

# Development Assessment Panel Minutes

**21 March 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

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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 7pm

**PRESENT**

**Panel Members** Mr Terry Mosel  
Mr Phil Smith  
Mr Carlo Dottore  
Mr Kevin Duke  
Ms Fleur Bowden  
Ms Jenny Newman  
Mr Don Donaldson  
Ms Evonne Moore

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

**APOLOGIES** Mr John Minney

**ABSENT** Nil

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 15 FEBRUARY 2016**

*Mr Smith moved that the minutes of the Meeting of the Development Assessment Panel, held on 15 February 2016 be taken as read and confirmed,*

*Seconded by Ms Newman and carried.*

**2. STAFF REPORTS**

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

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/0809/2015 – PROGETTO DESIGN – 86 GAGE STREET, FIRLE

<b>DEVELOPMENT APPLICATION:</b>	<b>155/0809/15</b>
<b>APPLICANT:</b>	<b>Progetto Design</b>
<b>SUBJECT SITE:</b>	<b>86 Gage Street, Firle (Certificate of Title - Volume: 5700, Folio: 257)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a two storey residential flat building containing three dwellings</b>
<b>ZONE:</b>	<b>Residential Zone Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 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 construct a two storey residential flat building containing three dwellings.

Staff do not have delegated authority to determine the Application, as it comprises a development with more than two dwellings on one allotment. As such, the Application is referred to the Panel for determination.

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	17.3m
Depth:	59.4m
Area:	1028m <sup>2</sup>
Topography:	fall of approximately 1 metre from back to front
Existing Structures:	Nil
Existing Vegetation:	Nil

The subject land is currently vacant, having previously been occupied by St Barnabas Anglican Church, prior to its demolition in 2015. The church occupied the front half of the land, with the rear half having been used for car parking, with access from an adjacent private laneway, which bounds the northern side of the subject land.

The Applicant has provided a letter from a conveyancer, advising that it may be implied that there is an established right of way adjacent to the subject land given its continued use since the 1800s. It has been suggested by one of the representors that the church did not use the right of way, however annual aerial photography over the past ten years shows that it was used to service car parking at the rear of the property.

#### **Locality Attributes**

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

The locality of the subject land is characterised by a range of single storey dwellings, generally constructed around the mid twentieth century and predominantly detached on individual allotments. Some medium density dwellings exist in the locality, including a group of four (4) dwellings located to the south of the subject land at units 1-4, 84 Gage Street, three dwellings within a residential flat building to the rear of the subject land at 3 Gage Street and a pair of semi-detached dwellings at 71-73 Gage Street. A group of local shops is located on the corner of Gage Street and Gwynne Street. With the exception of a recently constructed two storey detached dwelling at 90 Gage Street, all buildings in the locality are single storey. The former church building on the subject land was akin to a two storey dwelling in height.

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

### Proposal in Detail

The proposal is for the construction of a two storey residential flat building, containing three dwellings.

The dwelling to be located adjacent to Gage Street (Residence 1) has a floor area of 270m<sup>2</sup> and comprises open-plan living, a study and a garage at ground level and three bedrooms and a retreat at first floor level. The garage is accessed via the laneway on the northern side of the subject land. A separate pedestrian access point is proposed via a common pathway, adjacent to the southern boundary of the subject land. Private open space is proposed to comprise a combination of a services court at the rear of the site and private front and northern side yard areas.

The rear two dwellings have floor areas of between 200 and 215m<sup>2</sup> and have similar floor plans to Residence 1, minus studies at ground floor level and retreats at first floor level. Residences 2 and 3 also have vehicular access from the adjacent laneway, with Residence 2 having space in front of the garage for visitor car parking. Both dwellings also have a pedestrian access point via the common pathway adjacent the northern boundary.

A range of materials and finishes are proposed for the dwellings, including rendered hebel panels, face brick, stone veneer and colorbond custom orb roof sheeting.

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	Residence 1	Residence 2	Residence 3	Development Plan Merit Assessment Quantitative Guideline
Site Area (excluding common areas)	368m <sup>2</sup>	277m <sup>2</sup>	295m <sup>2</sup>	250m <sup>2</sup> average excluding common areas
Site Width	15.2mm	15.2m	17.3m	N/A
Total Development Site Frontage		17.3m		18.0m
Site Depth	24.2m	18.2m	17.0m	N/A
External Wall Height*	5.9m	4.9-5.6m	4.9-5.6m	N/A
Maximum Overall Height (to roof apex)*	8.3m	7.3m	7.3m	Two-storey
Floor Area (total)	270m <sup>2</sup>	236m <sup>2</sup>	223m <sup>2</sup>	N/A
Floor Area (footprint)	167m <sup>2</sup>	141m <sup>2</sup>	123m <sup>2</sup>	N/A

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

Consideration	Residence 1	Residence 2	Residence 3	Development Plan Merit Assessment Quantitative Guideline
<b>Site Coverage</b>	45%	51%	42%	60% overall
<b>Private Open Space</b>	114m <sup>2</sup> (31% of site area)	84m <sup>2</sup> (30% of site area)	85m <sup>2</sup> (29% of site area)	20% of allotment area & 50% uncovered
<b>Street Setback</b>	6.0m	N/A	N/A	6.0m
<b>Side Setbacks (ground level)</b>	2.9m and 4.5m	3.7m and 3.0m	2.5m and 3.0m	2.5m
<b>Side Setbacks (upper level)</b>	2.9m and 4.9m	5.5m and 4.6m	5.5m and 3.0m	4.5m for dwellings not facing a public road (ie. Residences 2 and 3)
<b>Rear Setback</b>	N/A	N/A	4.0m ground 5.0m first floor	2.5m – ground 4.5m - first floor
<b>Car Parking Provision</b>	2 spaces	2 spaces	2 spaces + 1 visitor	2 spaces per dwelling plus 1 visitor space for every 2 dwellings

*\* 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.

Two (2) representations were received in response to the notification, copies of which are contained in **Attachment C**. Both representations expressed opposition to the Application and a summary of the representor's concerns is set out below:

- overshadowing of living room windows
- overshadowing of private open space
- overshadowing of solar panels
- adverse impact on the character of Gage Street, due to being 2 storey
- overlooking from upper level windows
- smell from rubbish bins
- boundary fencing between 84 and 86 Gage Street should be of sufficient height to provide privacy

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

- *Ms Angela DeMarco*

The Applicant has provided a written response to the representations and amended the Development Application, taking into account the concerns expressed by the representors. In particular, Residences 2 and 3 were significantly amended, increasing the setbacks of the upper levels from 3.2m (Residence 2) and 4.2m (Residence 3) to 5.5m for both dwellings, with the exception of a portion of the stair of Residence 2, which is set back 4.4m. the roof lines have also been altered for Residences 2 and 3, so that only a small amount of the upper level external walls are visible when viewed from the adjacent properties to the south.

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

### **State Agency Consultation**

No consultation with State Agencies is required for this Application.

### **Discussion**

The subject land is located within 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:

Residential Zone Desired Character Statement	
Residential Zone Objectives:	1, 2
Residential Zone PDC's:	1, 3, 7
City Wide Objectives:	1, 2, 7, 8, 10, 55-57
City Wide PDC's:	1-4

The Desired Character Statement for the Residential Zone states (in part):

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

Residential flat buildings are an anticipated land use and built form within the Residential Zone.

Residential Zone Principle of Development Control 7 sets out the minimum site area requirements for new dwellings in the Policy Area. In relation to residential flat buildings, Principle 7 states that there should be an average site area of 250m<sup>2</sup> per dwelling, exclusive of common areas.

In this instance, the subject land has an average site area, exclusive of common areas, of 313m<sup>2</sup>, consistent with Residential Zone Principle 7.

In relation to the frontage width of the subject land, Residential Zone Principle 7 states that the development site should have a minimum frontage width of eighteen (18) metres, when catering for residential flat buildings. This minimum frontage width takes into account the usual requirement for a proportion of the frontage to be occupied by a vehicular driveway, which when serving residential flat buildings, would typically be 6 metres in width. In the case of the subject land, it has the advantage of the adjacent laneway for vehicular access, enabling the majority of the width of the subject land to be utilised for the siting of dwellings and surrounding open space. In this context, the 17.3 metre wide frontage of the subject land (representing a 700mm shortfall) is considered acceptable.

Having regard to the Desired Character Statement for the Residential Zone, the provisions relating to allotment size and frontage, the proposed land use and resulting dwelling density is considered to be consistent with the intent of the Residential Zone.

