

# Development Assessment Panel Agenda & Reports

20 January 2016

## 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

14 January 2016

## To all Members of the Development Assessment Panel

### NOTICE OF MEETING

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

**Wednesday 20 January 2016, commencing at 7.00pm.**

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

Yours faithfully

Mario Barone  
**CHIEF EXECUTIVE OFFICER**

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City of  
Norwood  
Payneham  
& St Peters

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**VENUE**                      Mayors Parlour, Norwood Town Hall

**HOUR**

**PRESENT**

**Panel Members**

**Staff**

**APOLOGIES**

**ABSENT**

1.     **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 21 DECEMBER 2015**
  
2.     **STAFF REPORTS**
  - Items to be starred (.....)
  - All unstarred items to be adopted (.....)

## 2. STAFF REPORTS

### 2.1 APPOINTMENT OF DEPUTY PRESIDING MEMBER FOR THE DEVELOPMENT ASSESSMENT PANEL

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**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4567  
**FILE REFERENCE:** S/1099  
**ATTACHMENTS:** Nil

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#### PURPOSE OF REPORT

The purpose of this report is to provide Members of the Development Assessment Panel with relevant information to assist with the appointment of a Deputy Presiding Member, in accordance with Section 56A(4b) of the *Development Act 1993*.

#### BACKGROUND

Section 56A(4b) of the *Development Act 1993* (the Act), makes provision for a council Development Assessment Panel to appoint a Deputy Presiding Member, to be chosen by the Members of the Panel, for a term as determined by the Panel.

#### DISCUSSION

Whilst there is no specification set out in the Act regarding the role of Deputy Presiding Member, Section 56A (b) of the Act specifies that the Presiding Member of a council Development Assessment Panel will be appointed by a council taking into account the following requirements:

*“the Presiding Member must be a person who is determined by the council to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.”*

It therefore follows that any Member of the Panel who is considered for the position of Deputy Presiding Member should also meet the above-mentioned requirements.

It should also be noted that whilst the Presiding Member of the Panel must not be a member or officer of the Council, the Act does not specify that the Deputy Presiding Member must not be a member or officer of the Council. Therefore, any Member of the Panel can be nominated and appointed as Deputy Presiding Member.

The role of the Deputy Presiding Member is to take on the responsibilities of the Presiding Member when the Presiding Member is required to perform a duty and is unable to do so. In this context, it is considered that all Members of the Panel are suitably qualified to undertake the role of Deputy Presiding Member.

#### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Forming a Panel in accordance with the relevant legislation is good governance and provides the community with the confidence that our processes, procedures and delegations are robust; all of which allows us to focus on the implementation of the Council’s Strategic Management Plan, City Plan 2030.

#### FINANCIAL IMPLICATIONS

The Deputy Presiding Member, when sitting as the Presiding Member, shall be entitled to payment of a sitting fee at the Presiding Member rate of \$500.00 per scheduled meeting of the Panel, in lieu of their regular remuneration as a sitting member, except in the event that the Deputy Presiding Member position is occupied by an Elected Member, in which case there shall be no sitting fee.

#### **SOCIAL ISSUES/IMPACT**

Nil.

#### **ENVIRONMENTAL ISSUES**

Nil.

#### **RESOURCE ISSUES**

Nil.

#### **CONSULTATION**

- **Elected Members**  
Nil.
- **Community**  
Nil.
- **Staff**  
Nil.
- **Other Agencies**  
Nil.

#### **OPTIONS**

Section 56A(4b) of the *Development Act 1993*, prescribes that a council Development Assessment Panel must appoint a Deputy Presiding Member. Therefore there are no other options available to the Panel.

#### **CONCLUSION**

It is recommended that the Panel appoint a Deputy Presiding Member pursuant to Section 56A(4b) of the *Development Act 1993*.

#### **COMMENTS**

Nil.

#### **RECOMMENDATION**

That pursuant to Section 56A(4b) of the *Development Act 1993*, \_\_\_\_\_ be appointed to the position of Deputy Presiding Member for the City of Norwood Payneham & St Peters Development Assessment Panel until 31 December 2015.

## 2. STAFF REPORTS

### 2.2 SCHEDULE OF DEVELOPMENT ASSESSMENT PANEL MEETINGS FOR 2016

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**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4567  
**FILE REFERENCE:** S/1099  
**ATTACHMENTS:** A

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#### PURPOSE OF REPORT

The purpose of the report is to obtain the Panel's endorsement of the draft Schedule of Meetings of the Development Assessment Panel for the period February 2016 to December 2016.

#### BACKGROUND

Section 56A (19) of the *Development Act 1993*, requires the Panel to appoint the time and place for ordinary meetings of the Panel.

In light of the recent appointment of a new Development Assessment Panel, the newly constituted Panel must determine the times and places of meetings, in accordance with the legislative requirements.

#### DISCUSSION

In the past, ordinary meetings of the Development Assessment Panel have been held commencing at 7.00pm on the third Monday of each month, unless otherwise determined by the Panel. In the event of a public holiday and or the re-scheduling of a Council meeting which clashes with a scheduled Panel meeting, the Council has previously resolved that Panel meetings be held on the third Wednesday of the month or as otherwise determined by the Chief Executive Officer in consultation with the Presiding Member.

A draft Schedule of Meetings for this period has been prepared for consideration by the Panel based on this tradition of conducting Panel meetings on the third Monday of the month. A copy of the draft Schedule is attached (**Attachment A**).

This Schedule has worked well in the past and in order to ensure consistency with the Elected Members, staff and the community, it is recommended that this schedule be followed by the new Panel, unless the time and date is such that one or more Members of the Panel is unable to attend the scheduled meetings on a regular basis.

#### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Forming a Panel in accordance with the relevant legislation is good governance and provides the community with the confidence that our processes, procedures and delegations are robust; all of which allows us to focus on implementing the Council's Strategic Management Plan, City Plan 2030.

#### FINANCIAL IMPLICATIONS

Nil.

#### SOCIAL ISSUES/IMPACT

Nil.

#### ENVIRONMENTAL ISSUES

Nil.

## RESOURCE ISSUES

Nil.

## CONSULTATION

- **Elected Members**

Nil.

- **Community**

The Schedule of Development Assessment Panel Meetings for 2015 will be available at the Norwood Town Hall, all Libraries and on the Council's website.

- **Staff**

Nil.

- **Other Agencies**

Nil.

## OPTIONS

The Panel can either endorse the draft Schedule of meetings attached to this report or set and endorse an alternative schedule for the period February 2016 to December 2016.

## CONCLUSION

Determination of the times and places for ordinary meetings of the Panel, will ensure compliance with the requirements of the *Development Act 1993* and enables Administration to communicate these dates and times to the community.

## COMMENTS

Nil.

## RECOMMENDATION

1. That the Development Assessment Panel meetings for the period February 2016 to December 2016 be held on the third Monday of each calendar month at 7.00pm in the Mayor's Parlour, Norwood Town Hall in accordance with the Schedule of Development Assessment Panel Meetings attached to this report.



**2. STAFF REPORTS**

**2.3 DEVELOPMENT APPLICATION 155/403/2015 – SLP PTY LTD – 32-32A HENRY STREET, PAYNEHAM**

**DEVELOPMENT APPLICATION:** 155/0403/15

**APPLICANT:** SLP Pty Ltd

**SUBJECT SITE:** 32-32A Henry Street, Payneham  
(Certificates of Title - Volume: 4360, Folio: 745 & Volume: 5857, Folio: 987)

**DESCRIPTION OF DEVELOPMENT:** Construction of four (4), two-storey row dwellings and a two-storey residential flat building comprising five (5) dwellings (9 dwellings in total), with associated garages, driveways, car parking, fencing and landscaping

**ZONE:** Residential 2A Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 31 October 2013)

**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 the construction of four (4) two-storey row dwellings and a two-storey residential flat building comprising five (5) dwellings (9 dwellings in total), with associated garages, driveways, car parking, fencing and landscaping.

Staff do not have delegated authority to determine the Application, as it comprises the construction of more than one (1) additional dwelling on the subject land.

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:	33.62 metres
Depth:	48.77 metres
Area:	2557.3m <sup>2</sup>
Topography:	sloping – rear (south) to front (north)
Existing Structures:	nil
Existing Vegetation:	nil

The subject land has recently been cleared of all structures and vegetation. The subject land was previously occupied by a double-fronted cottage, which had been extended to the rear in order to create the two self-contained units.

The subject land is serviced by two driveway crossovers, which are located adjacent to each of the external boundaries of the subject land. The subject land is the largest property located in the section of the locality that is bounded by Henry Street, Arthur Street, Rosella Street and Walsh Street.

The subject land currently comprises two allotments, one of which is rectangular in shape at the front of the land, whilst the other is 'battle-axe' shaped at the rear of the site, with an access strip through to Henry Street.

### Locality Attributes

Land uses:	entirely residential
Building heights (storeys):	mix of single-storey and two-storey
Streetscape amenity	moderate – there are varying dwelling styles along Henry Street ranging from bungalows, residential flat buildings, 1960's conventional hipped roof dwellings, as well as numerous examples of recent infill development.

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

### Proposal in Detail

The Applicant is proposing to construct a total of nine (9) dwellings. Four (4) two-storey row dwellings are proposed at the front of the site with frontages to Henry Street, while the remaining five (5) dwellings are contained within a two-storey residential flat building at the rear of the subject land.

A common driveway is proposed adjacent to the western boundary of the subject land, which will provide vehicular access to all of the dwellings, with the exception of Dwelling 1, which is proposed to utilise an existing driveway crossover adjacent to the eastern boundary of the land.

All of the dwellings include two (2) covered vehicle parking spaces. Dwelling 1 and Dwellings 5 to 9 included garaging under the main roof of the dwelling, while Dwellings 2 to 4 are proposed with freestanding garages at the rear of the dwellings. Dwelling 1 includes a visitor car parking space within its driveway and Dwelling 9 is proposed with an exclusive visitor car parking space adjacent to the rear boundary. Four (4) shared car parking spaces are proposed within the common driveway area, which will provide visitor parking for Dwellings 2 to 8.

The proposed two-storey row dwellings have a reasonably traditional form, with two (2) connected hipped roofs and a negative recess between dwellings 2 and 3 to give the impression of two buildings when viewed from the street. The row dwellings are proposed with rendered masonry walls and a slate grey corrugated iron roof with 600mm eaves. The two-storey residential flat building at the rear of the site is a contemporary flat roof design, which will also be constructed of rendered masonry.

The living areas of each dwelling are located at ground level, with three (3) bedrooms and two (2) bathrooms located on the first floor of each dwelling. Dwellings 5 to 9, which are within the residential flat building, also include an activities room on the first floor.

The Applicant has proposed a detailed landscaping scheme which includes a range of medium and small trees, shrubs, ground covers and permeable paving. The Applicant has also proposed a 1.5 metre high front fence with sandstone pillars, rendered masonry plinth, timber gates and infill panels.

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

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

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Site Area (excluding common area)	212m <sup>2</sup>	197m <sup>2</sup>	197m <sup>2</sup>	N/A
Site Width	8.6m	6.5m	6.5m	N/A
Site Depth	24.64m	30.3m	30.3m	N/A
External Wall Height*	5.7m	5.7m	5.7m	N/A
Maximum Overall Height (to roof apex)*	8.7m	8.7m	8.7m	N/A
Floor Area (total)	195m <sup>2</sup>	196m <sup>2</sup>	196m <sup>2</sup>	N/A
Floor Area (footprint)	119m <sup>2</sup>	123m <sup>2</sup>	123m <sup>2</sup>	N/A
Site Coverage	56%	62%	62%	N/A
Private Open Space	35m <sup>2</sup>	35m <sup>2</sup>	35m <sup>2</sup>	35m <sup>2</sup> (City Wide PDC 244)
Street Set-back	6.06m	6.06m	6.06m	N/A
Side setbacks (ground level)	nil & nil	nil & nil	nil & nil	N/A
Side setbacks (upper level)	2.01m & nil	nil & nil	nil & nil	N/A
Rear Set-back	4.1m	11.6m	11.6m	N/A
Car Parking Provision	2 covered spaces and 1 exclusive visitor space	2 covered spaces & access to common visitor spaces	2 covered spaces & access to common visitor spaces	2 spaces, at least 1 of which is covered and set back 5.5m from the primary street frontage

**TABLE 1 (part b): DEVELOPMENT DATA:**

Consideration	Dwelling 4	Dwelling 5	Dwelling 6	Development Plan Merit Assessment Quantitative Guideline
Site Area (excluding common areas)	189m <sup>2</sup>	177m <sup>2</sup>	195m <sup>2</sup>	N/A
Site Width	6.5m	7.38m	7.45m	N/A
Site Depth	30.3m	24.0m	27.2m	N/A
External Wall Height*	5.7m	6.8m	6.8m	N/A
Maximum Overall Height (to roof apex)*	8.7m	6.8m	6.8m	N/A
Floor Area (total)	195m <sup>2</sup>	235m <sup>2</sup>	237m <sup>2</sup>	N/A
Floor Area (footprint)	121m <sup>2</sup>	120m <sup>2</sup>	125m <sup>2</sup>	N/A
Site Coverage	64%	68%	64%	N/A

<b>Private Open Space</b>	35m <sup>2</sup>	54m <sup>2</sup>	70m <sup>2</sup>	35m <sup>2</sup> (City Wide PDC 244)
<b>Side setbacks (from the parent allotment)</b>	5.5m	6.0m & 11.4m	6.5m & 6.8m	2.5m single storey 4.5m two-storey
<b>Rear setback (from the parent allotment)</b>	N/A	N/A	N/A	2.5m single storey 4.5m two-storey
<b>Car Parking Provision</b>	2 covered spaces & access to common visitor spaces	2 covered spaces & access to common visitor spaces	2 covered spaces & access to common visitor spaces	2 spaces plus 0.5 visitor spaces

