

Development Assessment Panel Minutes

21 December 2015

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7.00pm

PRESENT

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

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

APOLOGIES Nil

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 16 NOVEMBER 2015

Mr Frogley moved that the minutes of the Meeting of the Development Assessment Panel, held on 16 November 2015 be taken as read and confirmed,

Seconded by Mr Duke and carried.

2. STAFF REPORTS

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

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/649/2015 – MR P OGDEN – 78 PAYNEHAM ROAD, STEPNEY

DEVELOPMENT APPLICATION:	155/0649/15
APPLICANT:	Mr P Ogden
SUBJECT SITE:	78 Payneham Road, Stepney (Certificate of Title - Volume: 6063, Folio: 318)
DESCRIPTION OF DEVELOPMENT:	Three-storey alterations and additions to a Local Heritage Place; comprising alterations to an existing office and dwelling at ground level and residential apartment at first floor level; and the construction of three (3) additional residential apartments (five (5) residential apartments in total); with associated freestanding garages, fencing and landscaping
ZONE:	District Centre (St Peters) Zone - 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 for three-storey alterations and additions to a Local Heritage listed former Bank; comprising alterations to an existing office and dwelling at ground level and residential apartment at first floor level; and the construction of three (3) additional residential apartments (five (5) residential apartments in total); with associated freestanding garages, fencing and landscaping.

Staff do not have delegated authority to determine the Application, as the Application includes the construction of more than two (2) dwellings on an allotment.

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

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

Subject Land Attributes

Shape:	irregular
Frontage width:	18.3 metres
Depth:	31.9 metres
Area:	668.4m ²
Topography:	the land falls approximately 1.0m from the rear to Payneham Road
Existing Structures:	two-storey Local Heritage Place (former bank building) and freestanding garages
Existing Vegetation:	several mature (non-regulated) trees including a large Lemon Scented Gum tree

The former State Bank building on the subject land is listed as a Local Heritage Place. The building is currently used as an office and dwelling at ground level, with a separate residential tenancy at first floor level. The land has a frontage to Payneham Road and has rear access via Cornish Street.

Locality Attributes

Land uses:	mix of business, commercial and community uses along Payneham Road with residential properties to the south of the subject land fronting Stepney Street
Building heights (storeys):	mix of single-storey and two-storey development
Streetscape amenity	moderate – the locality is influenced by the heavily trafficked nature of Payneham Road.

The subject land is located approximately 250 metres from The Avenues Shopping Centre, with a convenience store and takeaway food shops located within 100 metres of the subject land. Dunstone Grove and Linde Reserve offer quality public open space and are located 60 metres from the subject land. Payneham Road is an arterial road with frequent public transport, serviced by several bus routes. The subject land is adjacent the Council's St Peters Library, Eastern Health Authority and has good accessibility to the River Torrens Linear Park at the end of St Peters Street.

The Catholic Church owns the large parcel of land that abuts the northern and eastern sides of the subject land. The Church utilise the land for a range of community uses. The adjacent group of shops at 70-76 Payneham Road are approved as retail showrooms. The nearest residential properties are located on Stepney Street, approximately twenty (20) metres to the south of the subject land, on the opposite side of Cornish Street.

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

Proposal in Detail

The Applicant seeks consent to construct three-storey alterations and additions to a Local Heritage listed former Bank; comprising alterations to an existing office and dwelling at ground level and residential apartment at first floor level; and the construction of three (3) additional residential apartments (five (5) residential apartments in total); with associated freestanding garages, fencing and landscaping.

The redevelopment of the site would require the demolition of a lean-to addition at the rear of the former bank building and the freestanding garages. Neither structure has any heritage value. Approval for the demolition aspects of the development will be sought via a separate Development Application. Three (3) non-regulated trees are also proposed to be removed. Four (4) of the larger trees on the site are proposed to be retained, including a large Lemon Scented Gum tree at the rear of the site.

The original Local Heritage listed building is to remain largely unchanged, with only minor internal alterations proposed to the existing office and dwelling at ground level (Apartment 1) and the first floor residential apartment (Apartment 2). The ground level office/dwelling incorporates one (1) bedroom, a kitchen, a bathroom, a store room and an open plan adaptable living/office space with access directly from Payneham Road. The first floor residential apartment incorporates three (3) bedrooms, a bathroom, a kitchen, a dining room and a lounge room.

A three-storey addition is proposed to be constructed at the rear of the building with one (1) residential apartment proposed on each level (Apartments 3, 4 and 5), which will result in five (5) residential apartments in total. Each of the proposed residential apartments in the rear addition (Apartments 3, 4 and 5) incorporate two (2) bedrooms, a bathroom, a laundry and an open plan kitchen/dining/lounge area.

A common entry hall/foyer area is located within the building, which provides access to the stairwell and all five (5) dwellings.

The ground level dwellings (i.e. Apartments 1 and 3) have exclusive access to ground level private open space. Apartments 4 and 5 have access to private open space in the form of modest balconies which are directly linked to the living areas of the dwellings. Apartment 2, which is located on the first floor of the original building, does not have access to any private open space.

A communal open space area is proposed on the southern side of the building, adjacent to the entry hall, which will include an outdoor barbeque patio area and landscaping, which will be available to all occupiers of the dwellings.

The proposed building addition is a simple rectilinear design with a flat roof, which incorporates a light-weight link to distinguish the addition from the original Local Heritage listed building. The addition is proposed to be constructed with red face brick walls at ground level, with Dulux “colonial beige” rendered Hebel wall panels at the first and second floor level. Powder coated aluminium windows (Dulux “stone grey”) are proposed, with all balcony balustrading and privacy screening to be constructed with opaque toughened glass with powder coated aluminium frames. The roof of the building additions is proposed to be constructed with corrugated profile Colorbond “slate grey” roof sheeting.

The proposed development includes the construction of five (5) single vehicle garages with attached storage areas (one for each dwelling) and three (3) open air visitor car parking spaces, all with access directly from Cornish Street at the rear of the allotment. Two (2) existing visitor car parking spaces are also located at the front of the site with access directly from Payneham Road.

The proposed development includes dedicated bin storage and waste collection areas, in addition to a common letterbox area adjacent to the Payneham Road entry. The Applicant has provided an indicative landscaping plan, which indicates a range of trees, shrubs and ground covers.

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 (ground level existing)	Dwelling 2 (first floor existing)	Dwellings 3-5 (proposed)	Development Plan Merit Assessment Quantitative Guideline
Site Area		668.4m ²		N/A
Site Width		18.3m – 26.7m		N/A
Site Depth		31.9m		N/A
External Wall Height*	7.8m – 10.0m	7.8m – 10.0m	8.6m	N/A
Maximum Overall Height (to roof apex)*		10.6m	8.6m	N/A
Floor Areas	125m ²	125m ²	110m ²	N/A
Total building footprint		360m ²		N/A
Site Coverage (overall)		53.9%		N/A
Private Open Space	25m ²	nil	5m ² – 36m ²	12m ² -15m ² (City Wide PDC 226)
Street Set-back	nil	nil	14.4m	N/A
Side Set-backs	2.0m and 6.0m (existing)	2.0m & 6.0m (existing)	1.9m-2.1m (north) 5.5m-6.8m (south)	N/A
Rear Set-back	16.5m (dwelling) 700mm (garage)	16.5m (dwelling) 700mm (garage)	7.5m-10.5m (dwellings) 700mm (garage)	N/A
Car Parking Provision	1 covered space per dwelling and 5 visitor (2 spaces per dwelling)			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**.

The site plan scales approximately at 1:200 when printed at A3. A full size set of 1:100 scale plans have been provided and will be available for Panel members on the night of the meeting if required.

Notification

The proposal has been identified and processed as a Category 2 form of development, pursuant to Schedule 9, Part 2, 19 of the *Development Regulations 2008* (the subject land abuts a zone boundary).

One (1) representation was received in response to this notification (in favour of the development in principle, but with reservations regarding the potential for overlooking of adjacent land, particularly from the proposed balconies on the southern elevation of the proposed building additions), a copy of which is contained in **Attachment C**.

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

David Hutchison of Access Planning has responded to the representation on behalf of the Applicant. A copy of Mr Hutchison's response is contained in **Attachment D**.

A summary of the response is provided below:

- the distance between the proposed balconies and the dwelling at 57 Stepney Street is greater than 30 metres and any potential views are diagonally across a public road (Cornish Street);
- there is mature vegetation in the line of sight between the two properties;
- a large rear window already exists at the same height as the proposed third storey balcony;
- the Applicant intends to utilise obscure glass in the balcony balustrades as a means of providing some privacy within the proposed dwellings from overlooking from below (from Cornish Street);
- the balconies are most likely to be used in conjunction with the associated living areas rather than as an entertainment area in their own right, due to their size;
- given the use of an opaque balustrade, when combined with the separation distance of the nearest dwelling and the intervening trees, the potential for any loss of privacy is minimal; and
- City Wide Principle of Development Control 234 seeks to minimise overlooking, not to prevent it altogether. As such, it is considered that Principle 234 has been appropriately addressed.

State Agency Consultation

The Application was not referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the two (2) car parking spaces that are located adjacent to Payneham Road are existing and the proposed development will not result in any change in the nature of movement through an existing access.

Discussion

The subject land is located within the District Centre (St Peters) 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 development that is envisaged within the Development Plan:

District Centre (St Peters) Zone Objectives: 1 & 2
District Centre (St Peters) Zone PDC's: 1 & 4

City Wide Orderly and Sustainable Development Statement
City Wide Objectives: 1, 7, 10, 11, 26, 27, 55, 56, 57, 60, 61, 69 & 112.
City Wide PDC's: 2, 3, 4, 12, 81, 267 & 343.

The subject land is located within the south-western section of the District Centre (St Peters) Zone. The subject land abuts the Community Zone to the east, the Mixed Use 'A' Zone to the south and the Mixed Use Historic (Conservation) Zone to the west.

Objective 1 of the District Centre (St Peters) Zone provides a list of land uses that are anticipated within the Zone. Objective 1 states:

"A zone primarily accommodating a range of shopping, administrative, cultural, community, office, commercial, entertainment, educational, religious and recreational facilities."

Objective 2 of the District Centre (St Peters) Zone goes on to anticipate a cultural and civic focus in the south-western part of the Zone (in which the subject land is located).