Streetscape/bulk/scale/height/character

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

Residential Zone Desired Character Statement	
Residential Zone 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 Residential Zone states (in part):

*“The existing character of the zone is varied and is derived from a number of factors, including built form, allotment size, road widths and natural features such as vegetation, topography and waterways. Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a ‘suburban’ feel with a high level of amenity. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring ‘space’ to be established between buildings.*”

*“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape. Garages and carports will be located to the side or rear of dwellings and the placement of driveways will ensure minimal disruption to footpaths and street trees.”*

Residential Zone Principle of Development Control 8 states that dwellings facing a public road may be up to two storeys in height. Unlike the Residential Character Zone, the policies applicable to the Residential Zone do not state that new dwellings should be designed to achieve a mostly single storey streetscape appearance in localities characterised by single storey development. Accordingly, the fact that Residence 1 would represent only the second ‘intrusion’ of an outwardly two storey form within the Gage Street streetscape, is not considered to be problematic. The Residential Zone was introduced on 2 July 2015 and over time the character streetscapes within the zone will evolve, consistent with the Residential Zone policies, which allow for outwardly two storey dwellings fronting the street.

Although two storey dwellings facing public roads are anticipated in the zone, the Desired Character Statement requires that development achieves a ‘suburban character’, through the provision of suitable space around dwellings and by ensuring that the overall proportions of buildings as they present to the street, are balanced and in accordance with good architectural practice. Residence 1 is considered to be consistent with these principles. Although taller than most dwellings in the street, the composition of the façade is otherwise similar, with a traditional roof form and pitch, a similar facade width and space to side boundaries, similar construction materials, and traditional vertical window proportions.

Consistent with the Desired Character Statement, the garage of Residence 1 is located to the rear of the dwelling and the use of the laneway, rather than introducing a new driveway and crossover, will ensure minimal disruption to footpaths and street trees. The streetscape elevation provided, is considered to demonstrate that Residence 1 will likely fit comfortably with the existing streetscape character.

In relation to Residences 2 and 3, City Wide Principle of Development Control 201 states:

*“The height of a dwelling/s sited behind a dwelling/s fronting a public road on a battleaxe, hammerhead or similar configuration allotment or site (including those accommodating group dwellings) should not exceed one storey, nor should the dwelling contain a second storey in the roof space, except where:*

- (a) the predominant height of the surrounding existing 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 or policy area for such dwellings.”*



In relation to part (a) of Principle 201, whilst there is a two storey dwelling in close proximity to the subject land, the predominant building height of surrounding existing dwellings is single storey. In relation to part (b), the Residential Zone sets a height limit for two-storey dwellings facing a public street, however does not do so for other forms of dwellings. Instead, the Residential Zone policies are silent on the height parameters for dwellings which do not face a public road. In contrast, the Medium Density Policy Area provisions set a height limit of two storeys for all dwellings, regardless of whether or not they face a public road, other than in some stated situations, where a greater height is permitted.

Accordingly, for the purposes of part (b) of City Wide Principle 201, it is considered that dwellings sited behind dwellings fronting a public road are not envisaged in the Residential Zone, other than within the Medium Density Policy Area, or on exceptionally large sites, such as those created through amalgamation of allotments, as stated in the Desired Character Statement. The subject land is not located in the Medium Density Policy Area and is not an exceptionally large allotment in the context of the zone, albeit that it is the largest allotment within the locality. That said, there are circumstances associated with the subject land which are considered to lend support to the establishment of two storey dwellings behind Residence 1.

The first such circumstance is that the subject land is located on the boundary of the Medium Density Policy Area. Specifically, the Medium Density Policy Area is located immediately east of the subject land. The rear of the subject land (where Residences 2 and 3 are proposed) is therefore in a transition area, between the Medium Density Policy Area, where the policies allow for two storey residential flat buildings with no minimum site area and the Residential Zone, where more moderate policies apply.

The second circumstance which is considered to lend support to two storey dwellings at the rear of the subject land, is the laneway located adjacent to the northern boundary of the subject land. It provides a buffer between development on the land and development to the north and allows buildings on the subject land to be sited further away from the southern boundary. Whilst discussed in greater detail in the section below on setbacks, the proposed setbacks from the southern boundary are greater than the minimum setbacks that apply to two storey dwellings sited behind dwellings fronting a public road, both at ground and upper floor levels.

Whilst the proposed dwellings are two-storey in form, they have been designed to reduce the prominence of the upper levels when viewed from adjacent land to the south. This has been achieved by continuing the roof of the upper level down below the ceiling level, so that the gutter height of the upper level roof is located just above the point at which the ground level roof meets the external wall. This leaves only a small portion of upper level wall exposed to view.

In this context, the proposed building heights are considered to be acceptable.

The proposed dwellings are proposed to be constructed and finished in a range of traditional building materials and a simple hipped roof form, which will reasonably complement other development within the locality. The proposed residential flat building is contemporary in its form, with hipped roofs, wide eaves and incorporate 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:

Residential Zone PDC's:	8
City Wide PDC's:	202, 203, 208

Residential Zone Principle of Development Control 8 states that dwellings should be designed with a minimum setback from the primary road frontage of six (6) 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.

Residence 1 is located at the front of the allotment and maintains traditional side setbacks of between 2.9m and 4.9m, which complement other dwellings fronting roads within the locality.

Residences 2 and 3 have varied side and rear setbacks, ranging from 2.5m to 4.0m at ground level and 3.0m to 5.5m at first floor level. The dwellings are inconsistent with the 4.5m upper level setback provision (PDC 203) on the northern side, adjacent to the vehicular lane. This is not considered problematic, as the laneway provides additional separation to the nearest residence on the northern side of the lane.

Concerns were raised by the owners of the adjoining dwellings to the south at Units 2 and 4, 84 Gage Street, regarding the two storey nature of the dwellings and resulting overshadowing impacts, overlooking and interruption of visual outlook. Whilst the former two issues are addressed in the section below, outlook is related to the setback distances proposed.

In this respect, Unit 2, 84 Gage Street is located adjacent to proposed Residence 1. Residence 1 is set back from the southern side boundary by between 2.9m and 4.4m at both ground and upper floor levels. Had a detached dwelling been proposed to be constructed on the subject land, Residential Zone Principle of Development Control 8 would have required a 900mm setback from the southern side boundary at ground level (other than a garage which may be constructed on the boundary) and a 2.9m setback at upper floor level. The proposed setbacks of Residence 1 are significantly greater than that and can therefore be reasonably anticipated.

Unit 4, 84 Gage Street is located adjacent to proposed Residences 2 and 3. Residence 2 is set back from the southern side boundary by between 3.7m and 5.5m at ground level and 5.5m at upper level, with the minor exception of a portion of the stair, which comes to within 4.4m of the boundary. Residence 3 is set back from the southern boundary by between 2.5m and 5.5m (mostly 2.5m) at ground level and 5.5m at upper level.

In combination with the design approach aimed at reducing the prominence of the upper level, these setbacks are considered to result in a reasonable outlook from the windows of Unit 4 to the south and its rear private open space area. In particular, the outlook would not be dissimilar in terms of scale and disruption of sky views, to that of single storey dwellings situated entirely 2.5m from the boundary, which could be reasonably anticipated in light of the policies for the Residential Zone. The proposal is considered to be consistent with City Wide Principle of Development Control 193, which states:

*“Dwellings should be designed and sited to minimise the impact of the building’s bulk when viewed from the private open space of adjacent sites by:*

- (a) increasing setbacks on upper levels of buildings in order to achieve greater separation from neighbouring private open space; and*
- (b) using articulation, colour, materials and detailing.”*

#### 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 Principles of Development Control 71, 195 and 196 provide quantitative guidance regarding overshadowing impacts and state:

City Wide Principle of Development Control 71:

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

- (a) any existing solar collectors (such as solar hot water systems and photovoltaic cells) on adjoining properties; or*
- (b) an area of at least 10m<sup>2</sup> on the north facing roof of the existing building/s, in the event that there are no existing solar panels and/or photovoltaic cells on the adjoining property; and in any case*

*development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements."*

City Wide Principle of Development Control 195:

*"Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that the north-facing windows of habitable rooms of dwelling(s) on adjacent sites receive at least 3 hours of direct sunlight over a portion of their surface and in the case of the main living area windows, a minimum of 50% of their surface, between 9am and 5pm on the winter solstice (21 June). Development should not increase the overshadowed area in cases where overshadowing from existing structures, fences and non-deciduous vegetation already exceeds this requirement."*

City Wide Principle of Development Control 196:

*"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."*

Unit 2, 84 Gage Street has photovoltaic panels located on the northern side of its roof. The shadow diagrams provided by the applicant, show that the panels would be unaffected by the proposed development at 9:00am and 12:00pm on 21 June, with approximately 50% of their surface being shadowed at 3:00pm. Accordingly, a minimum of 3 hours access to sunlight would be maintained, consistent with Principle 71.