**TABLE 1 (part c): DEVELOPMENT DATA:**

Consideration	Dwelling 7	Dwelling 8	Dwelling 9	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area (excluding common areas)</b>	177m <sup>2</sup>	174m <sup>2</sup>	255m <sup>2</sup>	N/A
<b>Site Width</b>	7.45m	7.45m	12.05m	N/A
<b>Site Depth</b>	23.7m	23.4m	23.4m	N/A
<b>External Wall Height*</b>	6.8m	6.8m	6.8m	N/A
<b>Maximum Overall Height (to roof apex)*</b>	6.8m	6.8m	6.8m	N/A
<b>Floor Area (total)</b>	251m <sup>2</sup>	262m <sup>2</sup>	268m <sup>2</sup>	N/A
<b>Floor Area (footprint)</b>	131m <sup>2</sup>	137m <sup>2</sup>	141m <sup>2</sup>	
<b>Site Coverage</b>	74%	79%	55%	N/A
<b>Private Open Space</b>	46m <sup>2</sup>	38m <sup>2</sup>	115m <sup>2</sup> (45% of site area)	35m <sup>2</sup> or 20% of site area if greater than 250m <sup>2</sup> (City Wide PDC 244)
<b>Side setbacks (from the parent allotment)</b>	7.0m & 5.7m	7.5m & 4.6m	7.5m & 4.6m	2.5m single storey 4.5m two-storey
<b>Rear setback (from the parent allotment)</b>	N/A	N/A	4.5m	2.5m single storey 4.5m two-storey
<b>Car Parking Provision</b>	2 covered spaces & access to common visitor spaces	2 covered spaces & access to common visitor spaces	2 covered spaces & 1 exclusive visitor space	2 spaces plus 0.5 visitor spaces

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

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

## Notification

The proposal has been identified and processed as a Category 2 form of development pursuant to Schedule 9, Part 2, 18(b) of the *Development Regulations 2008* as the proposal involves construction of two or more dwellings on the same site where at least one of those dwellings is two-storey.

Eight (8) representations were received (four (4) in favour and four (4) opposed) in response to this notification, a copy of which is contained in **Attachment C**. The key issues raised by representors are, in summary:

- the proposal will lead to an increase in demand for on-street car parking as there is insufficient car parking on the subject land;
- the proposal will increase stormwater and surface water runoff to the street, which may affect adjacent dwellings;
- the proposed development will increase traffic in the local area;
- the density of the development is too great (i.e. too many dwellings are proposed);
- the style of buildings (particularly the flat roof element) does not complement other development in the locality;
- the proposed development will cause unreasonable overshadowing of adjacent land;
- the bin storage location for Dwelling 6 will have an adverse impact on the neighbour's amenity;
- the proposed development will have a negative impact on property values in the area;
- there is no play area for children;
- the proposed development will reduce the privacy of adjacent residents; and
- the development should be limited to single storey.

Phillip Brunning of Phillip Brunning & Associates has responded to the representations on behalf of the Applicant and a copy of the response is contained in **Attachment D**.

A summary of the response is provided below:

- the proposed row dwellings have been amended to take on a more traditional form with a pitched hipped roof form and greater articulation;
- the proposed residential flat building has also been amended to provide for greater articulation;
- the locality is characterised by a range of dwelling forms and allotment sizes;
- the adjacent land to the west (at 30 Henry Street) has a similar site density to that proposed;
- the proposal has an average site area of 283m<sup>2</sup> per dwelling, which is comparable to other development within the locality;
- the subject land is suitable for a more intensive form of residential development;
- while the Zone seeks single storey development, it does not preclude two-storey development in appropriate circumstances;
- the integration of two existing Torrens Title allotments into one site provides certain efficiencies and economies in the siting and function of dwellings, most notably the provision of shared driveway access;
- the proposed dwellings are set back a greater distance from the parent allotment boundaries than prescribed within the Development Plan;
- the siting of the dwellings more centrally within the land assists in reducing off-site impacts such as overshadowing and loss of privacy; and provides opportunities for meaningful landscaping;
- the provision of on-site car parking is consistent with the quantitative provisions of the Development Plan;
- each dwelling is provided with adequate private open space, consistent with the Development Plan;
- first floor windows have been suitably treated to ensure that there is no loss of privacy;
- the proposed number of driveway entrances from Henry Street have been minimised to maximise the provision of on-street car parking;
- traffic generation is well within the design capacity of the local road;
- a stormwater management plan will be developed and submitted with the documentation for Building Rules Consent;
- the stormwater management plan will include both detention and retention for use on-site within landscaped areas, in addition to the mandatory 1000 litres which is to be plumbed to each dwelling;

- the proposed development includes an extensive landscaping plan, which is designed to reduce stormwater runoff;
- rubbish, recycling and green waste bins are to be stored within each dwelling's yard and collection will be managed by the body corporate;
- the impact on property values (if any) is not a valid town planning consideration; and
- the proposed development is an acceptable form of development that generally accords with Development Plan policy such that consent should be granted.

### State Agency Consultation

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

### Discussion

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

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

#### Land Use and Density

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

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

City Wide Orderly and Sustainable Development Statement  
City Wide Objectives:                   56  
City Wide PDC's:                         187, 189, 192, 193, 194

Residential 2A Zone Objective 2 and Principle of Development Control 2 both primarily anticipate detached dwellings on individual allotments, with other dwelling types located in suitable areas. More specifically, Residential Zone Principle of Development Control 2 states:

*"Development undertaken in the Residential 2A Zone should be, primarily, detached dwellings on individual allotments; but row dwellings, semi-detached dwellings or residential flat buildings may be suitable in certain parts of the zone, provided that no residential flat buildings exceed one storey in height (within the Payneham Area as shown on Map NPSP/1 (Overlay 1))."*

The Residential 2A Zone is intended to primarily accommodate detached dwellings, whilst allowing for other dwelling types, including row dwellings and residential flat buildings in certain parts of the zone. The proposed development therefore comprises dwelling types that are anticipated within parts of the Residential 2A Zone.

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

City Wide Principle of Development Control 192, 193 and 194 state the following respectively:

*“Allotments in the form of a battleaxe, hammerhead or similar configuration should only be created if they are envisaged in the relevant Zone and/or Policy Area”;*

*“Allotments in the form of a battleaxe, hammerhead or similar configuration should not be created where:*

- (a) they would lead to multiple access points onto a road, which would dominate or adversely affect the amenity of the streetscape; or*
- (b) their creation would be incompatible with the prevailing pattern of development.”*

and

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

- (a) have a frontage to a public road (not a laneway (including a service lane), or minor or unserviced street shown on Map NPSP/1 (Overlay 4));*
- (b) have a site area consistent with the Zone or Policy Area provisions, the calculation of which excludes the area of the driveway ‘handle’ of such an allotment;*
- (c) have a driveway ‘handle’ width of no less than 4 metres and not more than 6 metres to enable the provision of landscaping along the full length of the driveway, with the paved area of the driveway ‘handle’ being:
  - (i) not less than 3 metres in width for a site that accommodates up to two dwellings. In some circumstances, a reduced paved area width of not less than 2.8 metres may be considered if any existing dwelling is retained (Refer to Figure 2); or*
  - (ii) not less than 6 metres in width for at least the first 6 metres and 5 metres in width thereafter, for a site that accommodates three or more dwellings (Refer to Figure 2);**
- (d) have a driveway ‘handle’ length of no more than 35 metres;*
- (e) incorporate a combined total width of 1 metre of landscaping along the full length of the driveway ‘handle’;*
- (f) contain sufficient area on the allotment/s, excluding area/s designated as covered and uncovered car parking spaces, for a vehicle to turn around and enable it to egress the allotment in a forward direction;*
- (g) in the case of a battleaxe allotment, have the driveway ‘handle’ located adjacent allotment boundaries;*
- (h) provide a separation distance of at least 2 metres from the proposed driveway and a bedroom window of a neighbouring dwelling;*
- (i) avoid the repetition of driveways immediately adjacent to each other, where practicable; and*
- (j) be capable of draining stormwater safely and efficiently from each proposed allotment and disposed of from the land or retained on the land in an environmentally sensitive manner.”*

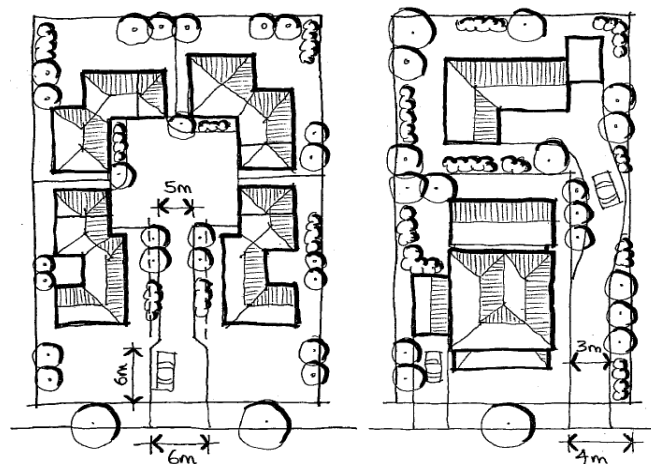


Figure 2

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

- will not result in any additional access points onto a road, which could dominate or adversely affect the amenity of the streetscape;
- would be compatible with the prevailing pattern of development (the locality contains a high proportion of medium density development in the form of residential flat buildings and group dwellings);
- has a driveway 'handle' width of not less than 4 metres and not more than 6 metres to enable the provision of landscaping along the driveway, with the paved area of the driveway being not less than 6 metres in width for at least the first 6 metres and 5 metres in width thereafter (the actual width of the carriageway adjacent to Dwelling 4 is less than 5 metres due to the proposed planting of trees within the permeable paving – this will be discussed in greater detail under the car-parking/access/manoeuvring section);
- incorporates a good provision of landscaping along the full length of the driveway 'handle';
- contains sufficient area on the allotment/s, excluding area/s designated as covered and uncovered car parking spaces, for a vehicle to turn around and enable it to egress the allotment in a forward direction;
- provides a separation distance of at least 2 metres from the proposed driveway and a bedroom window of a neighbouring dwelling;
- avoids the repetition of driveways immediately adjacent to each other, where practicable; and
- is capable of draining stormwater safely and efficiently from each proposed allotment and disposed of from the land or retained on the land in an environmentally sensitive manner.

In relation to the first dot-point above, the use of a common driveway in association with the existing driveway crossovers was considered important. Whilst the locality contains a high proportion of medium density developments, most of those developments comprise residential flat buildings with a single shared driveway access, such that generous landscaped frontages are able to be provided. The proposed development would result in a 20 metre frontage devoid of crossovers, providing extensive opportunity for soft landscaping, consistent with the established character of the street.

In relation to the second dot-point and the proposed dwelling density, there are many examples of infill development within the locality, with over 48% of allotments within the locality that is bound by Henry Street, Arthur Street, Rosella Street and Walsh Street, containing semi-detached dwellings, group dwellings, or residential flat buildings. For example, the property directly to the west at 30 Henry Street contains two (2) residential flat buildings comprising eight (8) dwellings in total, on allotments that range approximately between 134m<sup>2</sup> and 137m<sup>2</sup> (excluding common areas). Directly to the south-east of the subject land, the two (2) group dwellings at 2 and 2A Walsh Street and residential flat building (comprising two dwellings) at 4 and 4A Walsh Street have an average area between all of them of 326m<sup>2</sup> (excluding common areas). The property directly to the south of the subject land at 17 Rosella Street contains two (2) two-storey residential flat buildings, comprising 14 dwellings in total, on individual site areas that range approximately between 111m<sup>2</sup> and 222m<sup>2</sup>.

The proposed development results in an average allotment area per dwelling of 197m<sup>2</sup> excluding the common areas and 284m<sup>2</sup> including the common areas. Either way, the resulting dwelling density is comparable to development within the locality and is not incompatible with the prevailing pattern of development, consistent with City Wide Principle of Development Control 193.

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

With respect to Principle 192, this provision was created in preparedness for a subsequent Development Plan Amendment (DPA) which would explicitly state for each zone and policy area, whether hammerhead development is contemplated. In this regard, it is noted that the Residential Development (Zones and Policy Areas) DPA has now been consolidated into the Development Plan and the subject land is located within an area that anticipates battleaxe and hammerhead developments.



Having regard to Objective 2 and Principle of Development Control 2 of the Residential 2A Zone and City Wide Principle of Development Control 159, 160 and 161, it is considered that row dwellings and residential flat buildings are an appropriate land use within the Residential 2A Zone generally, and more specifically, the proposed density and siting configuration of the proposed dwellings is consistent with the pattern of development in this locality and therefore also appropriate.

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:	18, 19 & 20
City Wide PDC's:	29, 30, 31, 183 & 205

The proposed dwellings are outwardly two-storey in their form. There are two policy considerations which are considered to support the construction of outwardly two storey dwellings on the subject land.

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

The second policy consideration to note, is that the subject land is located within an area that is subject to the Residential Development Code, meaning that outwardly two storey dwellings must be approved as complying forms of development, in cases where a set of basic quantitative criteria are met.

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

It is important to note that the proposed design of the row dwellings has been amended to include a pitched hipped roof form and greater articulation, as a result of the Applicant's review of the representations received from adjacent and nearby residents. The amended design will complement other development within Henry Street and will provide for a better fit in the context of the streetscape. The Applicant has included a rendered 3D image of the proposed row dwellings as amended, which is contained in **Attachment B4**.