Whilst residential development is not specifically anticipated within Objective 1 or 2 of the District Centre (St Peters) Zone, there is a reference to residential development in District Centre Zone Principle of Development Control (PDC) 4, which states:

"There should be no residential development at ground floor level."

By inference, residential development must be anticipated in some capacity above ground floor level within the Zone. That said, the District Centre (St Peters) Zone clearly promotes non-residential land uses in preference to residential land uses and, as such, it will be important to consider the existing use rights, the built form condition of the land and the locality to determine whether residential development is acceptable in this instance.

In terms of existing use rights, an integrated office and dwelling at ground level and a residential apartment at first floor level are approved land uses (approved as part of Development Application No. 155/0305/00 and Development Application No. 155/0307/09). As such, proposed Apartments 1 and 2 have existing use rights.

City Wide Objective 112 encourages the adaptive reuse of Local Heritage Places, which supports their ongoing retention and conservation. The construction of three (3) additional residential apartments at the rear of the Local Heritage Place and the corresponding Community Title land division will create a Community Scheme that will likely assist in the ongoing maintenance of the Local Heritage Place, consistent with City Wide Objective 112.

In considering the locality, the subject land is located at the interface of the Community Zone, the Mixed Use 'A' Zone and the Mixed Use Historic (Conservation) Zone. The latter two zones both specifically anticipate residential development in association with compatible non-residential land uses.

Existing residential developments in the locality include two (2) pairs of semi-detached dwellings and six (6) group dwellings within Stepney Street. Construction has commenced on a mixed use development containing seven (7) dwellings at 125-127 Payneham Road, which was approved by the Panel at its meeting held on 17 September 2012 (Development Application 155/0297/12). That development includes the construction of a three (3) storey residential flat building at the rear of an existing shopfront, which was restored as part of the development.

The Panel has also granted Development Plan Consent to an Application for a two-storey commercial building, with a two-storey residential flat building comprising four (4) dwellings at the rear of the land at 113A-115 Payneham Road (Development Application 155/0078/14).

In this instance, whilst the proposed development includes a residential apartment at ground level, which is contrary to District Centre (St Peters) Zone PDC 4, the ground level apartment is located at the rear of the site such that the amenity that would be experienced by future occupiers would be enhanced by the noise attenuation provided by the existing substantial two-storey building adjacent to Payneham Road.

Having considered the relevant provisions of the District Centre (St Peters) Zone and the broader City Wide Principles within the context of the subject land and its locality, the proposed development is considered to be acceptable from a land use perspective.

In terms of density, the proposed development will result in an average site area per dwelling of 133.7m².

There is no quantitative guidance regarding allotment sizes for dwellings within the District Centre (St Peters) Zone. The reference to residential development above ground level in District Centre (St Peters) Zone PDC 4 would imply that medium density development, such as that proposed, is acceptable within the Zone in appropriate locations.

Whilst there is no quantitative guidance regarding allotment sizes for dwellings within the District Centre (St Peters) Zone, the adjacent Mixed Use 'A' Zone prescribes a minimum average site area per dwelling unit for residential development of 120m² (Mixed Use 'A' Zone PDC 9). The proposed average site area per dwelling exceeds the minimum requirement for development in the adjacent Mixed Use 'A' Zone, which assists in demonstrating that the proposed density is anticipated within the locality, albeit that the Zone is silent on minimum areas per dwelling.

The location of the subject land, adjacent to frequent public transport route and nearby to public open space and a range of shops and services, also supports the establishment of medium density development. City Wide Objective 57 promotes:

"Increased dwelling densities in areas close to centres, public transport and significant public open spaces."

Given that the proposed development is consistent with City Wide Objective 57 and the development represents an adaptive reuse of a Local Heritage Place, which would support its ongoing preservation and maintenance, the proposed land use and density is considered to be acceptable.

Streetscape/bulk/scale/height/character/heritage

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

City Wide Objectives:	8, 18, 19, 20 & 110.
City Wide PDC's:	28-31, 33, 35, 39, 213, 214 & 334.

The proposed development includes the construction of a relatively contemporary flat roof three-storey addition to the Local Heritage listed building.

The Objectives and Principles of Development Control contained in the District Centre (St Peters) Zone relate primarily to land uses and do not provide much guidance regarding built form. As such, the City Wide provisions are most relevant when assessing the built form and impacts on character and heritage.

Whilst the proposed additions are three-storey in form and the existing building is two-storey, the proposed height of the additions remain less than that of the original building, due to the generous floor to ceiling heights and scale of the former bank building.

The locality is characterised by a mix of single storey and two-storey development. There are two (2) large two-storey institutional buildings in the locality which are of a larger scale including the former bank on the subject land and the St Peters Town Hall on the opposite side of Payneham Road.

The bulk and scale of the proposed building additions are considered to complement the existing building and other development within the locality.

Given that the existing former bank building on the subject land is a Local Heritage Place, the Application was referred to the Council's Heritage Advisor, David Brown, for comment. A summary of Mr Brown's heritage advice is set out below:

- the form of the rear addition is a simple rectilinear box with floor levels that match the original staircase in the rear of the original building;
- the rear addition will be virtually invisible from the street due to the large setback and the properties either side with their large trees;
- the connections between the original building and the additions are well considered and relatively minimal in the work required to the rear of the Local Heritage Place; and
- overall, the proposal is considered acceptable in terms of its impact on the Local Heritage Place.

A copy of the Heritage Advisor's comments is contained in **Attachment E**.

The Council's Heritage Advisor supports the proposed development, on the basis that the proposed development will not have any adverse impact on the Local Heritage Place or the streetscape generally, given the context of the locality.

City Wide Principle of Development Control 334 states:

"Development on land containing a State or Local Heritage Place (including alterations or additions or a change in land use) as designated in Tables NPSP/5 and 6 should:

- (a) retain and conserve the primary street frontage of the heritage place and the specific elements contributing to its heritage value;*
- (b) not compromise the character of the original building;*
- (c) be visually compatible with the elements contributing to its heritage significance;*
- (d) have regard to the heritage value, physical material and setting of the heritage place;*
- (e) have regard to the character of the locality within which the development is to be undertaken;*
- (f) provide for the reinstatement and retention of views and vistas to the heritage place from public roads as well as between any elements of identified heritage value by removing unsympathetic fencing, building additions or alterations;*
- (g) enable the heritage place to have a curtilage of a size sufficient to protect its setting;*
- (h) be sited to the rear or side of the heritage place and not in front of the existing building or the elements of identified heritage value so that the original character, street prominence, siting and boundary set-backs are not compromised; and*
- (i) retain mature vegetation that complements the heritage value of the place."*

The proposed development is considered to be consistent with all of the criteria contained in City Wide 334.

The simple rectilinear contemporary design and colour palette (red face brick at ground level and Dulux Colonial Beige above), combined with the commercial grade Stone Grey powder coated aluminium window frames and custom orb Slate Grey roof sheeting, provides a contrast to the original building, while still complementing the historic built form and providing a clear visual contrast between old and new.

The proposed development is therefore considered to be acceptable in terms of its bulk, scale and form, as it will not have an unreasonable impact on the setting of the Local Heritage Place and will reasonably complement existing development within the District Centre (St Peters) Zone.

Setbacks

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

City Wide PDC's: 50, 193, 204, 205, 206, 207 & 218.

The original building is proposed to be retained, with no alterations to the front portion of the building, such that the front setback of the building remains unchanged.

In terms of the side and rear setbacks, City Wide Principle of Development Control 206 states:

“Unless otherwise specified in the relevant Zone and/or Policy Area, the set-back of dwellings from their side and rear boundaries should be progressively increased as the height of the building increases:

- (a) to minimise the visual impact of the building from adjoining properties;*
- (b) to minimise the overshadowing of adjoining properties;*
- (c) to ensure adequate natural light and winter sunlight is available to the main activity areas and private open space of adjacent dwellings.”*

The three-storey building additions are proposed to be set back between 1.9 and 2.1 metres from the northern side boundary, which is adjacent to the driveway access for the neighbouring Catholic Church complex; between 5.5 and 6.8 metres from the southern side boundary, which is adjacent to a shop building; and between 7.5 and 10.5 metres from the rear Cornish Street property boundary.

The proposed side and rear setbacks are considered to be adequate to ensure that the proposed three-storey form of the additions will not have an unreasonable impact on the character of the locality or the amenity of adjacent property occupiers, consistent with City Wide PDC 206.

The southern-most freestanding garage abuts the southern side boundary of the land and has a length of 6.5 metres and an external wall height of between 2.5 and 2.8 metres.

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 garage boundary wall is within the dimensions prescribed in City Wide PDC 207 and is located adjacent to a car parking area at the rear of the existing shop at 76A Payneham Road. As such, the proposed garage wall will not have an unreasonable impact on the character or amenity of the area.

Overall, the proposed setbacks are considered to be acceptable within the context of the locality.

Overshadowing/overlooking

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

City Wide PDC's: 11, 71, 195, 196, 234, 235, 263 & 264.

The nearest residential properties are located on Stepney Street, approximately twenty (20) metres to the south of the subject land, on the opposite side of Cornish Street. As such, the proposed development will not cause any overshadowing over any dwellings or private open space.

Notwithstanding, staff have applied shadowing templates to the proposed building based on the overall height of the additions (8.6 metres) and the setback from the southern side boundary and have found that overshadowing from the proposed development would be primarily contained to the subject land, the adjacent car parking area at the rear of the shops at 76A Payneham Road and to Cornish Street.

In terms of overlooking, the Council received a representation from a nearby resident during the notification period, which expressed concern regarding the potential for overlooking of their private open space, particularly from the proposed south facing balconies.

The Applicant's Planning Consultant has advised in the response to the representation (contained in **Attachment D** and summarised above under the heading Notification), that the use of obscure balustrade, when combined with the separation distance between the proposed residential apartments and the nearest residential land and intervening mature trees, the potential for any loss of privacy is minimal.

City Wide Principle of Development Control 234 states:

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

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

The Applicant's Planning Consultant is of the view that the proposed design meets the criteria within City Wide PDC 234 to minimise potential for overlooking of nearby land.

Whilst there is reasonable separation between the proposed balconies and the private open space area of the nearest dwelling (approximately 25 metres), with mature tree, garages and a public road in between, Council staff are of the view that the impact of overlooking is difficult to predict.

