

The adjacent semi-detached dwellings at 10-14 Edward Street are set back 6.7 metres from the Edward Street property boundary. The adjacent detached dwelling at 6 Edward Street is set back 11.0 metres from the Edward Street property boundary, with a verandah that extends to within 9.2 metres from the Edward Street property boundary.

Dwelling 1 includes a two-storey section and as such, City Wide PDC 205(c) prescribes that the proposed dwelling should be set back in line with the greater of the two (2) adjacent dwelling setbacks. However, in this instance, the front portion of the dwelling is single storey in form, with the two-storey portion on the dwelling set back behind the alignment of the detached dwelling at 6 Edward Street.

In this context, given that the difference in the adjacent dwelling's front setbacks is greater than 2 metres, it is considered reasonable to consider City Wide PDC 205(b), which prescribes that the proposed dwelling should be set back the average of the two (2) adjoining dwellings (in this instance 8.85 metres). The proposed dwelling is set back 8.1 metres from the Edward Street property boundary, with a small covered entry element extending to 7.75 metres from the Edward Street boundary.

Whilst the setback of Dwelling 1 does not quite achieve the front setback prescribed by City Wide PDC 205(b), the dwelling is sited on the eastern side of the allotment, adjacent to the semi-detached dwellings with the lesser of the two adjacent front setbacks and the common driveway provides some separation from the detached dwelling at 6 Edward Street. Within this context, the proposed front setback of Dwelling 1 will provide for a reasonable fit in the street.

In terms of side setbacks, Dwelling 1 is set back 1.0 metre from the western side boundary and will abut the proposed common driveway, which is 4.0 metres from the eastern side boundary of the subject land. EMS Policy Area PDC 3 prescribes that dwellings should be setback one (1) metre from one (1) side boundary at ground level, Dwelling 1 complies with this provision.

The first floor of Dwelling 1 is set back 2.0 metres from the eastern boundary of the subject land and 1.0 metre from the internal common driveway boundary (5.0 metres from the western side boundary of the subject land). The proposed first floor side setbacks for Dwelling 1 comply with EMS Policy Area PDC 3.

Dwelling 2 is located on a site with a battleaxe configuration.

City Wide Principle of Development Control 202 states:

“The distance between any portion of a single-storey dwelling or any single-storey component of a two storey dwelling (including a verandah, garage or carport, which is an integrated part of the development) on a battleaxe, hammerhead or similar configuration allotment or site (including those accommodating group dwellings), and a side or rear boundary of the parent development site, should be no less than 2.5 metres.”

Dwelling 2 is proposed to be set back 2.5 metres from both side boundaries and the rear boundary, consistent with City Wide PDC 202. A small alfresco area, which is situated under the main roof of the dwelling, encroaches to within 1.0 metre of the rear boundary for a 3.5 metre length. However, this minor encroachment is considered to be acceptable as it is open sided and is located adjacent to a verandah at 69A Bakewell Road, which abuts the common boundary.

The proposed front, side and rear setbacks of the proposed development are considered to be acceptable.

In terms of site coverage, EMS Policy Area PDC 3 states that dwellings in Evandale should have a maximum site coverage not exceeding 50 per cent of the overall site area. Dwelling 1 covers 49.5% of its exclusive site area and Dwelling 2 covers 48.5% of its exclusive site area. The overall site coverage for the proposed development is 37.1%, which is significantly less than the maximum site coverage for development in Evandale prescribed by EMS Policy Area PDC 3.

City Wide Principle of Development Control 184 states that no more than half of the open space (the area excluding all buildings and structures) around group dwellings should be used for uncovered car parking, manoeuvring and driveways. In this respect, there is 548m² of open space around the proposed dwellings. Of that open space, 202.1m² or 37% is to be used for uncovered car parking, manoeuvring and driveways. As such, City Wide PDC 184 is satisfied.

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

The subject land is located on the northern side of Edward Street and has a north-south orientation. As such, overshadowing from the proposed two-storey portion of Dwelling 1 would occur during the winter solstice over the common driveway area on the subject land in the morning, over the single storey portion of the dwelling at midday and over a portion of the adjacent semi-detached dwelling at Unit 1, 14 Edward Street during the afternoon.

City Wide Principle of Development Control 196 states:

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

The extent of overshadowing on the adjacent semi-detached dwelling at Unit 1, 14 Edward Street has been calculated and it has been determined that overshadowing would only impact on the side courtyard of the dwelling to varying degrees after 2.00pm, given the height of the proposed dwelling, the setback from the side boundary and the orientation of the allotment. The affected courtyard is a secondary open space area for the adjacent dwelling, which has its primary area of private open space at the rear of the dwelling. The proposed development will not overshadow any of the adjacent dwelling's primary area of the private open space. Overshadowing from the proposed development will not have an unreasonable impact on the private open space areas of the adjacent dwelling and complies with the quantitative standard prescribed by City Wide PDC 196.

Similarly, the proposed development will not cause any overshadowing of any north-facing living room windows of adjacent dwellings. As such, the proposed development is also considered to be consistent with City Wide PDC 195.

In terms of privacy, all first floor windows in Dwelling 1 have 1700mm sill heights, above the internal floor level, such that they can remain clear and provide ventilation without causing any unreasonable overlooking of adjacent land.

Dwelling 2 is single storey with conventional wall heights and roof pitches and is well separated from side and rear property boundaries. As such, no excessive overshadowing or overlooking is anticipated from this dwelling.

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

City Wide Principle of Development Control 225 states that dwellings should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) and more particularly, a dwelling with a site area of 250 square metres or greater should have a private open space area the equivalent of 20 percent of the site area.

Dwelling 1 includes 66m² of private open space, which equates to 21% of the dwelling's site area, consistent with City Wide PDC 225. The proposed dwelling's private open space has good links to the living areas of the dwelling and is well oriented for solar access.

Dwelling 2 includes 114m² of private open space, which equates to 33% of the dwelling's site area, consistent with City Wide PDC 225. A reasonable portion of the proposed dwelling's private open space has good links to the living areas of the dwelling and is well oriented for solar access, although it is noted that approximately half of the dwelling's private open space is at the sides of the dwelling. Notwithstanding, the proposed private open space includes a useable area of 4 metres by 6 metres with a covered alfresco area, which will meet the likely needs of future occupants, consistent with City Wide PDC 225.

Both of the dwellings include covered alfresco areas under the main roof of the dwelling.

City Wide Principle of Development Control 229 states that fifty percent (50%) of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments.

The alfresco area for Dwelling 1 covers 23% of its private open space area, while the alfresco area for Dwelling 2 covers 9% of its private open space area. The private open space areas of each dwelling include significant areas of landscaping and permeable surface treatments, consistent with City Wide PDC 229.

Car-parking/access/manoeuvring

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

City Wide Objectives: 34
City Wide PDC's: 98, 101, 104, 118, 120, 122, 181, 198, 200 & 219

Table NPSP/8

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. Table NPSP/8 provides that group dwellings should be provided with two (2) car parking spaces each (at least 1 of which is covered) in addition to one (1) visitor space exclusive of vehicle manoeuvring areas for every 2 dwellings.

Both of the dwellings have two (2) dedicated on-site car parking spaces, including one (1) covered space and one (1) uncovered space each. Dwelling 2 also has a vehicle reversing area on its own site, which would be required for vehicles reversing from either car parking space associated with Dwelling 2 (Dwelling 1 will not need this area when reversing from either of its car parking spaces).

Given that this manoeuvring area will be used exclusively by occupiers and visitors of Dwelling 2, it is not considered unreasonable for visitors to Dwelling 2 to use that area to park their vehicle from time to time, given that they would not be blocking the reversing area for Dwelling 1 and that the occupants of Dwelling 2 can manage its use. If this manoeuvring area is accepted as a visitor car parking space, the car parking provisions set out in Table NPSP/8 are achieved.

If the vehicle manoeuvring area associated with Dwelling 2 is not accepted as a visitor car parking area, City Wide Principle of Development Control 122 states that a lesser on-site car parking rate may be applied to certain elements of a development, including where sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop. The subject land is located approximately 80 metres from Portrush Road and approximately 140 metres from the nearest fixed bus stop.

It is also noted that the proposed development minimises the number of driveway crossovers to maintain streetscape character, preserve street trees and optimise the provision of on-street visitor parking, consistent with City Wide PDC 101. As such, visitors to either dwelling would be able to park in the street, directly adjacent to the dwelling.

For the reasons and context described above, the lack of one (1) dedicated shared visitor car parking space is considered to be acceptable.

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for group dwellings, so as to achieve safe and convenient access arrangements and to enable landscaping along the length of a common driveway. The proposed common driveway has a three (3) metre wide carriageway and 500mm wide landscaping beds on either side of the driveway, which accords with City Wide PDC 189.

The 85th percentile vehicle turning templates within the Australian Standard for off-street car parking have been applied to the manoeuvring areas and it has been determined that vehicles are able to conveniently access and egress all car parking spaces.

Access to the site is via an existing driveway crossover, which will need to be widened to accommodate the proposed common driveway. The widened driveway crossover will maintain appropriate clearance from an adjacent stobie pole and street tree.

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 essentially flat, with a fall of approximately 250mm over 62.9 metres from the street to the rear of the property. Dwelling 1 is proposed with a finished floor level of 100.3m RL, which is between 240mm and 420mm above the adjacent top of kerb level, which in turn will enable surface stormwater to drain to the Edward Street water table via gravity. Dwelling 2 is proposed with a finished floor level of 100.5mRL, which will enable surface water from the common driveway area to also drain to Edward Street via gravity.

The proposed finished floor level will result in Dwelling 2 being up to 710mm above the lowest point of the natural ground level in the north-western corner of the subject land. Given that the finished floor level is usually 150mm above the base level and perimeter concrete around the dwelling, retaining walls of up to 560mm in height will be required adjacent to Dwelling 2.

City Wide Principle of Development Control 164 states (in part):

“A dwelling, other than a dwelling located within the 1-in-100 year Average Recurrence Interval floodplain, should be sited and designed so that the finished floor level of the dwelling is a suitable height above the adjacent top of kerb level, to enable the efficient gravity-fed drainage of stormwater from all impervious surfaces on the site, provided that the finished floor level of the dwelling is no more than 700 millimetres above the natural ground level at any point along the side and rear boundaries of the site.”

The subject land is not located within a recognised floodplain and the proposed height of retaining walls is less than 700mm, as prescribed by City Wide PDC 164. In addition, the combined height of retaining walls and fencing will be up to 2.36 metres, which is less than the maximum height of 2.4 metres above natural ground level, as prescribed by City Wide PDC 58.

The proposed finished floor levels and the resulting amount of fill and retaining are considered to be acceptable and will provide a good fit in the context of the streetscape.

Trees (significant, mature & street) and landscaping

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

Residential Character Zone PDC's:	15
City Wide Objectives:	24, 98, 117, 118 & 119
City Wide PDC's:	220, 221, 396, 398- 400

There are no regulated trees on the subject land or in close proximity to the subject land.

A landscaping plan and schedule has been provided, showing the planting of a range of trees, shrubs and groundcovers within the development. Proposed trees are predominantly pencil pines and crab-apples, shrubs include agapanthus and a dwarf citrus hedge in the front yard of Dwelling 1, whilst lawn is proposed to be primary ground cover. The landscaping plan is considered to be appropriate.

No street trees will be affected by the proposed development.

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 dwellings are well oriented for solar access and both dwellings include modest eaves which will assist in providing some shade to the windows in summer months. Each dwelling also includes a covered alfresco area under the main roof of the dwelling that will provide further shelter to the north facing living room windows.

City Wide Principle of Development Control 159 prescribes 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. The Applicant has illustrated rainwater tanks on the site plan but has not nominated a capacity for each tank.

As such, if the Panel determines to approve the proposed development, it is recommended that each dwelling install a rainwater tank with a minimum capacity of 2000 litres, to be plumbed back to the dwellings for re-use within the toilets and water heaters, in accordance with City Wide Principle of Development Control 159.

The provision of permeable landscaped areas is considered to be a positive aspect of the proposed development.

Summary

The proposed construction of two (2) group dwellings is considered to represent an appropriate use of the subject land, taking into account the mix of dwelling types and land uses in the locality. Despite this mix, the locality has a high level of character, derived from a high concentration of original character houses and established gardens and street plantings.

In this context, the proposed use of a single access driveway to service both dwellings to minimise hard paved areas and maximise landscaping in the streetscape is a positive aspect of the proposal, as is the predominantly single storey, traditional design approach adopted for each of the dwellings. The two-storey portion of Dwelling 1 will be visible from the street, although it is recessed behind a single storey pavilion which will reduce its prominence in the streetscape.

The proposed site areas are less than that prescribed within the Evandale/Maylands/Stepney Policy Area, which is a negative aspect of the proposal. Notwithstanding, the proposed development will not unreasonably compromise the allotment pattern within the locality and both dwellings achieve acceptable setbacks, site coverage, private open space and car parking. As such, the failure to meet the quantitative site area per dwelling is not considered to be fatal to the overall merit of the proposal.