Unit 4, 84 Gage Street has no photovoltaic panels, however the owner has advised that they have been ordered to be installed. Principle 71 states that an area of at least 10m<sup>2</sup> on the north facing roof of an existing building should receive sunlight for a minimum of 3 hours on 21 June, to allow for the future installation of photovoltaic panels. The shadow diagrams show that the northern roof of Unit 4, 84 Gage Street is almost entirely unaffected by the proposed development and therefore Principle 71 is achieved.

In relation to the north facing windows of Unit 2, 84 Gage Street, the shadow diagrams show that the overshadowing from the recently demolished church exceeded the standard set in Principle 195 of 3 hours over a portion of window surface between 9am and 5pm on the winter solstice. Principle 195 requires that development does not increase the overshadowed areas in cases where overshadowing from existing structures already exceeds this requirement. The shadow diagrams show that overshadowing from the proposed development would be less than that caused by the church and as such, Principle 195 is achieved. Whilst the church is not an 'existing structure' (due to being demolished in the last 12 months), it is considered reasonable and consistent with the intent of the policy, for the same principle to apply.

In relation to the north facing windows of Unit 4, 84 Gage Street, shadow diagrams have been prepared in elevation form, to show how high shadows cast by proposed Residences 2 and 3, would extend up the windows of Unit 4. The diagrams show that at least 3 hours of direct sunlight over a portion of their surface between 9am and 5pm on the winter solstice. Neither of the windows are main living area windows and as such, Principle 195 requires that a *portion* of their surface receive sunlight, rather than 50% which would otherwise be the case. The main living area window is likely to face east, towards the private open space area at the rear of Unit 4.

In relation to overshadowing of the private open space areas of Units 2 and 4, 84 Gage Street, the shadow diagrams show that the amount of overshadowing to the private open space areas of both dwellings, is greater than the standard of at least half of the area receiving direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June. Consistent with Principle 196, the shadow diagrams show that the proposed development would not increase the overshadowed area.

The proposal is therefore consistent with Principles 71, 195 and 196 and as such, is not considered to cause excessive overshadowing of the adjacent units to the south.

Whilst not shown on the plans, the Applicant has verbally advised that they intend for the portion of any upper level windows located lower than 1.7m above floor level, to comprise fixed obscure glass, with the exception of those of Residence 1 facing over Gage Street. If the Panel determines to consent to the application, it is recommended that a condition be imposed to that effect.

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:*

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

All of the proposed dwellings have site areas greater than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of at least 20% of the site areas. The proposed private open space areas accord with this, ranging from 29% to 31% of the site areas.

A large portion of the private open space of Residence 1 is proposed between the primary street boundary and the dwelling. City Wide Principle of Development Control 22 states (in part):

*“The space should not be located between the primary street frontage and the main face of an existing or proposed building unless high, solid front fences form part of the existing streetscape or the desired character of the locality”*

High, solid front fences do form part of the existing streetscape within the locality. High brush fencing is located in front of Units 1 and 2 at 84 Gage Street. Further south, a high painted bessa-block wall is situated on the front boundary of 82 Gage Street and beyond that, a former shop building is located on the street boundary, as is the group of shops on the opposite side of Gwynne Street. In this context, the high, solid front fencing proposed in front of Residence 1 to create private open space is considered acceptable.

The private open space areas of each dwelling are directly accessible from the main living areas of the respective dwellings and have good northern orientation for solar access. Separate service court areas are provided at the rear of the dwellings for clothes drying and bin storage. One of the representors has concerns that the bin storage will cause odour. The bin storage areas are located approximately 2.5m from the southern boundary within screened enclosures. This is considered to be a reasonable separation distance in a residential context.

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 two (2) on-site car parking spaces should be provided for each dwelling, of which at least one (1) should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings

(rounded up to the nearest whole number), which results in a total theoretical demand for eight (8) on-site car parking spaces.

Seven (7) on-site car parking spaces are proposed, comprising six (6) dedicated occupant car parking spaces within garages and one (1) visitor space associated with Residence 3. It would not be practical for two visitor cars to park in front of the garage of Residence 3, as there is less than 6m between the back of a car parked in the visitor space and the back of the lane. Therefore, much of the 6m wide space in front of the garage would be needed for manoeuvring, when exiting the space.

Accordingly, the proposal has a shortfall of one (1) on-site car parking space. Given that the adjacent laneway is proposed to be used for vehicular access, the entire 17.3m frontage of the property is able to be used for on-street visitor parking, including returning an existing driveway crossover to upright kerbing. This would facilitate the parking of 3 vehicles. Convenient visitor access to all three dwellings from the street frontage is proposed via the pedestrian walkway adjacent to the southern boundary.

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
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The subject land falls approximately 1.0 metre from the rear boundary to the street. The Applicant has proposed to step the finished floor levels of the dwellings to reduce the need for retaining walls. The finished floor level of Residence 1 is approximately 300mm above the adjacent top of kerb level. Residence 2 is 300mm higher than Residence 1 and Residence 3 is 300mm higher than Residence 2. The levels will result in minimal cut and fill and subsequent retaining at boundaries.

All boundary fences are proposed to be 'good neighbour' colourbond fences, to a height of 1.8 metres.

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.

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 that would be affected by the proposed development.

The Applicant has provided a landscaping layout plan and a 'planting guide', providing a selection of small trees, grasses and tufting plants to be used. Whilst the general direction of the proposed landscaping is considered appropriate, if the Panel determines to consent to the application, it is recommended that a more detailed landscaping plan be provided to the reasonable satisfaction of the Council, prior to the granting of Development Approval.

A large mature Queensland Box street tree is unaffected by the proposal.

### Environmental Sustainability

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

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

All three dwellings are well orientated for solar access to the dwellings and their private open space. The proposed dwellings have generous eaves which, when combined with the high level windows at first floor level, will reduce the heat loading on these windows in summer, while enabling solar access in winter.

The Applicant has proposed 1000 litre rainwater tanks for each dwelling, consistent with the BCA requirements. This is inconsistent with City Wide Principle 274 and it is recommended that if the Panel determines to approve the development proposal, a condition be imposed requiring 2000 litre rainwater retention per dwelling.

### **Summary**

The Residential Zone is intended to accommodate a wide range of dwelling types, including residential flat buildings. The density of the proposed development is consistent with the Residential Zone provisions. The proposed two-storey built form of Residence 1 is consistent with the Residential Zone, while Residences 2 and 3 is considered to be acceptable in a two storey form, despite the Residential Zone not encouraging two story dwellings behind dwellings fronting a public road, as the site is at the interface with the Medium Density Policy Area, adjacent a lane and the dwellings have been designed to reduce the prominence of the upper level.

The proposed setbacks largely comply with or exceed the minimum requirements prescribed in the Development Plan. Where the setbacks do not strictly comply, the shortfall relates to the northern side, adjacent to the lane, which is of little consequence. The provision of private open space and the resulting site coverage all exceed the minimum requirements contained in the Development Plan.

Access and egress is considered to be safe and convenient. The provision of on-site car parking is one space less than the rate prescribed by Table NPSP/8, however on-street parking is improved by the proposal.

The provision of landscaping is generally positive and a large mature street tree will assist in integrating the proposal with the established streetscape.

The proposed finished floor levels and bench levels have been well considered and will reduce the perceived bulk and scale of the development, when viewed from adjacent land, while enabling stormwater to be disposed of by gravity to the street.

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 155/0809/15 by Progetto Design, to construct a two storey residential flat building containing three dwellings; at 86 Gage Street, Firlie, 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:

- Plans by Progetto Design, Drawing Numbers:
  - 1509-104-1150, Revision B
  - 1509-104-1100, Revision F
  - 1509-104-2100, Revision H
  - 1509-104-3000, Revision F
  - 1509-104-3001, Revision D

### Conditions

1. The portion of all first floor windows that directly face the side and rear boundaries of the subject land, which are 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 16 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. A landscaping plan providing greater detail in relation to the location of individual species shall be provided to the reasonable satisfaction of the Council prior to the issuing of Development Approval.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
7. The existing crossing point on Gage Street shall be returned to upright kerbing, prior to the occupation of the premises.