Given that the proposed development includes a three-storey element with balconies and clear glazed windows and that the proposed balcony balustrades are only 1.0 metre above the floor level, it is recommended that if the Panel determine to approved the Application, a condition be imposed requiring all the south facing balconies to be screened to a minimum height of 1.7 metres above the floor level.

The Applicant has been advised that the condition can be reviewed once the additions have been constructed and could be altered via a minor variation, if Council staff are of the view that overlooking from the balconies is negligible.

The proposed development also includes clear first and second floor windows on the northern side and the rear elevations. However, these windows face community and commercial land and will not result in any unreasonable overlooking.

Subject to the imposition of the screening condition recommended above, the proposed development is considered to be consistent with all of the relevant provisions of the Development Plan as they relate to overshadowing and overlooking.

Private & Communal open space

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

City Wide PDC's: 222-224, 226, 227, 229-231, 271 & 273

The existing office and dwelling located on the ground level of the original building (Apartment 1) has 25m² of private open space adjacent to the northern side boundary of the allotment, with direct access to the living areas of the dwelling. The existing residential apartment on the first floor of the original building (Apartment 2) does not have any private open space.

The ground level residential apartment in the proposed addition (Apartment 3) has 36m² of private open space at ground level, including 9m² in the form of a courtyard with access from the living area of the dwelling. The first and second floor residential apartments (Apartments 4 and 5) have 5m² of private open space, in the form of balconies with direct links from the living areas of the dwelling.

In addition to the private open space, the proposed development has 85m² of communal open space, which is located adjacent to the entry hall and is screened from public view.

City Wide Principle of Development Control 226 states:

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

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

Two of the residential apartments (Apartments 1 and 3) exceed the minimum provision of private open space prescribed by City Wide PDC 226.

Apartments 4 and 5 each have two (2) bedrooms and therefore should have 12m² of private open space. Both of these residential apartments have 5m² of private open space in the form of balconies. The provision of private open space for Apartments 4 and 5 is considered to be a negative aspect of the proposed development.

Apartment 2 has no private open space. However, this residential apartment is existing and does not currently have any private open space.

City Wide Principle of Development Control 227 states:

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

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

The proposed development includes the provision of 85m² of communal open space, which is accessible to all occupants of the development. The communal open space area includes an outdoor barbeque entertaining area and landscaping. The communal open space area is not publically accessible and does not include vehicle parking areas, service or storage areas, consistent with the criteria listed in City Wide PDC 231.

In addition, Dunstone Grove and Linde Reserve offer quality public open space and are located 60 metres from the subject land.

Overall, whilst some of the residential apartments do not meet the minimum quantitative provision of private open space prescribed by City Wide PDC 226, the proposed communal open space and the proximity to quality public open space are such that all of the proposed residential apartments will have a reasonable level of amenity, consistent with City Wide PDC 227.

Car parking/access/manoeuvring

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

City Wide Objectives:	32 & 34
City Wide PDC's:	92, 98, 104, 112, 113, 115, 120, 122, 123, 130, 218 & 219.
Tables:	NPSP/8

The proposed development was not referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulation 2008*, as the proposed development will not result in any change in the nature of vehicular movements through an existing access.

Table NPSP/8 prescribes car parking rates for residential land uses. The car parking rate for residential flat buildings, which are located outside of the Urban Corridor Zone or the District Centre (Norwood) Zone, is one (1) space per studio or one-bedroom dwelling, or two (2) spaces per 2 or 3 bedroom dwelling; plus one (1) space for every 2 dwellings for visitor parking.

Table NPSP/8 prescribes a lesser rate for residential flat buildings that are located within the Urban Corridor Zone or the District Centre (Norwood) Zone, on the basis of the proximity to frequent public transport, open space and shops/services. These lesser rates were introduced as part of the Kent Town and The Parade Strategic Growth Development Plan Amendment (DPA), which was consolidated into the Development Plan on 31 October 2013.

The Kent Town and The Parade Strategic Growth DPA was limited in scope to those specific growth areas. However, it does demonstrate that a lesser car parking demand should apply to areas where mixed use and medium density development are envisaged. In this instance, the subject land is located within a District Centre Zone, albeit in St Peters rather than Norwood.

The following table summarises the car parking rates contained within Table NPSP/8 as they relate to the proposed development. The rates for the Urban Corridor Zone and the District Centre (Norwood) Zone are also shown for comparison purposes:

Apartment	Bedrooms	General rate	Urban Corridor & District Centre (Norwood) rate
1	1	1 + 0.5 visitor	1 + 0.25 visitor
2	3	2 + 0.5 visitor	1.25 + 0.25 visitor
3	2	2 + 0.5 visitor	1 + 0.25 visitor
4	2	2 + 0.5 visitor	1 + 0.25 visitor
5	2	2 + 0.5 visitor	1 + 0.25 visitor
Total		9 + 2.5 visitor	5.25 + 1.25 visitor

The proposed development generates a theoretical car parking demand for 11.5 spaces. The proposed development includes ten (10) on-site car parking spaces, including five (5) private garages (one for each dwelling) and five (5) visitor spaces. The proposed development therefore has a shortfall of 1.5 car parking spaces, when assessed against the rates prescribed in Table NPSP/8.

However, if the rates that relate to the Urban Corridor and District Centre (Norwood) Zones are applied (6.5 total), the proposed development would have a surplus of 3.5 on-site car parking spaces. Whilst it is technically not the correct rate to apply from Table NPSP/8, the subject land is also located within a District Centre Zone and has the same characteristics as development in the Urban Corridor Zone or the District Centre (Norwood) Zone, which would justify a lesser provision than the applicable theoretical rate.

City Wide Principle of Development Control 122 states:

“A lesser on-site car parking rate may be applied to applicable elements of a development in any of the following circumstances:

- (a) development includes affordable housing or student accommodation; or*
- (b) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop; or*
- (c) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times; or*
- (d) the proposed development is on or adjacent to the site of a heritage place, or includes retention of a desired traditional building and its features, which hinders the provision of on-site parking or the most effective use of the spaces within the site; or*
- (e) the parking shortfall is met by contribution to a Car Parking Fund (where one is available); or*
- (f) the development qualifies for certification under the Green Energy rating program, or similar program; or*
- (g) where it can be demonstrated that it would not result in a greater demand for on-street car parking on existing streets in the locality.”*

The subject land is located within 200 metres of a convenient and frequent public transport stop and its proximity to shops, services and open space reduces the need for future occupants to rely as heavily on cars for transportation. The proposed development also includes the adaptive reuse of a Local Heritage Place, where the provision of additional on-site car parking would have an adverse impact on the setting of the Local Heritage Place.

All things considered, the provision of ten (10) on-site car parking spaces, including five (5) private garages and five (5) open-air visitor spaces, is considered to be acceptable to meet the needs of future occupants.

In terms of access, the five (5) private garages and three (3) of the visitor spaces will be accessed directly from Cornish Street, which is effectively a rear lane in this location. The road does not have any kerbing and, as such, no additional vehicular crossovers are required to be constructed. The proposed garages and visitor spaces are set back 6.2 metres from the opposite side of Cornish Street, which will ensure safe and convenient access and egress, in accordance with City Wide PDC 218.

The remaining two (2) on-site car parking spaces are existing spaces that are accessed directly from Payneham Road. Vehicles occupying these spaces have no ability to turn around and exit the land in a forward direction and vehicle sightlines when reversing are poor. It is not likely that these spaces would be approved if they were proposed today.

However, they are existing spaces and serve the dual purpose of providing conveniently located on-site car parking for visitors of the office and dwelling, which occupies Apartment 1 on the ground level of the original building, albeit that the office portion is effectively ancillary to the dwelling and does not generate a car parking demand in its own right.

Staff have discussed the option of removing the two (2) car parking spaces located adjacent to Payneham Road and replacing them with additional landscaping with the Applicant. The Applicant is open to this suggestion but is concerned that the Panel would prefer the car parking spaces, given the theoretical shortfall proposed.

That said, if the Panel was of the view that eight (8) car parking spaces (i.e. five (5) private garages and three (3) visitor spaces) was sufficient to cater for the likely demands associated with the development, it is understood that the Applicant would agree to remove the two (2) car parking spaces adjacent to Payneham Road and replace them with additional landscaping.

Staff are of the view that the provision of eight (8) on-site car parking spaces would be adequate to cater for the likely demands generated, as eight (8) spaces still exceeds the rate prescribed in Table NPSP/8 for similar developments in the Urban Corridor Zone and the District Centre (Norwood) Zone (6.5 spaces), which is a zone with similar characteristics to the locality of the subject land.

The minor overall shortfall in on-site car parking spaces is considered to be outweighed by the opportunity to rectify a substandard and potentially dangerous access arrangement, which is associated with the existing car parking spaces adjacent to Payneham Road.

As such, if the Panel agrees and is of the view that the proposed development warrants approval, it is recommended that a condition be imposed requiring the two (2) car parking spaces located adjacent to Payneham Road to be removed and replaced with landscaping, to the satisfaction of the Council or its delegate. It is also recommended that the condition require the reinstatement of the existing driveway crossover to upright kerb and gutter in accordance with Council specifications.

Finished floor levels/flooding/retaining

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

City Wide Objectives:	9 & 51.
City Wide PDC's:	7, 10, 56-58, 79, 148, 151, 159, 160, 164 & 167.

The subject land falls approximately 800mm from Cornish Street at the rear of the property to the Payneham Road property boundary. The majority of the fall is located adjacent to Payneham Road, while the site of the proposed building additions is relatively flat. This is best illustrated on the west elevation contained in **Attachment B**.

As a result, the proposed development will not require any new retaining walls.

The Application was referred to the Council's Civil Projects Manager, Matthew Kildea, for comment. A summary of Mr Kildea's response is set out below:

- the subject land is not located within a recognised flood affected area, therefore there are no specific requirements for finished floor levels;
- the proposed building footprint remains similar to the existing building. As such, the proposed development will not increase the pre-development stormwater runoff. Therefore, there are no requirements for on-site detention;
- stormwater must not be discharged to the rear lane; and
- the proposed development should capture and re-use stormwater, where practicable.

The Applicant has noted on the Site Plan that stormwater from the proposed additions will be connected to the existing sumps and drained directly to the Side Entry Pit (SEP) in Payneham Road, rather than the street water table, which is a standard requirement of the Commissioner of Highways for development adjacent Arterial Roads. This is considered to be a positive aspect of the proposed development.