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 155/0641/15 by Anthony Donato Architects to construct two (2) group dwellings with associated carports, fencing and landscaping; on the land located at 8 Edward Street, Evandale, subject to the following requirements, conditions and notes:

Relevant Plans

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

- the site plan and floor plans prepared by Anthony Donato Architects, Job No. 3720-15, received by the Council on 4 November 2015;
- the elevations prepared by Anthony Donato Architects, Job No. 3720-15, received by the Council on 29 October 2015; and
- the existing site levels plan prepared by Anthony Donato Architects, Job No. 3720-15, received by the Council on 15 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 kerb & water table or a Council underground pipe drainage system.
2. The rainwater tanks, herein approved, shall have a minimum capacity of 2000 litres per dwelling and shall be plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
3. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/535/2015 – BUILDTEX PTY LTD – 42 THIRD AVENUE, ST PETERS

DEVELOPMENT APPLICATION:	155/0535/15
APPLICANT:	Buildtex Pty Ltd
SUBJECT SITE:	42 Third Avenue, St Peters (Certificate of Title; Volume: 5674 Folio: 541)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey detached dwelling with an associated swimming pool, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone (The Avenues Policy Area) – Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

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

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in a 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:	1045.2m ²
Topography:	essentially flat
Existing Structures:	detached dwelling
Existing Vegetation:	a mature (non-regulated) Spotted Gum tree

The subject land is relatively flat and contains a red brick dwelling, built circa 1950's. The subject land has not been maintained and the grounds around the dwelling are overgrown.

Locality Attributes

Land uses:	predominantly residential and East Adelaide Primary School
Building heights (storeys):	predominantly single storey, with some two-storey buildings at the rear of dwellings or in the roof space

Streetscape amenity high - due to quality of building stock, wide streets and mature street trees

The locality is predominately residential, aside from East Adelaide Primary School which 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 the dwellings in the street present to Third Avenue as single storey development, although several have two-storey elements either at the rear of the dwelling or in the roof space of the dwelling.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey detached dwelling with an associated swimming pool, fencing and landscaping. The proposed dwelling presents to the street as a single storey building, with the first floor set back behind the single storey portion of the dwelling.

The proposed dwelling includes four (4) bedrooms (all with walk-in robes and en-suites), a guest bathroom, a combined kitchen/meals/living area, a theatre room, a study, a formal lounge, an upstairs retreat area and a laundry.

A three (3) vehicle garage is proposed at the rear of the property, with access from Fourth Lane. A central courtyard is proposed with a swimming pool and an outdoor entertaining area, with direct links to the living areas of the dwelling. A portion of the outdoor entertaining terrace is covered by the first floor of the dwelling.

A 1.65 metre high masonry pillar front fence with black steel pickets and gates is proposed. Side and rear fencing will be replaced where required with 1.8 metre high corrugated profile 'Woodland Grey' Colorbond fencing.

The external walls of the proposed dwelling are to be constructed with rendered masonry "Taubmans Buff Tone" (which is a dark beige), with the facade of the dwelling to incorporate feature stone "Pompeii Travertine" sandstone tiles. A simple hipped roof form is proposed with 'Colorbond' custom-orb sheeting (Woodland Grey) on a 27.5 degree pitch.

The dwelling has been designed with deep set windows and a horizontal steel verandah element that runs across the front of the building below the feature tiles. The underside of the verandah element will be finished with western red cedar. The Applicant has proposed the use of commercial grade aluminium windows, powder coated with "Shoji White" (which is a relatively dark beige colour). The front door is solid timber finished with "Sikkens Walnut".

The proposed development includes generous landscaped gardens at the front and rear of the dwelling with a range of trees, shrubs and ground covers. Screening landscaping is also proposed at the sides of the dwelling.

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	1045.2m ²	600m ² (The Avenues Policy Area PDC 5)
Allotment Width	22.86m	18m (The Avenues Policy Area PDC 7)
Allotment Depth	45.72m	N/A
External Wall Height*	3.62m-6.6m	N/A
Maximum Overall Height (to roof apex)*	9.0m	N/A

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Floor Area (including garage and terrace) (building footprint)	678.32m ² 469.5m ²	N/A
Site Coverage	44.9%	50% (The Avenues Policy Area PDC 6)
Private Open Space	362.5m ² 35% of site area 79% uncovered	20% site area (City Wide PDC 225)
Street Set-back	7.4m	7.4m (in line with an adjacent LHP or CI - The Avenues Policy Area PDC 8)
Side Set-back	2.32m & 2.05m nil to garage	N/A
Rear Set-back	1.1m (garage)	N/A
Car Parking Provision	3 undercover	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 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 (PA) Desired Character Statement
- The Avenues PA Objectives: 1
- The Avenues PA PDC's: 1, 3, 7, 8

- RH(C) Zone Desired Character Statement
- RH(C) Zone Objectives: 4, 6
- RH(C) Zone PDC's: 7, 8

City Wide Objectives: 1, 2, 5, 7, 55, 56
City Wide PDC's: 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 The Avenues Policy Area PDC 2. The existing dwelling on the property is not a State or Local Heritage Place, nor is it listed as a Contributory Item within the Development Plan. As such, the demolition of the existing dwelling to make way for the construction of the proposed development is consistent with The Avenues Policy Area PDC 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 PA Desired Character Statement

The Avenues PA Objectives: 1
The Avenues PA PDC's: 1, 3, 4

RH(C) Zone Desired Character Statement

RH(C) Zone Objectives: 1, 2, 3, 5, 6, 8
RH(C) Zone PDC's: 1, 2, 14, 15, 16, 17, 18, 19, 22, 23

City Wide Objectives: 8, 18, 19, 55
City Wide PDC's: 28-33, 181, 198, 209

The proposed dwelling incorporates a simple contemporary design with a hipped roof, simple verandah, traditional building materials and vertically proportioned windows. Whilst the dwelling includes a two-storey section, the two-storey element is located over the middle section of the dwelling and will have a reduced prominence when viewed from the street.

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”*.

Both of the adjacent dwellings in Third Avenue are two-storey, albeit that the two-storey elements are quite minor when compared to the proposed dwelling. The adjacent Villa at 40 Third Avenue is listed as a Contributory Item in the Development Plan and is of generous proportions with typical 4.0 metre external wall heights. A light weight two-storey addition has been constructed at the rear of the Villa.

The adjacent dwelling at 46 Third Avenue has an unusually high roof pitch, with a second storey located within the roof space.

Notwithstanding that the adjacent dwellings both have two-storey elements; the predominant height of buildings within the locality is single storey. The construction of a two-storey dwelling is at odds with The Avenues Policy Area PDC 4, which is considered to be a negative aspect of the proposed development.

However, the Applicant has made an effort to minimise the extent of the two-storey portion of the dwelling by increasing its setbacks from the front and side of the proposed dwelling and reducing the length of the first floor when viewed from adjacent land.

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

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

- (a) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or*
- (b) second storey components located to the rear of a building; and*
- (c) in either of these instances:*
 - (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
 - (ii) should not overshadow or impact on the privacy of neighbouring properties;*
 - (iii) should not compromise the heritage value of the building or the view of the building from the street; and*
 - (iv) the total width of second storey windows should not exceed 30 percent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings.”*

The proposed dwelling includes a second storey component that is located toward the rear of the building, consistent with part (b) of Residential Historic (Conservation) Zone PDC 17.

The proposed dwelling incorporates wall heights, an overall scale and roof form that is compatible with existing single storey development in the zone, when viewed from the street. The proposed dwelling will not unreasonably overshadow or overlook adjacent properties (this will be discussed in further detail under the relevant heading later in the report), the dwelling will retain a single storey appearance at the front of the dwelling (although it is noted that the two-storey element will still be visible from oblique angles between the dwellings) and the first floor windows do not exceed 30% of the total roof width. As such, the proposed dwelling design is also reasonably consistent with part (c) of Residential Historic (Conservation) Zone PDC 17.

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 C**.

The proposed dwelling will reasonably complement the character of the streetscape, without replicating the historic building stock. In terms of visual outlook from adjacent land, the proposed dwelling has been set back from both side boundaries to enable some screening plants to be established to soften the impact of the building. The impact of the proposed second storey on the amenity of adjacent property occupiers will be discussed in greater detail under the heading *Overshadowing/overlooking* later in the report.

In terms of architectural style, 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 is set out below:

- *the proposed dwelling is a large two-storey home with a second storey at the rear;*
- *the proposed development has been revised several times with significant adjustments to the first floor;*
- *the previous busy roof form has been replaced with a hipped roof with a consistent ridge height across the front of the house, which will give the appearance of a traditional roof ridge;*
- *the first floor roof has a lower pitch to make it less visible from the street;*
- *the original design had a large porch/portico which is not typically seen in the area. The revised design has removed that, but relies on deep set windows under heavy masonry elements and a simple flat roof over the entry as their interpretation of a verandah element;*
- *the proposed second storey is set back sufficiently from the front and side boundaries to not be a dominant visual element in the streetscape;*

- *the proposed house is very wide and lacks generous side setbacks, which characterise the area. Whilst some effort has been made to improve the setbacks, the dwelling remains very wide when compared to the surrounding traditional houses;*
- *the front elevation has large windows, leaving very little solid walling at the front of the house. There are large floor to ceiling windows in every front room of the house;*
- *the proposed colours and materials are generally acceptable. Whilst the proposed travertine tiles are not ideal, the overall balance of colours and finishes is an improvement on the previous design and will be reasonably sympathetic to the streetscape;*
- *the proposed front fence includes simple heavy masonry pillars with black metal bar infill. Whilst the proposed fence is slightly over the recommended height in the Development Plan (1.5 metres), the general open nature of the design is very positive; and*
- *overall, the revised design is an improvement on the originally lodged proposal, but is still very wide in the streetscape. On balance, the proposed dwelling satisfies many of the heritage provisions within the Development Plan and will make a better contribution to the streetscape than the existing dwelling on the subject land.*

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

Whilst Mr Brown ultimately concluded that the Applicant had amended the design such that it satisfied the relevant heritage provisions of the Development Plan, it is clear from his advice that he had some reservations with the width of the dwelling and the interpretation of a verandah element. With this in mind, staff met with the Applicant to seek some additional design changes to better complement the character of the locality.

The Applicant, having considered the feedback of staff and Mr Brown, decided to further amend the design. The further amendments included:

- *setting the entire southern side of the dwelling an additional 1.0 metre from the southern side boundary, at both ground and first floor level (with the exception of the rear garage), without reducing the northern side setback (i.e. the dwelling was reduced in width by 1.0 metre);*
- *increasing the amount and type of landscaping adjacent to the side boundaries;*
- *increasing the front setback of the dwelling to 7.4 metres to match the front setback of the adjacent Contributory Item at 40 Third Avenue;*
- *adding a narrow flat steel verandah element beneath the solid masonry elements; and*
- *adding a screen to the northern side of the proposed 'internal' balcony.*

Whilst the Council's Heritage Advisor has not provided a written report regarding the further amendments, he has advised verbally that he is far more comfortable with the amended design.

It is considered that the proposed development now reasonably accords with relevant provisions of the Development Plan that relate to bulk, scale and character. In this context, the proposed dwelling is considered to be acceptable from a heritage and character perspective.

In terms of the proposed front fence, 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 is 1.65 metres high and consists of rendered masonry pillars and contemporary black steel pickets. Whilst the fence is marginally higher than 1.5 metres, as prescribed by The Avenues Policy Area PDC 9, the masonry pillars have been restricted to 1.65 metres in height, which is less than the 2.0 metres prescribed by PDC 9. The resulting level fence design is contemporary and will complement the proposed dwelling and other fences in the locality, without replicating the original design. The predominantly open nature of the fence will provide views of the front garden and the dwelling, which will assist in maintaining a garden setting, which is a characteristic of the Policy Area.

'Good Neighbour' Colorbond custom orb fencing in a 'Woodland Grey' finish is proposed to the side and rear boundaries ranging in height from 1.8 metres at the rear and on the side boundaries, behind the face of the dwelling, and 1.65 metres between the front of the dwelling and the front boundary to match the front fence.

The proposed fencing is considered to be acceptable.

Setbacks and Site Coverage

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

The Avenues PA PDC's:	6, 8
RH(C) Zone Objectives:	1, 6,
RH(C) Zone PDC's:	10
City Wide PDC's:	50, 204, 207

The dwelling at 40 Third Avenue is a Contributory Item and is set back from the street 7.4 metres from the main facade. The dwelling at 46 Third Avenue, which is not identified as a Contributory Item, is set back from the street 12.0 metres to the main facade.

The Avenues Policy Area Principle of Development Control 8 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."

As such, the proposed dwelling should be set back in line with the adjacent Contributory Item at 40 Third Avenue (7.4 metres). The dwelling was originally proposed with a lesser front setback; however the Applicant has amended the design to match the front setback of the adjacent Contributory Item, consistent with The Avenues Policy Area PDC 8.