Notes to Applicant

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

*This Item was withdrawn from the Agenda by the Councils administration due to an administrative error.*



## 2. STAFF REPORTS

### 2.2 DEVELOPMENT APPLICATION 155/0775/2015 – FINESSE BUILT – 338 PORTRUSH ROAD, HEATHPOOL

<b>DEVELOPMENT APPLICATION:</b>	<b>155/0775/15</b>
<b>APPLICANT:</b>	<b>Finesse Built</b>
<b>SUBJECT SITE:</b>	<b>338 Portrush Road, Heathpool (Certificate of Title - Volume: 5677, Folio: 797)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of eight (8) two-storey group dwellings with associated fencing, retaining walls and landscaping</b>
<b>ZONE:</b>	<b>Residential Zone Norwood Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 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 construct eight (8) two-storey group dwellings with associated fencing, retaining walls and landscaping.

Staff do not have delegated authority to determine the Application, as it comprises a development with more than two (2) dwellings on one (1) allotment. As such, the Application is referred to the Panel for determination.

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	38.1m
Depth:	74.07m
Area:	2822m <sup>2</sup>
Topography:	fall of approximately 2.6 metres from the rear to the Portrush Road boundary
Existing Structures:	detached dwelling and outbuildings
Existing Vegetation:	small trees and shrubs

The subject land is currently occupied by a single storey detached dwelling and associated outbuildings. There are no regulated trees on the subject land.

#### **Locality Attributes**

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

The locality is characterised by a range of residential development. Portrush Road has a mixed residential character, with detached dwellings on varying allotment sizes, ranging from 2822m<sup>2</sup> (the subject land) to 602m<sup>2</sup> at 342 Portrush Road.

Medium density development, in the form of a pair of two-storey residential flat buildings, with twelve (12) residential flats, is located adjacent to the intersection of Portrush Road and Stannington Avenue at 1A and 1B Stannington Avenue; and a group of three (3) single storey group dwellings are located at 332 Portrush Road. These developments have an average allotment size per dwelling of 147m<sup>2</sup>, excluding the common areas.

Beyond Portrush Road, the locality is characterised exclusively by detached dwellings on varying sized allotments.

The subject land abuts the Residential Character Zone to the east and the City of Burnside to the west. There are no Local Heritage Places within the locality.

Portrush Road is an Arterial Road and is the primary freight route between the South-Eastern Freeway and the northern suburbs of Adelaide.

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

### **Proposal in Detail**

The Applicant proposes to construct eight (8) two-storey group dwellings with associated fencing, retaining walls and landscaping.

The proposed group dwellings are contemporary in their form, with hipped roofs, wide eaves and incorporate a range of materials and colours.

Dwellings 1 and 7 incorporate a range of materials and finishes; with three (3) external wall treatments including 'Surfmist' (off-white) render, 'Sunrise Silver' Alucobond and 'Cobalt' feature face brick. The windows are proposed to be constructed with anodised aluminium frames and 'Woodland Grey' (dark grey) Colorbond roofing is proposed, with a 20 degree pitch.

Dwellings 2 and 8 include a range of materials and finishes; with three (3) external wall treatments including 'Whisper White' (off-white) render, 'Grey Brown' Alucobond and 'Cobalt' feature face brick. The windows are proposed to be constructed with black aluminium frames and 'Woodland Grey' (dark grey) Colorbond roofing is proposed, with a 20 degree pitch.

Dwellings 3 and 6 include three (3) external wall treatments including 'Greyology 2' (pale grey) render, black Alucobond and 'Muscat Grey' feature face brick. The windows are proposed to be constructed with anodised aluminium frames and 'Muscat Grey' Colorbond roofing is proposed, with a 20 degree pitch.

Dwellings 4 and 5 include three (3) external wall treatments including 'Minimalist 1' (light grey) render, 'Sunrise Silver' Alucobond and 'Grange' (light brown) feature face brick. The windows are proposed to be constructed with black aluminium frames and 'Wallaby' (mid-range grey) Colorbond roofing is proposed, with a 20 degree pitch.

Each of the dwellings contain a combined kitchen/meals/family area, a master bedroom with walk-in robe and en-suite, a laundry, a separate toilet, a covered alfresco area and a double width garage at ground level. At the first floor level, Dwellings 1, 2, 4, 5 and 8 contain a second living area, three (3) bedrooms and a bathroom. Dwellings 3, 6 and 7 contain a second living area, two (2) bedrooms and a study (or third bedroom) and a bathroom at first floor level.

The development is proposed to be accessed via a single split entry from Portrush Road, which only enables left-in and left-out vehicle movements. Each of the proposed dwellings has two (2) occupant car parking spaces within a double-width garage. Dwellings 1, 2, 4, 5, 7 and 8 each have two (2) exclusive visitor car-parking spaces, while Dwellings 3 and 6 each have one (1) exclusive visitor car-parking space.

The proposed development includes a landscaping scheme that proposes a range of small trees, shrubs and ground covers including Ornamental Plum, Ornamental Pear, Pencil Pines, Viburnum hedge, Nandina Nana, Japanese Buxus Japonica and lawn. Several mature non-regulated trees are proposed to be retained at the front of the site, adjacent to Portrush Road.

A 2.0 metre high 'Organic 1' (light grey) rendered pillar and panel front fence is proposed along the front boundary. The pillars extend to a height of 2.1 metres and are to be painted with 'Refuge 2' (mid-range grey).

Retaining walls and 1.8 metre high Colorbond 'Good Neighbour' fencing is proposed to the side and rear property boundaries. The proposed retaining walls range in height up to 700mm adjacent to Dwelling 5, in the south-eastern corner of the subject land. The proposed finished floor levels will require the subject land will be 'cut', such that the proposed fencing will be contained to 1.8 metres above the natural ground level of adjacent land.

The demolition of the existing dwelling, all outbuildings and the existing front fence do not require Development Plan Consent and, as such, have not been included with this Application. A separate 'Building Only' Schedule 1A application will be lodged for this aspect of the development.

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	Dwellings 1 & 8 (front dwellings)	Dwellings 2 & 7	Development Plan Merit Assessment Quantitative Guideline
<b>Site Areas</b> (excluding common areas)	314m <sup>2</sup> & 311m <sup>2</sup>	315m <sup>2</sup> & 315m <sup>2</sup>	325m <sup>2</sup> average excluding common areas (Residential Zone PDC 7)
<b>Site Width</b>	16.55m	19.06m	N/A
<b>Site Depth</b>	19.33m	16.55m	N/A
<b>External Wall Height*</b>	5.7m	5.7m	N/A
<b>Maximum Overall Height (to roof apex)*</b>	7.5m	7.5m	Two-storey (Residential Zone PDC 8)
<b>Floor Area (total)</b>	248m <sup>2</sup> & 248m <sup>2</sup>	252m <sup>2</sup> & 268m <sup>2</sup>	N/A
<b>Floor Area (footprint)</b>	155m <sup>2</sup> & 155m <sup>2</sup>	160m <sup>2</sup> & 175m <sup>2</sup>	N/A
<b>Site Coverage</b>	49% & 50%	51% & 56%	60% overall (Residential Zone PDC 8)
<b>Private Open Space</b>	70m <sup>2</sup> & 70m <sup>2</sup> (22% of site areas)	69m <sup>2</sup> & 70m <sup>2</sup> (22% of site areas)	20% of allotment area & 50% uncovered (CW PDC's 225(a) & 229)
<b>Street Setback</b>	6.0m	N/A	6.0m (Residential Zone PDC 8)
<b>Side Setbacks (ground level)</b>	1.1m – 2.5m (front dwellings - PDC 202 does not apply)	2.0m – 2.7m	2.5m (CW PDC 202)
<b>Side Setbacks (upper level)</b>	2.7m – 4.0m (front dwelling - PDC 203 does not apply)	5.0m - 5.1m	4.5m (CW PDC 203)
<b>Rear Setback</b>	N/A	N/A	2.5m – ground 4.5m - first floor (CW PDC's 202 & 203)
<b>Car Parking Provision</b>	2 spaces + 2 visitor	2 spaces + 2 visitor	3 spaces per dwelling plus 1 visitor space for every 2 dwellings (Table NPSP/8)