City Wide PDC 159 prescribes that each dwelling should have a 2000 litre rainwater tank, which is to be plumbed to a toilet, water heater or laundry cold water outlet. In this instance, given that only three (3) additional dwellings are proposed in a residential flat building configuration, it is considered appropriate to require communal rainwater tank with a minimum capacity of 6000 litres, which is plumbed to the new dwellings with overflow directed to the existing sumps.

If the Panel determines to support the proposed development, a condition is recommended to this effect.

The Applicant has proposed to retain the existing 1800mm high Colorbond side fencing. Internal fencing to delineate the communal open space area and the private open space areas is proposed to be constructed with stained timber slats on galvanised framing. The proposed fencing will complement other fencing within the locality.

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:

City Wide Objectives:	24 & 25.
City Wide PDC's:	44, 73-75, 78, 79, 220 & 221.

There are seven (7) mature trees on the subject land, none of which are regulated trees. The largest tree on the subject land is a Lemon Scented Gum with a trunk circumference of 2.3 metres, measured one (1) metre above natural ground level. The Lemon Scented Gum tree is located in the north-eastern rear corner of the subject land, with the trunk of the tree located 9.5 metres from the rear of the existing office and dwelling. Given that the tree is located within 10 metres of a dwelling and the tree is not a Eucalypt or Willow Myrtle (it is a Corymbia), the tree is not regulated.

In any event, the mature Lemon Scented Gum tree is proposed to be retained and is sited such that the proposed development will not have an adverse impact on the tree's health. Three (3) other mature trees are also proposed to be retained within the proposed communal open space area. The retention of these non-regulated mature trees is considered to be a positive aspect of the proposed development.

The Applicant has provided an indication of landscaping on the proposed site plan. The indicative landscaping illustrates the retention of the mature trees referred to above and shows some supplementary planting of additional landscaping to complement the development.

Given that the Applicant has not provided a schedule of plantings, if the Panel determines to approve the Application, it is recommended that a condition be imposed requiring that the landscaping be established prior to the occupation of the premises and maintained to the reasonable satisfaction of the Council.

Two (2) mature street trees are located within the Payneham Road verge adjacent to the subject land. These trees will not be affected as there is no building work proposed to the front of the Local Heritage Place.

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, 147-151, 159 & 160.

The private open spaces of the ground level dwellings (Apartments 1 and 3) have a north-eastern aspect to maximise access to natural light, consistent with City Wide Principle of Development Control 78.

The communal open space area is located on the southern side of the proposed building and will be heavily shadowed during winter months. Whilst this is considered to be a negative aspect of the proposed development from a solar access perspective, the proposed design is largely in response to the existing condition of the land and the Local Heritage Place.

The north-western elevation of the proposed development is the existing Local Heritage listed building, which has a high solid to void ratio (i.e. minimal window openings), which will reduce the heat loading impact on the dwellings. The flat roof design of the proposed additions will be able to accommodate solar collectors without having an impact on the Local Heritage Place, should the occupants wish to install them in the future.

As discussed in the stormwater section above, a 6000 litre communal rainwater tank will be required, which will be plumbed into the dwelling in accordance with City Wide PDC 159.

The retention of four (4) mature trees is considered to be a positive aspect of the proposed development, from an environmental perspective.

Summary

The proposed development is considered to be appropriate from a land use perspective within the District Centre (St Peters) Zone. The density of the proposed dwellings is also considered to be acceptable, given the Development Plan seeks a variety of housing types and configurations and the subject land has good access to public transport, local shopping and other services.

The proposed additions are located behind the Local Heritage Place, such that the context and prominence of the Local Heritage Place will not be unreasonably affected. The contemporary rectilinear form of the proposed additions will complement the non-heritage building stock within the locality and will provide a contrast to the original building, without detrimentally impacting on the overall character of the locality.

The proposed building setbacks are considered to be acceptable and the proposed development will not result in any unreasonable overshadowing or overlooking.

Whilst three (3) of the dwellings have a shortfall of private open space, the proposed communal open space and the proximity to public open space are such that the shortfall is not considered to be fatal.

The provision of on-site car parking is considered to be acceptable, even if the Panel determines that the two (2) car parking spaces adjacent to Payneham Road should be removed due to safety concerns. The car parking spaces at the rear of the site can be accessed and egressed in a safe and convenient manner. Traffic generation created by the proposed development is considered to be minimal and will not result in any unreasonably congestion in local streets.

The provision of landscaping is considered to be acceptable and the retention of four (4) non-regulated mature trees is a positive aspect of the proposed development.

The dwellings incorporate stormwater re-use and the building design will create the opportunity of solar collectors to be established on the roof should the future tenants desire to do so. Stormwater overflow will be collected by sumps and overflow will be pumped directly to the side entry pit in Payneham Road.

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 155/0649/15 by Mr P Ogden to construct three-storey alterations and additions to a Local Heritage listed former Bank; comprising alterations to an existing office and dwelling at ground level and residential apartment at first floor level; and the construction of three (3) additional residential apartments (five (5) residential apartments in total); with associated freestanding garages, fencing and landscaping; on the land located at 78 Payneham Road, Stepney, 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 elevations prepared by Michael Fielder Architects Pty Ltd, Drawing No. 1514-SP01, Revision A, received by the Council on 22 September 2015;
- the detail and level survey plan, prepared by Alexander Symonds Surveying Consultants, Drawing No. A088215_DET, Revision 0, received by the Council on 17 September 2015; and
- the garages elevations prepared by Michael Fielder Architects Pty Ltd, Drawing No. 1514-A3-01, received by the Council on 9 December 2015.

Conditions

1. The proposed first and second floor balconies in Apartments 4 and 5, which are less than 1.7 metres above the floor level, shall be screened prior to the occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, to the reasonable satisfaction of the Council or its delegate.
2. 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. In all instances, the stormwater drainage system shall be directly connected into the Payneham Road underground pipe drainage system via the adjacent Side Entry Pit.
3. A communal rain water tank with a minimum capacity of six kilolitres (6000 litres) shall be installed, with water to be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
4. All areas nominated as landscaping or garden areas on the approved plans 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.

5. The two (2) existing car parking spaces located adjacent to Payneham Road shall be removed and replaced with landscaping, to the satisfaction of the Council or its delegate. The resulting disused driveway crossover shall be reinstated to upright kerb and gutter in accordance with Council specifications.

Notes to Applicant

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

Mr Donaldson moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/0649/15 by Mr P Ogden to construct three-storey alterations and additions to a Local Heritage listed former Bank; comprising alterations to an existing office and dwelling at ground level and residential apartment at first floor level; and the construction of three (3) additional residential apartments (five (5) residential apartments in total); with associated freestanding garages, fencing and landscaping; on the land located at 78 Payneham Road, Stepney, 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 elevations prepared by Michael Fielder Architects Pty Ltd, Drawing No. 1514-SP01, Revision A, received by the Council on 22 September 2015;*

- *the detail and level survey plan, prepared by Alexander Symonds Surveying Consultants, Drawing No. A088215_DET, Revision 0, received by the Council on 17 September 2015; and*
- *the garages elevations prepared by Michael Fielder Architects Pty Ltd, Drawing No. 1514-A3-01, received by the Council on 9 December 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. In all instances, the stormwater drainage system shall be directly connected into the Payneham Road underground pipe drainage system via the adjacent Side Entry Pit.*
2. *A communal rain water tank with a minimum capacity of six kilolitres (6000 litres) shall be installed, with water to be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
3. *All areas nominated as landscaping or garden areas on the approved plans 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.*

Notes to Applicant

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

Seconded by Mr Dottore and carried.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/420/2015 – MR S PORROVECCHIO – 131 PORTRUSH ROAD, EVANDALE

DEVELOPMENT APPLICATION:	155/0420/15
APPLICANT:	Mr S Porrovecchio
SUBJECT SITE:	131 Portrush Road, Evandale (Certificate of Title - Volume: 5347 Folio: 146)
DESCRIPTION OF DEVELOPMENT:	Change of use to a cafe with associated building alterations and car parking
ZONE:	Local Commercial Zone <i>Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)</i>
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for a change of use to a cafe, with associated building alterations and the construction of a car parking area.

Staff do not have delegated authority to determine the Application, as it is a Category 3 form of development for public notification purposes. As such, the Application is referred to the Panel for determination.

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

Background

The Council's Development Assessment Panel granted Development Plan Consent to Development Application No. 155/0572/13, for a similar Application to change the use of the land to a cafe (with 35 seats) and associated car parking, at its meeting on 16 December 2013. The Applicant did not obtain Building Rules Consent within twelve (12) months of the Planning Consent and, as such, the Development Plan Consent lapsed on 16 December 2014.

The Applicant has re-applied for Development Approval, which is the subject of this report.

The current Application is essentially the same, albeit that the Applicant has sought approval for up to fifty-five (55) seats, rather than thirty-five (35) as previously approved.

Subject Land Attributes

Shape:	rectangular with a corner cut-off
Frontage width:	18.06 metres
Depth:	43.59 metres
Area:	783 m ²
Topography:	essentially flat
Existing Vegetation:	small trees and shrubs

The former St Peters Council granted Development Approval in 1983 for the land to be used as a showroom and dwelling with associated car parking. In 1993, Development Approval was granted for amendments to the car parking area of a piano showroom. A 'Google Streetview' photograph of the property taken in 2009, shows it being used as an office for a construction company. Given that the last approved use was for a showroom and given that that use was superseded by an unauthorised land use, there is currently no approved use rights associated with the land.

Locality Attributes

Land uses:	mixed use
Building heights (storeys):	predominantly single storey,
Streetscape amenity	moderate – influenced by high traffic volumes and inconsistent building forms and land uses

The locality is characterised by a range of land uses including retail land uses north of the subject land (within the Local Centre (St Peters) Zone) and a mix of commercial and residential land uses south of the subject land within the Local Commercial Zone. The subject land abuts the Residential Character Zone to the west, albeit that the adjacent land was zoned Residential 2A at the time when the Application was lodged.

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

Proposal in Detail

The Applicant seeks consent to use the land for a licensed cafe with a maximum seating capacity of fifty-five (55) persons. The existing building which is proposed to be occupied, has a floor area of 187m².

The proposed hours of operation are 7:00am until 9:00pm all days except for Saturday, when operating hours of 7:00am until midnight are proposed. In addition to dining in, take-away sales are also proposed.