As a result of the latest amendments, the ground level side setbacks of the proposed dwelling have increased to 2.32 metres from the south-western side boundary and 2.02 metres from the north-eastern side boundary (excluding the rear garage), which will provide reasonable space around the dwelling for landscaping and will maintain the pattern of side setbacks and space between dwellings, which is sought by The Avenues Policy Area PDC 8.

At the first floor level, the dwelling is set back 3.7 metres from the south-western side boundary and 5.2 metres from the north-eastern side boundary.

City Wide Principle of Development Control 206 states that the set-back of dwellings from their side and rear boundaries should be progressively increased as the height of the building increases, in order to minimise the visual impact of the building from adjoining properties; to minimise the overshadowing of adjoining properties; and to ensure adequate natural light and winter sunlight is available to the main activity areas and private open space of adjacent dwellings. The proposed first floor side and rear setbacks are consistent with this Principle. The impact of overshadowing will be discussed in greater detail later in the report.

The proposed garage at the rear of the allotment abuts the south-western side boundary, with an external wall height of 3.3 metres and a length of 7.1 metres. The proposed dimensions of the garage wall are consistent with other similar boundary structures located at the rear of allotments within the locality. In addition, the proposed garage boundary wall is located adjacent to the neighbour's carport, which also abuts the common side boundary, such that the proposed garage wall will have negligible impact on the amenity of the adjacent dwelling's occupiers.

The side setbacks are considered to reflect the pattern established by adjoining dwellings, in accordance with The Avenues Policy Area PDC 8.

City Wide Principle of Development Control 196 states:

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

Whilst overshadowing from the proposed development would exceed 50% of the private open space in the morning, the resulting overshadowing would affect less than 50% of the private open space by around 11.00am, meaning that the adjacent dwelling at 40 Third Avenue would continue to receive direct sunlight to at least half of the ground level private open space for at least four (4) hours between 9.00am and 3.00pm on 21 June, consistent with City Wide PDC 196.

It is also noted that the area impacted by overshadowing at midday is a service area occupied by a clothes drying area and rainwater tanks. The entire useable private open space area of the adjacent dwelling at 40 Third Avenue would not be affected by overshadowing after midday.

City Wide Principle of Development Control 71 states:

“Development should maintain solar access, for a minimum of 3 hours between 9am and 3pm on 21 June, to:

- (a) any existing solar collectors (such as solar hot water systems and photovoltaic cells) on adjoining properties; or*
- (b) an area of at least 10m² on the north facing roof of the existing building/s, in the event that there are no existing solar panels and/or photovoltaic cells on the adjoining property.*

development should not increase the overshadowed area by more than 20 percent in cases where overshadowing already exceeds there requirements.”

Staff have calculated that given the overall height of the proposed dwelling to the ridgeline and the separation of the ridgeline from the adjacent dwelling, overshadowing would only extend to approximately half way up the north-eastern side wall of the adjacent dwelling at 40 Third Avenue. The north-east and north-west facing aspects of the adjacent dwelling’s roof would remain unaffected by overshadowing, which would enable future solar collectors to be constructed, consistent with City Wide PDC 71.

In terms of overlooking, the Applicant has proposed high level windows with a sill height of 2.15 metres above the internal floor level for most of the first floor windows, which will enable clear glazing and ventilation without compromising the privacy of adjacent property occupiers.

However, a large floor to ceiling window and a balcony are proposed to provide views of the proposed swimming pool from the stairwell and Bedroom 1 on the first floor level. The Applicant has proposed a full height screen to the north-eastern end of the balcony, which extends 900mm beyond the balustrade to match the eaves. The adjacent dwelling at 46 Third Avenue has a garage with no side windows located directly adjacent to the proposed swimming pool area, such that there would be no overlooking of any adjacent dwelling windows from the first floor of the proposed dwelling.

Whilst it is likely that the proposed screen will prevent views of the adjacent dwelling’s private open space from both the balcony and the stairwell, it is difficult to accurately assess this aspect of the development. As such, it is recommended that a condition be imposed requiring all first floor windows with a sill level of less than 1700mm to be appropriately screened to a height of 1.7 metres above the floor level (this could be achieved by external overlapping slat screen which enables views down into their own land whilst preventing extended views).

As is the Council’s practice, the Council could review this requirement at the framing stage of the development at the Applicant’s request if it is clear that no unreasonably overlooking would occur from the stairwell or the bedroom.

The finished floor level of the proposed garage ranges between 50mm and 90mm above the adjacent surface level of Fourth Lane, with will ensure convenient transition grades for vehicular access and adequate secondary flood protection.

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:	10, 58, 164
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The subject land is not within a recognised flood plain.

The subject land is relatively flat with a maximum fall of 170mm from front to rear over the 45.7 metre depth of the site. The proposed finished floor level will range between 218mm to 388mm above natural ground level and 238mm to 358mm above the adjacent top of kerb level.

The proposed finished floor levels will provide a good fit in the context of the streetscape. No substantial retaining will be required and both surface and roof stormwater can be disposed of to the street water table via gravity.

A copy of the Applicant's Civil Plan is contained in **Attachment F**.

If the Panel determines to approved the proposed development, it is recommended that a condition be imposed requiring all stormwater to be discharged to the Third Avenue water table, as there is no stormwater infrastructure within Fourth Lane.

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:

RH(C) Zone PDC's:	36, 37
City Wide Objectives:	24, 98
City Wide PDC's:	73, 74, 75, 220, 221

There are no significant or regulated trees on the subject land, or adjacent land, which would be affected by the proposed development. A large (non-regulated) Spotted Gum tree with a trunk circumference of 1.75 metres is proposed to be removed.

The desired character statement for The Avenues Policy Area states (in part):

“Landscaping around a dwelling, particularly in the front garden, is an important design element in this Policy Area as it enhances the dwelling and adds to the appearance and quality of the streetscape. Both new and existing dwellings will incorporate an appropriate garden setting. The streets will continue to be lined with mature street trees in situations where they can be practically grown.”

The Applicant has provided a landscaping plan and schedule with the Application. The proposed landscaping includes small and medium trees and shrubs, including screening Leyton Green Conifers, Hop Bush, Honey Myrtles and a selection of plant species and lawn. A copy of the landscaping plan and schedule is contained in **Attachment G**.

The Applicant has proposed to plant screening trees (Leyton Green Conifers) adjacent to the side boundaries to provide additional privacy and screening. Leyton Green Conifers are a fast growing species, which can grow to a height of 15 metres. The Conifers are suitable to be pruned and maintain as individual trees or as a hedge, at a desired height. The Applicant has advised that they intend to grow the trees to a height of six (6) metres to soften the appearance of the proposed two-storey section of the dwelling when viewed from adjacent land.

The proposed landscaping will complement the dwelling and the landscaped garden settings of other development within the locality, consistent with Residential Historic (Conservation) Zone Principle of Development Control 37.

Two (2) mature street trees are located adjacent to the subject land. The proposed front fence has been designed with no plinth and, as such, will not require a strip footing. If the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring the Applicant to excavate the footings for the pillars by a non-destructive device such as a 'hydro-vac', 'air-spade' or by hand, with care taken to not sever any significant roots.

Environmental Sustainability

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

City Wide Objectives:	23, 42
City Wide PDC's:	70, 71, 72, 149, 150, 159, 161

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

The second storey of the proposed dwelling cantilevers over a portion of the private open space to provide an alfresco area below and to provide shade to the north-east facing windows at ground level. At the first floor level, most of the windows are high level and the dwelling has 900mm wide eaves which will assist in providing shade to the windows in summer and solar access to the first floor windows in winter.

This is considered to be a positive and practical design approach with regard to reducing the need for artificial cooling during summer and artificial heating during winter.

City Wide Principle of Development Control 159 prescribes 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. The Applicant has indicated that they will install an 1100 litre rain water tank, in accordance with the requirements of the Building Code of Australia.

In this instance, given the size of the proposed dwelling and the substantial roofed area, resulting in a significant amount of impervious surfaces on the land, it is considered to be reasonable to impose a condition requiring the Applicant to install a rain water tank (or tanks) with a minimum capacity of 2000 litres, in accordance with City Wide Principle of Development Control 159. If the Panel determine to approve the development, it is recommended that this condition be imposed.

The proposed swimming pool is sited adjacent to the north-eastern side boundary of the subject land. The associated plant and equipment will be enclosed within a pool equipment shelter abutting the north-eastern boundary, adjacent to the neighbour's garage. If the Panel determines to approve the development, it is recommended that a condition be imposed to ensure that the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a), when measured at adjoining property boundaries (the relevant Environment Protection Act requirement).

Summary

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

The two-storey portion of the proposed dwelling is set back behind a single storey portion of the dwelling, to reduce its prominence when viewed from the street. The Applicant has made several amendments to the design to reduce the size of the first floor and to increase the setback from the southern side boundary. Notwithstanding, the proposed dwelling remains of a substantial scale and the two-storey portion of the dwelling will be visible from Third Avenue, albeit that it will not be a prominent feature.

The Applicant has also made several alterations to the architectural style of the dwelling and the proposed design is now considered to be acceptable from a heritage perspective. The proposed colour scheme and the design of the front fence are also considered to be acceptable.

The proposed setbacks will complement other development in the locality and, when combined with the proposed landscaping, will result in a reasonable visual outlook from adjacent land. The proposed development will not result in any unreasonable overshadowing and overlooking has been address through the design of the dwelling.

The overall site coverage and the provision of private open space are consistent with the relevant provisions of the Development Plan. The development is well oriented for solar access and will provide shade to north facing windows in summer. Vehicular access and car parking are considered to be acceptable.

The provision of an 1100 litre rainwater tank is considered to be a negative aspect of the proposed development, given the significant proposed impervious areas.

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 adversely impact on adjacent residential properties to such an extent so as to warrant refusal. The shortfall in stormwater collection and re-use can be adequately addressed via the imposition of an appropriate condition, should the Panel determine to approve the development.

In this context, 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. 155/0535/15 by Buildtex Pty Ltd to construct a two-storey detached dwelling with an associated swimming pool, fencing and landscaping, on the land located at 42 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:

- plans and details prepared by Samuel James Homes, dated 29 October 2015 - Plan No's. 1 to 7, received by the Council 30 October 2015; and
- the Civil Plan prepared by FMG Engineering, Drawing No. HC01, Revision C, received by the Council on 4 November 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. Landscaping shall be planted in accordance with the landscaping plan, herein approved, prior to the occupation of the premises and shall be maintained 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.
5. The existing driveway crossover within Third Avenue shall be reinstated to kerb and gutter in accordance with the Council's specifications, prior to the occupation of the dwelling.
6. The footings for the front fence pillars shall be excavated with a non-destructive device such as a 'hydro-vac', 'air-spade' or by hand, with care taken to not sever any significant tree roots.

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

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/732/2015 – MR S SCANLON – 12 MAYFAIR STREET, MAYLANDS

DEVELOPMENT APPLICATION:	155/0732/15
APPLICANT:	Mr S Scanlon
SUBJECT SITE:	12 Mayfair Street, Maylands (Certificate of Title; Volume: 5814, Folio: 970)
DESCRIPTION OF DEVELOPMENT:	Demolition of a residential flat and the construction of a two-storey dwelling with an associated swimming pool, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone – Maylands Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

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

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in 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:	15.24 metres
Depth:	39.62 metres
Area:	604m ²
Topography:	slightly sloping from the east to the west
Existing Structures:	single storey single fronted cottage and associated outbuildings including a disused single storey unit
Existing Vegetation:	nil

The subject land is a regular shaped allotment on the western side of Mayfair Street. The subject land is occupied by a single fronted cottage (12 Mayfair Street), which is sited on the northern half of the allotment. The cottage is a Contributory Item.

A landscaping schedule and plan has been submitted with the Application. The proposed landscaping includes a range of small trees, shrubs and ground covers. The proposed external paving of the driveway and other areas is proposed with a high porosity to enable water to pass through.

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	Existing Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	306m ²	298m ²	300m ² - Maylands Policy Area PDC 5
Allotment Width	6.26m	8.98m	15.0m - Maylands Policy Area PDC 7
Allotment Depth	39.62m	39.62m	N/A
External Wall Height*	3.0m-4.8m	3.6m	N/A
Maximum Overall Height (to roof apex)*	5.6m-6.5m	6.0m	Single storey – Maylands Policy Area PDC 4
Floor Areas	133.0m ² (footprint) 206m ² (overall)	158.1m ² (overall)	N/A
Site Coverage	43.5%	53.1%	50% - Maylands Policy Area PDC 6
Private Open Space	108.2m ² 35.4% of site area 100% uncovered	66.0m ² 22.1% of site area 74% uncovered	20% - City Wide PDC 225(a)
Street Set-back	5.6m (dwelling) 4.3m (verandah)	4.3m (dwelling) 2.8m (verandah)	Reflect the pattern in the locality and no nearer to the street than any adjacent LHP or CI - Maylands Policy Area PDC 8
Side Set-back	Nil - 2.01m	Nil – 2.9m	Reflect the established pattern – Maylands Policy Area PDC 8
Rear Set-back	13.2m 10.7m (verandah)	9.3m 5.8m (verandah)	N/A
Car Parking Provision	1 undercover & 1 visitor	2 uncovered	2 on-site parking spaces per dwelling (Table NPSP/8)

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

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

Notification

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

The two-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2 (a) of the *Development Regulations 2008*. The swimming pool, fencing and landscaping is also 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 Maylands 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:

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

Residential Historic (Conservation) Zone Desired Character Statement	
RH(C)Z Objectives:	2, 4, 6
RH(C)Z PDC's:	7, 8, 30

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

Maylands Policy Area Principle of Development Control 2 states:

“Development should comprise the erection, construction, conversion, alteration of, or addition to, buildings of the following kinds:

Detached Dwelling
Semi-detached Dwelling”

The proposed development includes the construction of a dwelling, which upon the intended creation of a separate title, will become a detached dwelling, with other ancillary structures. As such, the proposed land use is considered to be acceptable within the Maylands Policy Area.