City Wide Principle of Development Control 205 states:

*"Buildings on battleaxe, hammerhead or similar configuration allotments should be single storey, except where:*

- (a) the predominant height of the surrounding dwellings is greater than one storey. In this instance the development should not be more than two storeys above the natural ground level; or*
- (b) a height greater than one storey is envisaged in the Zone and/or Policy Area."*

Residential Zone Principle of Development Control 2 states:

*"Development undertaken in the Residential 2A Zone should be, primarily, detached dwellings on individual allotments; but row dwellings, semi-detached dwellings or residential flat buildings may be suitable in certain parts of the zone, provided that no residential flat buildings exceed one storey in height (within the Payneham Area as shown on Map NPSP/1 (Overlay 1))."*

It is clear from Residential 2A Zone PDC 2, as well as City Wide PDC 205, that residential flat buildings should be single storey within the Residential 2A Zone. The proposed two-storey form of the residential flat building is therefore inconsistent with this policy.

The following comments from the Supreme Court case of *Town of Gawler v Impact Investment Corporation (2007) SASR 115*, set out the relevant considerations that the relevant authority should have regard to, when considering a proposal that is at variance with a clearly expressed policy:

*"In order to determine whether a relevant Planning Authority or the ERD Court is justified in departing from a clearly expressed policy like principle 8, I consider that each of the following matters is relevant:*

- 1. The language of the principle or principles concerned – whether it is direct or contemplates some flexibility in approach;*
- 2. Whether the relevant principle is in conflict with some other applicable planning principle. That is likely to happen only rarely, in which case the more specific principle may displace the more generally expressed principle;*
- 3. The evident purpose and objective of the policy expressed in the principle or principles concerned;*
- 4. The significance of the policy to this particular Development. The clearer the policy in its application to a particular development, the more compelling the reasons for departing from the policy will need to be;*
- 5. Where the policy contemplates possible degrees of compliance, the extent of the Development's compliance with the policy;*
- 6. Consistency of the Development with other objectives and purposes of the Zone;*
- 7. Whether there is something unusual about the Development or the land on which it is to take place which makes the policy inapplicable or inappropriate;*
- 8. Whether other events have happened since the Development Plan was adopted which make the policy redundant, either generally or in respect of this particular development;*
- 9. The probable effect of non-compliance with the policy on the planning objectives of the Zone; and*
- 10. Whether non-compliance with the policy in this case is likely to encourage other non-complying developments in the Zone."*

In this instance, the subject land is a large amalgamated site with a site area of 2557m<sup>2</sup>, which is significantly larger than other residential allotments within the locality. As a result, two-storey development can be constructed on the land with side and rear setbacks of greater than that prescribed in the Development Plan (this will be discussed in greater detail below).

In addition, it is only residential flat buildings that are limited to single storey in the Residential 2A Zone. As such, two-storey development could be constructed at the rear of the subject land in the form of group dwellings (in fact, the land has a current approval for four (4) two-storey group dwellings to be constructed at the rear of the site).

For all intents and purposes, the only difference between group dwellings and a residential flat building, which is located at the rear of the land, is the bulk and scale of the building. Group dwellings are freestanding buildings and benefit from space between the dwellings, whereas a residential flat building has a continuous bulk, when viewed from adjacent land.

In this instance the proposed residential flat building has generous siting characteristics (i.e. space around the building resulting from the proposed side and rear setbacks) and the proposed landscaping will further reduce the prominence of the building when viewed from adjacent land.

In addition, two-storey residential flat buildings are located at 17 Rosella Street, which abuts the rear boundary of the subject land. The construction of a two-storey residential flat building at the rear of the subject land would have no impact on the streetscape character and would be consistent with other built form in the locality.

In this context, it is considered that the subject land is unusual in its size and the construction of a two-storey residential flat building at the rear of the site will not have an unreasonable impact on adjacent property occupiers or the general planning objectives of the Zone.

The Residential 2A Zone, which was the Zone at the time of lodgement, has since been made redundant via the Residential Development (Zones and Policy Areas) DPA which was consolidated into the Development Plan on 2 July 2015. Whilst the Residential 2A Zone remains relevant for the purposes of this assessment, the current zoning of the land (Residential Zone) provides greater clarity in terms of what is anticipated within the zone (such as outwardly two-storey development).

The proposed development therefore meets three (3) of the reasons (7, 8 and 9) outlined by the ERD Court in the determination of *Town of Gawler v Impact Investment Corporation (2007) SASR 115*, to justify a departure from a clearly expressed provision of the Development Plan. The remaining reasons outlined by the Court are largely not relevant for this development.

The residential flat buildings are contemporary in their architectural style, incorporating a flat roof form, entrance porches, varied rendered walls and contemporary awnings above the first floor windows. The proposed dwellings are considered to complement the urban context of existing buildings on adjoining and nearby land (particularly the two-storey flat roof residential flat buildings at 17 Rosella Street) in terms of architectural style, building shape and the use of common architectural elements, consistent with City Wide PDC 30.

The greatest impact of the two-storey residential flat building will be on the outlook of the adjacent residents at 2A Walsh Street, which has its primary area of private open space adjacent to proposed Dwelling 7. Whilst the setback of the two-storey residential flat building in this location is relatively generous (6.8 metres to the first floor), the private yard area of Dwelling 7 is devoid of any trees. As such, the visual outlook from the private open space area of 2A Walsh Street would be compromised as a result of the proposed development.

The establishment of a small to medium tree within the private open space area of Dwelling 7 (similar to the trees proposed in all of the other private open space areas), would assist in softening the appearance of the proposed development when viewed from the adjacent private open space area at 2A Walsh Street.

As such, if the Panel determines to approve the development, it is recommended that condition be imposed to plant a Chanticleer Pear or Crab Apple tree (consistent with the other trees in the development) within the private open space area of Dwelling 7 to soften the appearance of the development when viewed from adjacent land.

The row dwellings at the front of the site incorporate pitched hipped roofs, consistent with adjacent development in Henry Street, while the flat roof residential flat building at the rear of the site complements the adjacent development at 17 Rosella Street and will not have any impact on the streetscape character.

Accordingly, the configuration and built form appearance of the proposed dwellings is considered to be consistent with City Wide Principles of Development Control 29 to 31, in that the proposed dwellings result in a compatible built form appearance and will sit comfortably within the context of the existing locality, to the extent that they will be visible from the rear yards of adjacent properties and to a lesser extent, the streetscape.

#### Setbacks and Site Coverage

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

City Wide PDC's: 186, 207, 208, 214, 215, 217 & 221

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

Front setbacks within the locality range from 4.5 metres at 30A Henry Street to 7.0 metres at 30 Henry Street. Neither of the adjacent dwellings are heritage places or contributory items.

The row dwellings are proposed to be set back 6.06 metres from the Henry Street property boundary, which will complement the adjacent development, consistent with City Wide PDC 214.

In terms of side setbacks, the proposed row dwellings abut the eastern side boundary of the land and are set back 5.5 metres from the western side boundary of the subject land. The proposed boundary development is essentially a single storey garage wall, which reasonably complies with City Wide PDC 217 insofar as the boundary wall is less than 3.0 metres high and only marginally longer than 8.0 metres in length (it is 8.09 metres long).

City Wide Principle of Development Control 215 states that development should be set back at least one (1) metre from one side boundary. The proposed row dwellings are consistent with this provision.

In terms of the side and rear setbacks associated with the proposed residential flat building, City Wide Principle of Development Control 208 states (in part):

*“The distance between a dwelling of more than one storey, on a battleaxe, hammerhead or similar configuration allotment, and the side or rear boundary of the allotment on which it is sited, should be no less than:*

- (b) 4.5 metres if:*
  - (i) it is two storey (where the upper level is not fully contained within the roof space);”*

The proposed residential flat building has side setbacks that range between 4.65 metres and 11.4 metres at ground level; and between 5.72 metres and 11.4 metres at first floor level. The residential flat building is set back 4.5 metres from the rear property boundary of the parent allotment.

As such, the proposed side and rear setbacks associated with the residential flat building are consistent with City Wide PDC 208.

In terms of site coverage, City Wide Principle of Development Control 221 states:

*“Site coverage should be limited to the percentage specified in the relevant Policy Area and in any case should ensure that sufficient space is provided for:*

- (a) front, side and rear boundary setbacks that contribute to the desired character of the area;*
- (b) the required level of private open space and landscaping;*
- (c) pedestrian and vehicle access and vehicle parking;*
- (d) domestic storage;*
- (e) outdoor clothes drying;*
- (f) rainwater tank; and*
- (g) convenient storage of household waste and recycling receptacles.”*

The Residential 2A Zone is silent on site coverage. That said, as previously mentioned the subject land is located within a Residential Code area. The Residential Code allows for site coverage of up to 70% for residential development other than detached and semi-detached dwellings.

In terms of overall site coverage, including the common areas, the proposed development will result in a site coverage of 44.6%, which is well within the maximum requirement prescribed by the Residential Code.

In terms of individual dwellings, excluding the common areas, the proposed development includes site coverage that ranges from 56% to 79%. Only Dwelling 7 (74%) and Dwelling 8 (79%) exceed the maximum site coverage prescribed by the Residential Code. Both of these dwellings exceed the minimum provision of private open space (which will be discussed in greater detail later in the report) and can achieve the qualitative requirements expressed in City Wide PDC 221.

As such, the overall site coverage resulting from the proposed development is considered to be acceptable.

#### Overshadowing/overlooking

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

City Wide PDC's: 200, 201, 256

The Applicant has provided shadow diagrams (contained in **Attachment B3**) that detail the extent of shadowing that is likely to result from the proposed development during the winter solstice.

City Wide Principle of Development Control 201 states:

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

The shadow diagrams illustrate that overshadowing will impact on the private yard areas of the adjacent residential flat buildings at 30 Henry Street during the morning. By midday, overshadowing will be predominantly limited to the subject land, with a small portion of overshadowing affecting the common land associated with the adjacent residential flat building at the rear of the subject land at 17 Rosella Street. By 3.00pm, overshadowing will affect the private open space areas of the proposed dwellings and predominantly the common areas of the adjacent group dwellings at 34 and 34A Henry Street.

The proposed development will not result in any of the adjacent properties being impacted by overshadowing beyond that anticipated by City Wide PDC 201. The relatively generous side and rear setbacks have assisted in this regard.

In terms of overlooking, all of the first floor windows, with the exception of the front windows of the row dwellings which face Henry Street, are proposed to have either 1.7 metre sill heights above the internal floor level or with fixed obscure glazing to all portions of the windows less than 1.7 metres above the internal floor level. As such, the proposed development will not result in any unreasonable overlooking from the first floor windows into neighbouring private open space areas, consistent with City Wide PDC 254.

If the Panel determines to approve the proposed development, then it is recommended that a condition be imposed, reiterating that these windows be fixed and obscured to a height of 1.7 metres.

The majority of the first floor windows are bedrooms or bathrooms and, as such, the lack of clear glazing in the lower portions of the windows will not result in any unreasonable loss of outlook or amenity for future occupants of the dwellings.

#### Private open space

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

City Wide PDC's: 231, 242, 243, 244 & 248

City Wide Principle of Development Control 244 states the following (in part):

*“Dwellings (other than residential flat buildings in the form of apartments within a multi storey building) 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) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:*

- (a) *a dwelling with a site area of 250 square metres or greater, 20 percent of the site area should be private open space, of which one portion should be equal to or greater than 10 percent of the site area and have a minimum dimension of 4 metres; or*
- (b) *a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres;*

Dwellings 1 to 8 have site areas of less than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of 35 square metres. The private open space areas of Dwellings 1 to 8 range between 35m<sup>2</sup> and 70m<sup>2</sup>, with adequate dimensions consistent with City Wide PDC 244(b). In addition to the private open space areas, Dwellings 5 to 8 also include small service courtyards adjacent to their laundries which can accommodate clothes drying and bin storage.

Dwelling 9 has an exclusive site area of 255m<sup>2</sup>, which means that dwelling should have a minimum area of private open space that equates to 20% of the site area. Dwelling 9 has 115 square metres of private open space, which equates to 45% of its site area, consistent with City Wide PDC 244(a).

The private open space areas of each dwelling are directly accessible from the main living areas of the respective dwellings. Due to the orientation of the allotment and the nature of the development, it is largely inevitable that the private open space areas associated with the row dwellings will not have good solar access for the rear private open space areas. This is a negative aspect of the proposed development. That said, the floor plans of the dwellings provide for reasonable solar access to the living areas within the dwellings.

The orientation of the residential flat building is such that the private open space areas of the dwellings contained within the residential flat building will have good solar access throughout the morning.

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

With the exception of Dwellings 7 and 8, where small service courtyards are provided for bin storage adjacent to the garages, all of the private open space areas can be accessed from the common areas, either directly or through the garages. As such, none of the green waste bins will need to pass through the dwellings for collection.

#### Car parking/access/manoeuvring

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

City Wide Objectives:	34
City Wide PDC's:	116, 121, 123, 194 & 209

#### Table NPSP/8

City Wide Principle of Development Control 123 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. Table NPSP/8 provides that row dwellings should be provided with two (2) car parking spaces (at least one of which is covered). There is no requirement for visitor car parking for row dwellings.

The proposed row dwellings are each proposed with two (2) covered car parking spaces. Dwelling 1 also includes provision for an additional vehicle to park on its exclusive driveway. The provision of car parking for the proposed row dwellings is consistent with Table NPSP/8.