The existing building is proposed to be retained, with internal modifications proposed including the removal of internal walls to provide a more 'open plan' internal environment and changes to toilet facilities, kitchen facilities, etc. Externally, the front verandah is proposed to be modified and enclosed by way of installing bi-fold windows. Other external modifications are relatively minor and include changes to window and door locations and proportions.

A large carport at the rear of the building is proposed to be demolished and an existing garage is proposed to be reduced in size. A new car parking area is proposed to be established at the rear of the property accommodating twelve (12) car parking spaces, including two (2) staff car parking spaces within the garage. Minor modifications to existing driveway crossing places are proposed to accommodate the new car parking area access/egress arrangements.

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

Notification

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

One (1) representation was received, which was opposed to the Application, a copy of which is contained in **Attachment C**.

The representor does not desire to be heard personally by the Panel, in support of their representation. The key issues raised by the representors include:

- there is not enough car parking in the immediate area;
- there is no on-site car parking on the subject land;
- traffic congestion will increase in Edward Street; and
- the proposal may be acceptable if it were limited in size to thirty (30) seats.

It is noted that representors had not viewed the plans when the representation was submitted and was not aware that the Applicant had proposed to construct a car parking area at the rear of the building which can accommodate twelve (12) vehicles on the land. Council staff have contacted the representors to advise them of the full scope of the Development Application. Whilst still concerned about additional traffic and potential for noise late at night, they are now satisfied that the provision of on-site car parking will be satisfactory.

The Applicant has responded to the representation, a copy of the response is contained in **Attachment D**.

A summary of the response is provided below:

- the proposed development includes twelve (12) on-site car parking spaces;
- clients will be encouraged to use the on-site car parking through security measures such as external lighting and surveillance cameras;
- if, in the event that the on-site car parking is full, there are seven (7) on-street car parking spaces in Edward Street that are located adjacent to the subject land before the first residential property is reached; and
- the anticipated peak times for the cafe are between 5.00pm and 9.00pm on Friday through Sunday, when all adjacent businesses are closed. At these times, there should be ample on-street car parking available to supplement the on-site car parking.

State Agency Consultation

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

Discussion

The subject land is located within the Local Commercial 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:

Local Commercial Zone Objective:	1
Local Commercial Zone PDC's:	1-3
City Wide Objectives:	2, 3, 7, 10, 12, 13, 26 & 27
City Wide PDC's:	3-6, 12, 19, 83, 88, 302 & 303

The Local Commercial Zone is a zone primarily accommodating 'local service activities' which are compatible with the amenity of the locality. Complying land uses within the zone include an electricity sub-station, minor public service depot, non-residential club, petrol filling station, residential club, service industry, store, timber yard and warehouse. Shops with a gross leasable area of less than 250m² are a merit land use within the zone.

The policy intent for the Local Commercial Zone is primarily to accommodate a range of commercial activities that are not ideally suited to a retail-type zone (e.g. Local Centre, District Centre, Local Shopping Zone etc.), an industry zone (e.g. a Light Industry Zone), or an office/administration-type zone (e.g. a Business Zone). The proposed land use is not ideally suited to the zone, as it is a form of shop, which is more appropriately located in a centre-type zone.

A shop with a gross leasable area of greater than 250 square metres is non-complying within the Local Commercial Zone. The Application involves a shop with a gross leasable area of 187m² and therefore is to be assessed on its merits. It is important that the list of non-complying development does not simply list

'shops' as non-complying forms of development, as it does with dwellings, but rather only lists large shops (i.e. greater than 250m²) as non-complying. It can be reasonably deduced from this, that the policy intent was to allow new smaller shops (i.e. less than 250m²) on appropriate sites within the Local Commercial Zone.

City Wide Principles of Development Control 302 and 303 provide further guidance regarding shops with a gross leasable area of less than 250m² outside of centre zones and provides the following guidance on the circumstances under which they should be established:

- a shop or group of shops with a gross leasable area of 250 square metres or less should not be located on an arterial road, unless located in a business, centre, or shopping zone or area;
- the shop/s should not hinder the development or function of any business, centre or shopping zone, or area;
- if located in the former St Peters Council area, the shop/s should provide retail services of a strictly local nature; and
- the shop/s should not diminish the amenity of the locality.

Accordingly, the following discussion is based on the above criteria, where relevant.

Arterial Road Location

City Wide Principle of Development Control 302 discourages shops of any size being established on arterial roads, outside of business, centre or shopping zones or areas. The intent behind this is to recognise that shops on arterial roads outside of established centres are more likely to affect the function of those centres, as they have greater commercial exposure and are likely to attract more custom, than are shops on local streets.

Having said that, Principle 269 does not limit shops to designated business, centre or shopping zones, but allows them to also be established in business, centre or shopping areas. The term area, where used in a Development Plan, has been interpreted by the Environment Resources and Development Court to have a similar meaning to that of a locality. In this respect, the locality of the subject land is characterised by both residential and shopping land uses, as previously discussed. The group of shops located immediately adjacent to the subject land to the north in particular, give the locality/area a retail character, such that the intent behind Principle 302 is considered to be achieved.

Function of Business, Centre or Shopping Zones

The Local Centre (St Peters) Zone is located immediately north of the subject land. It is considered that a 187m² shop, as proposed, will not have a significant adverse impact on the function of that zone. Rather, the proposal is likely to be complementary to the shops within that adjacent zone.

Amenity of the Locality

Background noise within the subject land and adjacent properties is high, due to the speed and volume of traffic on Portrush Road. Any noise associated with slow-speed manoeuvring within the car park at the rear of the property, is likely to be below the volume of traffic on Portrush Road and will therefore not have an adverse impact on the amenity of residents in the locality.

A 1.0 metre wide landscaping buffer is proposed between the car parking area and the adjacent residential property to the south at 133 Portrush Road. This buffer allows the car parking to be separated visually from the neighbouring property, as well as having some benefit in terms of noise reduction, although as previously stated, noise is likely to be lower than background noise in any event.

Similarly, amenity impacts on the occupants of the dwelling to the west at 15 Edward Street are likely to be negligible, due to the background traffic noise on Payneham Road and the acoustic properties of the existing garage wall on the boundary and a proposed 1.8 metre high Hebel fence for the remaining section of the boundary.

In any event, the likely noise impacts to result from a cafe, taking into consideration the proposed hours of operation, are considered to be well within reasonable expectations of a neighbouring residential property, having regard to the Local Commercial Zone status of the subject land and the types of Complying forms developments that could occur as of right.

Some members of the Panel may recall that the subject land was the subject of a Notice under the South Australian Public Health Act 2011. The owner of the land has now complied with that Notice such that the subject land is suitable for the proposed use. A copy of the Revocation of Notice letter sent to the owner from the Eastern Health Authority is contained in **Attachment E**.

On balance, it is considered that the proposal is acceptable from a land use perspective.

Streetscape/bulk/scale/height/character

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

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

The proposed changes to the external appearance of the building are minimal and will not result in a significantly different streetscape presentation. The current Application seeks to enclose the front verandah through the installation of bi-fold windows, along with a range of other relatively minor cosmetic alterations. The proposed alterations will not have an adverse impact on the overall bulk, scale or presentation of the building, when view from Payneham Road or Edward Street.

The proposed demolition of a carport and modifications to the garage at the rear of the property, and the construction of a car parking area will change the appearance of the subject land when viewed from Edward Street. The proposed commercial appearance is considered to be reasonable, given that the subject land is located within the Local Commercial Zone where built form such as petrol stations, timber yards and warehouses could be constructed as of right.

In any case, the proposed car parking area and the associated landscaping will provide a reasonable buffer between the proposed cafe building and the adjacent residential properties.

Car-parking/access/manoeuvring

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

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

Table NPSP/9

The proposed development includes a total of twelve (12) on-site car parking spaces. Two (2) of the proposed spaces are 'stacked' staff car parking spaces located within the modified garage adjacent to the western boundary of the land.

In terms of the provision of car parking, Table NPSP/9 prescribes a rate of 1 space for every 3 seats, with no additional requirement for outdoor dining up to 25% of indoor seating for restaurants (and cafes).

The provision of twelve (12) on-site car parking spaces would theoretically meet the demand associated with thirty-six (36) seats, based on the rate provided in Table NPSP/9. If an additional 25% is added for the purposes of outdoor dining, the maximum number of seats anticipated by Table NPSP/9 increases to forty-five (45).

The Applicant has proposed fifty-five (55) seats, including forty (40) within the building and fifteen (15) in an al-fresco area at the front of the building (but still on the subject land). The proposed development results in a shortfall of three (3) on-site car parking spaces, which is considered to be substantial given that the proposed land use is located outside a centre or shopping zone and is at the interface with a residential area where any increase in on-street car parking demand may have an adverse impact on residential amenity.

Staff discussed their concerns with car parking with the Applicant with a view to restricting the number of seats to forty-five (45), including nine (9) alfresco seats at the front of the building, consistent with the demand anticipated by Table NPSP/9. The Applicant has advised staff that the business may not be commercially viable with only 45 seats, given the number of staff that would be required to run the cafe.

Staff have requested the Applicant to substantiate this claim and to provide the Council with a business plan or, at the least, an indication of the number of seats that would make the proposed business viable. If the business is not viable without a certain threshold of seats, then the Application may not warrant consent on the basis of not being orderly and economic development.

The Applicant has not responded to this request at the time of writing this report. Notwithstanding, it is reasonable to conclude that they can operate with 55 seats, as the Applicant had nominated this figure when lodging the Application, assuming that the original number is not an ambit claim.

As mentioned earlier, fifty-five (55) seats would result in a theoretical shortfall of three (3) on-site car parking spaces, which would need to be accommodated on-street. In this instance, this shortfall is not considered to be unreasonable, given that there are a minimum of four (4) car parking spaces available in Edward Street, adjacent to the subject land, between Portrush Road and the nearest residential property which could accommodate the anticipated shortfall. At peak times, the adjacent businesses, which include offices and small shops, would be closed which would mean the adjacent on-street car parking spaces would generally be available.

It is also noted that the nature of the proposed cafe (pizza/pasta) is likely to have a reasonable proportion of takeaway clientele, which would improve the business' viability, albeit that there are additional staffing requirements to be taken into account for in-house dining.