**TABLE 1: DEVELOPMENT DATA (cont.):**

Consideration	Dwellings 3 & 6	Dwellings 4 & 5	Development Plan Merit Assessment Quantitative Guideline
<b>Site Areas</b> (excluding common areas)	304m <sup>2</sup> & 304m <sup>2</sup>	309m <sup>2</sup> & 309m <sup>2</sup>	325m <sup>2</sup> average excluding common areas (Residential Zone PDC 7)
<b>Site Width</b>	18.81m	19.05m	N/A
<b>Site Depth</b>	16.55m	16.67m	N/A
<b>External Wall Height*</b>	5.7m	5.7m	N/A
<b>Maximum Overall Height (to roof apex)*</b>	7.5m	7.5m	Two-storey (Residential Zone PDC 8)
<b>Floor Area (total)</b>	264m <sup>2</sup> & 257m <sup>2</sup>	248m <sup>2</sup> & 247m <sup>2</sup>	N/A
<b>Floor Area (footprint)</b>	170m <sup>2</sup> & 164m <sup>2</sup>	155m <sup>2</sup> & 153m <sup>2</sup>	N/A
<b>Site Coverage</b>	56% & 54%	50% & 50%	60% overall (Residential Zone PDC 8)
<b>Private Open Space</b>	67m <sup>2</sup> & 63m <sup>2</sup> (22% & 21% of site areas)	108m <sup>2</sup> & 108m <sup>2</sup> (35% of site areas)	20% of allotment area & 50% uncovered (CW PDC's 225(a) & 229)
<b>Street Setback</b>	N/A	N/A	6.0m (Residential Zone PDC 8)
<b>Side Setbacks (ground level)</b>	1.9m – 2.5m	2.7m – 4.0m	2.5m (CW PDC 202)
<b>Side Setbacks (upper level)</b>	5.0m	4.0m	4.5m (CW PDC 203)
<b>Rear Setback</b>	N/A	1.1m – 2.5m (ground level) 5.0m (first floor)	2.5m – ground 4.5m - first floor (CW PDC's 202 & 203)
<b>Car Parking Provision</b>	2 spaces + 1 visitor	2 spaces + 2 visitor	3 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.

Five (5) representation were received (all opposing the development) in response to the notification, copies of which are contained in **Attachment C**. A summary of the representor's concerns is set out below:

- the proposed development represents an overdevelopment of the site;
- the representors suggest that four (4) to six (6) single storey dwellings would be more appropriate;
- the development will overshadow adjacent land;
- the two-storey dwellings are out of character with the area, due to excessive bulk and scale;
- overlooking is possible from the first floor windows to adjacent dwellings;
- the proposed side and rear setbacks are inadequate;
- the proposed retaining walls may impact on adjacent hedges and screens;
- the proposed development will add to traffic congestion on Portrush Road;

- the Application deviates from the (adjacent) Heathpool/Marryatville Policy Area provisions;
- the proposed development will result in an increase in demand for on-street car parking in Stannington Avenue;
- common boundary fencing and retaining of up to 2800mm will reduce access to sunlight;
- substantial vegetation removal will increase noise from Portrush Road;
- the proposed site coverage is too high;
- noise associated with the proposed private open space areas being located adjacent to the adjoining residents.

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

- *Mr Garth Heynen on behalf of Mr & Mrs Vlahiotis; and*
- *Mr Simon Feast.*

The Applicant has provided a response to the representations. A copy of the Applicant's response is contained in **Attachment D**.

A summary of the response is provided below:

- the proposed development results in an average site area of 310m<sup>2</sup>, excluding the common areas, which represents only a minor departure (4.6%) from Zone PDC 7 (325m<sup>2</sup>) in terms of dwelling density;
- the proposed dwelling setbacks largely comply with the relevant Development Plan provisions;
- the dwelling designs and facade treatments have been varied to provide visual interest, styling and shading, to assist in reducing the perceived bulk of the buildings;
- a detailed landscaping plan has been provided to further soften the built form elements of the proposal;
- two-storey dwellings are anticipated within the Residential Zone and are not uncharacteristic within the locality;
- infill residential development is considered to be appropriate adjacent to main roads with access to public transport and nearby shops;
- all of the proposed dwellings have in excess of 20% private open space, with direct links to the living areas of the dwellings;
- site coverage ranges between 45% and 49%, which is significantly less than the 60% allowed in the Residential Zone;
- the proposed dwellings have been cut into the land, rather than filled, to reduce the perceived bulk of the dwellings and to reduce potential overshadowing;
- the first floor level of dwellings 6 and 7 are set back 5.0 metres from the southern property boundary to further assist in reducing overshadowing and visual impacts from adjacent land;
- all first floor windows (other than those directly facing Portrush Road or the internal driveway) incorporate fixed obscure glazing to 1750mm above the internal floor level, to restrict potential overlooking;
- vehicular access, manoeuvring and on-site car parking meet (or exceed) the minimum requirements within the Development Plan and the relevant Australian Standards;
- the proposed access driveway complies with the requirements of DPTI (specifically the Commissioner of Highways);
- landscaping adjacent to the common boundaries with adjacent land will reduce the impact of incidental noise associated with the future residents;
- the proposed retaining walls will only be visible from the subject land due to the proposed benched levels of the dwellings, such that all boundary fencing will not exceed 1800mm when viewed from adjacent land;
- the cost associated with all retaining and replacement fencing will be met by the Applicant;
- the Applicant will notify and negotiate with adjacent residents at the appropriate time regarding fencing and adjacent hedges and/or screens;
- existing mature trees that are located adjacent to the Portrush Road frontage have been incorporated into the proposed landscaping plan and will be retained; and
- the proposed development represents a built form of a high architectural standard with an appropriate design, bulk and scale that is sympathetic with the 'suburban' character of the locality.

## State Agency Consultation

The Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the *Development Regulations 2008*, as the proposed development includes the creation of a new access point to an arterial road (Portrush Road). The Commissioner of Highway's response is discussed in detail under the heading *Car parking/access/manoeuvring* later in the report.

## Discussion

The subject land is located within the Residential 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:

#### Residential Zone Desired Character Statement

Residential Zone Objectives: 1, 2  
Residential Zone PDC's: 1, 3, 7

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

The Desired Character Statement for the Residential Zone states (in part):

*"Most development within the zone will occur through the renovation of existing dwellings, the replacement of existing dwellings with one or two dwellings and to a lesser extent, new dwellings to the rear of existing dwellings. In locations where there are large allotments or where the amalgamation of allotments has occurred, there may be opportunity to develop low-rise (one or two-storey) group dwellings, row dwellings and residential flat buildings. Within the Medium Density Policy Area, opportunities for development of up to four (4) storeys will be considered in some locations."*

Group Dwellings are an anticipated land use and built form within the Residential Zone.

Residential Zone Principle of Development Control 7 sets out the minimum site area and frontage requirements for new dwellings in the Policy Area. In relation to group dwellings, Principle 7 states that there should be an average site area of 325m<sup>2</sup> per dwelling, exclusive of common areas, and that the development site should have a minimum frontage width of eighteen (18) metres.

In this instance, the subject land has an average site area, exclusive of common areas, of 310m<sup>2</sup> and a frontage width of 38.1 metres. The proposed average site area, exclusive of common area, is 4.6% less than that prescribed by Residential Zone PDC 7.

At the time that the Application was lodged, the proposed development had an average site area per dwelling of 325m<sup>2</sup>, exclusive of common area, consistent with Residential Zone PDC 7. However, staff were concerned with the width of the driveway and the provision of landscaping within the common areas. The common driveway width was subsequently widened to 5.0 metres to enable two-way vehicle movements and the landscaping areas at the front of each dwelling, adjacent to the common driveway, were improved significantly, resulting in the average allotment areas for the proposed dwellings reducing to 310m<sup>2</sup>.

The proposed siting of the dwellings has remained unchanged from the original scheme and there is no discernible difference in the allotment sizes from the original scheme, as the realigned internal common area boundary will not be fenced. As such, the proposed minor shortfall in average allotment size is considered to be acceptable, as it has facilitated a better outcome for the development.

Several of the representors cited dwelling density as one of their reasons for opposing the development, with statements including that the proposed development is out of character with the adjacent dwellings and the provisions of the "Heathpool Residential Zone" (which is understood to be a reference to the Heathpool/Marryatville Policy Area of the Residential Character Zone). Most of the adjacent dwellings, including four (4) of the representor's properties, are located within the adjacent Heathpool/Marryatville Policy Area of the Residential Character Zone.

The subject land is located in the Residential Zone, which includes all of the allotments in the locality with frontages to Portrush Road. There is an important distinction between development along Portrush Road, which is contained in the Residential Zone, and development within the suburban side streets, which is located in the Residential Character Zone.

Portrush Road is characterised by a range of dwelling types, including detached dwellings, group dwellings and residential flat buildings. Medium density development, in the form of a pair of two-storey residential flat buildings, with twelve (12) residential flats, is located adjacent to the intersection of Portrush Road and Stannington Avenue at 1A and 1B Stannington Avenue; and a group of three (3) single storey group dwellings are located at 332 Portrush Road. These developments have an average allotment size per dwelling of 147m<sup>2</sup>, excluding the common areas.