Table NPSP/8 provides that residential flat buildings should be provided with two (2) car parking spaces for every two or three bedroom dwelling (at least one of which is covered), plus one (1) visitor space for every two (2) dwellings. The dwellings within the residential flat building all have three bedrooms and incorporate two (2) undercover car parking spaces under the main roof of the building. In addition, the Applicant has proposed five (5) on-site visitor car parking spaces within the common area, which is twice the rate prescribed within Table NPSP/8 for visitor car parking (i.e. it is a 1:1 ratio with the dwellings contained in the residential flat building).

As such, whilst Table NPSP/8 does not prescribe any requirement for on-site visitor car parking for the row dwellings, the Applicant is providing on-site car parking which will also accommodate visitors for the row dwellings and will reduce the need for on-street car parking. This is considered to be a positive aspect of the proposed development.

City Wide Principle of Development Control 194 provides guidelines for the configuration of driveway and manoeuvring areas for battleaxe style allotments, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common

driveway, Principle 194 states that the driveway should have a 6m x 6m paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this guideline.

Principle 194 also states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0m of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. Whilst the carriageway meets or exceeds the minimum dimension for the most part, the portion of the driveway located adjacent to Dwelling 4 has a total width of 5.5 metres including the landscaping, which is at variance with PDC 194.

Given the location of the proposed trees within this section of the driveway, the actual carriageway has been reduced to 3.5 metres in width between the bollards that have been proposed to protect the trees, creating a 'choke-point' for vehicles. Notwithstanding that there are areas for vehicles to pass within the subject adjacent to the street and beyond Dwelling 4; the total common driveway area adjacent to Dwelling 4 should be increased in width to six (6) metres in accordance with City Wide PDC 194 to improve the carriageway width in this location. Whilst the resulting carriageway width would remain less than 5.0 metres, it would improve vehicle sightlines and the clearance from the proposed trees.

As such, if the Panel determine to approve the development, it is recommended that a condition be imposed to reduce the width of Dwellings 1 to 4 by 125mm each, to enable the common driveway to be increased in width to 6.0 metres adjacent to Dwelling 4, in accordance with City Wide PDC 194.

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

#### Finished floor levels/flooding/retaining

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

City Wide Objectives:	42 & 51
City Wide PDC's:	10, 150, 153, 157, 161, 162 & 166

The subject land is not within a recognised flood plain.

The Applicant has provided a drainage plan, which illustrates natural ground levels, the proposed finished floor levels and stormwater collection and disposal. A copy of the drainage plan is contained in **Attachment E**.

The subject land falls approximately 1.5 metres from the rear of the land to the street boundary. As such, stormwater can be disposed of to the Henry Street water table via gravity. The Applicant has proposed to direct roof runoff to 2000 litre rainwater tanks for each dwelling, which are to be plumbed back to each dwelling for reuse, with overflow directed to a main stormwater collection pipe located beneath the common driveway. Surface water from each dwelling is also proposed to be directed to the main stormwater collection pipe and drained to the street water table.

The Applicant has proposed permeable paving for large sections of the common driveway and private yard areas, in an effort to reduce the extent of surface water runoff. In principle, this is considered to be a positive aspect of the proposed development.

However, given the relatively high percentage of land that will be covered with impervious surfaces compared with the existing condition, it is considered appropriate that on-site detention be provided to ensure that stormwater leaving the site in a high rainfall event does not exceed current levels, consistent with City Wide Principle of Development Control 162.

The Council's Project Manager – Civil, has advised that the proposed levels and stormwater disposal is considered to be acceptable in principle, but the Applicant should be required to prepare a Stormwater Management Plan to ensure that stormwater disposal is maintained at pre-development levels.

The Applicant, via their response to the representations contained in Attachment D, has confirmed that a Stormwater Management Plan will be prepared and submitted to the Council with the application for Building Rules Consent. If the Panel determines to approve the development proposal, it is recommended that a condition be imposed requiring a Stormwater Management Plan be submitted with the documentation for Building Rules Consent, which confirms that stormwater disposal will be maintained at pre-development levels.

In terms of levels, the proposed row dwellings incorporate a finished floor level that ranges between 700mm and 1.0m above the adjacent top of kerb level. Whilst this is significantly higher than the top of kerb level, the base level is only between 40mm and 250mm above the natural ground level and the adjacent dwellings are set at a similar level such that the proposed development will provide a reasonable fit in the streetscape.

The finished floor level of the dwellings contained within the residential flat building at the rear of the site are staggered to follow the natural contours of the land and to assist in facilitating the fall required for the common driveway. The proposed finished floor levels of the residential flat building range between 50mm and 250mm above the natural ground level, such that only minimal (if any) retaining will be required at the boundary of the site.

The Applicant has indicated that 1.8 metre high Colorbond fencing will be utilised for all internal fencing and the replacement of side and rear fencing where required.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24
City Wide PDC's:	76, 239 & 240

The subject land has been cleared of all vegetation. A mature (non-regulated) Ironbark street tree is located within the Council verge adjacent to the subject land. There are no regulated trees on adjacent land that would be affected by the proposed development.

The Applicant has provided a well detailed landscaping scheme, prepared by Adelaide Landscape Architecture, as part of the development proposal, which includes a landscape plan, landscape elevations and detailed sections for plantings. A copy of the landscaping plan, elevations and details are contained in **Attachments F and F1**.

The landscaping plan illustrates the planting of 54 small and medium sized trees on the subject land, including thirteen (13) 'Bradford' Pears, thirteen (13) Betchel Crab Apple and twenty-eight (28) 'Chanticleer' Pears. The Crab Apples have a mature height of 4 metres and the Pears have a mature height of 6 metres with varying canopy spreads. The use of permeable paving is proposed to facilitate the planting of the trees and to reduce the surface runoff from the site.

The Landscape Architect has provided detailed sections of how the trees will need to be planted adjacent to the buildings and fences such that they do not compromise the footings of the buildings.

The proposed landscaping plan also includes a range of hedge screening plants, small shrubs and reeds, which will assist in providing privacy and further amenity for residents. In addition to plantings, the landscaping plan illustrates bin storage areas, garden sheds, storage cupboards and clothes-line locations which are sited to maximise the amenity and usability of the private open space areas. The illustrated garden sheds are of a scale that does not require Development Approval.

The provision of landscaping and the proposed configuration of the private open space areas are considered to be positive aspects of the proposed development.



### Environmental Sustainability

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

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

The subject land is located on the southern side of Henry Street, which is not ideal from an orientation perspective. Whilst the private open space areas of the proposed row dwellings at the front of the site are poorly oriented for solar access due to the orientation of the allotment, the dwellings do have reasonable solar access to their living areas.

The private open space areas for the dwellings proposed within the residential flat building at the rear of the site will have good solar access during the morning. Light wells and small courtyards are proposed within the residential flat building to provide some natural light and ventilation to the living areas of the dwelling during the afternoon.

The west facing first floor windows within the residential flat building include large windows which essentially extend from the floor to the ceiling. Whilst a contemporary horizontal awning is proposed above the windows, the large windows will result in substantial heat loading to the dwellings. Given that the proposed windows relate to Bedroom 1 of each dwelling and that the windows are proposed to be fixed and obscure such that only high level views and ventilation can be achieved (in order to protect the privacy of adjacent occupiers of land), it is recommended that if the Panel determine to approve the proposal, that a condition be imposed that the west facing windows associated with Bedroom 1 in Dwellings 5 through 9 be reduced in size and limited to high level windows or narrow vertical windows to improve the environmental performance of the dwellings.

Ultimately it will be necessary for the plans to be assessed against energy rating criteria through the Building Rules Consent process and it is possible that the west facing windows contained within the proposed residential flat building will require amendments in any event.

The proposed development includes substantial areas of permeable paving, both within the common driveway area and the private open space areas. This is considered to be a positive aspect of the proposed development. The proposed planting of 54 small and medium sized deciduous trees will also provide welcome shade during summer and solar access during winter, in addition to the benefits to air quality and the urban heat island effect.

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. The proposed development includes the provision of 2000 litre rainwater tanks for each dwelling, consistent with City Wide PDC 161.

It is noted that the proposed development does not include any covered outdoor entertaining areas. It is highly likely that any future occupiers of the dwellings will lodge separate Development Applications in order to construct some form of verandah in order to provide a covered outdoor living area within the rear yard. Such future applications would likely comply with the provisions of the development plan, provided that not more than 50% of the private open space area is covered.

### **Summary**

The proposed development reasonably satisfies the relevant provisions of the Development Plan in terms of land use, dwelling types, density, setbacks and site coverage. The proposed development is also considered to be appropriate in terms of car parking provision, vehicular access and manoeuvring arrangements. Sufficient private open space has been provided for each of the dwellings and the method of stormwater disposal is considered to be acceptable, subject to the provision of a Stormwater Management Plan with the documentation for Building Rules Consent.

The proposed row dwellings will reasonably complement existing development within Henry Street through the use of traditional building materials and form, albeit at a larger scale. The proposed residential flat building at the rear of the subject land does not accord with the policy for the zone, which states that residential flat buildings should be single storey. However, the subject land is considered to be unusual in its size and the proposed development will not result in an unreasonable impact on adjacent development or the intent of the Residential 2A Zone, which would justify a departure from the clearly expressed provision of the Development Plan (i.e. single storey residential flat buildings).

The residential flat building displays a contemporary form, which complements the adjacent development and is set back from the parent allotment boundaries such that it will not have an unreasonable impact on the amenity of adjacent property occupiers.

The orientation of the allotment on the southern side of Henry Street is not ideal and, as such, solar access to the proposed dwellings and their private open space is considered to be average. This is considered to be a negative aspect of the proposed development. The lack of shading to the large west facing first floor windows is an issue which can be readily addressed via the imposition of a condition requiring smaller (or smarter) window openings.

The negative environment aspects of the proposed development are balanced by the well-considered landscaping scheme, which will assist not only in improving the environmental performance of the development, but will also result in a high level of residential amenity for future occupants and a good outlook for the occupiers of adjacent dwellings.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accords with the 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 155/0403/15, by SLP Pty Ltd, to construct four (4) two-storey row dwellings and a two-storey residential flat building comprising five (5) dwellings (9 dwellings in total), with associated garages, driveways, car parking, fencing and landscaping, on the land located at 32 and 32A Henry Street, Payneham, subject to the following conditions:

### Relevant Plans

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

- The site plan, floor plans, elevations and details prepared by Superior Land Projects, Job Code 72215, received by the Council on 5 January 2016; and
- The landscaping plan, elevations and detail prepared by Adelaide Landscape Architecture, Drawing No. al-1589-LCB-Payneham-Sept-15-Issue#3, received by the Council on 7 January 2016.

### Conditions

1. The portion of all upper floor windows, with the exception of those in Dwellings 1 to 4 that directly face the street, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)

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 and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
3. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
4. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), shall be installed for each of the dwellings or alternatively, an 18 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m<sup>2</sup> of its roof catchment area to the communal tank and in either case, water shall 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.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan, elevations and details herein approved, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
6. The west facing windows associated with Bedroom 1 in Dwellings 5 through 9 shall be reduced in size and limited to high level windows, narrow vertical windows or a combination of both, to improve the environmental performance of the dwellings. Details of the amended window design shall be submitted with the documentation for Building Rules Consent.
7. A Chanticleer Pear or Crab Apple tree shall be planted within the private open space area of Dwelling 7 to soften the appearance of the development when viewed from adjacent land.
8. The width of Dwellings 1 to 4 shall be reduced by 125mm each, by reducing the internal dimensions of the dwellings to enable the common driveway area to be increased in width to 6.0 metres adjacent to Dwelling 4, in accordance with City Wide PDC 194.

#### Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

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

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

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

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

## 2. STAFF REPORTS

### 2.4 DEVELOPMENT APPLICATION 155/716/2015 – HN GROUP PTY LTD – 70 LEWIS ROAD, GLYNDE

<b>DEVELOPMENT APPLICATION:</b>	<b>155/0716/15</b>
<b>APPLICANT:</b>	<b>HN Group Pty Ltd</b>
<b>SUBJECT SITE:</b>	<b>70 Lewis Road, Glynde (Certificate of Title - Volume: 5687, Folio: 20)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Demolition of a detached dwelling and the construction of two (2), two-storey residential flat buildings comprising five (5) dwellings with associated car parking, fencing, retaining walls and landscaping</b>
<b>ZONE:</b>	<b>Residential Zone – Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to demolish a detached dwelling and to construct two (2), two-storey residential flat buildings comprising five (5) dwellings, with associated car parking, 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:	20.12 metres
Depth:	50.31 metres
Area:	1012.2m <sup>2</sup>
Topography:	1.25m fall from front to rear
Existing Structures:	detached dwelling and outbuildings
Existing Vegetation:	small trees and shrubs

The subject land contains a single storey conventional hipped-roof dwelling, likely to have been constructed circa 1960's. There are no regulated trees on the subject land.

#### **Locality Attributes**

Land uses:	Mix of residential and industrial
Building heights (storeys):	predominantly single storey
Streetscape amenity:	moderate to poor due to being located at the interface with the Local Commercial Zone

The locality is characterised by a range of land uses and built form. The northern side of Lewis Road is predominantly characterised by single storey detached dwellings, although it is noted that a Development Application (Development Application No. 155/0758/14) has been approved for the construction of two (2), two-storey detached dwellings at the rear of the adjacent land at 72-74 Lewis Road.

The southern side of Lewis Road is located in the Local Commercial Zone and contains a range of land uses and built forms including a Builders Yard at 75-77 Lewis Road, a two-storey office and warehouse at 71 Lewis Road, a dwelling and light industry (cabinet maker) at 79 Lewis Road and detached dwellings.

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

### Proposal in Detail

The Applicant proposes to demolish a detached dwelling and associated outbuildings; and to construct two (2), two-storey residential flat buildings comprising five (5) dwellings, with associated car parking, fencing, retaining walls and landscaping.