Ultimately, in the view of staff, the Application turns on whether the proposed cafe is commercially viable with fifty-five (55) seats. The Applicant has advised verbally that it is, but has not provided any evidence to substantiate this claim.

That said, it is noted that the Council's Panel had previously granted consent to a similar development on the subject land with only 35 seats and the Applicant has advised, verbally at least, that the proposed cafe will be a viable business. As such, it is considered that the provision of car parking is acceptable, for a café with a maximum seating capacity of fifty-five (55).

In terms of vehicle manoeuvring, the car parking area configuration, including the aisle and bay widths, conforms to the relevant Australian Standards for off-street car parking. Vehicular access to the car park is gained via Edward Street through existing crossovers, one of which is proposed to be splayed to accommodate the new car parking configuration.

On balance, the car parking and traffic generation issues associated with the proposal are considered to be satisfactory.

Waste / Deliveries

It is proposed that all waste generated by the cafe will be collected via the standard Council rubbish bin collection system on a weekly basis. A grease-trap will require emptying approximately every three (3) months via a pump truck.

With respect to deliveries, it is proposed that they will occur between 9:00am and 3:30pm 'for the most part', with the exception of bread and newspaper which is proposed to occur around 6:00am.

The proposed delivery and waste removal arrangements are considered appropriate and it is recommended that conditions be imposed, reflecting those arrangements.

Summary

The proposed cafe is considered to constitute a suitable use for the subject land, notwithstanding that the Local Commercial Zone is not primarily aimed at accommodating retail development. The cafe is of a relatively small scale and is located immediately adjacent to the Local Centre (St Peters) Zone, such that it forms a convenient and complementary extension to the existing shops to the north.

The impacts likely to result from the proposal on adjacent properties are considered to be reasonable taking into account the zoning of the land and the background noise levels in the locality. The provision of car parking is likely to be sufficient to cater for the demand generated by the café, with any additional demand at peak times able to be accommodated within Edward Street directly adjacent to the subject land. Access and egress arrangements are safe and convenient.

Subject to appropriate conditions, operational matters including hours of operation and delivery arrangements are appropriate.

The Applicant has advised that the business would not be financially viable with forty-five (45) seats, which raises the question of whether the business is viable with fifty-five (55) seats. The Applicant has advised verbally that it is, but has not substantiated this claim with any evidence.

That said, it is noted that the Council's Panel had previously granted consent to a similar development on the subject land with only 35 seats and the Applicant has advised, verbally at least, that the proposed cafe will be a viable business. As such, it is considered that the provision of car parking is acceptable, for a cafe with a maximum seating capacity of fifty-five (55).

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 155/0420/15 by Mr S Porrovecchio to change the use to a cafe, including alterations to an existing building, demolition of a carport, partial demolition of a garage and alterations to a car parking area on the land located at 131 Portrush Road, 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 plans and details received by the Council on 16 June 2016.

Conditions

1. The cafe, herein approved, shall operate with no more than fifty-five (55) dining seats at any time, including forty (40) dining seats within the building and fifteen (15) al-fresco dining seats.
2. The hours of operation shall be limited to between 7:00am and 9:00pm all days except Saturday, which shall be limited to between 7:00am and midnight.
3. All deliveries to the premises with the exception of newspapers and bread, shall be made between the hours of 9:00am and 5:00pm.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.

5. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of persons with disabilities).
6. All of the car parking, driveways and vehicle manoeuvring areas shall be constructed of bitumen, concrete or paving bricks and shall be drained in accordance with recognised engineering practices prior to the occupation of the premises.
7. All of the car parking spaces shall be line-marked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
8. All car parking spaces, driveways, and vehicle manoeuvring areas shall be maintained in a good condition to the reasonable satisfaction of the Council or its delegate.
9. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
10. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

Mr Duke Moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application No 155/0420/15 by Mr S Porrovecchio, to change the use to a cafe, including alterations to the existing building, demolition of a carport, partial demolition of a garage and alterations to a car parking area; on the land located at 131 Portrush Road, Evandale, be **refused** for the following reasons:*

- 1. The proposed development does not provide sufficient on-site car parking to cater for the likely demands generated by the cafe use, as prescribed within Table NPSP/9 of the Development Plan. The proposed development is therefore at odds with City Wide Objective 34 and Principle of Development Control 120.*
- 2. The shortfall in on-site car parking to cater for the proposed development will increase traffic and the demand for on-street car parking within Edward Street, which is primarily residential in nature. As such, the proposal will result in a loss of residential amenity, which is contrary to Objective 1 and Principle of Development Control 1 of the Local Commercial Zone.*

Seconded by Mr Minney and carried.

2. STAFF REPORTS

**2.3 DEVELOPMENT APPLICATION 155/581/2015 – DESIGN VISION CONSTRUCTIONS –
83A THIRD AVENUE, JOSLIN**

DEVELOPMENT APPLICATION:	155/581/15
APPLICANT:	Design Vision Constructions
SUBJECT SITE:	83A Third Avenue, Joslin (Certificate of Title Volume: 5894 Folio: 517)
DESCRIPTION OF DEVELOPMENT:	Variation to Development Application 155/955/14, comprising a revised facade design
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 to vary a Development Plan Consent which has been issued to Development Application 155/955/14, comprising a revised facade design.

The Applicant is seeking approval for a Development Application which differs from an Application (DA Number 155/876/09) which was granted approval by the Development Assessment Panel on 17 May 2010, for the construction of a single storey detached dwelling. A copy of the approved plans is contained in **Attachment A**.

Pursuant to the Council's Policy relating to 'Applications to vary a previously issued Consent', adopted by the Council on 3 December 2012 (and reflected in the Panel's Terms of Reference), any Development Application which is at variance with an approval previously granted by the Panel, involving a significant change to the facade or the streetscape, must also be determined by the Panel.

Development Application Number 155/876/09 has since lapsed and a subsequent Development Application (DA Number 155/955/14), also for a single storey detached dwelling on the subject land, was approved by Council's administration under delegated authority, on the basis that it was determined that the application did not involve a significant change to the facade or the streetscape. A copy of the plans which were granted consent under delegated authority are contained in **Attachment B**. A key consideration when making this determination to assess the Application under delegated authority, was that the Panel had recently approved a very similar facade design for a dwelling on the adjoining land at 83B Third Avenue.

The current Development Application (DA Number 155/581/15) seeks to vary the Development Plan Consent for DA 155/955/14, by way of a change to the facade. These changes are considered to represent a significant change to the facade of the dwelling which was granted consent by the Panel on 17 May 2010 and as such, must be determined by the Panel.

Subject Land Attributes

Shape:	regular
Frontage width:	9.9 metres
Depth:	47.78 metres
Area:	473.0m ²
Topography:	sloping from rear to front
Existing Structures:	vacant
Existing Vegetation:	no substantial vegetation of note

Locality Attributes

Land uses:	entirely residential
Predominant dwelling era:	pre-war and inter-war
Extent of consolidation/infill:	slight
Dwelling heights (storeys):	predominantly single storey (aside from two-storey residential flat building directly to the south at 81 Third Avenue)
Streetscape amenity	high – characterised primarily by historic building stock and the established mature street trees

A plan of the subject land and its surrounds is attached (**Attachment C**).

Proposal in Detail

Pursuant to Section 39(6) of the *Development Act 1993*, a person may seek the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation). In this case, the Applicant is seeking the variation of the Development Plan Consent which was issued to DA 155/955/14. In particular, the variation relates to the facade treatment of the dwelling.

Whereas the façade of the dwelling in DA 155/955/14 had a traditional appearance with dutch gable roof form, stone veneer walls, rendered quoins and ‘heritage style’ panel lift door, the varied facade is more contemporary in its appearance. Whilst it retains sandstone veneer cladding, the roof form is entirely hipped with no eave overhangs, an aluminium framed, polycarbonate or glass panel lift door is proposed, the verandah comprises a simple ‘PFC’ profile steel beam and ‘scyon’ cladding is proposed as infill above the verandah and windows. Tiled columns extending above gutter height are proposed either side of the entrance.

Importantly for the Panel’s consideration, the proposed facade varies from the facade of the dwelling which was approved by the Panel in 2010, as follows:

- the external wall height has increased from 3.0m to 3.3m;
- eaves have been removed
- the timber panelled tilt-up garage door has been replaced with an aluminium framed, polycarbonate or glass panel lift door;
- windows above verandah level have been replaced with ‘scyon’ infill panels;
- tall tiled columns have been added either side of the entry.

A copy of the plans of the proposed dwelling is contained in **Attachment D**.

streetscape/bulk/scale/height/character/heritage

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

Residential Historic (Conservation) Zone Objective 1

“Development that conserves the heritage value and historic character of the Residential Historic (Conservation) Zone and reinforces the desired character of the zone and the relevant policy area.”

Residential Historic (Conservation) Zone Objective 5

“Development that is sympathetic and compatible with the heritage value and historic character of the zone, but is also subordinate to the local historic character in terms of streetscape impact.”

Residential Historic (Conservation) Zone Objective 6

“Development that maintains the established allotment sizes and patterns, siting and orientation of buildings and incorporates high standards of design, building materials and landscaping.”

Residential Historic (Conservation) Zone Desired Character Statement

“New dwellings will be of a complementary nature which do not compete or stand out against the historic elements for streetscape prominence. They will take into careful consideration the scale of the surrounding dwellings. The roof pitch and basic roof form of surrounding houses will be repeated.”

“It (development) will be set in a sympathetic landscaped setting and will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock. Corrugated iron roofing will be used in preference to tiled roofs as this is the traditional roofing material, except where Terracotta Marseilles tiles are the original roofing material.”

Residential Historic (Conservation) Zone Principle of Development Control 1

“Development should not be undertaken unless it is consistent with the desired character of the zone and the relevant policy area.”

Residential Historic (Conservation) Zone Principle of Development Control 2

“Development should preserve, enhance and reinforce the existing streetscape appeal of the relevant policy area.”

Residential Historic (Conservation) Zone Principle of Development Control 14

“The detail and general character of development should complement the identified heritage values of the zone and the policy area in which it is located, as well as the specifically identified heritage places and contributory items listed in Tables NPSP/5, 6 and 7.”

Residential Historic (Conservation) Zone Principle of Development Control 15

“Development should predominantly be for residential purposes and should reflect the historical built form and visual character of the relevant policy area.”