Accordingly, whilst the density of the proposal is approximately 5% higher than what the Development Plan envisages, it is reasonably consistent with some of the adjacent higher density developments along Portrush Road, as described above.

Within the adjacent residential streets, including Stannington Avenue and Rothbury Avenue, there is a very consistent low density residential character, which is reinforced by the provisions of the adjacent Residential Character Zone. However, the proposed development will not be prominently visible from either of the adjacent local streets and will not have any adverse impact on these streetscapes.

Having regard to the Desired Character Statement for the Residential Zone, the provisions relating to allotment size and frontage, the amalgamation of two (2) allotments to form the subject land and the general allotment pattern and character along Portrush Road, the proposed land use and resulting dwelling density is considered to be consistent with the intent of the Residential Zone.

#### Streetscape/bulk/scale/height/character

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

#### Residential Zone Desired Character Statement

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

City Wide Objectives: 18, 19 & 20  
City Wide PDC's: 28-32, 37, 39, 197, 201

In terms of building heights, City Wide Principle of Development Control 201 states:

*"The height of a dwelling/s sited behind a dwelling/s fronting a public road on a battleaxe, hammerhead or similar configuration allotment or site (including those accommodating group dwellings) should not exceed one storey, nor should the dwelling contain a second storey in the roof space, except where:*

- (a) the predominant height of the surrounding existing 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 or policy area for such dwellings."*

In relation to part (a) of Principle 201, whilst there are several two storey dwellings in the locality, the predominant building height of surrounding existing dwellings is single storey; hence part (a) is not of relevance to the assessment of the subject development. In relation to part (b), the Residential Zone anticipates two-storey group dwellings in certain circumstances.

The Desired Character Statement for the Residential Zone states (in part):

*“Most development within the zone will occur through the renovation of existing dwellings, the replacement of existing dwellings with one or two dwellings and to a lesser extent, new dwellings to the rear of existing dwellings. In locations where there are large allotments or where the amalgamation of allotments has occurred, there may be opportunity to develop low-rise (one or two-storey) group dwellings, row dwellings and residential flat buildings. Within the Medium Density Policy Area, opportunities for development of up to four (4) storeys will be considered in some locations.*

The subject land is the largest allotment within the locality and the proposed development includes the amalgamation of two (2) existing allotments. In this context, the subject land is considered to be appropriate for the development of two-storey group dwellings, in accordance with the Desired Character Statement for the Residential Zone and part (b) of City Wide Principle 201.

A larger scale of development can also be anticipated along arterial road frontages such as Portrush Road, where the Desired Character Statement for the Residential Zone calls for a more ‘urban’ character.

The Desired Character Statement for the Residential Zone states (in part):

*“An exception to this ‘suburban’ character will be found along arterial roads, especially in close proximity to centres, where the introduction of commercial development in small-scale purpose built buildings and mixed-use buildings will develop a more ‘urban’ character. The front set-back of buildings along these roads will be closer to the street edge, while still allowing sufficient room for landscaping.”*

Whilst the proposed development of eight (8) two-storey group dwellings is not considered to be a form of development that reflects the “urban character” envisaged within the Zone (i.e. it does not include a commercial aspect), a larger commercial built form could be established on the subject land, albeit in a different form and with differing siting characteristics.

The two-storey form of the proposed dwellings is considered to be acceptable in this instance, due to its compatibility with the desired character statement for the Residential Zone, the substantial size of the subject land, its location abutting an arterial road and the topography of the subject land which allows for the proposed dwellings to have benched levels up to 700mm below the natural ground level towards the rear of the allotment. The latter reason is discussed in more detail later in this report.

In terms of dwelling design, the Desired Character Statement for the Residential Zone states:

*“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape. Garages and carports will be located to the side or rear of dwellings and the placement of driveways will ensure minimal disruption to footpaths and street trees.”*

The proposed group dwellings are proposed to be constructed and finished in a range of traditional building materials and a simple hipped roof form, which will reasonably complement other development within the locality. The proposed group dwellings are contemporary in their form, with hipped roofs, wide eaves and incorporate a range of materials, finishes and articulation, which will provide visual interest consistent with the Desired Character Statement for the Residential Zone and City Wide Principle of Development Control 30.

The proposed two-storey dwellings have been designed to reduce the bulk and scale when viewed from adjacent land. The proposed dwelling sites have been benched at a level that is lower than adjacent land and the ceilings have been raised internally at the first floor level, to reduce the external wall heights. As a result, the proposed dwellings have an external wall height that ranges between 4.8 metres and 5.6 metres above the adjacent natural ground level.

The reduced external wall heights and the proposed finished floor levels, when combined with the proposed side and rear setbacks which are discussed in detail below, will result in a development that will not have an unreasonable impact on the amenity or visual outlook of adjacent dwelling occupiers, when considered in the context of the Residential Zone provisions described above.



### Setbacks and Site Coverage

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

Residential Zone PDC's:	8
City Wide PDC's:	202, 203, 208

Residential Zone Principle of Development Control 8 states that dwellings should be designed with a minimum setback from the primary road frontage of six (6) 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.

Dwellings 1 and 8 are located at the front of the allotment and, as such, they maintain traditional side setbacks of 1.1 metres at ground level and 4.0 metres at the first floor level, which complement other dwellings fronting roads within the locality.

The six (6) dwellings proposed at the rear of the allotment have varied side and rear setbacks, ranging from 1.9 metres to 4.0 metres at ground level; and 4.0 metres to 5.1 metres at the first floor level. The majority of the side and rear setbacks for Dwellings 2 to 7 are consistent with City Wide PDC's 202 and 203.

Where inconsistencies arise, it is noted that the dwellings are proposed to be benched lower than natural ground level, such that the ground level eaves are only marginally higher (and sometimes lower) than the adjacent fence height. This is illustrated on the side elevation drawings contained in Attachment B1. The ground level setbacks will not result in an unreasonable visual outlook when viewed from adjacent land and are considered to be acceptable.

At first floor level, most of the dwellings are set back 5.0 metres from the side and rear boundaries, which is greater than the minimum distance prescribed by City Wide PDC 203 and will assist in reducing the prominence of the dwellings when viewed from adjacent land, together with the extent of overshadowing on properties to the south of the subject land.

Dwellings 4 and 5, at the rear of the allotment, have side setbacks which are only 4.0 metres from the external boundaries, rather than 4.5 as stated in City Wide PDC 203. This variation is considered to be acceptable for the reasons set out below.

Dwelling 4 is located adjacent to the rear boundary of the dwelling at 2A Stannington Avenue. The common boundary between 2A Stannington Avenue and the subject land is presently occupied entirely by a large garage. The proposed development would result in the removal of this large structure from the boundary. Dwelling 4 is proposed to be setback 4.0 metres from the common boundary and is to be benched 500mm lower than natural ground level, which will reduce the overall height of the building when viewed from adjacent land.

Dwelling 5 is located adjacent to the rear and side boundaries of the dwelling at 3 Rothbury Avenue. The portion of 3 Rothbury Avenue adjacent to the side boundary of the subject land is predominantly a service area which contains a garage that abuts the common boundary and a service courtyard. In this area, the proposed 4.0 metre first floor setback is considered to be acceptable as there will be minimal impact on the outlook from the adjacent dwelling. The primary area of private open space for 3 Rothbury Avenue, which contains a tennis court and swimming pool, is located to the east of the subject land.

The proposed side and rear setbacks generally comply with City Wide PDC's 202 and 203. Where minor inconsistencies arise, the design is well considered to minimise the impact on adjacent land within its context. As such, the proposed setbacks are considered to be acceptable.

In terms of site coverage, Principle of Development Control 8 of the Residential Zone states that the site coverage of dwellings fronting a public road should not exceed 60%. There is no quantitative site coverage policy for dwellings located at the rear of allotments. Dwellings 1 and 8 (which have frontages to a public road) cover 49% and 50% of their respective exclusive site areas, which is consistent with Principle of Development Control 8 of the Residential Zone.

The remaining dwellings, which do not have a frontage to a public road, cover between 50% and 56% of their exclusive site areas, which remains less than the maximum site coverage prescribed for detached dwellings in the Zone. Given that the proposed development is for a higher density form of development, the maintenance of exclusive site coverages of less than 60% is considered to be a positive aspect of the proposed development, particularly given that each of the proposed dwellings are proposed with alfresco covered outdoor areas which are included in this calculation.

#### 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 shadow diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. Overshadowing will impact on three (3) adjacent allotments at varying times of the day, including the dwellings at 340 Portrush Road, 1 and 3 Rothbury Avenue.