The proposed two-storey residential flat buildings are contemporary in their form, with hipped roofs, feature spandrels and a range of materials. The proposed residential flat buildings have shale grey roofs with a 15 degree pitch and white rendered feature spandrels. The walls are to be constructed with a range of materials including dark grey face brick, off-white render, silver metallic 'Scyon matrix' cladding and 'Shadow-clad' cladding. The windows are proposed with a green tint and powder coated aluminium frames. The carports are proposed to utilise shale grey panel lift doors.

The residential flat building at the front of the allotment contains Dwellings 1 to 3, with Dwelling 1 located nearest to the street. Dwellings 4 and 5 are a mirror image of one another and are located within the residential flat building at the rear of the allotment. The Applicant has advised that they intend to lodge a community title land division in the event that the Panel grants consent to the proposal.

All of the dwellings contain a combined kitchen/meals/family area, a laundry, a toilet and a garage at ground level; with three (3) bedrooms and two (2) bathrooms at the first floor level. Dwellings 1 to 3 also include an activities room at the first floor level and alfresco areas within their private open space areas.

Each of the proposed dwellings have two (2) exclusive car parking spaces, including one (1) secure space within a carport and one (1) covered visitor space beneath the first floor overhang. Two (2) additional communal visitor spaces are proposed within the common driveway area.

The proposed development includes a landscaping scheme that proposes a range of small trees, shrubs and ground covers including Manchurian Pears, English Box Hedge, 'Screen Master' Pittosporum and Lavender.

A 2.0 metre high off-white rendered front fence is proposed, with a horizontal shale grey Colorbond infill panel. A 1.8 metre high rendered masonry letter box wall is proposed to complement the proposed front fence.

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

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

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Site Area	151.6m <sup>2</sup>	122.6m <sup>2</sup>	139.0m <sup>2</sup>	No minimum (Medium Density PA PDC 5)
Site Width	14.6m	14.6m	14.6m	N/A
Site Depth	12.3m	8.4m	12.4m	N/A
External Wall Height*	6.0-6.5m	6.0-6.5m	6.0-6.5m	N/A

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

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Development Plan Merit Assessment Quantitative Guideline
Maximum Overall Height (to roof apex)*	7.3m	7.3m	7.3m	Two-storey (Medium Density PA PDC 7)
Floor Area (total)	148.6m <sup>2</sup>	148.6m <sup>2</sup>	148.6m <sup>2</sup>	100m <sup>2</sup> minimum (Medium Density PA PDC 6)
Floor Area (footprint)	94.1m <sup>2</sup>	94.1m <sup>2</sup>	94.1m <sup>2</sup>	N/A
Site Coverage	62.1%	76.8%	67.7%	70% overall (Medium Density PA PDC 7)
Private Open Space	62m <sup>2</sup> 84% uncovered	31.4m <sup>2</sup> 68% uncovered	47.8m <sup>2</sup> 79% uncovered	35m <sup>2</sup> per dwelling 50% uncovered (CW PDC's 225(b) & 229)
Street Set-back	4.0m	N/A	N/A	4.0m (Medium Density PA PDC 7)
Side Set-back (ground level)	2.5m & 6.0m	2.5m & 6.0m	2.5m & 6.0m	2.5m (CW PDC 202)
Side Set-back (upper level)	4.5m – 6.0m	4.5m – 6.0m	4.5m – 6.0m	4.5m (CW PDC 203)
Rear Set-back	N/A	N/A	N/A	2.5m – ground 4.5m - first floor (CW PDC's 202 & 203)
Car Parking Provision	2 spaces	2 spaces	2 spaces	2 spaces per dwelling plus 1 visitor space for every 2 dwellings (Table NPSP/8)

**TABLE 1 (part b): DEVELOPMENT DATA:**

Consideration	Dwelling 4	Dwelling 5	Overall	Development Plan Merit Assessment Quantitative Guideline
Site Area	164.4m <sup>2</sup>	165.2m <sup>2</sup>	1012.2m <sup>2</sup>	No minimum (Medium Density PA PDC 5)
Site Width	9.9m	10.2m	20.12m	18.0m overall (Medium Density PA PDC 5)
Site Depth	17.2m	16.2m	50.31m	N/A
External Wall Height*	6.0-6.5m	6.0-6.5m	6.0-6.5m	N/A
Maximum Overall Height (to roof apex)*	7.5m	7.5m	7.5m	Two-storey (Medium Density PA PDC 7)
Floor Area (total)	140.0m <sup>2</sup>	140.0m <sup>2</sup>	725.8m <sup>2</sup>	100m <sup>2</sup> minimum (Medium Density PA PDC 6)
Floor Area (footprint)	75m <sup>2</sup>	75m <sup>2</sup>	382.8m <sup>2</sup>	N/A

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

Consideration	Dwelling 4	Dwelling 5	Overall	Development Plan Merit Assessment Quantitative Guideline
<b>Site Coverage</b>	45.6%	45.4%	37.8%	70% overall (Medium Density PA PDC 7)
<b>Private Open Space</b>	79.5m <sup>2</sup> 100% uncovered	59.1m <sup>2</sup> 100% uncovered	251.8m <sup>2</sup> 100% uncovered	35m <sup>2</sup> per dwelling 50% uncovered (CW PDC's 225(b) & 229)
<b>Street Set-back</b>	N/A	N/A	4.0m	4.0m (Medium Density PA PDC 7)
<b>Side Set-back (ground level)</b>	2.5m	2.8m	N/A	2.5m (CW PDC 202)
<b>Side Set-back (upper level)</b>	4.5m (excluding stairwell)	4.5m (excluding stairwell)	N/A	4.5m (CW PDC 203)
<b>Rear Set-back</b>	4.5m	4.5m	4.5m	2.5m - ground 4.5m – first floor (CW PDC's 202 & 203)
<b>Car Parking Provision</b>	2 spaces	2 spaces	2 communal visitor spaces	2 spaces per dwelling plus 1 visitor space for every 2 dwellings (Table NPSP/8)

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

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

### Notification

The proposal has been identified and processed as a Category 2 form of development pursuant to Schedule 9, Part 2, 18(b) of the *Development Regulations 2008* as the proposal involves construction of two or more dwellings on the same site where at least one of those dwellings is two-storey.

One (1) representation was received (opposing the development) in response to this notification, a copy of which is contained in **Attachment C**. The representor owns the adjoining property at the rear of the subject land (9a Wakelin Street) and is concerned that the proposal will result in an unacceptable loss of privacy.

Ms Julie Lewis of URPS has responded to the representations on behalf of the Applicant. A copy of Ms Lewis' response is contained in **Attachment D**.

A summary of the response is provided below:

- the proposed dwellings at the rear of the allotment (Dwellings 4 and 5) are set back 4.5 metres from the rear boundary and the upper level windows are designed with fixed obscure glazing to 1700mm above the finished floor level, consistent with the City Wide Principle 235(b); and
- there is no potential of any (unreasonable) overlooking from the upper level windows.

### State Agency Consultation

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



## Discussion

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

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

### Land Use and Density

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

#### Medium Density Policy Area (PA) Desired Character Statement

Medium Density PA Objectives: 1  
Medium Density PA PDC's: 5, 6

#### Residential Zone Desired Character Statement

Residential Zone Objectives: 1, 2  
Residential Zone PDC's: 1, 3

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

The Desired Character Statement for the Medium Density Policy Area states (in part):

*“Whilst detached and semi-detached dwellings will continue to be developed within the Medium Density Policy Area, more flexible development parameters for other forms of housing (including group dwellings, row dwellings and residential flat buildings) are included and will provide additional opportunities for increasing residential densities in these locations. While a minimum site area has not been allocated for dwellings within a residential flat building, a minimum floor area requirement for dwellings has been included and will, along with other policies relating to private open space, communal space, car parking and the design of the built form, ensure an acceptable level of amenity for occupants, as well residents in the locality.”*

Residential Flat Buildings are an anticipated land use and built form within the Medium Density Policy Area of the Residential Zone.

Medium Density Policy Area Principle of Development Control 5 sets out the minimum site area and frontage requirements for new dwellings in the Policy Area. In relation to residential flat buildings, Principle 5 states that there is no minimum site area per dwelling, provided that the site has a minimum allotment frontage of eighteen (18) metres and that the proposal is consistent with the minimum floor area requirement for dwellings and the other policies referred to within the Desired Character Statement above.

In this instance, the subject land has an allotment frontage width of 20.12 metres, consistent with Medium Density Policy Area Principle of Development Control 5.

Medium Density Policy Area Principle of Development Control 6 states that dwellings contained within a residential flat building with three (3) bedrooms should have a minimum floor area per dwelling of 100 square metres. The proposed floor areas range between 140m<sup>2</sup> and 148m<sup>2</sup>, which is consistent with Medium Density Policy Area PDC 6.

The other policies referred to in the Desired Character Statement (private open space, communal space, car parking and the design of the built form) are discussed in greater detail under their relative headings later in the report. However, provided that they are considered acceptable, the proposed land use and resulting dwelling density is considered to be consistent with the intent of the Medium Density Policy Area.

Streetscape/bulk/scale/height/character

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

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4  
Medium Density PA PDC's: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3  
Residential Zone PDC's: 6, 8

City Wide Objectives: 18, 19 & 20  
City Wide PDC's: 28-32, 37, 39, 197

The Desired Character Statement for the Medium Density Policy Area states (in part):

*“Building heights within this part of the Policy Area will be up to two (2) storeys, however, along arterial road frontages and within the Lutheran Homes Incorporated and Australian Retirement Homes sites, development of up to three (3) storeys will be considered where an appropriate built form transition can be provided to adjacent residential land outside of the Policy Area and in the case of arterial roads, where it comprises a mix of residential and non-residential land uses.”*

Medium Density Policy Area Principle of Development Control 7 reiterates that two-storey development is envisaged within the Policy Area. The proposed building heights are therefore considered to be acceptable, consistent with the Desired Character Statement and Medium Density Policy Area PDC 7.

The proposed dwellings are larger than adjacent development within the locality, albeit that approval for the construction of two (2) relatively large two-storey detached dwellings at the rear of the adjacent land at 72-74 Lewis Road was approved on 12 March 2015.

The current Medium Density Policy Area provisions were introduced on 2 July 2015 to provide opportunities for a higher density of development, which is often facilitated by two-storey development on compact allotments, such as that proposed. In this context, the proposed development is considered to be consistent with the policy intent for the Zone.

The proposed residential flat buildings utilise traditional building materials and a simple hipped roof form, which will complement other development within the locality. The design is of a contemporary architectural form with feature spandrels and a range of materials, finishes and articulation, which will provide visual interest consistent with City Wide Principle of Development Control 30.

Setbacks and Site Coverage

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

Medium Density PA PDC's: 7  
City Wide PDC's: 202, 203, 208

Medium Density Policy Area Principle of Development Control 7 states that dwellings fronting a public road within the Medium Density Policy Area should be designed with a minimum setback from the primary road frontage of four (4) metres. The proposal accords with this Principle.

In terms of side and rear setbacks, City Wide Principle of Development Control 202 states that the single storey component of a two-storey dwelling on a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be no less than 2.5 metres. City Wide Principle of Development Control 203 states that the two-storey component of a two-storey dwelling on

a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be no less than 4.5 metres.

The proposed development accords with City Wide Principles of Development Control 202 and 203, with the minor exception of the stairwells for Dwellings 4 and 5, which protrude nearer than 4.5 metres from the respective side boundaries at first floor level. This section of two-storey wall only extends for a width of 2.3 metres and is set back 2.5 metres from the western side and 2.8 metres from the eastern side boundary, such that its impact will be minimal.

In terms of site coverage, Medium Density Policy Area Principle of Development Control 7 states that the site coverage for residential flat buildings (and ancillary structures) within the Policy Area should not exceed 70%. The proposed development results in an overall site coverage of 37.8%, which is significantly less than the maximum stated for the Policy Area. This is considered to be a positive aspect of the proposed development.

#### Overshadowing/Overlooking

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

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

City Wide Principle of Development Control 196 states:

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

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

- the adjacent dwelling and private open space at 68 Lewis Road would be overshadowed at 9.00am. By midday, overshadowing would be predominantly contained within the subject land. As such, the dwelling and private open space at 68 Lewis Road would maintain solar access to at least half of its private open space at 11.00am (approximately) and would exceed this requirement for the remainder of the day, consistent with City Wide PDC 196;
- between midday and 3.00pm, overshadowing will only impact on the common driveway area of the subject land and the street, such that the private open space of the dwellings proposed would maintain solar access consistent with City Wide PDC 196;
- the adjacent dwelling at 72 Lewis Road (and the approved dwellings which are yet to be constructed), will not be affected by overshadowing prior to 3.00pm during the winter solstice.

A copy of the shadow diagrams is contained in **Attachment E**.

The 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.

In terms of privacy, all of the side and rear facing first floor windows either incorporate 1700mm sill levels or contain fixed obscure glazing to all portions of the windows below 1700mm above the internal floor level. The proposed first floor window treatment is inconsistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1700mm.

The majority of the first floor windows are bedrooms or bathrooms and, as such, the lack of clear glazing in the lower portions of the windows will not result in any unreasonable loss of outlook or amenity for future occupants of the dwellings.