Residential Historic (Conservation) Zone Principle of Development Control 16

“Development of a new building or building addition should demonstrate a compatible visual relationship with the buildings that contribute to the historic character of the relevant policy area through consideration of the following:

- (a) bulk and scale;*
- (b) width of site frontage, front and side boundary setback patterns, wall height and window placement;*
- (c) the proportions (vertical and horizontal) of additions visible from the street that complement the existing building façade and other elevations facing a public road;*
- (d) the form and level of visual interest present in a building (as determined by the height of eaves, the length and size of unbroken walling, treatment of openings and depths of reveals, roof form and pitch, external colour and texture of materials used, as well as detailing, landscaping and fencing); and*
- (e) design elements such as verandahs, balconies and eaves where appropriate.”*

Residential Historic (Conservation) Zone Principle of Development Control 18

“Dwelling roof pitches should match the principal roof pitches of buildings within the policy area. Roofs for rear additions extending less than four metres from the main building may be of a lean to nature.”

Residential Historic (Conservation) Zone Principle of Development Control 22

“New buildings should utilise stone, brick, natural coloured bagged render and/or brick as the main external finish to walls to complement the historic built form.”

Residential Historic (Conservation) Zone Principle of Development Control 23

“Development should not incorporate the use of brightly coloured or highly reflective materials or surfaces.”

Residential Historic (Conservation) Zone Principle of Development Control 26

“Development within the Residential Historic (Conservation) Zone should be carried out, where applicable, in accordance with the Design Guidelines for Heritage Places and Development in Historic (Conservation) Zones contained in Table NPSP/4.”

The Council’s Heritage Advisor, David Brown, has reviewed the Application. Mr Brown’s comments are summarised below:

- the slatted timber sections on the facade are not ideal given it is not a traditional front facade material in the area.
- The windows are noted as aluminium framed windows. The Development Plan notes timber window frames are required, but some concession may be possible if the frames are powder coated commercial style frames.
- The format of the window is very horizontally oriented, which is not in keeping with the more usually vertically oriented windows in the area. Change to a vertically oriented window or two slimmer windows would be preferable.
- The contemporary verandah is a good design solution, though I have some concerns with the two glazed tiled pillars. They are a very prominent visual element, and not clearly indicated on the floor plans, so I am unsure as to their actual size. Irrespective of their plan dimensions they are just too tall for no apparent reason, drawing attention to the house, rather than allowing the new house to be a recessive element in the streetscape.
- These changes have been suggested to the applicant, but they have been unwilling to take them on board and modify the design. Hence from a heritage perspective, the design as currently proposed is not considered acceptable as it has elements that are not typical or complimentary in the Historic Conservation Zone, and attempts to draw attention to itself through design elements that are not contextual.

In relation to the second dot-point above, the Applicant has advised that the window frames are to be powdercoated.

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

Although Mr Brown has not raised a concern with the removal of eaves from the proposal, the absence of eaves is considered to accentuate the slatted timber ‘scyon’ infill panels above verandah level and result in a disproportionate roof size, particularly over the front bedroom.

As noted by Mr Brown, the tiled columns located either side of the entry are dominant features of the facade, drawing attention to the dwelling contrary to the Desired Character Statement for the zone, which states that new dwellings will be of a complementary nature which do not compete or stand out against the historic elements for streetscape prominence.

Similarly, the garage door has a reflective surface, contrary to Residential Historic (Conservation) Zone Principle of Development Control 23, drawing attention to the door, whereas garages should not be a prominent feature of the design of new dwellings in the zone.

Summary

The proposed variations to the facade of the approved dwelling are not considered to be compatible with the desired character for the Residential Historic (Conservation) Zone. The combination of the materials proposed, the dominance of the tiled columns and the absence of eaves, results in a dwelling which competes with historical buildings for streetscape prominence and is not visually compatible with historic buildings in the locality.

Whilst the Applicant has been advised of the Council's concerns and asked to consider amending the facade, he has requested that the Panel determine the Application in its current form.

The Application is not considered to be seriously at variance with the Development Plan, however is not considered to sufficiently accord 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 and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **refused** to Development Application No 155/581/15 by Design Vision Constructions for a variation to Development Application 155/955/14, comprising a revised facade design on the land located at 83A Third Avenue, Joslin for the following reasons:

1. The development is not sympathetic to or compatible with the heritage value and historic character of the zone, nor is it subordinate to the local historic character in terms of streetscape impact, contrary to Residential Historic (Conservation) Zone Objective 5.
2. The development will compete and stand out against the historic elements of the locality for streetscape prominence, contrary to the Desired Character Statement for the Residential Historic (Conservation) Zone.
3. The development incorporates external finishes which do not complement historic built form in the locality, including slatted timber infill, tiled columns and a plastic and aluminium garage door, contrary to Residential Historic (Conservation) Zone Principle of Development Control 22 and 23.

Mr Minney moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/581/15 by Design Vision Constructions for a variation to Development Application 155/955/14, comprising a revised facade design on the land located at 83A Third Avenue, Joslin for the following reasons:*

1. *The development is not sympathetic to or compatible with the heritage value and historic character of the zone, nor is it subordinate to the local historic character in terms of streetscape impact, contrary to Residential Historic (Conservation) Zone Objective 5.*
2. *The development will compete and stand out against the historic elements of the locality for streetscape prominence, contrary to the Desired Character Statement for the Residential Historic (Conservation) Zone.*
3. *The development incorporates external finishes which do not complement historic built form in the locality, including slatted timber infill, tiled columns and a plastic and aluminium garage door, contrary to Residential Historic (Conservation) Zone Principle of Development Control 22 and 23.*

Seconded by Mr Frogley and carried.

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/633/2015 – AAA BUILDING GROUP – 9 LOADER STREET, GLYNDE

DEVELOPMENT APPLICATION:	155/633/2015
APPLICANT:	AAA Building Group
SUBJECT SITE:	9 Loader Street, Glynde (Certificate of Title Volume: 5079 Folio: 723)
DESCRIPTION OF DEVELOPMENT:	Construction of three (3) two-storey row dwellings with associated fencing, retaining walls and landscaping.
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 information to the Panel in order for a determination to be made on an Application to construct three (3) two-storey row dwellings with associated fencing, retaining walls and landscaping.

Staff do not have delegated authority to determine the Application, as it comprises a development with more than two (2) dwellings. 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:	19.7 metres
Depth:	45.72 metres
Area:	900.7m ²
Topography:	650mm fall from front to rear
Existing Structures:	detached dwelling and outbuildings
Existing Vegetation:	small trees and shrubs

The subject land contains a single storey red-brick hipped-roof dwelling, likely to have been constructed circa 1930's. A small garden shed is located in the rear north-eastern corner of the allotment. The land has a slight cross-fall of approximately 300mm from east to west and a fall of approximately 650mm from Loader Street down to the rear boundary.

Locality Attributes

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

The locality contains a mix of single storey detached and semi-detached dwellings, with the former being the dominant dwelling type. The earliest dwellings in the street are bungalows from the inter-war period, with the balance being from various subsequent periods in time. Several dwellings in the locality have been constructed in the past ten (10) years. There is no dominant architectural style in the street, however pitched roof forms and masonry walls are common themes.

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

Proposal in Detail

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Site Area	301.8m ²	297.2m ²	301.8m ²	300 m ² (Zone PDC 7)
Site Width	6.6m	6.5m	6.6m	7.0m (Zone PDC 7)
Site Depth	28m	28m	27m	N/A
External Wall Height*	6.15m	6.15m	6.15m	Two Storey (Zone PDC 8)
Maximum Overall Height (to roof apex)*	7.4m	7.4m	7.4m	N/A
Floor Area (total)	312.9m ²	378.1m ²	312.89m ²	N/A
Floor Area (footprint)	140m ²	145m ²	145m ²	N/A
Site Coverage	54%	64%	54%	60% (Zone PDC 8)
Private Open Space	95m ² 31% of site area 55.7% uncovered	106m ² 36% of site area 49% uncovered	95m ² 31% of site area 55.7% uncovered	20% of site area 50% uncovered (CWPDC 225(a) & CWPDC 229)
Street Set-back	6.0m	6.0m	6.0m	6.0m (Zone PDC 8)
Side Set-back (ground level)	Nil	Nil	Nil	900mm Zone PDC 8 (Dwellings 1 & 3)
Side Set-back (upper level)	1.9m – 2.2m	N/A	1.9m – 2.2m	1.9m (Zone PDC 8)
Rear Set-back	8.0m	8.0m	8.0m	4.0m Ground Level 6.0m Upper Level (Zone PDC 8)
Car Parking Provision	2 spaces, 1 of which is covered	2 spaces, 1 of which is covered	2 spaces, 1 of which is covered	2 spaces, at least 1 of which is covered and set back 5.5m from the primary street frontage (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 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 Zone of the Norwood Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use and Density

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

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

The Desired Character Statement for the Residential Zone states:

“Most development within the zone will occur through the renovation of existing dwellings, the replacement of existing dwellings with one or two dwellings and to a lesser extent, new dwellings to the rear of existing dwellings. In locations where there are large allotments or where the amalgamation of allotments has occurred, there may be opportunity to develop low-rise (one or two-storey) group dwellings, row dwellings and residential flat buildings.”

Residential Zone Principle of Development Control 7 sets out the minimum site area and frontage requirements for new dwellings in the Zone. In relation to row dwellings, Principle 7 states that they should have a minimum site area of 300m² and a minimum frontage width of 7 metres, where they face a public road, whereas they should have a minimum site area of 250m² and a minimum frontage width of 6 metres, in circumstances where rear vehicle/garage access is available.

Accordingly, whilst row dwellings are an anticipated land use within the zone on sufficiently large allotments, the subject land is approximately 1.3 metres narrower than the frontage width specified for a site containing row dwellings within the Zone, where rear vehicular access is not provided.

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 Zone Desired Character Statement

Residential Zone PDC's: 6, 7 and 8

City Wide Objectives: 18, 19 & 20

City Wide PDC's: 28-32, 37, 39, 40, 41, 191 & 209-214

The Desired Character Statement for the Residential Zone states:

“Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a ‘suburban’ feel with a high level of amenity. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring ‘space’ to be established between buildings.”

“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape. Garages and carports will be located to the side or rear of dwellings and the placement of driveways will ensure minimal disruption to footpaths and street trees. Where double garaging is proposed, driveways will be tapered, where practicable, to reduce the extent of hard surface areas forward of dwellings.”