At 9.00am, overshadowing from the proposed development will affect approximately 40% of the private open space area at 340 Portrush Road, approximately 80% of the private open space area at 1 Rothbury Avenue and less than 5% of the private open space at 3 Rothbury Avenue. At midday, overshadowing from the proposed development will affect approximately 10% of the private open space area at 340 Portrush Road, approximately 30% of the private open space area at 1 Rothbury Avenue and less than 5% of the private open space at 3 Rothbury Avenue. At 3.00pm, overshadowing from the proposed development will affect approximately 20% of the private open space area at 340 Portrush Road, approximately 50% of the private open space area at 1 Rothbury Avenue and approximately 10% of the private open space at 3 Rothbury Avenue.

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

The shadow diagrams demonstrate that all adjacent properties will maintain direct sunlight to more than half of their respective private open space areas for a minimum of three (3) hours between 9.00am and 3.00pm during the winter solstice, which exceeds the minimum quantitative guideline prescribed by City Wide PDC 196. Overshadowing of adjacent living room windows will be negligible.

In terms of privacy, all of the side and rear facing first floor windows have either a 1750mm sill level or incorporate fixed obscure glazing in all portions of the windows that are less than 1750mm above the internal floor level, with the exception of the north facing first floor windows in Dwelling 4 (bedrooms 3 and 4). There is potential for overlooking of the adjacent dwelling at 2A Stannington Avenue from these windows and, as such, if the Panel is of a mind to approve the proposed development, then it is recommended that a condition of consent be incorporated in the approval, requiring all of the side and rear facing first floor windows to incorporate 1700mm sill levels or contain fixed obscure glazing to all portions of the windows below 1700mm above the internal floor level. The proposed condition would be consistent with City Wide Principle of Development Control 235, which seeks privacy treatment to a height of 1700mm.

No unreasonable overlooking will occur from the first floor windows that face the internal driveway. The dwellings and their associated garages are sited such that they will offer a reasonable level of privacy to their private open space areas. The internal facing windows will maintain good opportunities for passive surveillance of the common driveway area.

#### 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:*

*(a) a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres;"*

All of the proposed dwellings have site areas greater than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of at least 20% of the site areas. The proposed private open space areas range between 63m<sup>2</sup> (Dwelling 6) and 108m<sup>2</sup> (Dwellings 4 & 5), which equates to between 21% and 35% of their respective site areas. All of the dwellings are provided with areas of private open space consistent with City Wide Principle of Development Control 225(a).

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 1-4 and 8 have good orientation for solar access, while the private open space areas of Dwellings 5-7 have poor access to northern sun throughout the day. This is difficult to avoid due to the east-west orientation of the subject land.

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 group dwellings with four (4) bedrooms, Table NPSP/8 states that three (3) on-site car parking spaces should be provided for each dwelling, of which at least two (2) should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings, which results in a total theoretical demand for twenty-eight (28) on-site car parking spaces.

Each of the proposed dwellings have two (2) covered occupant car parking spaces in a garage. Six of the dwellings have sufficient space for two (2) visitors to park on the driveway adjacent to the garage. Dwellings 3 and 6 have sufficient space for one (1) visitor to park on the driveway adjacent to the garage, to enable adequate manoeuvring areas at the rear of the site to ensure that vehicles can egress the site in a forward direction.

The proposed development can accommodate up to thirty (30) vehicles on-site, which exceeds the minimum requirement prescribed by Table NPSP/8. This is considered to be important given the lack of on-street car parking on Portrush Road.

In terms of access, the Application was referred to the Commissioner of Highways pursuant to Schedule 8 of the Development Regulations 2008, as Portrush Road is an arterial road. The Commissioner's response is summarised below:

- the use of a single two-way access to serve the site is supported;
- obsolete driveway crossovers should be reinstated to kerb and gutter;
- the two-way access/egress point should be tapered to facilitate simultaneous left in/left out traffic movements;
- the development should provide sufficient on-site car parking given that on-street parking is restricted adjacent to the site; and
- DPTI does not object to the proposed development, subject to six (6) standard conditions.

A copy of the Commissioner of Highway's response is contained in **Attachment F**.

The Applicant has amended the plans in accordance with DPTI's advice to provide a tapered driveway either side of an existing street tree, which is proposed to be retained.

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 6x6 metre 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.

Beyond the first six (6) metres, Principle 189 states that the paved carriageway width can be reduced to 5.0 metres. The proposed development is consistent with this Principle. The driveway handle should incorporate a combined total width of 1 metre of landscaping along the length of the driveway 'handle' unless the driveway abuts unfenced areas of landscaping. The proposed development incorporates a good provision of unfenced landscaping abutting the common driveway, consistent with City Wide PDC 189.

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 2.6 metres from the rear boundary to the street. The Applicant has proposed to stagger the finished floor levels of the dwellings to reduce the need for excessive retaining walls. The proposed dwellings have benched levels that range between nil and 700mm below the natural ground level. The Applicant has elected to cut the development into the site, as it will reduce the resulting driveway gradient and the perceived bulk of the development when viewed from adjacent land.

All of the proposed retaining walls will only be visible from the subject land, due to the proposed bench levels being lower than natural ground level. As a result, the boundary fence heights will remain at 1800mm when viewed from adjacent land. Internally, the combined height of retaining walls and fencing will vary between 1800mm and 2500mm (for a small section in the south-eastern corner of Dwelling 5). The resulting outlook from the proposed dwellings is considered to be acceptable and generally in accordance with City Wide PDC 58, which states that the combined height of retaining walls and fencing should not exceed 2.4 metres.

Notwithstanding the proposed level of 'cut', the finished floor levels of the dwellings range between 800mm and 2800mm above the adjacent top of kerb level, which will enable a gravity-fed stormwater system to be used.

The Applicant has proposed to direct roof runoff to 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.

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 that would be affected by the proposed development. Several mature (non-regulated) trees are located on the subject land, several of which are located adjacent to the Portrush Road boundary and could be retained within the development.

The Applicant has revised their landscaping plan to retain some of the mature trees at the front of the site. This is considered to be a positive aspect of the proposed development.

The retained trees are proposed to be supplemented with a good level of landscaping. The proposed development includes a landscaping scheme that proposes a range of small trees, shrubs and ground covers including Ornamental Plum, Ornamental Pear, Pencil Pines, Viburnum hedge, Nandina Nana, Japanese Buxus Japonica and lawn.

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.

Two (2) mature (non-regulated) London Plane street trees are located adjacent to the subject land. Both of the trees are in good condition and make a significant contribution to the character and amenity of the locality. The street trees are proposed to be retained, with the larger tree utilised as a feature within the flared access driveway. The proposed acoustic front wall will not have an adverse impact on the health of the adjacent trees, as it effectively replaces a similar acoustic wall with the same depth of footings.

#### 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

Dwellings 1-4 and 8 are well orientated for solar access to the dwellings and their private open space. The private open space areas of Dwellings 5-7 have poor solar access, as a result of the orientation of the subject land. This is considered to be a negative aspect of the proposed development. Whilst the private open space areas of Dwellings 6 and 7 have poor solar access, the living areas of these dwellings achieve good solar access.

The proposed dwellings have generous eaves which, when combined with the high level windows at first floor level, will reduce the heat loading on these windows in summer, while enabling solar access in winter.

The Applicant has proposed 1000 litre rainwater tanks for each dwelling, consistent with the BCA requirements. This is considered to be inadequate for a development of this size, given the substantial impervious areas proposed. As previously mentioned, 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. This will necessitate the need for on-site retention and/or detention tanks.

Given that the subject land is located adjacent to Portrush Road, which is the primary freight route for heavy vehicles travelling between the South-Eastern Freeway and the northern suburbs of Adelaide, suitable noise attenuation measures are considered important to ensure a reasonable level of amenity for future occupiers of land.

If the Panel determines to approve the proposed development, it is recommended that a condition be imposed that requires suitable acoustic treatments to the dwellings including acoustic seals and 6.5mm or double-glazed windows.

### **Summary**

The Residential Zone is intended to accommodate a wide range of dwelling types, including group dwellings. The proposed development will result in average site areas and built form which reasonably complements other development on Portrush Road. The proposed two-storey built form is considered to be acceptable adjacent to an arterial road in the Residential Zone.

The proposed setbacks largely comply with or exceed the minimum requirements prescribed in the Development Plan. Where the setbacks do not strictly comply, the shortfall is relatively minor and will not result in a compromised outlook from adjacent land. The provision of private open space and the resulting site coverage all exceed the minimum requirements contained in the Development Plan.

Access and egress is considered to be safe and convenient, consistent with the Commissioner of Highway's response. The provision of on-site car parking exceeds the theoretical demand prescribed by Table NPSP/8, which will minimise the demand for on-street car parking.