### 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 states (in part):

*"Dwellings (other than residential flat buildings in the form of apartments within a multi storey building) 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) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:*

- (b) a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres;"*

All of the proposed dwellings have site areas of less than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of 35 square metres. The proposed private open space areas range between 31.4m<sup>2</sup> (Dwelling 2) and 79.5m<sup>2</sup> (Dwelling 4), with only Dwelling 2 falling short of the prescribed minimum area of private open space. In this instance, the private open space associated with Dwelling 2 is of useable dimensions, consistent with City Wide PDC 225(b) and has good links with the living area of the dwelling, such that the minor shortfall in area is not considered to be fatal to the overall merit of the proposal.

The private open space areas of each dwelling are directly accessible from the main living areas of the respective dwellings. The private open space areas associated with Dwellings 1-3 have reasonable orientation for solar access during the afternoon, while Dwellings 4 and 5 have good orientation for solar access throughout the day.

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 residential flat buildings, Table NPSP/8 states that 2 on-site car parking spaces should be provided for each three (3) bedroom dwelling, of which at least 1 should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings.

Each of the proposed dwellings are provided with two (2) exclusive car parking spaces, in the form of a carport and an unenclosed space beneath the relevant dwelling. In addition, the proposed development provides two (2) shared visitor spaces within the common driveway area, one adjacent to the front boundary and the other adjacent to Dwelling 5.

Given the odd number of dwellings proposed, the proposed development results in a theoretical demand for 2.5 visitor spaces, which is required to be rounded up to three (3) according to Table NPSP/8. As such, the proposed development results in a shortfall of one (1) on-site visitor car parking space. The minor shortfall is not considered to be fatal to the overall merit of the proposed development, given that the proposed single access point will enable two (2) vehicles to park on the street, directly adjacent to the subject land.

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for battleaxe style allotments, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common driveway, Principle 189 states that the driveway should have a 6m x 6m paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this guideline.

Principle 189 also states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0m of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development also complies with this guideline.

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

#### Finished floor levels/flooding/retaining

The 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 1.25 metres from the street boundary to the rear boundary. The Applicant has proposed to step the floor levels of the residential flat buildings to reduce the amount of fill and retaining required at the rear of the allotment. The proposed finished floor levels for the dwellings and the adjacent finished driveway pavement levels will result in the need for retaining walls of up to 550mm height along the side boundaries and up to 350mm height along the rear boundary.

The Applicant has indicated that 1.8 metre high 'Good-neighbour' Colorbond fencing will be used for all internal fencing and the replacement of side and rear fencing where required. The resulting combined height of retaining and fencing at the boundaries of the site (up to 2.35 metres) and the resulting level of fill are consistent with City Wide Principles of Development Control 58 and 164 respectively.

A copy of the Civil & Drainage Plan, which contains the proposed levels and stormwater sump locations, is contained in **Attachment F**.

The Applicant has proposed to direct roof runoff to 2000 litre rainwater tanks for each dwelling, which are to be plumbed back to each dwelling for reuse, with overflow directed to a main stormwater collection pipe located beneath the common driveway. Surface water collected from the ground surrounding each dwelling is also proposed to be directed to the main stormwater collection pipe and pumped to the street water table.

Given the relatively high percentage of land that will be covered with impervious surfaces compared with the existing condition, it is considered appropriate that on-site detention be provided to ensure that stormwater leaving the site in a high rainfall event does not exceed current levels, consistent with City Wide Principle of Development Control 160.

The Council's Project Manager – Civil, has advised that the proposed levels and stormwater disposal is considered to be acceptable in principle, but the Applicant should be required to prepare a Stormwater Management Plan to ensure that stormwater disposal is maintained at pre-development levels.

As such, if the Panel determines to approve the development proposal, it is recommended that a condition be imposed requiring a Stormwater Management Plan be submitted with the documentation for Building Rules Consent, which confirms that stormwater disposal will be maintained at pre-development 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  
City Wide PDC's: 76, 220, 221

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

The proposed development includes a landscaping scheme that proposes a range of small trees, shrubs and ground covers including Manchurian Pears, English Box Hedge, 'Screen Master' Pittosporum and Lavender. The proposed landscaping will assist in softening the development when viewed from adjacent land and will provide for a reasonable level of amenity for future occupants.

City Wide Principle of Development Control 189 states that the paved carriageway width should be no less than 5.0 metres in width, with 1.0m of landscaping, resulting in a total width of paved carriageway and landscaping of 6.0 metres. The proposed development complies with this guideline insofar as the proposed landscaping adjacent to the driveway has a total width of 1.3 metres, with 800mm provided adjacent to the dwellings and a 500mm strip adjacent to the eastern side fence.

The Council's Coordinator, Arboricultural and Horticultural Services, has confirmed that the proposed 500mm landscaping bed adjacent to the eastern side boundary is of sufficient dimensions to enable the planting of the proposed species ('Screen Master' and Lavender).

One (1) juvenile street tree is located adjacent to the subject land, which will not be affected by the proposed development.

#### Environmental Sustainability

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

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

The proposed dwellings and their private open space areas are well oriented for solar access. Dwellings 1 to 3 incorporate alfresco areas adjacent to the living areas of the dwelling, which will provide sun protection to the west facing living room windows during summer. Dwellings 4 and 5 do not include any covered outdoor areas, although it is likely that the future occupiers of the dwellings will seek to establish a covered outdoor area adjacent to the living areas of the dwellings, which will assist in reducing the heat loading on those dwellings.

Large expanses of north and west facing upper level windows are unprotected by eaves or canopies, which will result in significant heat-load on the dwellings in summer. Whilst ultimately the development will need to achieve the required energy rating in order to be granted Building Rules Consent, this is considered to be a negative aspect of the proposed development.

The proposed dwellings are each provided with a 2000 litre rainwater detention tank, which are to be plumbed back to each dwelling in accordance with City Wide Principle of Development Control 161.

#### **Summary**

The Medium Density Policy Area is intended to accommodate a greater range of dwelling types, at a higher density than the general Residential Zone.

The proposed dwelling density is considered to be acceptable, as the proposed dwellings all meet the minimum dwelling floor area provisions and the dwellings generally meet the other relevant quantitative provisions of the Development Plan. The proposed two-storey built form is consistent with PDC 7 for the Medium Density Policy Area.

The proposed development meets the minimum quantitative provisions of the Development Plan, with the exception of a shortfall of one (1) on-site visitor car parking space and Dwelling 2 has less than 35m<sup>2</sup> of private open space (it has 31.4m<sup>2</sup>).

These quantitative shortcomings are not considered to be fatal to the overall merit of the proposed development for the reasons described within the body of this report.

In terms of the qualitative provisions of the Development Plan, positive aspects of the proposal are the orientation of living areas and private open space, the 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 and traditional building materials.

Other negative aspects include the large unprotected west and north facing windows at the upper level and the extent of hard paved surfaces, albeit that the impact of stormwater runoff will be addressed via a stormwater management plan at the Building Rules stage.

On balance, it is considered that the proposal is not seriously at variance with the Development Plan and the development sufficiently 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 **granted** to Development Application No 155/0716/15 by HN Group Pty Ltd to construct two (2), two-storey residential flat buildings comprising five (5) dwellings, with associated car parking, fencing, retaining walls and landscaping, at 70 Lewis Road, Glynde, subject to the following conditions:

### Relevant Plans

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

- the site plan, floor plans, elevations and details prepared by D'Andrea & Associates, Revision D, received by the Council on 12 January 2016; and
- the Civil & Drainage plan, prepared by KP Squared Engineering, Project No. 150908, Issue C, received by the Council on 24 November 2015.

### Conditions

1. The portion of all upper floor windows less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
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 and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
3. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.

4. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), shall be installed for each of the dwellings or alternatively, an 18 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m<sup>2</sup> of its roof catchment area to the communal tank and in either case, water shall 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.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises and shall be maintained 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.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.



## 2. STAFF REPORTS

### 2.5 DEVELOPMENT APPLICATION 155/876/2015 – DANIEL JORDAN HOMES – 5A FIFTH AVENUE, ST PETERS

<b>DEVELOPMENT APPLICATION:</b>	<b>155/876/2015</b>
<b>APPLICANT:</b>	<b>Daniel Jordan Homes</b>
<b>SUBJECT SITE:</b>	<b>5A Fifth Avenue, St Peters (Certificate of Title Volume: 5794 Folio: 43)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a single storey detached dwelling with an associated cellar, carport, freestanding garage, front fence and landscaping</b>
<b>ZONE:</b>	<b>Residential Historic (Conservation) Zone Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a single storey detached dwelling with an associated cellar, carport, freestanding garage, front fence and landscaping.

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

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	20.12 metres
Depth:	45.71 metres
Area:	919.7 m <sup>2</sup>
Topography:	essentially flat
Existing Structures:	dwelling and outbuildings
Existing Vegetation:	mature trees

The subject land is relatively flat and contains a post-World War II red brick maisonette, outbuildings and established trees. A regulated street tree (London Plane Tree) is located in the verge adjacent the subject land.

#### **Locality Attributes**

Land uses:	predominantly residential (an integrated office and dwelling is located at 47 Harrow Road)
Building heights (storeys):	some two storey
Streetscape amenity:	high due to quality of building stock and landscaped garden setting

The locality is predominately residential in character with the exception of an integrated office and dwelling located on the corner of Fifth Avenue and Harrow Road. Residential development within the locality is predominately comprised of single storey detached dwellings of varying styles, with a two storey residential flat building opposite the subject land. Fifth Avenue contains a number of mature London Plane Trees within the verges that significantly contribute to the landscaped setting of the locality.

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

### Proposal in Detail

The Applicant seeks consent to construct a single storey detached dwelling with an associated cellar, carport, freestanding garage, front fence and landscaping.

The dwelling has been designed as a replica Italianate Villa with deep set windows, a return bull-nose verandah, highly detailed coining, timber treatments, window mouldings, finials and lace verandah treatments. Proposed materials include colorbond corrugated iron in 'Woodland Grey' colour, render in 'Hog Bristle' (cream/beige) colour, painted timber window frames on the front of the dwelling and timber battens. The proposed front fence incorporates masonry pillars with steel palisade inserts.

The dwelling contains four (4) bedrooms (the master contains an ensuite and walk-in-robe), a combined living/dining/kitchen, butlers pantry, second living, study, bathroom, laundry, storeroom, cellar, carport attached to the dwelling, undercover terrace with kitchen and a freestanding garage.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Dwelling 1	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area</b>	919.7m <sup>2</sup>	600m <sup>2</sup> (The Avenues PDC 5)
<b>Allotment Width</b>	20.12m	18m (The Avenues PDC 7)
<b>Allotment Depth</b>	45.71m	N/A
<b>External Wall Height*</b>	3.6m	N/A
<b>Maximum Overall Height (to roof apex)*</b>	6.3m	N/A
<b>Floor Area (including carport and terrace)</b>	477.4m <sup>2</sup>	N/A
<b>Site Coverage</b>	52%	50% (The Avenues PDC 6)
<b>Private Open Space</b>	204m <sup>2</sup> 22% of site area 79% uncovered	20% site area (City Wide PDC 225)
<b>Street Set-back</b>	6.61m	N/A
<b>Side Set-back</b>	1.4m (North Eastern) 500mm to carport (South Western) Nil to Garage	N/A
<b>Rear Set-back</b>	1.2m Garage 10.7m Dwelling	N/A
<b>Car Parking Provision</b>	3 undercover & 3 visitor	2 (1 undercover) Table NPSP/8

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

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

### **Notification**

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

### **State Agency Consultation**

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

### **Discussion**

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

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

#### Land Use and Density

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

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

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

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

Principles of Development Control 2 and 3 of The Avenues Policy Area state respectively:

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

and

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

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

As the proposal is for a single dwelling on an existing allotment, which currently contains a pair of maisonettes, there will be a decrease in the density, notwithstanding the generous proportions of the home.

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

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

The Avenues Policy Area Objectives: 1  
The Avenues Policy Area Desired Character Statement  
The Avenues Policy Area Principles of Development Control: 1, 3, 4

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

City Wide Objectives: 8, 18, 19, 55  
City Wide Principles of Development Control: 28-33, 181, 198, 209

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

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

and

*“New dwellings will reflect the scale of the existing dwellings and will maintain similar roof profiles as well as respect the detailing of the original buildings. Dwellings will maintain a setback from the boundary of roads at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item (where a site is between two heritage places or contributory items the greater of the two set-backs will be applied). Any new dwellings will include verandahs on the primary frontage of the building.”*

The Residential Historic (Conservation) Zone Desired Character statement states, in part:

*“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.”*

*“New development will complement and reinforce the traditional colours and materials such as stone, brick and rendered masonry. It 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.”*

As the dwelling is located within the Residential Historic (Conservation) Zone the Application was referred to the Council's Heritage Advisor, David Brown. A copy of Mr Brown's report is contained in **Attachment C**.

The Applicant has proposed a replica design approach to a new house in an Historic Conservation Zone, with significant amounts of applied detail, which is considered to result in a design which competes with surrounding character homes. In particular, the proposed dwelling is considered to blur the lines between the historic dwellings in the area new dwellings, detracting from the significance of the older historic dwellings. The proposed dwelling is contrary to the desired character statement for the Residential Historic (Conservation) Zone, in that it attempts to reproduce the finer architectural detail of the historic building stock.

The Desired Character Statement for The Avenues Policy Area seeks new development that 'avoids poor imitation'. This wording could possibly be interpreted in different ways. One interpretation could be that the Policy Area allows for 'good imitation' but not 'poor imitation'. In that interpretation, the proposed dwelling might be considered a 'good imitation' insofar as it faithfully reproduces all key aspects of an original villa, whereas a poor imitation might be a design which reproduces some aspects such as floor plan, finials and quoins, but not other aspects such as ceiling height and roof pitch.