In terms of density, the Applicant has provided an indicative land division plan, which proposes to create an additional allotment for the proposed detached dwelling with a frontage width of 6.26 metres and a site area of 306m². The existing dwelling would be retained on an allotment of 298m², with a frontage width of 8.98 metres.

The Maylands Policy Area Principles of Development Control 5 and 7 prescribe that allotments containing detached dwellings should have a minimum site area of 300m² and a minimum allotment frontage of 15.0 metres respectively. Whilst the variance with the minimum site area for the existing dwelling is negligible, the proposed allotment frontage widths of each dwelling are significantly less than the width prescribed for detached dwellings within the Maylands Policy Area.

The Desired Character Statement for the Maylands Policy Area makes reference to single fronted attached dwellings as quoted below:

“The character of this Policy Area is very similar to that exhibited in the Stepney Policy Area but with a greater percentage of larger allotments, with proportionately larger homes. Development in this Policy Area will preserve and enhance the historic streetscape character created by the relatively wide streets utilised in the original subdivision layout, accommodating allotments of quite generous size. It will reflect the scale and character established by mainly single-storey double-fronted detached villas and cottages of modest

proportions with substantial established gardens, along with some single-fronted attached dwellings, consisting of sandstone and bluestone construction, built in the late 1800s". (my underline)

Whilst the proposed dwelling is not an attached dwelling, it is proposed to be constructed at the southern end of three (3) existing single fronted cottages with similar allotment areas and frontage widths. This aerial photograph contained in **Attachment A1** illustrates this context.

The Desired Character Statement provides a clear picture of the intended pattern of development within the Maylands Policy Area. The establishment of one additional dwelling with a narrow frontage, which is consistent with the three (3) adjacent single fronted cottages, would not significantly alter the desired character of the area. The Policy Area would remain predominantly characterised by allotments of a generous size, consistent with the Desired Character Statement for the Maylands Policy Area.

Maylands Policy Area Principle of Development Control 3 states:

"A new dwelling should only be constructed where it replaces an existing building or feature, which does not contribute to the historic character of the Maylands Policy Area, with a more sympathetic style of development or at the rear of an allotment where it can be accommodated."

The proposed dwelling would replace a disused single storey residential flat which is located in the south-western corner of the subject land. The existing flat is of concrete block construction and does not make any positive contribution to the historic character of the Policy Area. Whilst the proposed dwelling would not be sited in the same location as the existing building, it would effectively fill a void in the streetscape that was created when the area was originally developed.

Within the context described above, the proposed allotment configuration and land use are considered to be acceptable, notwithstanding the failure to comply with the minimum dwelling frontage width set out in Maylands Policy Area PDC 7.

Streetscape/bulk/scale/height/character

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

Maylands Policy Area Desired Character Statement

Maylands Policy Area Objectives: 1
Maylands Policy Area PDC's: 1, 3 & 4

Residential Historic (Conservation) Zone Desired Character Statement

Residential H(C)Z Objectives: 1, 3 & 5
Residential H(C)Z PDC's: 1, 2, 3, 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 has a contemporary design with an asymmetrical gable roof, a perforated brick gable end, timber window frames and doors, and corrugated "shale grey" iron roofing. The dwelling is proposed with rendered masonry walls within the front single storey portion of the dwelling and painted light-weight rendered cladding beyond. The two-storey element of the dwelling is located predominantly within the roof space and will not be a prominent element when viewed from the street. The roof space includes openable skylights for light and ventilation to the first floor rooms.

Whilst contemporary in design, the proposed dwelling is of a scale and includes architectural elements that complement the historic building stock in the locality, particularly the three (3) adjacent single fronted cottages. It is understood that the architectural brief was to create a contemporary version of a single fronted cottage.

In terms of scale, Maylands Policy Area Principle of Development Control 4 states:

“Development in the Maylands Policy Area should not be more than one (1) storey above natural ground level.”

The predominant height of dwellings in the immediate locality is single storey, consistent with Maylands Policy Area PDC 4. Whilst the proposed dwelling is at odds with Maylands Policy Area PDC 4, the dwelling has been designed to conceal the second storey predominantly within the roof space of the dwelling, such that it maintains a single storey appearance when viewed from the street and, to a lesser extent, adjacent land.

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

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

- (b) sympathetically designed two-storey additions that utilise or extend roof space to the rear of the dwelling, such as the use of attics with dormer windows; or*
- (b) second storey components located to the rear of a building; and*
- (c) in either of these instances:*
 - (i) should be of a building height, scale and form that is compatible with the existing single-storey development in the zone;*
 - (ii) should not overshadow or impact on the privacy of neighbouring properties;*
 - (iii) should not compromise the heritage value of the building or the view of the building from the street; and*
 - (iv) the total width of second storey windows should not exceed 30 percent of the total roof width along each elevation and be designed so as to not overlook the private open space of adjoining dwellings.”*

The proposed dwelling includes a second storey component that is located within the roof space, towards the rear of the dwelling, consistent with parts (a) and (b) of Residential Historic (Conservation) Zone PDC 17.

The proposed dwelling incorporates wall heights, an overall scale and roof form that are compatible with existing single storey development in the zone when viewed from the street. The proposed dwelling will not unreasonably overshadow or overlook adjacent properties (this will be discussed in further detail under the relevant heading later in the report), the dwelling will retain a generally single storey appearance and the first floor windows do not exceed 30% of the total roof width. As such, the proposed dwelling design is also consistent with part (c) of Residential Historic (Conservation) Zone Principle of Development Control 17.

The Applicant has prepared a streetscape diagram and perspectives of the proposed dwelling, which provide a good illustration of the bulk and scale of the proposed dwelling and the relationship with adjacent dwellings. The streetscape diagram and the perspectives are contained in **Attachment B3**.

The proposed dwelling will complement the character of the streetscape, without replicating the historic building stock. The bulk and scale of the proposed dwelling is considered to be reasonably consistent with other dwellings within the locality.

In terms of visual outlook from adjacent properties, the two-storey portion of the proposed development is considered to be acceptable. The attached carport of the adjacent dwelling at 10 Mayfair Street occupies a significant portion of the common side boundary. Beyond the carport, the adjacent dwelling does not have any north-facing windows. Beyond the dwelling is an open verandah, from which the primary outlook is to the rear (west) of the allotment. The proposed dwelling does not extend beyond the verandah of the adjacent dwelling, such that views from the private open space area at 10 Mayfair Street will not be unreasonably compromised.

The existing single fronted cottage on the land has a reasonable separation from the proposed dwelling (of between 3 and 4 metres) and has its predominant outlook towards the western rear boundary. The south facing windows in the original portion of the dwelling are adjacent to its own driveway and the proposed dwelling's service area. As such, it is considered that the visual outlook from the adjacent dwellings will not be unreasonably compromised by the proposed development.

In terms of the suitability of the architectural approach in a heritage context, 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 is set out below:

- *the proposed dwelling will sit on a vacant portion of land that essentially continues the row of single fronted cottages in its form, scale, setbacks, and rhythm in the street;*
- *the dwelling has an asymmetrical gabled roof with a setback gable infill made up from masonry elements with gaps in between to form a screen;*
- *the eaves level, roof height and general proportions of the front portion of the house are all based on the adjacent houses, so the dwelling will sit comfortably in the street, filling a gap between two existing houses;*
- *the second level is set back a reasonable distance, similar to the ridgeline of the higher portions of the adjacent houses and is predominantly within the roof space, which assists in keeping the overall height down;*
- *the proposed colour scheme is acceptable;*
- *the location of adjacent driveways and carports helps to provide some separation between the proposed house and the adjacent houses, despite the dwelling abutting the side boundaries;*
- *the front setback has been modified and the house is now set back further on the site so the bulk of the gable form is behind the two adjacent houses;*
- *the proposed front fence will be a good addition to the streetscape;*
- *the design of the proposed carport, under the main roof of the dwelling, works well with the narrow site and assists within the width of the new house fitting in well with the other single fronted cottages to the north; and*
- *after much revision, the proposed design is an elegant modern house that resists copying its surroundings, but yet is still contextual and polite in the streetscape. From a heritage perspective, the house will be a positive addition to the streetscape and will not have a negative impact on the surrounding historic dwellings.*

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

The detailing, materials and proportions of the proposed dwelling are such that the design will be of a high quality and will improve the overall visual amenity of the Mayfair Street streetscape, in accordance with the Desired Character Statement for the Maylands Policy Area.

Front fences within the locality vary in their materials, forms and heights. The Applicant has proposed a 1.4 metre high masonry pillar and plinth front fence, with steel "pickets", which is to return to the building alignment. The proposed fence is open in nature, consistent with the intent of Maylands Policy Area Principle of Development Control 9. The proposed front fence will complement the proposed dwelling and other fences within the locality.

The Applicant has nominated 1.8 metre high corrugated profile 'Colorbond' side and rear fencing. Whilst the height and style of the proposed side and rear fences are considered to be acceptable, the Applicant has not nominated a colour. The Council's Heritage Advisor has verbally advised that the side and rear fencing should be in the grey colour range (perhaps explain why in a sentence or better still, have the applicant email you confirmation that they are happy to install grey fencing). As such, if the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring all side and rear fencing to be finished in a grey scale colour.

The Applicant has proposed to retain the existing masonry boundary walls associated with the outbuilding, which is otherwise proposed to be demolished. The existing masonry boundary walls are currently 3.7 metres high. However, the Applicant has proposed to reduce the height of the boundary walls to 2.4 metres, in accordance with City Wide Principle of Development Control 58. The masonry boundary walls are proposed to be reinforced and rendered, which will significantly improve the visual outlook for the occupants of the adjacent dwelling.

It is considered that the proposed development accords with relevant provisions of the Development Plan that relate to bulk, scale and character, as well as heritage.

Setbacks and Site Coverage

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

Maylands 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 5.6 metres from the Mayfair Street property boundary, with a verandah element extending to 4.3 metres from the street boundary.

The Maylands Policy Area Principle of Development Control 8 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 Villa at 10 Mayfair Street is a Contributory Item and has a front setback to the primary facade of 2.5 metres. The single-fronted Cottage, which is to be retained on the subject land, is also a Contributory Item and has a front setback of 4.3 metres to the dwelling facade, with the verandah extending to 2.8 metres front the street boundary.

The proposed dwelling has a greater front setback than both of the adjacent buildings, with the proposed verandah element to align with the front facade of the existing single fronted cottage. The proposed front setbacks are therefore considered to be consistent with Maylands Policy Area Principle of Development Control 8.

With respect to side setbacks, the front section of the dwelling is proposed to be built from boundary to boundary.

Residential Historic (Conservation) Zone Principle of Development Control 20 states:

"Building to side boundaries (other than for party walls in semi-detached or row dwellings) or to the rear boundary is generally inappropriate, but may be considered where it is demonstrated that it assists in the retention of a heritage place and where there will be no detrimental effect on the residential amenity of adjoining properties."

and;

City Wide Principle of Development Control 207 states:

"A wall or structure on a side or rear boundary should generally be limited to a height of 3 metres above natural ground level and a length of 8 metres. A greater height or length may be considered where:

- (a) there is an existing abutting boundary wall or structure on the adjoining land: or*
- (b) there will be no unreasonable visual outlook impact or overshadowing impact on the occupants of the adjoining property."*

The proposed dwelling has been designed with the front portion of the dwelling abutting the southern side boundary, to enable sufficient area distance between the proposed dwelling and the existing single fronted cottage (2.9 metres) for a vehicle car parking space. The southern side boundary wall extends for a length of 7.9 metres, with a wall height of 3.0 metres, consistent with City Wide Principle of Development Control 207.

The southern boundary wall predominantly abuts the neighbours carport, which already includes a lattice boundary screen along the entire length of the carport (the boundary wall will extend approximately 700mm forward of the adjacent carport but will remain 1.8 metres behind the adjacent dwelling facade). In this context, the proposed boundary wall will have negligible impact on the outlook from the adjacent dwelling.