The first paragraph quoted above, sets out a desire for a ‘suburban’ feel to be maintained, through maintaining a rhythm of buildings comprising one and two storeys, set back from the street to allow for the establishment of front gardens with ‘space’ established in between. The issue of spacing in between buildings is discussed under the following section of this report, dealing with setbacks and site coverage. However, in short, the ‘boundary-to-boundary’ presentation of the development to the street is inconsistent with the desired character of the area.

Similarly, the number of driveways, garages and extent of hard paved area which is proposed between the dwellings and the street, across the 19.7m frontage, is contrary to the expressed desire to minimise disruption to footpaths, reduce hard surface areas and provide gardens that help to maintain a ‘suburban’ feel.

The ratio of hard paved area to garden area and the ‘boundary-to-boundary’ presentation of the development to the street are factors which are symptomatic of the 1.3m shortfall in overall allotment width. Therefore, whilst row dwellings are an anticipated land use within the zone, it is considered that the subject land is too narrow to accommodate row dwellings in a manner that is envisaged for the zone.

Setbacks and Site Coverage

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

Residential Zone Desired Character Statement

Residential Zone PDC's: 8

City Wide Objectives: 18, 19 & 20

City Wide PDC's: 50, 202, 204, 207, 208

Residential Zone Principle of Development Control 8 states that dwellings fronting a public road should be designed with a minimum setback from the primary road frontage of 6 metres. The proposal accords with this principle. The proposed 6 metre front setback is also relatively consistent with the pattern of front setbacks within the locality and the existing dwellings located immediately east and west of the subject land, which are set back 7m and 6m respectively.

Residential Zone Principle of Development Control 8 also states that dwellings fronting a public road should be designed with a minimum setback from one side boundary of 900mm. In the case of three row dwellings, it is impossible for the middle row dwelling to have a 900mm setback from one side boundary; however the 900mm setback policy applies to the remaining two ‘outside’ dwellings.

The garages of the outside dwellings are sited on the side boundaries of the subject land, resulting in the proposed development filling out the subject land from boundary to boundary. This is inconsistent with Principle 8 and the Desired Character Statement, which requires 'space' to be established between buildings.

The proposed upper level side boundary setbacks are in accordance with Residential Zone Principle 8, which requires walls with a vertical height exceeding 3 metres to be set back 900mm plus one-third of the increase in vertical wall height above 3 metres. As the height of the upper level walls is 6 metres, the required setback distance from the side boundaries is 1.9m. The proposed setback ranges from 1.9m to 2.2m.

The proposed rear setbacks also accord with Residential Zone Principle 8, as they exceed 4m at ground level and 6m at upper level.

The proposal is consistent with the maximum site coverage policy of 60 per cent contained in Principle 8, with Dwellings 1 and 3 having a site coverage of 57% and Dwelling 2 being slightly higher at 62%. The overall site coverage is 59%.

Overshadowing/Overlooking/Noise

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 Applicant has provided shadowing diagrams, to demonstrate the extent of overshadowing that would result from the proposed two storey dwellings during the winter solstice. In relation to the two adjoining properties, the diagrams show:

- A small portion of the private open space of the dwelling at 7 Loader Street will be overshadowed early in the morning. From mid-morning onwards, this property will be unaffected by overshadowing.
- None of the private open space of the dwelling at 11A Loader Street will be affected by overshadowing.

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 Principle of Development Control 196.

Whilst the windows in the side elevations of both adjoining dwellings will be affected by overshadowing to varying degrees at different times of the day, the proposal accords with City Wide Principle 194, which states that habitable rooms should have at least one window with a minimum horizontal distance, between any facing building and the face of the wall containing the window (i.e. the distance between the eaves, fascias or gutters), of no less than 900 millimetres which is clear to the sky.

The side upper level windows are proposed to contain obscure glazing to a minimum height of 1500mm above floor level. The balconies at the rear of the dwellings are proposed to be enclosed with 1700mm high obscure glass balustrades.

The proposed upper level window treatment is inconsistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1700mm.

The proposed balconies, whilst appropriately screened to a height of 1700mm, could result in a perceived loss of privacy to the occupiers of adjacent properties, due to their size. City Wide Principle of Development Control 235 states that balconies should not exceed 15 square metres in floor area, in recognition that large format upper level balconies in a suburban context are typically perceived to be intrusive by occupants of adjacent properties. The proposed balconies range in size from 13.2m² to 18.4m² and have a combined area of 45m² across the back of the building.

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 & 230

City Wide Principle of Development Control 225(a) 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 have private open space areas of usable dimensions, with areas ranging from 31% to 36% of the area of their individual sites. Each of the proposed dwellings has good solar access for the rear private open space areas.

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 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: 38
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. In relation to row 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 accords with this rate.

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 falls approximately 650mm down towards the rear and also has a slight cross fall of 300mm from east to west.

The front portions of the dwellings (comprising the garage and study in Dwellings 1 and 3 and the garage and laundry in Dwelling 2) are proposed to have ground floor levels that are 200mm above the adjacent top of kerb level. The rear portions of the dwellings are proposed to be set down 300mm, such that the ground floor level at the rear of the dwellings would be approximately 100mm below top of kerb level.

Taking into account a 150mm set-down from the ground floor level at the rear of the dwellings to the finished ground level in the rear yards (and assuming relatively flat rear yard areas), the proposal would result in the need for retaining walls up to approximately 450mm in height. Combined with a typical 1800mm high fence, the combined height would be 2.25 metres. This accords with City Wide Principle of Development Control 58 which states that the combined height should not exceed 2.4 metres.

The proposed floor levels mean that all stormwater falling on rear yard areas will need to be collected in sumps and pumped to the street water table.

Due to the significant increase in impervious area across the subject land which would result from the development, if the Panel determines to approve the Application, it would be 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, 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 has been provided, showing the planting of a star jasmine or *campanula poscharskyana* 'hedge' across the front boundary and adjacent to the three driveways, together with lawn areas. Both star jasmine and *campanula poscharskyana* are ground covers or creepers and rely on a support structure if used as a hedge. No detail of any such support structure has been provided.

One (1) mature street tree is located adjacent to the subject land and is 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:	67-72, 147, 148, 151 & 159

The proposed dwellings each have their main living zones located at the rear at ground floor level, ensuring good northern orientation, with alfresco areas to provide protection from the summer sun angle.

Large expanses of north, east and west facing upper level windows are unprotected by eaves or canopies, which will result in significant heat-load on the dwellings in summer.

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, if the Panel determines to approve the Application, it is recommended that a condition be imposed, requiring that each dwelling be provided with a 2000 litre rain water tank.

Other

As the proposed development extends across the entire width of the site and there is no dedicated bin storage area proposed in front of the dwellings, storage of rubbish bins would be required within the garages. In this respect, the proposed garages range in length from 6.4m to 7.1m and are therefore able to accommodate the storage of bins.

Summary

The Residential Zone is intended to accommodate a greater range of dwellings, at a higher density than the Residential Character Zone. However, unlike the Medium Density Policy Area which applies to parts of the Residential Zone, the remaining parts of the zone are intended to retain a 'suburban' feel, with landscaped front gardens and space between buildings being a desired characteristic.

The proposal does not accord with the frontage width requirement for row dwellings. In order to accommodate three row dwellings on sites with frontages of 7m each, as per the relevant policy, the overall frontage of the subject land would need to be 21 metres. The subject land is only 19.7m wide. The implications of this are that the development extends across the entire site and a large proportion of the space between the dwellings and the street is occupied by hard paved areas for paths and driveways.

Positive aspects of the proposal are the northern oriented living areas and private open space, stepped floor levels to work with the contours of the land and the attempt to respect characteristics of other dwellings in the locality, through the incorporation of pitched roofs. Other negative aspects include large rear balconies (which could result in a perceived loss of privacy to adjacent properties) and large windows and doors at the upper level, unprotected from the northern, eastern and western sun.

On balance, whilst it is considered that the proposal is not seriously at variance with the Development Plan, the development insufficiently accords 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 and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **refused** to Development Application No 155/633/15 by AAA Building Group to construct three (3) two-storey row dwellings with associated fencing, retaining walls and landscaping, on the land located at 9 Loader Street, Glynde, for the following reasons:

1. The proposed development will not result in a 'suburban' feel, nor a high level of amenity, as is sought by the Desired Character Statement for the Residential Zone.
2. The proposal will not result in the maintenance of the rhythm of buildings within the street, nor provide for 'space' to be established between buildings in the street, contrary to the Desired Character Statement for the Residential Zone.
3. The proposal does not sufficiently provide for front gardens to be established in a manner that is consistent with a 'suburban' feel, contrary to the Desired Character Statement for the Zone.
4. The frontage width of each of the proposed dwelling sites is less than 7 metres, contrary to Residential Zone Principle of Development Control 8.
5. Dwellings 1 and 3 are not set back 900mm from the side boundaries, contrary to Residential Zone Principle of Development Control 8.
6. The upper level north, east and west facing windows are unprotected from the summer sun angle, leading to excessive heat load on the dwellings.

Mr Duke moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/633/15 by AAA Building Group to construct three (3) two-storey row dwellings with associated fencing, retaining walls and landscaping, on the land located at 9 Loader Street, Glynde, for the following reasons:*

1. *The proposed development will not result in a 'suburban' feel, nor a high level of amenity, as is sought by the Desired Character Statement for the Residential Zone.*
2. *The proposal will not result in the maintenance of the rhythm of buildings within the street, nor provide for 'space' to be established between buildings in the street, contrary to the Desired Character Statement for the Residential Zone.*
3. *The proposal does not sufficiently provide for front gardens to be established in a manner that is consistent with a 'suburban' feel, contrary to the Desired Character Statement for the Zone.*
4. *The frontage width of each of the proposed dwelling sites is less than 7 metres, contrary to Residential Zone Principle of Development Control 8.*

5. *Dwellings 1 and 3 are not set back 900mm from the side boundaries, contrary to Residential Zone Principle of Development Control 8.*
6. *The upper level north, east and west facing windows are unprotected from the summer sun angle, leading to excessive heat load on the dwellings.*

Seconded by Mr Frogley and carried.

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

The Presiding Member declared the meeting closed at 8:22pm.

Terry Mosel
Presiding Member