The Desired Character Statement for the Residential Historic (Conservation) Zone is considered to assist in the interpretation of the phrase 'avoids poor imitation' in the Desired Character Statement for The Avenues Policy Area. In particular, the zone statement expresses the desire for new dwellings to 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. Therefore, it follows that a 'poor imitation' would be a dwelling which reproduces fine architectural detail of the historic building stock; whether or not it also emulates other design features such as roof form, verandahs and fences.

These concerns were raised with the Applicant. The Applicant has chosen not to amend the Application and wishes for the Panel to determine the Application in its current form.

The dwelling is single storey, consistent with The Avenues Policy Area Principle of Development Control 4.

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

*"Where rear lanes exist, vehicle access and garaging should be located at the rear of the allotment."*

The proposed vehicular access and parking configuration is inconsistent with Principle 32, which seeks all access and garaging via the rear lane. The proposed driveway entering the property from Fifth Avenue is considered reasonable in this instance however, as it is commonplace in the locality for dwellings, including historic dwellings, to include a 'secondary' access from the primary street, to supplement the primary parking from the rear lane. The proposed driveway is minimised in width and leads to a carport set well back behind the dwelling facade, such that it would not be a prominent streetscape feature. It is also noted that a driveway crossover already exists in the location of the proposed driveway and a second driveway is proposed to be removed.

The front yard is proposed to be well landscaped to offset the hard paved driveway. As such, the proposed carport with access from Fifth Avenue is considered to be consistent with Residential Historic Conservation Zone Principle of Development Control 31 which seeks carports which are designed to not visually dominate the streetscape.

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

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

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

The proposed front fence consists of masonry pillars with metal palisade inserts. The pillars are generally 1.9 metres high, with the palisades being 1.6 metres. The use of palisades to 1.6 metres high is considered to be a minor departure from the above provision

No details for the side and rear fencing have been provided, and should the Applicant wish to undertake additional fencing works, further authorisation of the Council would be required.

#### Setbacks and Site Coverage

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

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

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

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

The dwelling at 5 Fifth Avenue is a Contributory Item and is set back from the street 1.8 from the main façade. The dwelling at 7 Fifth Avenue, which is not identified as a Contributory Item, is set back from the street 15.4 metres to the main facade. The proposed dwelling is set back 6.61 metres to the front wall of the building. The proposed setback is considered to provide a suitable transition between the adjacent buildings and is consistent with The Avenues Principle of Development Control 8, as the dwelling is not forward of the adjacent Contributory Item.

The proposed dwelling has side setbacks of between 1.2 metres and 1.4 metres, with the carport proposed on the boundary. Carports within the locality are typically located on or close to the boundary and due to the simple roof form and open nature of the proposed carport, the dwelling is still considered to have the appearance of space on both sides of the dwelling which is consistent with surrounding dwellings.

The side setbacks are also considered to provide adequate visual separation from the occupants of adjacent properties given the wall heights. The extent of boundary development is not considered to have an unreasonable visual impact on the occupants of 5 Fifth Avenue as it is adjacent to a blank wall. The rear setback provides sufficient private open space and maintains an adequate visual outlook from adjacent properties.

The site coverage resulting from the development is 52% which is above the 50% anticipated by The Avenues Policy Area Principle of Development Control 6. It is noted that the proposed dwelling incorporates generous under cover vehicle storage and outdoor entertaining areas, such that it is less likely that further development resulting in higher site coverage would be sought in the future. Notwithstanding, the failure to achieve 50% site coverage is a negative aspect of the Application.

#### Overshadowing/overlooking

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

City Wide Principles of Development Control: 194 - 196

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

#### Private open space

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

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

The proposed dwelling is provided with 22% of the site area as private open space including an undercover terrace for year-round use, large lawn area at the rear and service yard. The private open space area has good links to internal living areas and good access to northern light. Other areas on the property are able to accommodate clothes drying, rainwater tank and bin storage to avoid the need for these activities to occur within the designated private open space. The extent of private open space area is considered to be a positive aspect of the development and is consistent with Principles of Development Control 222-225 and 229.

#### Carparking/access/manoeuvring

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

Residential Historic Conservation Zone Principle of Development Control: 32.

City Wide Objectives: 34.  
City Wide PDC's: 101, 113, 118, 212

Table NPSP/8

Table NPSP/8 prescribes that the proposed dwelling should be provided with two (2) on-site car parking spaces, of which at least one should be covered. The proposed dwelling will accommodate three (3) undercover car park and three (3) visitor parks in the driveway. The internal dimensions of the carport and garage are consistent with Principle of Development Control 212.

The development proposes to use an existing crossover. As such, access to and from the site is considered to be safe and convenient.

#### Finished floor levels/flooding/retaining

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

City Wide Principles of Development Control: 10, 58, 164

The subject land is not within a recognised flood plain.

The subject land is relatively flat with a maximum fall of 500mm from rear to front over the 45.7 metre depth of the site. The proposed finished floor level will be approximately 250mm above Top of Kerb. The proposed finished floor levels are considered appropriate for the site, no substantial retaining is required and stormwater can be disposed to the street via a gravity fed system. As there is no stormwater infrastructure in Fifth Lane, all stormwater will need to be directed to the Third Avenue Street Water Table.

#### Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24, 98  
City Wide PDC's: 73, 74, 75, 220, 221

The subject land does not contain any regulated trees

The adjacent street tree (London Plane Tree) is a Significant Tree, with a circumference of 4.06m at 1.0m above natural ground level. Given the proposed masonry front fencing has the potential to adversely impact the health of the tree, should the Panel determine to approve the Application, it is recommended that a condition be imposed, requiring the use of a pier and beam footing system, with non-invasive excavation to be undertaken for the piers.

The Applicant has indicatively shown landscaping in the front and rear yards, along the side and rear boundaries and within the central courtyard. Whilst no specific species have been proposed, the extent of landscaped area is considered appropriate to achieve a landscaped setting for the dwelling in accordance with the Desired Character Statement for the Residential Historic (Conservation) Zone. If the Panel determines to approve the Application, it is recommended that a condition be imposed, requiring that a more detailed landscape plan be submitted to the reasonable satisfaction of the Council and incorporating a mix of trees, shrubs and ground covers, prior to the granting of Development Approval.

#### Environmental Sustainability

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

City Wide Objectives: 23, 42  
City Wide Principles of Development Control: 70, 71, 72, 149, 150, 159, 161

The proposed dwelling has been designed to provide good levels of access to natural light throughout the dwelling. The small eave will provide minimal shading to the. The undercover terrace will also provide shading to the south western living/dining windows.

The dwelling is proposed with a rainwater tank, though not details of its capacity have been provided. It is considered that if the panel determines to Grant Development Plan Consent, a condition should be imposed requiring the tank to have a minimum capacity of 2000 Litres, consistent with PDC 159.

### Summary

The proposed single storey detached dwelling is considered to be appropriate from a land use and density perspective within the Residential Historic (Conservation) Zone and in the context of the locality.

The dwelling is provided with sufficient private open space and has been designed to take advantage of access to natural light. Sufficient vehicle parking spaces and safe and convenient access has been provided.

The proposed extent of site coverage of the dwelling is contrary to Principle of Development Control 6 of the Policy Area and a negative aspect of the proposal, as is a lack of detail on how the balance of the site is to be landscaped.

While the proposal satisfies many of the Development Plan provisions for new dwellings in Historic Conservation Zones (materials, form, scale, setback etc), it attempts to reproduce historic dwellings and in doing so, does not respect heritage listed properties. This is considered to be a particularly important consideration for a new dwelling in a Historic (Conservation) Zone. The policy intent is clear, insofar as the prominence and significance of historic buildings should be maintained, while new dwellings should be complementary, without competing for prominence.

Accordingly, whilst it is considered that the proposal is not seriously at variance with the Development Plan it does not 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 **refused** to Development Application No 155/876/2015 by Daniel Jordan Homes to demolish the existing dwelling and construct a single storey detached dwelling with an associated cellar, carport, freestanding garage, front fence and landscaping on the land located at 5A Fifth Avenue, St Peters subject to the following reasons:

1. The proposal is at odds with the Desired Character Statements for The Avenues Policy Area and Residential Historic (Conservation) Zone, as the proposed dwelling attempts to replicate historic buildings in the zone; and
2. The site coverage is considered excessive, contrary to Policy Area Principle of Development Control 6.



## 2. STAFF REPORTS

### 2.6 DEVELOPMENT APPLICATION 155/684/2015 – GABRIEL STRACCI – 12 GWYNNE STREET, FIRLE

<b>DEVELOPMENT APPLICATION:</b>	<b>155/684/2015</b>
<b>APPLICANT:</b>	<b>Gabriel Stracci</b>
<b>SUBJECT SITE:</b>	<b>12 Gwynne Street, Firle (Certificate of Title Volume: 5719 Folio:3)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a pair of two-storey semi-detached dwellings with freestanding garages</b>
<b>ZONE:</b>	<b>Residential Zone – Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 2 June 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a pair of two-storey semi-detached dwellings with freestanding garages.

Staff do not have delegated authority to determine the Application, as it comprises the construction of two dwellings on one allotment, which do not meet the delegation criteria. In particular, the dwellings have narrower site frontage widths and marginally higher site coverage than what is specified for semi-detached dwellings in the Residential Zone. As such, the Application is referred to the Panel for determination.

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	15.24 metres
Depth:	57.91 metres
Area:	882.55m <sup>2</sup>
Topography:	slightly sloping
Existing Structures:	dwelling, outbuildings
Existing Vegetation:	minor to medium vegetation

The subject land contains a single storey post-war dwelling with associated outbuildings and slopes approximately 760mm from the south-eastern to the north western corner. The subject land enjoys use rights of a private land at the rear of the property.

#### **Locality Attributes**

Land uses:	residential
Building heights (storeys):	predominantly single storey
Streetscape amenity	moderate due to the mixture of building stock

The locality primarily contains single storey detached dwellings however there are a number of examples of single storey group dwellings and residential flat buildings. A two storey dwelling is located at 1/17 Gwynne Street.

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

### Proposal in Detail

The Applicant seeks consent to construct a pair of two-storey semi-detached dwellings with associated landscaping and fencing and garages with access from the rear lane.

The dwellings have an outwardly two-storey appearance and include a variety of materials including bricks, sandstone, timber panelling, render and sandstone which are considered to complement the variety of materials used within the locality.

Each dwelling contains three (3) bedrooms (the master contains an ensuite), a combined kitchen/meals/family area, a study, laundry, bathroom, a second living space and separate bathroom upstairs. The dwellings each have a rear alfresco and a double garage with access from the rear lane.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
<b>Site Area</b>	441.2m <sup>2</sup>	441.2m <sup>2</sup>	300m <sup>2</sup> single garage 320m <sup>2</sup> double garage Residential Zone PDC 7
<b>Allotment Width</b>	7.62m	7.62m	8.0m single garage 12.5m double garage Residential Zone PDC 7
<b>Allotment Depth</b>	57.91m	57.91m	N/A
<b>External Wall Height*</b>	6m	6m	N/A
<b>Maximum Overall Height (to roof apex)*</b>	6.6m	6.6m	N/A
<b>Floor Area (total)</b>	359.37m <sup>2</sup>	359.37m <sup>2</sup>	N/A
<b>Floor Area (footprint)</b>	227.44m <sup>2</sup> (271.27 m <sup>2</sup> including verandahs)	227.44m <sup>2</sup> (271.27 m <sup>2</sup> including verandahs)	N/A
<b>Site Coverage</b>	61.4%	61.4%	60% Residential Zone PDC 8
<b>Private Open Space</b>	103.3m <sup>2</sup> 23.4% of site area 63% uncovered	103.3m <sup>2</sup> 23.4% of site area 63% uncovered	20% site area City Wide PDC 225(a)
<b>Street Set-back</b>	5.5m to the portico 8m to the facade	5.5m to the portico 8m to the facade	4 metres Medium Density Principle of Development Control 7
<b>Side Set-back</b>	0.9m lower level 2.0m upper level	0.9m lower level 2.0m upper level	0.9 metres lower level 1.9 metres upper level Residential Zone PDC 8
<b>Rear Set-back</b>	2.5m to garages 18.7m to alfresco	2.5m to garages 18.7m to alfresco	4 metres lower level 6 metres upper level Residential Zone PDC 8
<b>Car Parking Provision</b>	2 undercover	2 undercover	2 parking spaces at least one of which is covered Table NPSP/8

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

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

### **Notification**

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

### **State Agency Consultation**

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

### **Discussion**

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

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

#### Land Use and Density

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

Medium Density Policy Area Objectives: 1 & 4  
Medium Density Policy Area Desired Character Statement  
Medium Density Policy Area Principles of Development Control: 1

Residential Zone Objectives: 1, 2 & 3  
Residential Zone Desired Character Statement  
Residential Zone Principles of Development Control: 1 & 7

City Wide Objectives: 1, 2, 7, 15, 16, 17, 55, 56, 57,  
City Wide Principles of Development Control: 1, 2, 3, 4, 6, 20, 21, 23, 24, 174, 175, 176 & 186

Residential Zone Objective 2 seeks increased dwelling densities in close proximity to centres, public transport routes and public open spaces. The subject land is located close to public transport on Glynburn Road and Coorara Avenue and within walking distance to the Firlie Shopping Centre, St Morris Reserve and the St Morris Community Child Care Centre. Additionally, the subject land is located within the Medium Density Policy Area which anticipates increasing residential densities.

The Residential Zone is intended to primarily accommodate a variety of dwelling types including semi-detached dwellings. The Desired Character Statement for the Medium Density Policy Area also states that semi-detached dwellings will continue to be developed within the area. Given the variety of dwelling types within the locality and that semi-detached dwellings are a desired land use within the zone and Policy Area, the proposed dwellings are considered to be appropriate from a land use perspective.