The carport of the proposed dwelling will abut the proposed internal boundary for a length of 5.65 metres, with a height of 3.0 metres. The proposed northern boundary development includes an open timber screen for the front third and a rendered masonry wall for the remaining portion. This section of the boundary wall is located adjacent to the proposed driveway and car parking area for the existing single fronted cottage. It is reasonable to expect that the occupants of the single fronted cottage will erect a carport in this location in the future. Either way, the proposed northern side boundary development will not have an unreasonable impact on the outlook from the adjacent dwelling.

The proposed 2.9 metre separation between the proposed dwelling and the existing single fronted cottage on the subject land will assist in maintaining the built form rhythm of the street, by providing space between the dwellings, such that the nil side setbacks of the proposed dwelling will not have an adverse impact on the streetscape. If a carport were to be constructed within this space to service the existing dwelling, it is likely that it will need to be set back behind the dwelling's facade and be of a design that will not visually dominate the dwelling. In this context, the general space between the dwellings will continue to be visible from the street, regardless of whether a carport is constructed.

The proposed dwelling incorporates a generous rear setback (13.2 metres to the dwelling wall and 10.7 metres to the verandah/roof overhang), which will provide a good level of separation from adjacent residential development at the rear of the site.

In terms of site coverage, Maylands 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 dwelling has an overall site coverage of 43.5%, which is consistent with this Principle and other development within the locality.

The existing single fronted cottage would have a site coverage of 53.1% as a result of the proposed development. Whilst the resulting site coverage for the single fronted cottage is marginally higher than anticipated within the Policy Area, the dwelling will maintain adequate private open space and setbacks, and will not have any adverse impact on the occupiers of adjacent land.

The overall site coverage for the development equates to 48.2%, which is consistent with Maylands Policy Area PDC 6.

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

The proposed dwelling will result in an increase in overshadowing over the adjacent land at 10 Mayfair Street, due to the overall height and roof pitch of the proposed dwelling.

The Applicant has provided shadow diagrams that illustrate the level of overshadowing at 9.00am, 12.00pm and 3.00pm on 21 June (the winter solstice). A copy of the shadow diagrams is contained in **Attachment D**.

A significant portion of the adjacent dwelling's carport, at 10 Mayfair Street, abuts the common side boundary. The side of the carport is partially enclosed with a lattice screen on the boundary. Overshadowing from the proposed dwelling would occur primarily over the existing carport roof. All of the north facing windows in the adjacent dwelling at 10 Mayfair Street are located beneath that dwelling's carport, such that they are already completely overshadowed throughout the year.

The shadow diagrams illustrate that the proposed dwelling will overshadow a portion of the adjacent dwelling's private open space during the morning, but by lunchtime the shadow will have shifted to the verandah and carport roof.

City Wide Principle of Development Control 196 states:

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

The adjacent dwelling at 10 Mayfair Street will continue to receive more than two (2) hours of direct sunlight to at least half of its ground level private open space between the hours of 9.00am and 3.00pm on 21 June, consistent with City Wide Principle of Development Control 196.

City Wide Principle of Development Control 71 states:

“Development should maintain solar access, for a minimum of 3 hours between 9am and 3pm on 21 June, to:

- (c) any existing solar collectors (such as solar hot water systems and photovoltaic cells) on adjoining properties; or*
- (d) an area of at least 10m² on the north facing roof of the existing building/s, in the event that there are no existing solar panels and/or photovoltaic cells on the adjoining property.*

development should not increase the overshadowed area by more than 20 percent in cases where overshadowing already exceeds there requirements.”

Given the overall height of the proposed dwelling to the ridgeline and the separation of the ridgeline from the adjacent dwelling, it has been calculated that overshadowing would only impact on the carport roof and the gutter of the dwelling. The north facing aspect of the adjacent dwelling’s roof would remain unaffected by overshadowing, which would enable future solar collectors to be constructed, consistent with City Wide PDC 71.

In terms of overlooking, openable skylight windows are proposed for all first floor rooms. The skylight windows have a sill level of 2.5 metres on the southern aspect and 1.9 metres on the northern aspect, which will ensure that no unreasonable overlooking can occur from within these rooms.

Bedroom 1 includes a rear facing floor to ceiling window, which faces the dwelling’s private open space area and the proposed swimming pool. The roof form of the dwelling extends 2.5 metres beyond the rear facade of the dwelling to provide shelter and an alfresco area below. The Applicant has proposed to incorporate vertical screens on either side of the rear facing first floor window for the full height of the window with a depth of 2.5 metres to match the roof, in order to prevent overlooking to the adjacent properties while enabling views of their own private open space and swimming pool.

Whilst the proposed vertical screens would prevent the majority of views to the adjacent dwellings at the side of the proposed dwelling, there would remain potential overlooking of the adjacent property to the rear of the allotment. As such, it is recommended that a condition be imposed requiring the rear facing first floor window to be appropriately screened to a height of 1.7 metres above the floor level (this could be achieved by external overlapping slat screen which enables views down into their own land whilst preventing extended views).

As is the Council’s practice, the Council could review this requirement at the framing stage of the development at the Applicant’s request if it is clear that no unreasonably overlooking would occur from the bedroom.

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 108.2m² of private open space. The private open space area includes an open uncovered area and an alfresco area, which is situated under the main roof of the dwelling. The private open space area has good links with the living areas of the dwelling.

The proposed area of private open space equates to 35% of the dwelling's proposed site area, achieving the minimum provision of 20%, prescribed by City Wide PDC 225(a).

The existing single fronted cottage would have 66m² of private open space as a result of the proposed development, which equates to 22.1% of the resulting site area, which is also consistent with City Wide PDC 225(a). The private open space area of the existing dwelling also has good links with the living areas of the dwelling.

Both the proposed dwelling and the existing dwelling also have significant areas at the side of the dwellings which are not included within the private open space calculation as they are only 2.0 metres wide. Notwithstanding, these areas will provide an opportunity for clothes drying, services and landscaping, without the need to compromise the private open space areas.

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 prescribes that detached dwellings should be provided with two (2) on-site car parking spaces per dwelling, of which at least one (1) is covered. The proposed dwelling includes a carport under the main roof, with sufficient area for a visitor to park a vehicle within the driveway. The existing dwelling has sufficient area for two (2) vehicles to be parked within the driveway, albeit that both spaces would be uncovered.

Notwithstanding this, a standard 6.0 metre length carport could be constructed over the driveway, suitably set back behind the facade of the existing dwelling, which would comply with the provisions of the Development Plan. Given that the subject land is within a Historic (Conservation) Zone and that the Council would not likely approve a roller door on any future carport, there will remain adequate provision for two (2) vehicles to park on-site, consistent with Table NPSP/8.

The provision of on-site car parking for the proposed and existing dwellings is therefore considered to be acceptable.

Access to both the proposed dwelling and the existing dwelling is proposed via an existing driveway crossover, which will need to be widened to accommodate two driveways. The proposed widening of the driveway crossover will not result in any conflict with street trees or other impediments.

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
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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 (50.4mAHD) is 200mm below the top of kerb level in Mayfair Street and steps down a further 340mm to 50.06mAHD to follow the natural ground level of the allotment. Stormwater collected from the roof will be directed to two (2), 1000 litre rainwater tanks which are to be plumbed back to the dwelling, with overflow to be discharged to the street water table via a sealed system.

The Applicant has proposed porous external paving such that surface water will be able to permeate into the soil. As such, surface runoff will be minimal. The proposed finished floor level is similar to adjacent development and will provide a good fit in the context of the streetscape.

The stepping of the dwelling's floor level will minimise the need for any retaining walls at the boundaries of the site.

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 no regulated or mature trees on the subject land or adjacent land that would be affected by the proposed development. Similarly, there are no street trees that would be affected by the proposed development.

In terms of landscaping, the Applicant has provided an indicative landscaping plan and schedule, which identifies a range of small trees, shrubs and ground covers including Capital Pears, Citrus Trees, Magnolias, Forest Pansy, Bamboo, Wisteria and lawn. 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 B1**.

Overall, the provision of landscaping is considered to be acceptable.

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 incorporates several environmentally sustainable design aspects. The dwelling itself has good access to northern light and provides shade to the west facing rear windows by extending the roof form 2.5 metres beyond the rear wall. The window openings at ground level and the openable skylights at first floor level will provide opportunities for cross ventilation, which will reduce the need for artificial heating and cooling.

Outside the dwelling, the Applicant has proposed to use permeable paving which will reduce the amount of surface stormwater runoff from the proposed development.

City Wide Principle of Development Control 159 prescribes 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. The Applicant has proposed a 2000 litre rainwater tank to collect stormwater from the roofed areas. The proposed rainwater tank is proposed to be plumbed back to the dwelling for re-use within the toilets and water heaters, in accordance with City Wide Principle of Development Control 159.

City Wide Principle of Development Control 148 states (in part):

- “Development should be sited and designed to:*
- (a) minimise surface water runoff;*
 - (b) capture and re-use stormwater, where practical;”*

The proposed development has been designed to minimise surface runoff and to capture and re-use stormwater, as prescribed within City Wide PDC 148. This is considered to be a positive aspect of the proposed development.

Summary

The proposed detached dwelling is an anticipated type of development within the Residential Historic (Conservation) Zone.

Whilst the proposed allotment frontages are less than that prescribed for the Maylands Policy Area, the proposed site areas are relatively consistent with Maylands Policy Area PDC 5 and the dwelling width reflects the existing single fronted cottages that abut the northern boundary of the subject land. The proposed dwelling will provide for a good fit in the context of the streetscape and, as such, the proposed land use and density is considered to be acceptable in this instance.

The proposed setbacks, the provision of private open space and the resulting site coverage are considered to be acceptable. The provision of on-site car parking and vehicular access to both the proposed dwelling and the existing dwelling is considered to be safe and convenient.

The contemporary architectural design of the proposed dwelling is considered to complement the adjacent dwellings, without replicating the traditional building stock within the locality, from a streetscape perspective. The environmental aspects of the dwelling design, including shading of west facing windows, permeable paving, stormwater collection and re-use are positive aspects of the development.

The two-storey form is contained predominantly within the roof space, albeit that the two-storey section has a raised external wall height.

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 155/0732/15 by Mr S Scanlon, to demolish an existing residential flat and to construct a two-storey detached dwelling with an associated swimming pool, fencing and landscaping (second dwelling on the allotment); on the land located at 12 Mayfair Street, Maylands, 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, Project No. DA.001, Drawing No's A01, A02 & A03, Revision 2, received by the Council on 2 November 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 kerb & water table or a Council underground pipe drainage system.
2. The side and rear fences, herein approved, shall consist of corrugated profile Colorbond, or similar, in a grey scale colour such as 'Woodland Grey' or 'Monument', to complement the finishes of existing fences in the locality.

3. The portion of all upper floor windows less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
4. The rainwater tank, herein approved, shall be 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.
5. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/D039/2014 – MR N L HAYES – 2 HARTMAN AVENUE, FELIXSTOW

DEVELOPMENT APPLICATION:	155/D039/14
APPLICANT:	Mr N L Hayes
SUBJECT SITE:	2 Hartman Avenue, Felixstow (Certificate of Title, Volume: 5704, Folio: 327)
DESCRIPTION OF DEVELOPMENT:	Torrens title land division (Creating one (1) additional allotment)
ZONE:	Residential 2A Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for a Torrens Title land division creating one (1) additional allotment.

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

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:	17.86 metres (including cut-off)
Depth:	33.83 metres
Area:	703m ²
Topography:	slightly sloping from front (southwest) to rear (northeast)
Existing Structures:	single-storey detached dwelling
Existing Vegetation:	several mature trees located within the side yard areas (none of which are Regulated Trees)

The subject land is a corner allotment with its primary frontage to Hartman Avenue and a Secondary frontage to Fisher Street.

Locality Attributes

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

The locality is characterised by post war building stock, a moderate to high extent of infill development. Street plantings along both Hartman Avenue and Fisher Street are sparse, contributing to a decreased level of streetscape amenity.

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

Proposal in Detail

The Applicant is seeking approval to divide a corner allotment to create one (1) additional Torrens Title allotment. One of the proposed allotments (Lot 1) has frontages to both Hartman Avenue and Fisher Street and is shown to be accommodating the existing dwelling on the land, while the other proposed allotment (Lot 2) has a frontage to Fisher Street.

Lot 1 is to maintain a frontage to Hartman Avenue of 17.9 metres and is to have a secondary frontage to Fisher Street of 17.7 metres. This proposed allotment incorporates the existing corner cut-off and has a total area of 417m².

Lot 2 has a frontage to Fisher Street of 13.10 metres and a depth of 20.9 metres, resulting in a total area of 286m².

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Lot 1 (retaining the existing dwelling)	Lot 2	Development Plan Merit Assessment Quantitative Guideline
Site Area	417m ²	286m ²	N/A
Allotment Width	17.9-20.9m	13.1-15.9m	N/A
Allotment Depth	17.7-17.9mm	20.9m	N/A

A copy of the proposed plan of division is contained in **Attachment B**.

Notification

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

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

Land Use and Density

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

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

City Wide Objectives: 1, 5 & 15.
City Wide PDC's: 1, 2, 3, 20, 22, 25, 188, 155 & 189.

The relevant version of the Development Plan does not contain any quantitative allotment area or dimension provisions for the assessment of merit Development Applications within the Residential 2A Zone. The proposed land division therefore must be assessed against the relevant qualitative provisions of the Development Plan, with recognition of the fact that detached dwellings on sites with a minimum area of 560m² and 15m frontage width are a complying form of development and therefore a conservatively acceptable form of development in the zone.

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

The Applicant has submitted an indicative plan of a modest single-storey dwelling that can be accommodated on Lot 2, that is relatively consistent with the provisions of the Development Plan. It is important to note that this indicative plan is for example purposes only and the future owners of the land would not be bound to construct that dwelling on the subject land.

A copy of the indicative plans is contained in **Attachment B2**.

The indicative plan demonstrates that a dwelling could be constructed on the allotment that meets the criteria listed in City Wide Principle of Development Control 189. Specifically, the indicative plans provided illustrate a modest dwelling with reasonable setbacks, site coverage, provision of landscaping and private open space with reasonable orientation, safe and convenient access for vehicles undercover with one visitor space in the driveway for Lot 2 and multiple opportunities for a rainwater tank.

The indicative plan is for a single-storey dwelling that would provide for a good fit in the context of the Fisher Street streetscape, adequate clearance from street trees, would need minimal excavation and which would not have an unreasonable impact on adjoining property occupiers. The proposed allotment width is consistent with dwellings on adjacent land.

The existing dwelling would be left with adequate private open space and vehicle access arrangements and will retain a function internal layout.

Proposed Lots 1 and 2 are considered to be of sufficient area and dimensions to be able to accommodate the existing and future detached dwellings, respectively, consistent with Residential 2A Zone Principle of Development Control 2. The proposed density is therefore considered to be acceptable.

Streetscape/bulk/scale/height/character

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

City Wide Objectives: 18.
City Wide PDC's: 29, 30, 36, 37, 43, 44, 45 & 223.

The Fisher Street streetscape character is unlikely to be altered significantly as a result of the future development of Lot 2, resulting from the proposed land division. The proposed allotment with a frontage to Fisher Street (Lot 2) incorporates a relatively generous allotment frontage of 13.1 metres in comparison to the infill development along the southern side of Fisher Street. In particular, the detached six dwellings at 8, 8A, 10 and 10A – 14 and 14B Fisher Street, all have allotment frontages ranging from 8.9 – 9.3 metres. The detached dwelling at 12 Fisher Street and situated in between these previously mentioned six dwellings, has a frontage of 16.8 metres. In this context, the proposed allotment frontage of Lot 2 is considered compatible with the pattern of allotment frontages within the immediate area of Fisher Street.

That said, the relatively small size of the allotment (286m²) could result in a desire from a future owner, to construct a two storey dwelling, in order to achieve a larger (more typical) floor area than that of the indicative dwelling. Any such future application would need to be carefully assessed taking into account the established streetscape character. Importantly however, the indicative plan demonstrates that it is possible for a functional single storey detached dwelling with a good streetscape 'fit' to be constructed on the allotment.

Setbacks and Site Coverage

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

City Wide PDC's: 39, 51, 52, 54, 212, 213, 214, 215, 217, 221 & 235.

City Wide Principle of Development Control 235 states:

Unless otherwise stated in the relevant Zone and/or Policy Area, garages and carports, on a corner allotment, facing a secondary street frontage (other than a laneway (including a service lane), or other minor or unserviced street) should:

- (a) *be set back a minimum of 1 metre from the secondary street frontage, unless the setback of the adjoining building is less, and 1 metre from the side boundary; and*
- (b) *be no more than 6 metres in length.*

The indicative plan shows a possible future carport that is able to be set back 1.2 metres from Fisher Street. The indicative carport in association with the existing dwelling satisfies the first part of Principle 235(a) however, it does not satisfy the second part in that it is not setback 1.0 metre from the proposed internal boundary. That said, an open sided carport in this location is not anticipated to result in an unreasonable visual impact to any future occupiers of Lot 2 nor is it anticipated that it would result in a stark visual appearance when viewed within a streetscape context. In addition, by siting the carport along the proposed internal boundary, sufficient clearance from the adjacent street tree is maintained in order to construct a new crossover (this will be discussed further in the Trees (regulated, mature & street) and landscaping section of this report).

The creation of a new allotment at the rear of the existing dwelling results in a significant reduction in the rear setback from 14.0 metres to 900mm. The existing verandah attached to the rear of the dwelling is proposed to be retained, such that the majority of the reduced rear yard area can be used for covered outdoor living.

The existing dwelling is single-storey and the resulting 900mm rear setback to the existing dwelling (including the verandah area) provides adequate separation to ensure that it will not have an unreasonable impact on the visual outlook from Lot 2, subject to any future dwelling being designed and configured accordingly. The resulting rear setback for the existing dwelling is therefore considered to be acceptable.

City Wide Principle of Development Control 213(a) states:

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

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

The indicative dwelling footprint indicates that the front facade has a front setback of 3.8 metres from the Fisher Street frontage. The existing dwelling has a secondary setback of 3.0 metres from Fisher Street. The dwelling directly to the northeast at 13C Fisher Street is setback 5.0 metres to the main facade. In this context, the indicative front setback of 3.8 metres is considered reasonable in that it will enable for an appropriate setback transition between the existing dwelling on the subject land and the dwelling at 13C Fisher Street which in turn, accords with Principle 213(a).

Overshadowing/overlooking

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

City Wide PDC's: 21, 199 & 200.

The future development of Lot 2 resulting from the proposed land division, is not likely to lead to excessive overshadowing or overlooking, providing a modest dwelling is ultimately constructed. Having regard to the indicative floor plan of the detached dwelling on the proposed vacant allotment, the single-storey form and the 1.0 metre set back of the south-western side elevation from the proposed internal property boundary will ensure that any overshadowing is negligible.

Private open space

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

City Wide PDC's: 241, 242, 243, 246 & 248.

Based on the indicative floor plan, the Applicant has indicated that 97m² or 34% of the proposed vacant allotment (Lot 2) can be allocated for private open space. This amount of private open space exceeds the 20% private open space guideline contained in Principle of Development Control 244(a), which is a positive aspect of the proposal.

The existing dwelling will retain 116m² of private open space, comprising both the side yard areas and the rear yard area, which includes the existing attached verandah area, and equates to 28% of the site area. The proposed amount of private open spaces for the existing dwelling also accords with Principle 244(a).

In a practical sense, the proposed areas of private open space provide adequate opportunity for clothes drying, the maintenance of landscaping and the use and enjoyment of the occupants. The provision of private open space is therefore considered to be acceptable.

Car parking/access/manoeuvring

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

City Wide Objectives: 34.
City Wide PDC's: 223, 226, 229, 230 & Table NPSP/8.

Table NPSP/8 requires that two spaces (one of which is covered) per detached dwelling, whereby the covered space is set back no less than 5.5 metres from the primary street frontage.

The Applicant has shown on the indicative plan that a future dwelling on the proposed vacant allotment can utilise the existing crossover. As such, the Applicant has shown that one undercover car parking space and one visitor car parking space can be accommodated for Lot 2. That said, it is worth noting that the indicative plans show the visitor parking space is only in the order of 4.9 meters in length and not the minimum 5.5 metres. Notwithstanding this, it is anticipated that any future dwelling design on the proposed vacant allotment can be designed so as to accommodate a 5.5 metre long visitor car parking space in accordance with the requirements of Table NPSP/8.

In terms of the existing dwelling, one undercover parking space (accessed from Fisher Street via a new crossover) and no visitor car parking is proposed, given that the indicative carport is to be set back 1.2 metres from Fisher Street. The omission of an on-site visitor space is not considered critical, as there is unrestricted on-street parking available on both the Hartman Avenue and Fisher Street frontages. The Development Plan recognises the use of on-street parking for visitors to dwellings on corner allotments, by virtue of Principle 235, allowing carports to be set back 1m from the street.

Three mature street trees are located adjacent to the Fisher Street frontage of the property. The existing and indicative floor plans illustrate that a single-width crossover with a driveway that provides adequate clearance from the central most street tree. Accordingly, it has been determined that manoeuvring can be undertaken in a safe and convenient manner, as illustrated on the indicative plan as there is adequate separation between the street trees.

Trees (regulated, mature & street) and landscaping

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

City Wide Objectives:	24.
City Wide PDC's:	76, 77, 78, 121, 239 & 240.

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

The proposed allotment (Lot 2) is considered to be of sufficient size to be able to accommodate a reasonable amount of landscaping in accord with City Wide Principles of Development Control 239 and 240.

City Wide Principle of Development Control 121(c) states (in part):

“Driveways should:

- (b) be designed and located so that they are not constructed closer than 1.5 metres to any street tree.”*

There are three mature street trees located adjacent to the Fisher Street frontage of the subject land. The Council's Planning staff sought advice from Colin Thornton of Treevolution Arboricultural Consultants, with regard to the determining the minimum separation for a new crossover to be constructed from the centrally located street tree (a Manchurian Pear). Mr Thornton advised that the street tree has a Structural Root Zone (SRZ) of 1.57 metres and that a single-width crossover can be constructed that does not compromise the structural integrity of the street tree. Whilst the proposal does not accord with Principle 121(C), Mr Thornton has advised that from an arboricultural perspective, some minor encroachment within with the SRZ is tolerable in order to construct a new crossover and as such, is considered acceptable.

On this basis, adequate clearances can be achieved from the indicative proposed driveway crossover to ensure the continued health of the three street trees and in particular, the centrally located street tree.

Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDC's:	70, 71, 72, 150, 151, 152, 153, 156, 157 & 161.

The environmental performance of the existing dwelling, and in particular it's access to northern light during the winter months for both the internal living areas and the private open space areas, is expected to be maintained as a result of the proposed development.

In terms of the proposed vacant allotment, the indicative dwelling floor plan demonstrates that a dwelling can be configured that maximises the predominantly northern orientation of Lot 2, in terms of solar access to both the rear yard private open space areas and solar access to the living areas of a future dwelling. Although not shown on the indicative dwelling, it is foreseeable that any future new dwelling would more than likely incorporate a covered verandah and/or alfresco area over a portion of the private open space area.

The retention of the existing dwelling also has broad environmental benefits insofar as its embedded construction energy will not be lost from the subject land.

Summary

The proposed land division will result in allotments that are reasonably consistent with other allotments within the locality in terms of allotment frontages and how they present to the street. Whilst there are no merit based quantitative Development Plan provisions for allotment areas and dimensions within the Residential 2A Zone, the Applicant has demonstrated that the proposed allotment (Lot 2) can be created without unreasonably compromising the siting of the existing dwelling.

The indicative plans provided suggests that the proposed allotment can be developed with a detached dwelling that is generally consistent with the Development Plan, will complement the locality and will not have an unreasonable impact on neighbouring allotments.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/D039/14 by Mr NL Hayes to undertake a Torrens Title land division creating one (1) additional allotment, on the land located at 2 Hartman Avenue, Felixstow, subject to the following requirements, conditions and notes:

Relevant Plans

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

- the plan of division (Reference Number 140504) prepared by Symonds Ryan & Cornish Surveying & Subdivision Consultants, received by the Council on 29 September 2015.

DAC Requirements

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0021371).

The internal drains shall be altered to the satisfaction of the SA Water Corporation.
2. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Notes to Applicant

1. The postal address of the newly created allotments are:
 - Lot 1: 2 Hartman Avenue, Felixstow SA 5070; and
 - Lot 2: 2A Hartman Avenue, Glynde SA 5070.
2. This consent does not imply demolition approval and a separate Application seeking demolition approval shall be lodged with the Council.

3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
4. This Development Plan Consent will lapse within 12 months of the date of this notice unless Land Division Consent and Development Approval have been obtained.
5. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/471/2015 – H & M PROPERTY INVESTMENTS PTY LTD – 72 & 74 LUHRS ROAD, PAYNEHAM SOUTH

DEVELOPMENT APPLICATION:	155/471/15
APPLICANT:	H & M Property Investments Pty Ltd
SUBJECT SITE:	72 and 74 Luhrs Road, Payneham South (Certificates of Title Volume: 5455 Folio: 740 and Volume 5417 Folio 946)
DESCRIPTION OF DEVELOPMENT:	Demolition of two (2) detached dwellings and the construction of seven (7) dwellings, comprising three (3) two storey dwellings and four (4) single storey dwellings
ZONE:	Residential 2A Zone Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to demolish two (2) detached dwellings and construct seven (7) dwellings, comprising three (3) two storey dwellings and four (4) single storey dwellings.