Residential Zone Principle of Development Control 7 provides minimum allotment sizes and frontage widths for the variety of dwellings anticipated within the zone. In particular, semi-detached dwellings with single and double garages should be provided with a minimum site area of 300m<sup>2</sup> and 320m<sup>2</sup> respectively and a site frontage of 8.0m and 12.5 metres respectively.

The proposed site areas of 441.2m<sup>2</sup> per dwelling are consistent with the policy for semi-detached dwellings with single or double garages and is also considered suitable within the locality which includes a variety of allotment sizes.

The rationale for stipulating an 8.0m and 12.5 metre minimum frontage width requirement for dwellings with single and double garages respectively, was to ensure sufficient site width to accommodate the following elements at ground floor level, facing the street:

- a habitable room;
- a front door/entry passage;
- a single or double garage (as the case may be); and
- a 1m setback from one side boundary.

The wider frontage requirement also seeks to minimise the proportion of hard paving in the front yard and to minimise the loss of on-street parking resulting from wider crossovers.

As the dwellings are proposed with rear lane vehicle access, there will be no need for vehicle access points at the front of the property, allowing the front yard to be landscaped and allowing wider habitable rooms facing the street. In this context, it is considered a lesser frontage width could be achieved without unreasonably compromising the streetscape and the availability of on-street parking spaces.

Frontage widths within the locality typically range from 9 metres to 17 metres. As such, the proposed frontage widths of 7.6 metres are inconsistent with the surrounding development pattern. That said, the Medium Density Policy Area provides opportunities for increasing residential densities. To achieve this outcome, a broader range of dwelling types and smaller allotments sizes and frontage widths are anticipated. It is expected that in some locations, new development consistent with these policies may alter the existing character of the area. For example, Medium Density Policy Area Principle of Development Control 5 anticipates row dwellings with a minimum site area of 200m<sup>2</sup> and a minimum frontage of 5 metres. Similarly, semi-detached dwellings with single garages on sites with a frontage width of 8m can be anticipated.

In light of the type of development which is anticipated within the locality and the fact that the garages will be located at the rear, it is considered that the proposed frontage widths are appropriate.

streetscape/bulk/scale/height/character

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

Medium Density Policy Area Objectives: 2, 4  
Medium Density Policy Area Desired Character Statement  
Medium Density Policy Area Principles of Development Control: 1, 3, 7

Residential Zone Objectives: 3  
Residential Zone Desired Character Statement  
Residential Zone Principles of Development Control: 6, 10

City Wide Objectives: 1, 7, 18, 19, 20, 22  
City Wide Principles of Development Control: 2, 4, 28, 29, 30, 32, 33, 35, 37, 39, 40, 41, 47

The proposed two-storey development is consistent with Medium Density Policy Area Principle of Development Control 7, which anticipates development of up to two-storeys. Although the proposed dwellings are of a larger scale than the adjacent dwellings, the development is considered to result in an acceptable streetscape outcome.

Objective 2 of the Medium Density Policy Area states that development should provide a transition down in scale and intensity at the boundaries of the policy area. The properties to the south of the rear lane are located within the Residential Character Zone. The upper level portion of the proposed dwellings is set back approximately 32 metres from the rear boundary, so the impact on the properties in the adjacent zone is considered to be minimal.

Residential Zone Principle of Development Control 10 states:

*“Semi-detached dwellings should be designed to present as a single dwelling when viewed from the primary street frontage”.*

The proposed dwellings are somewhat inconsistent with the above provision as the dwellings have individual roof forms and a protruding party wall that continues to the upper level. However, due to the low pitch of the roof, it is unlikely to be highly visible from the street and the dwellings are otherwise integrated, so that the general form of the building is akin to a conventional two-storey dwelling.

The dwellings are proposed to incorporate a variety of materials including brick, sandstone, render and timber panelling which will help to provide visual interest when the dwellings are viewed from the street. The dwellings are proposed with zincalume roofing, inconsistent with Principle of Development Control 37 which states that walls and roofs of buildings should not incorporate highly reflective materials which result in excessive glare. Although the roof pitch at the front of the dwelling is low (7 degrees) and is unlikely to be highly visible, the rear portion of the dwelling has a higher roof pitch, where glare from the roof may be an issue. Should the Panel determine to approve the development, it is recommended that a condition be imposed requiring the roof to be pre-colour treated sheet metal or galvanised iron.

#### Setbacks and Site Coverage

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

Medium Density Policy Area Principles of Development Control: 7

Medium Density Zone Principles of Development Control: 8

City Wide Principles of Development Control: 207, 208

Medium Density Policy Area Principle of Development Control 7 states that dwellings fronting non-arterial roads should have a front setback of 4 metres. The proposed dwellings have a setback of 5.5 metres to the portico and 8 metres to the front room. The proposed setbacks are consistent with Principle of Development Control 7 and are also considered to result in a reasonable streetscape outcome.

The proposed dwellings have external side boundary setbacks of 0.9 – 1.8 metres at the lower level and 2 metres at the upper level which is consistent with Residential Zone Principle of Development Control 8. The rear setbacks of 18.7 metres to the alfresco and 32.4 metres to the upper level are also consistent with this policy. The proposed setbacks are considered to provide adequate visual separation to avoid an unreasonable visual impact on adjacent property occupants.

The freestanding garages are located on the side boundaries resulting in boundary walls which are 6.5 metres long (plus a 1.5 metre canopy) and 3 metres high. These boundary walls are consistent with City Wide Principle of Development Control 207 and are also not considered to unreasonably affect the amenity of adjacent property occupants. The 2.5 metre rear setback to the garages is appropriate as it abuts the laneway.

Each proposed dwelling results in a site coverage of 61.4% which is marginally inconsistent with Medium Density Policy Area Principle of Development Control 7 which anticipates 60% site coverage. This is considered a minor departure from the policy particularly as the development provides covered outdoor area and storage in the garage so future occupants are less likely to require additional covered areas.

#### Overshadowing/overlooking

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

City Wide Principles of Development Control: 11, 12, 35, 71, 195, 196, 235

The Applicant has provided shadow diagrams demonstrating the extent of overshadowing that is likely to occur as a result of the development. The shadow diagrams are contained in **Attachment B**. The diagrams demonstrate that the development will overshadow the property at 10 Gwynne Street in the morning; at noon the shadow will almost all be contained within the subject land; and in the afternoon the development will overshadow the property at 14 Gwynne Street. As the overshadowing will affect adjacent properties for a

portion of the day only, the resultant overshadowing is consistent with City Wide Principles of Development Control 71, 195 and 196.

The proposed dwellings include high level windows on the eastern and western sides which will provide good access to natural light while preventing unreasonable overlooking into neighbouring properties. The front bedroom windows are not high level, however these windows will only allow views into the front yards of the adjacent dwellings and the street. Full sized windows are proposed on the rear upper level elevation however there will be minimal opportunity for overlooking from these windows as they are recessed behind the third bedrooms, are located 36 metres from the rear boundary and are located above the lower steps in the stairwell meaning a person cannot be standing directly next to the window. As such it is not considered necessary for these windows to be screened.

On balance, the proposed development is not considered to result in any unreasonable levels of overshadowing or overlooking.

#### Private open space

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

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

Each dwelling is provided with 103.3m<sup>2</sup> of private open space located at the rear of the dwelling which is 23.5% of the site area consistent with Principle of Development Control 225(a). The private open space consists of good dimensions, has good links to the main living area and includes a portion of covered area to allow for year-round use. Separate areas are available for clothes drying, bin storage and the like, so these activities do not need to occur within the main rear yard.

The private open space areas are located on the southern side of the proposed dwellings and will therefore have compromised access to northern light, however, the shadow diagrams illustrate that approximately half of the yard areas will retain direct access to sunlight for three (3) hours.

#### Carparking/access/manoeuvring

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

City Wide Objectives: 34.  
City Wide PDC's: 101, 113, 118, 212, 218

Table NPSP/8 prescribes that the proposed dwellings should each be provided with two (2) on-site car parking spaces, of which at least one should be covered and set back 5.5 metres from the primary street. The proposed dwellings will accommodate two (2) undercover car parking spaces accessed from the rear lane consistent with this provision.

The rear lane is a private road however the Applicant has provided evidence from a conveyancer confirming that the subject land enjoys use rights of the lane. The site works plan illustrates that the section of the rear lane to be used by the Applicant will be concreted and a sump installed to collect and direct stormwater to the street water table via the subject land. While this is illustrated on the plans, the proposed paving and drainage works within the lane is located outside of the boundaries of the subject land, is not development in its own right and therefore does not form part of the Development Application. The Applicant has been advised of this and has been further advised that in the event that the Application is approved, it will be his responsibility to ensure that any works that is undertaken within the laneway is not in breach of any other legislation.

Principle of Development Control 218 states that garages with access from a laneway should be located so the garage door is 6 metres from the opposite side of the lane. The proposed garages are set back 5.5 metres from the opposite side of the lane however an assessment of vehicle manoeuvring has determined that vehicles will be able to enter and reverse from the garages in a safe and convenient manner.

The subject land currently has one vehicle access point from Gwynne Street however should the Panel determine to approve the development, it is recommended that a condition be imposed requiring the existing crossover to be reverted to upright kerb to improve the availability of on-street parking and to ensure the front yard will be retained for soft landscaping rather than hard paved driveway.

Finished floor levels/flooding/retaining

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

City Wide Principles of Development Control: 10, 58, 164

The property is not within a recognised flood plain.

The subject land slopes approximately 760mm from the rear south eastern corner to the front north western corner over the 57.91 metre length of the site. The proposed finished floor levels of the dwellings range between 100mm below and 500mm above relative natural ground level and 390mm to 690mm above adjacent Top of Kerb. Although the western dwelling will be considerably raised above the Top of Kerb, the finished floor levels are considered to provide an appropriate transition between the finished floor levels of adjacent dwellings and the slope of the land, particularly as the dwellings are semi-detached with a single slab. The proposed levels will allow for stormwater to be directed to the street via a gravity fed system.

Some retaining up to approximately 400mm will be required along the side boundaries however the applicant has advised the fencing will be 1.8 metres above the retaining so the resultant fence heights will not exceed 2.4 metres consistent with Principle of Development Control 58.

The dividing fence between the dwellings has been noted on the plans as a maximum of 1.2 metres high to maintain an open appearance at the front of the dwellings.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:                   24, 98  
City Wide PDC's:                         73, 74, 75, 220, 221

The subject land does not contain any significant trees.

The Applicant has provided a landscaping plan contained in **Attachment B** which includes small to medium shrubs and ground covers in the front and rear yards. The proposed landscaping is considered to complement the development and the locality and is considered to be consistent with City Wide Objective 24 which anticipates development enhanced with appropriate landscaping.

Environmental Sustainability

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

City Wide Objectives:                   23, 42  
City Wide Principles of Development Control: 70, 71, 72, 149, 150, 159, 161

Due to the orientation of the allotment, the dwellings will have limited internal access to northern light which is considered a negative aspect of the proposal. Notwithstanding this, the main living areas will maintain some access to natural light via the side windows and rear glass sliding doors and all other habitable rooms will also have access to natural light. The proposed 600mm eaves will provide some protection to the front and side windows and the lower level west facing windows will also have some shading from the adjacent dwelling.

The dwellings are each proposed with 1000 litre rainwater tanks. In order to be consistent with Principle of Development Control 159, it is recommended that the rainwater tank capacity be increased to 2000 litres given the extent of impervious areas proposed.

### Summary

The proposed semi-detached dwellings are a dwelling type anticipated within the zone and are in an area which is considered suitable for increased dwelling densities. Although the site areas of each dwelling are consistent with the Development Plan, the proposed frontage widths are less than anticipated for semi-detached dwellings within the zone. Notwithstanding this shortfall, the proposed development is not considered to unreasonably compromise the character of the street, particularly as the garages are located at the rear.

The dwellings have an outwardly two-storey form however the variety of materials is considered to provide a reasonable streetscape outcome. The location of the garages at the rear improves on-street parking opportunities and for soft landscaping in the front yard.

Each dwelling is provided with sufficient private open space and car parking to accommodate the likely future needs of the occupants. Access to northern light is compromised due to the orientation of the allotment and dwellings.

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 155/684/2015 by Gabriel Stracchi to construct a pair of two-storey semi-detached dwellings with garages from the rear lane on the land located at 12 Gwynne Street, Firlie subject to the following requirements, conditions and notes:

#### Relevant Plans

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

- Site and floor plan; and Upper floor plan and elevations, prepared by Alby's Designs, received by the Council 10 December 2015
- Site works and drainage plan prepared by Combe Pearson Reynolds, Drawing No. 150530-C01, received by the Council 13 January 2016

#### Conditions

1. The portion of the upper floor windows on the eastern and western (side) elevations, other than to Bedroom 2, less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent Gwynne Street kerb & water table or a Council underground pipe drainage system.



3. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet of each dwelling 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 with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. The roof material of the proposed dwellings and garages herein approved shall be galvanized iron or a pre-colour treated sheet metal, rather than zincalume to minimise the effects of glare on adjacent property occupants.
6. The existing crossover adjacent to the north western corner of the site shall be reinstated to kerb and gutter prior to the occupation of the dwellings to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.
7. New fencing dividing the front yards of the dwellings herein approved shall be no higher than 1.2 metres. Side boundary fencing forward of the dwelling should taper down such that it is a maximum of 1.2 metres high at the front boundary.

#### Notes to Applicant

1. The paving in the rear lane does not form part of this Application. The Applicant is reminded of the need to obtain any consent from land owners or users of the lane, which may be necessary to undertake work in the laneway.
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.

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