Staff do not have delegated authority to determine the Application, as it comprises a development in a battle-axe allotment configuration. 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 rectangle
Frontage width:	37.19 metres
Depth:	65.23 metres
Area:	2426m ²
Topography:	essentially flat
Existing Structures:	two detached dwellings with outbuildings
Existing Vegetation:	a range of small trees and shrubs

The subject land comprises two contiguous allotments, each containing mid-twentieth century conventional hipped roof masonry dwellings. The expansive rear yards contain a range of small trees and shrubs, none of which is regulated.

Locality Attributes

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

The subject land is located one allotment (18m) east of the boundary between Payneham South and Firle. This suburb boundary is also the Gazetted boundary between the Residential Development Code applicable area for new dwellings in Firle and the non-applicable area in Payneham South.

The subject land is bounded by:

- a single storey residential flat building containing 6 dwellings to the east at 76 Luhrs Rd;
- a single storey residential flat building containing 5 dwellings to the south at 73 Coorara Ave;
- a single storey detached dwelling to the south at 71 Coorara Ave; and
- a vacant allotment to the west at 70 Luhrs Road.

The Locality is considered to extend between Sullivan Street (located approximately 70m to the east of the subject land) and the properties at 61 and 62 Luhrs Road (located approximately 100m to the east of the subject land). On the southern side of Luhrs Road, the density of existing development in the locality (excluding the subject land and vacant allotment at 70 Luhrs Road) is 30 dwellings per hectare. On the northern side of Luhrs Road, the density of existing development in the locality is 18 dwellings per hectare. Within the broader area (ie. between Gage Street and Ashbrook Avenue) the average density is 23 dwellings per hectare.

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

Proposal in Detail

The Applicant seeks consent to demolish all structures on the subject land and construct seven (7) dwellings. The four dwellings proposed to be constructed at the rear of the allotment are not on exclusively held sites, as they are proposed to have visitor car parking spaces located within the common access area attributed to them. As such, they have been assessed on the basis of being group dwellings. On the other hand, the dwellings fronting Luhrs Road, are each to be contained on exclusively held sites (despite two of the dwellings taking vehicular access from a common driveway (Baily v City of NPSP & Anor [2009] SAERDC 38) and have therefore been assessed as detached dwellings.

The dwellings fronting Luhrs Road are two storey, with the ground level facades being finished in painted render, with parapeted verandahs extending forward, which are to be finished with tiles (Dwelling 1), painted render (Dwelling 2) and face brick (Dwelling 3). Simple hipped roof forms are proposed over the upper levels, in colorbond corrugated iron. Dwellings 2 and 3 have balconies facing the street.

The rear dwellings are single storey with modest wall heights of 2.4m (ceilings extend to 2.7m in roof space). They are each to be finished externally with painted render and colorbond corrugated iron pitched roofs.

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

TABLE 1 (part a): DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Site Area	291m ²	286m ²	280m ²	N/A
Site Width	10.3m	10.3m	10.3m	N/A
Site Depth	28m	28m	27m	N/A
External Wall Height*	5.5m	5.5m	5.5m	N/A
Maximum Overall Height (to roof apex)*	7.1m	7.1m	7.1m	N/A
Floor Area (total)	239m ²	230m ²	230m ²	N/A
Floor Area (footprint)	140m ²	145m ²	145m ²	N/A
Site Coverage	48%	51%	51%	N/A

TABLE 1 (part a): DEVELOPMENT DATA *continued*...

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Private Open Space	80m ² 27% of site area	66m ² 23% of site area	61m ² 22% of site area	20% of site area 50% uncovered
Street Set-back	6.2m	6.2m	6.2m	N/A
Side Set-back (ground level)	1.0m and Nil	1.0m both sides	1.0m both sides	N/A
Side Set-back (upper level)	2.4m and 2.0m	2.0m and 2.1m (excluding stairs)	2.0m and 2.1m (excluding stairs)	N/A
Rear Set-back	4.8m	8m (carport on boundary)	8m (carport on boundary)	N/A
Car Parking Provision	2 spaces, 1 of which is covered and set back 8m from the primary street	2 spaces, both of which are covered and set back 21m from the primary street	2 spaces, both of which are covered and set back 21m from the primary street	2 spaces, at least 1 of which is covered and set back 5.5m from the primary street frontage

** 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.*

TABLE 1 (part b): DEVELOPMENT DATA:

Consideration	Dwelling 4	Dwellings 5&6	Dwelling 7	Development Plan Merit Assessment Quantitative Guideline
Site Area (exclusive of common areas)	313m ²	263m ²	306m ²	N/A
Site Width	10.0m	8.6m	10.0m	N/A
Site Depth	31m	31m	32m	N/A
External Wall Height*	2.4m	2.4m	2.4m	N/A
Maximum Overall Height (to roof apex)*	4.4m	4.4m	4.4m	N/A
Floor Area (total)	151m ²	151m ²	151m ²	N/A
Site Coverage	48%	57%	49%	N/A
Private Open Space	114m ² 36% of site area	53m ² 20% of site area	114m ² 37% of site area	20% of site area 50% uncovered
Side Set-back (from outer boundary of subject land)	2.5m	N/A	2.5m	2.5m
Rear Set-back	4.0m	4.0m	4.0m	2.5m
Car Parking Provision	2 occupant spaces & 0.5 visitor spaces	2 occupant spaces & 0.5 visitor spaces	2 occupant spaces & 0.5 visitor spaces	2 spaces plus 0.5 visitor spaces

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 has been undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

Residential 2A Zone Objectives:	1
Residential 2A Zone Principles of Development Control:	1
City Wide Objectives:	56
City Wide Principles of Development Control:	187, 189, 192, 193, 194

Objective 1 of the Residential 2A Zone states:

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

Principle of Development Control 1 of the Residential 2A Zone states:

“Development should be, primarily, for detached dwellings at low densities on individual allotments; semi-detached dwellings and one-storeyed residential flat buildings, one-storeyed multiple dwellings, one-storeyed boarding houses or one-storeyed row dwellings may be suitable in certain parts of the zone (within the St Peters Area as shown on Map NPSP/1 (Overlay 1)).”

The Residential 2A Zone is intended to primarily accommodate detached dwellings, whilst allowing for other dwelling types, including group dwellings (which is the current terminology for ‘multiple dwellings’ as referenced in Principle 1) in certain parts of the zone. Are you sure? Isn't a multiple dwelling where more than 5 people live in the one house independent of one another?

The proposed detached dwellings fronting Luhrs Road are consistent with the anticipated dwelling types for the Residential 2A Zone.

Unfortunately the Residential 2A Zone provisions provide no guidance on what might constitute a suitable part of the zone for other types of dwellings to be developed. Similarly, the provisions provide no guidance on what density might be appropriate for other types of dwellings. The City Wide provisions of the Development Plan provide some guidance on circumstances where group dwellings are appropriate. In particular, Principles of Development Control 192, 193 and 194 provide guidance for the assessment of development involving the creation of hammerhead or battle-axe allotments.

The proposed development is consistent with City Wide Principles 192-194 insofar as it:

- will not lead to multiple access points onto a road, which would dominate or adversely affect the amenity of the streetscape;
- would be compatible with the prevailing pattern of development (the locality contains a high proportion of medium density development in the form of residential flat buildings and group dwellings);

- has a driveway 'handle' width of no less than 4 metres and not more than 6 metres to enable the provision of landscaping along the full length of the driveway, with the paved area of the driveway being not less than 6 metres in width for at least the first 6 metres and 5 metres in width thereafter;
- has a driveway 'handle' length of no more than 35 metres;
- incorporates a combined total width of 1 metre of landscaping along the full length of the driveway 'handle';
- contains sufficient area on the allotment/s, excluding area/s designated as covered and uncovered carparking spaces, for a vehicle to turn around and enable it to egress the allotment in a forward direction;
- provides a separation distance of at least 2 metres from the proposed driveway and a bedroom window of a neighbouring dwelling;
- avoids the repetition of driveways immediately adjacent to each other, where practicable; and
- is capable of draining stormwater safely and efficiently from each proposed allotment and disposed of from the land or retained on the land in an environmentally sensitive manner.

In relation to the first dot-point above, the Applicant's original intention was for each of the front dwellings to have its own driveway access from Luhrs Road. The Application has subsequently been amended to address Principle 194. This was considered important, as although the locality contains a high proportion of medium density developments, most of those developments comprise residential flat buildings with a single shared driveway access, such that generous landscaped frontages are able to be provided. The proposed development would result in a 28m long frontage devoid of crossovers, providing extensive opportunity for soft landscaping, consistent with the established character of the street.

In relation to the second dot-point, the proposal has a density of 29 dwellings per hectare. This is consistent with the average density of 30 dwellings per hectare within the locality on the southern side of Luhrs Road.

Given that the proposed development achieves the guidelines for hammerhead developments set out in Principles 192-194 and in light of the established density of the area, the density of the proposed development is considered to be acceptable.

streetscape/bulk/scale/height/character

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

Residential 2A Zone Objectives:	1
Residential 2A Zone Principles of Development Control:	1
City Wide Objectives:	18, 19, 20
City Wide Principles of Development Control:	29, 30, 31, 183, 205

The proposed detached dwellings fronting Luhrs Road are outwardly two storey, in a locality which is characterised by single storey dwellings. There are two policy considerations which are considered to support the construction of outwardly two storey dwellings on the subject land.

The first policy consideration is the latest version of the Development Plan, dated 2 July 2015. Although not the version against which the subject Application is to be assessed, it is of some relevance to consider that future dwellings in the locality which are assessed against the 2 July Development Plan will be assessed against the new Residential Zone provisions, where outwardly two storey development is anticipated (as opposed to the Residential Character Zone where dwellings should present to the street as single storey).

The second policy consideration to note, is that new detached and semi-detached dwellings located within the Firlie part of the locality (ie. 18m east of the subject land and beyond) are subject to the Residential Development Code, meaning that outwardly two storey dwellings must be approved as complying forms of development, in cases where a set of basic quantitative criteria are met.

In this policy context, the outwardly two storey form of the dwellings is considered acceptable. The dwellings are considered to present to the street in a well balanced contemporary form, using a suitable mix of materials to create visual interest. The fact that only one single-width garage fronts the street along the entire frontage of the subject land is a positive aspect, allowing ground level habitable rooms and balconies to result in positive engagement with the street and extensive soft landscaping.

It is clear from Residential 2A Zone Objective 1 and Principle of Development Control 1, as well as City Wide Principle of Development Control 205, that group dwellings should generally be single storey within the Residential 2A Zone. The proposal is consistent with these provisions, with the 4 group dwellings at the rear all being single storey.

The group dwellings are conventional in style, incorporating hipped and gable corrugated iron roof forms, entrance porches and render external walls. The proportions are relatively modest, with 2.4m external wall heights and overall ridge heights of just 4.4m.

The proposed dwellings are considered to be complementary the urban context of existing buildings on adjoining and nearby land in terms of architectural style, building shape and the use of common architectural elements and features, consistent colours, materials and finishes and are not likely to visually dominate the surrounding locality, consistent with City Wide Principle of Development Control 30.

Setbacks and Site Coverage

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

City Wide Principles of Development Control: 186, 207, 214, 215

City Wide Principle of Development Control 207 states that the distance between any portion of a single storey dwelling, on a battleaxe, hammerhead or similar configuration allotment, and a side or rear boundary of the allotment on which it is sited should be no less than 2.5 metres. This provision applies to the outer two proposed rear dwellings, which are set back 2.5 metres from the side boundaries of the subject land and 4.0 metres from the rear boundary. As such Principle 207 is satisfied.

Front setbacks in the locality vary as follows:

Southern side of Luhrs Road

76 Luhrs Road – 6.8 metres
70 Luhrs Road – N/A (vacant land)
68 Luhrs Road – 7.0 metres

Northern side of Luhrs Road (opposite the subject land)

71 Luhrs Road – 7.8 metres
73 Luhrs Road – 7.9 metres
75 Luhrs Road – 6.5 metres

The proposed dwellings fronting Luhrs Road have a front setback to the parapeted masonry verandahs of 6.2 metres, with the facades proper being set back at 7.0m.

City Wide Principle of Development Control 214 states that where a consistent building set back is not evident in a particular locality, or where a building setback is not specified in the relevant Zone and/or Policy Area, development should incorporate front setbacks that complement the predominant pattern established by the surrounding dwellings, but in any case should not project forward of an adjacent heritage place or contributory item.

The proposed setbacks are considered to be complementary to the pattern established by surrounding dwellings. It is 600mm closer to the street than the adjacent dwelling at 76 Luhrs Road, however reasonably consistent with other dwellings in proximity to the subject land. As such, the proposal is considered to be consistent with Principle 214. The nearest dwelling to 76 Luhrs Road, Dwelling 1, has a staggered setback, whereby the garage is set back 8 metres adjacent to the external boundary, which provides a good relationship to the front setback of the adjacent dwelling at 76 Luhrs Road.

Overall, the proposal is considered to be consistent with the relevant front, side and rear set-back provisions.

Overshadowing/Overlooking/Noise

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

City Wide Objectives:	55
City Wide Principles of Development Control:	200, 201, 256

As the proposed group dwellings are single storey with conventional wall heights and roof pitches, separated from side and rear property boundaries, no excessive overshadowing or overlooking is anticipated.

The Applicant has provided shadowing diagrams, to demonstrate the extent of overshadowing that would result from the proposed two storey dwellings fronting Luhrs Road. The diagrams show that the majority of overshadowing during the winter solstice, will be over the common driveway area of the subject land (morning and midday) and the common driveway area of the adjoining property at 76 Luhrs Road. As such, extent of overshadowing is not likely to significantly detract from the amenity of the occupiers of adjacent properties and accords with City Wide Principles of Development Control 200 and 201.

The side and rear upper level windows in the two storey dwellings are all high level (1.8m high sills), with the exception of wet area windows, which contain obscure glass.

Private open space

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

City Wide Principles of Development Control:	231, 242, 243, 244, 248
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City Wide Principle of Development Control 244 states that dwellings should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) and more particularly, a dwelling with a site area of 250 square metres or greater should have a private open space area the equivalent of 20 percent of the site area.

The three proposed dwellings fronting Phillis Street have private open space areas of usable dimensions, with areas ranging from 22 to 27% of the area of their individual sites. The four proposed dwellings at the rear of the subject land have private open space areas of usable dimensions, with areas ranging from 20 to 37% of the area of their individual sites.

Due to the orientation of the allotment and the nature of the development, it is largely inevitable that each of the proposed dwellings will not have good solar access for the rear private open space areas. This is a negative aspect of the proposal. That said, the floor plans of the dwellings provide for good northern sun access to living areas within the dwellings.

City Wide Principle of Development Control 248 states that fifty percent (50%) of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments. The proposal accords with this.

Carparking/access/manoeuvring

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

City Wide Objectives:	34
City Wide Principles of Development Control:	116, 121, 123, 194, 209

City Wide Principle of Development Control 123 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. Table NPSP/8 provides that group dwellings with 2-3 bedrooms should be provided with two (2) occupant car parking spaces (at least 1 of which is covered) in addition to one (1) visitor space exclusive of vehicle manoeuvring areas for every 2 dwellings. The proposal accords with these rates.

In relation to detached dwellings, Table NPSP/8 states that 2 on-site car parking spaces per dwelling should be provided, of which at least 1 should be covered and set back a minimum of 5.5 metres from the primary street frontage. The proposal also accords with this rate and although no dedicated on-site visitor parking is provided for Dwellings 2 or 3, there is ample opportunity for on-street parking along the 28m long section of kerb and water table, between the two driveways at either end of the frontage.

City Wide Principle of Development Control 194 provides guidelines for the configuration of driveway and manoeuvring areas for group dwellings, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common driveway, Principle 194 states that the driveway should have a 6m x 6m paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this guideline.

Principle 194 also states that the common driveway paved carriageway width should be no less than 5.0 metres in width, with 500mm of landscaping on either side, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposal also accords with this guideline.

The 85th percentile vehicle turning templates within the Australian Standard for off-street car parking have been applied to the manoeuvring areas and it has been determined that vehicles are able to conveniently access and egress all car parking spaces.

Finished floor levels/flooding/retaining

The subject land is essentially flat, with an average fall of approximately 500mm over the 37m frontage from east to west and 500mm over the 65m depth, from back (south) to front (north).

The group dwellings at the rear of the property are all proposed to have the same finished floor level, requiring a minimal amount of excavation (approximately 300mm) on the eastern side and a similar amount of fill on the western side of the allotment. As such, the proposal will not result in floor levels greater than 700 millimetres above the natural ground level at any point along the side and rear boundaries of the site, consistent with City Wide Principle of Development Control 161.

Dwelling 1 fronting Luhrs Road has a finished floor level which is 400mm higher than Dwellings 2 and 3, due to the cross-fall at the front of the subject land. The resultant floor levels of these three dwellings range from 200-300mm above the adjacent top of kerb level.

Due to the significant increase in impervious area across the subject land which would result from the development, it is considered appropriate to impose a condition which requires on-site stormwater detention measures to be put in place, limiting the stormwater run-off in high rainfall events to existing levels.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24, 117 & 119
City Wide PDC's:	76, 239, 240, 422 & 426

There are no regulated trees on the subject land or in close proximity to the subject land.

A landscaping plan has been provided, showing the planting of a range of trees and shrubs within the development. Proposed trees are Eucalyptus Fushia Gums and Eucalyptus Landsdowneana Crimson Mallees, both of which grow to 4-6m high and are to be planted on either side of the common driveway. The landscaping plan is considered to be appropriate.

Two mature street trees are located adjacent to the subject land and are unaffected by the proposal.

Environmental Sustainability

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

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

The three (3) two storey dwellings facing Luhrs Road, each have their main living zones located at the front of the dwelling at ground floor level, ensuring good access to northern sun. Whilst the same is not true of the group dwellings at the rear, they do have central courtyards, which will provide northern sun access to the living zones located at the rear of the dwellings. As previously discussed, the orientation of the allotment means that the rear yard areas of the dwellings will be largely shadowed through winter, which is a negative aspect of the proposal.

City Wide Principle of Development Control 161 prescribes 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, it is recommended that a condition be imposed, requiring that each dwelling be provided with a 2000 litre rain water tank.

Other

There is adequate space on the site of each of the proposed dwellings for the screened storage of rubbish bins. Similarly, the subject land has an adequate frontage width for the storage of bins on the kerb for collection.

Summary

The proposed construction of seven (7) dwellings is considered to represent an appropriate use of the subject land, taking into account the mix of dwelling types and land uses in the locality.

The proposed use of a single access driveway to service six (6) of the proposed dwellings, to minimise hard paved areas and maximise landscaping in the streetscape is a positive aspect of the proposal.

The outwardly two storey form of the dwellings fronting Luhrs Road is considered appropriate taking into consideration the policy context applicable to the locality, despite existing built form in the locality being predominantly single storey.

A negative aspect of the proposal is a lack northern sun access to the private open space of each of the dwellings. This shortcoming is not considered to affect the liveability of the dwellings to an unreasonable extent, particularly as the internal living areas of the dwellings have good access to northern sun.

On balance, 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 155/471/15 by H & M Property Investments Pty Ltd to demolish two (2) detached dwellings and construct 7 dwellings, comprising 3 two storey dwellings and 4 single storey dwellings on the land located at 72 and 74 Luhrs Road, Payneham South, 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 by Dimension Design Studio, received by the Council on 2 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 kerb & water table or a Council underground pipe drainage system.
2. The post development flow rates resulting from the volume of stormwater leaving the site shall be limited to the pre-development flow rates. Calculations by a qualified stormwater engineer shall be provided to the Council's (or delegates) satisfaction, prior to the issuing of Development Approval.
3. The portion of the upper floor windows, other than those facing Luhrs Road, 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.)
4. Each dwelling shall be provided with a rain water tank with a minimum capacity of 2000 litres per dwelling and shall be 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.
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.

2. STAFF REPORTS

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

DEVELOPMENT APPLICATION:	155/0586/15
APPLICANT:	Mr G Vollebregt
SUBJECT SITE:	17 Ashbrook Avenue, Payneham (Certificate of Title Volume: 6110 Folio: 383)
DESCRIPTION OF DEVELOPMENT:	Conversion and change of use from a detached dwelling to two dwellings within a residential flat building (Appeal Compromise Proposal)
ZONE:	Residential Zone Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

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

Background

A Development Application (155/0586/15) was lodged in August 2015 for the conversion and change of use from a detached dwelling to two dwellings within a residential flat building.

The Panel considered Development Application Number 155/0586/15 at its meeting held on 19 October 2015 and determined to refuse the Application for the following reasons:

- 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).*
- 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.*

A copy of the relevant section of the Minutes of the DAP meeting held on 19 October 2015, including the refused plans, is contained in **Attachment A**.

Following the refusal of the Application by the Panel, the Applicant lodged an appeal against the decision with the ERD Court. A preliminary conference has been scheduled for 30 November 2015.

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

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

Amended Plans

The carport which was associated with the smaller dwelling, has been designated as a verandah, with the existing gate proposed to be replaced with a fence and the crossing point replaced with upright kerb and watertable. The on-site car parking for this dwelling is now proposed to be behind the dwelling, where it was previously proposed that vehicles associated with the larger dwelling would park. The inclusion of this car parking area within the site of the smaller dwelling, increases the site area from to 114.1m² to 129.7m² and reduces the site area of the larger dwelling from 354.6m² to 338.9m².

On site car parking for the larger dwelling is now proposed via Ashbrook Avenue, where a new double width driveway is proposed to be constructed, together with a sliding gate and single-width carport. The carport is a simple flat roof 6m x 3m structure on 2.7m high posts and is located 800mm in front of the dwelling and 1.8m back from the street boundary. The gate is proposed to be constructed of timber slats to match the existing fence.

Discussion

The following discussion is based on the reasons for refusal that were given by the Panel at its meeting held on 19 October 2015. All other aspects of the proposal are addressed in the previous staff report contained in Attachment A and are not significantly affected by the amended plans.

noise impacts and reduced level of privacy resulting from the adjacency of the carport serving the larger dwelling to the bedroom of the smaller dwelling

This issue has been addressed through the allocation of the carport at the rear of the smaller dwelling, to the smaller dwelling. Whereas the previous proposal would have resulted in noise and privacy impacts to the occupants of the smaller dwelling when the occupiers of the larger dwelling accessed the carport, this is no longer the case.

The Applicant has shown the window at the rear of the bedroom being replaced with glass blocks, a ventilated skylight to be installed and another window being replaced with an access door. The proposed access door is considered appropriate, as it avoids the need for the occupants of the dwelling to walk around to the front door via the Ruby Street footpath. However, the installation of glass blocks in the other window is considered unnecessary and undesirable. The conventional existing window is considered to result in a better outcome with respect to light and ventilation than the proposed solution involving a ventilated skylight.

the inability of the private open space of the smaller dwelling to be accessed directly from the internal living areas of the dwelling

Similarly, the amended car parking configuration results in a direct link between the internal living area of the smaller dwelling and its private open space area. The former carport also provides a convenient verandah for weather protection and improved practicality of the outdoor living space.

off-street vehicle parking in accordance with rates contained in Table NPSP/8

Applying the car parking rates specified in Table NPSP/8, the northern dwelling (comprising three bedrooms) would require a car parking allocation 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.

The previous proposal resulted in an on-site car parking shortfall of two (2) car parking spaces. The current amended proposal results in an on-site car parking shortfall of one (1) car parking space.

City Wide Principle of Development Control 211 states that garages and carports fronting a primary street should, amongst other things, be set back at least 0.5 metres behind the main face of the associated dwelling. The proposed carport extends entirely forward of the associated dwelling and is therefore inconsistent with Principle 211.

City Wide Principle of Development Control 217 states that garages and carports fronting the secondary street on a corner allotment, should be set back a minimum of 0.9m from the secondary street frontage and should be sited so as to minimise the visual impact of the structure when viewed from the street or the neighbouring dwelling. As the proposed carport fronts the primary street of the corner allotment, it is not applicable. That said, the streetscape and adjoining owner outlook considerations set out in Principle 217 are considered relevant considerations in the case of the proposed carport.

In this respect, the impact that the proposed carport would have on the character and amenity of the street and the visual outlook of the adjacent property, is lessened through the simple flat roof, open sided construction. However, the 2.7m post height is considered unnecessary and would contribute to the structure being more prominent in the streetscape. On the other hand, it is considered that if the post height was reduced to 2.2m, the carport would have a minimal and acceptable impact on the streetscape and outlook from the adjacent property, as it would be only 400mm higher than the side and front boundary fencing and gates.

Summary

Subject to the carport post height being reduced to 2.2m and the northern window in the bedroom of the smaller dwelling remaining in lieu of being replaced with glass blocks and a ventilated skylight, the amended proposal is considered to adequately address the Panel's reasons for refusing the Application. The amended proposal is considered to result in a significantly improved level of amenity for the occupants of both dwellings and a slight reduction in streetscape amenity through the proposed freestanding carport located forward of the dwelling.

On balance, it is considered that the amended proposal is not seriously at variance with the Development Plan and is sufficiently in accordance with the Development Plan to merit consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, the Environment Resources & Development Court be advised that Development Application No 155/0586/15 by Mr G Vollebregt, for the conversion and change of use from a detached dwelling to two dwellings within a residential flat building, at 17 Ashbrook Road Payneham, is acceptable subject to the following conditions, or similar conditions as deemed suitable by the Court:

Relevant Plans

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

- Plan by Verrocchi Building Design, Drawing Number 01, dated October 2015.

Conditions

1. All stormwater from the approved carport shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
2. The post height of the carport herein approved shall be reduced to 2.2 metres.

3. The northern window in the bedroom of the southern dwelling, shall be retained as an openable window, rather than being replaced with glass blocks.
4. The disused driveway crossover invert on Ruby Street shall be reinstated to kerb and gutter within three (3) months of the construction of the approved carport, to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.

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