The provision of landscaping, including the retention of several mature trees and all street trees, is considered to be a positive aspect of the development.

The proposed finished floor levels and bench levels have been well considered and will reduce the perceived bulk and scale of the development, when viewed from adjacent land, while enabling stormwater to be disposed of by gravity to the street.

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 155/0775/15 by Finesse Built, to construct eight (8) two-storey group dwellings with associated fencing, retaining walls and landscaping; at 338 Portrush Road, Heathpool, 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 plans and details prepared by Finesse Built Custom Homes and Extensions, Job No. FB054, received by the Council on 3 March 2016; and
- the site levels plan prepared by CPR Consulting Engineers, Drawing No. 150443-C01, received by the Council on 3 March 2016.

#### Conditions

1. The portion of all first floor windows that directly face the side and rear boundaries of the parent allotment, which are 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 prior to the granting of Development Approval, 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 16 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.
6. The following acoustic treatments shall be applied to the dwellings, herein approved, to ensure a reasonable level of amenity for future occupants of the dwellings:
  - Dwellings 1 and 8, located adjacent to Portrush Road, shall incorporate 6.5mm "Hush" glass (or equivalent glazing) to all windows and glazing to the western elevations, solid core front doors, acoustic seals to all doors and vents and shall include suitable noise attenuating insulation;
  - external glazing for all other windows shall be constructed with 6.0mm glazing; and
  - acoustic seals shall be fitted to all openable external windows to ensure that the glazing is sealed as close as practical to airtight when closed.

#### DPTI Conditions

1. The site shall be served by a single shared access point direct to/from Portrush Road. No additional access shall be created.
2. The shared access shall be a minimum of 6.0 metres in width at the property boundary and incorporate a clear area (6.0 metres wide by 6.0 metres inbound from the property boundary) prior to tapering down to the nominal driveway width.
3. All vehicles shall enter and exit the site in a forward direction.

4. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).
5. All obsolete crossovers to/from Portrush Road shall be reinstated to Council standard kerb and gutter at the Applicant's cost, prior to the habitation of the dwellings.
6. Stormwater runoff shall be collected on-site and discharged without jeopardising the integrity and safety of Portrush Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the Applicant's cost.

#### Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
  2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
  3. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
  4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
  5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
  6. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
- *Mr Danny Vlahiotis; addressed the Panel from 7:02pm until 7:09pm.*
  - *Stuart Hockey and Alan Cooper addressed the Panel from 7:10pm until 7:15pm.*

*Mr Smith moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/0775/15 by Finesse Built, to construct eight (8) two-storey group dwellings with associated fencing, retaining walls and landscaping; at 338 Portrush Road, Heathpool, 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 plans and details prepared by Finesse Built Custom Homes and Extensions, Job No. FB054, received by the Council on 3 March 2016; and
- the site levels plan prepared by CPR Consulting Engineers, Drawing No. 150443-C01, received by the Council on 3 March 2016.

### Conditions

1. The portion of all first floor windows that directly face the side and rear boundaries of the parent allotment, which are 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 prior to the granting of Development Approval, 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 16 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.
6. The following acoustic treatments shall be applied to the dwellings, herein approved, to ensure a reasonable level of amenity for future occupants of the dwellings:
  - Dwellings 1 and 8, located adjacent to Portrush Road, shall incorporate 12.5mm "Hush" glass (or equivalent glazing) to all windows and glazing to the western elevations, solid core front doors, acoustic seals to all doors and vents and shall include suitable noise attenuating insulation;
  - external glazing for all other windows shall be constructed with 6.0mm glazing; and
  - acoustic seals shall be fitted to all openable external windows to ensure that the glazing is sealed as close as practical to airtight when closed.
7. That no gate shall be installed along the common driveway herein approved at any time.

DPTI Conditions

1. *The site shall be served by a single shared access point direct to/from Portrush Road. No additional access shall be created.*
2. *The shared access shall be a minimum of 6.0 metres in width at the property boundary and incorporate a clear area (6.0 metres wide by 6.0 metres inbound from the property boundary) prior to tapering down to the nominal driveway width.*
3. *All vehicles shall enter and exit the site in a forward direction.*
4. *The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).*
5. *All obsolete crossovers to/from Portrush Road shall be reinstated to Council standard kerb and gutter at the Applicant's cost, prior to the habitation of the dwellings.*
6. *Stormwater runoff shall be collected on-site and discharged without jeopardising the integrity and safety of Portrush Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the Applicant's cost.*

Notes to Applicant

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

*Seconded by Mr Donaldson and carried.*

## 2. STAFF REPORTS

### 2.3 DEVELOPMENT APPLICATION 155/0005/2016 – ST BASILS HOMES (SA) – 9 WINCHESTER STREET, ST PETERS

<b>DEVELOPMENT APPLICATION:</b>	<b>155/0005/16</b>
<b>APPLICANT:</b>	<b>St Basils Homes (SA)</b>
<b>SUBJECT SITE:</b>	<b>9 Winchester Street, St Peters (Certificate of Title: Volume: 5532, Folio: 251)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Variation to Development Plan Consent for Development Application No. 155/0071/15, comprising the addition of a communal basement floor level with a swimming pool, theatre room, activities room, hair salon, equipment room and associated amenities (non-complying)</b>
<b>ZONE:</b>	<b>Residential Historic (Conservation) Zone – The Avenues Policy Area - Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 3</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel on an Application to vary a Development Plan Consent granted by the Panel on 15 June 2015. The original Development Plan Consent (155/0071/15) was granted for two-storey alterations and additions to a Nursing Home with associated fencing and landscaping.

The Applicant is now seeking to add a communal basement floor level with a swimming pool, theatre room, activities room, hair salon, equipment room and associated amenities.

Staff do not have delegated authority to determine the Application, as the proposed variation is a non-complying form of development. As such, the Application is referred to the Panel for determination.

Additions to a Nursing Home which result in a net increase in floor area of more than twenty five percent, is listed as a non-complying form of development within the Residential Historic (Conservation) Zone. In this instance, the proposal represents a 27% net increase in floor area from the previously approved development and a 122% net increase from the existing floor area.

In making its determination, the Panel is required to determine 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.

Being a non-complying form of development, if the Panel determines to grant consent, the Application will be referred to the Development Assessment Commission (DAC), which will subsequently determine whether or not to concur with the decision of the Panel. If the DAC does not concur with the decision of the Panel to grant consent to the Application, then the Application cannot proceed. If the Panel does not grant consent to the Application, then the concurrence of the DAC is not required.

## Background

A Development Application (Development Application No. 155/0071/15) was lodged on 3 February 2015, for two-storey alterations and additions to a Nursing Home with associated fencing, signage and landscaping; at 9 Winchester Street, St Peters.

The Panel initially considered this matter at its meeting held on 18 May 2015 and determined that the Application did not warrant approval. The Application was subsequently deferred to enable the Applicant to consider amending their proposal to overcome the following concerns:

- the stark bright colours of the walls;
- inadequate rainwater retention and reuse;
- excessive bulk and style of the walls to the roof garden;
- signage; and
- the lack of a dedicated access for emergency service vehicles/access cabs.

A copy of the relevant section of the Minutes of the Panel meeting held on 18 May 2015 is contained in **Attachment A**.

The Applicant subsequently submitted amended plans to address the Panel's concerns and those plans were granted Development Plan Consent by the Panel at its meeting held on 15 June 2015.

A copy of the relevant section of the Minutes of the Panel meeting held on 15 June 2015 and the approved plans are contained in **Attachment's B & C** respectively.

## Proposal in Detail

The Applicant seeks consent to vary the Development Plan Consent granted by the Panel on 15 June 2015. Specifically, the Applicant proposes to add a basement floor level to the building which contains a swimming pool, theatre room, activities room, hair salon, equipment room and associated amenities.

The proposed basement floor level is located entirely below natural ground level and will not result in any change to the overall height or appearance of the building. Two (2) skylights and openable windows are proposed to provide some natural light and ventilation to the proposed basement level.

The proposed additional floor area is to be used exclusively as communal areas and will not result in any additional occupant bed numbers. In fact, the total number of beds within the facility has been reduced from thirty-four (34) to thirty-two (32). The number of staff employed at the Nursing Home is to remain unchanged at thirty-two (32), with a maximum of fifteen (15) staff members on-site at any particular time.

A copy of the proposed plans and details are contained in **Attachment D**.

The proposed additional basement floor level will increase the floor area of the Nursing Home by approximately 474m<sup>2</sup>, which equates to a 27% increase in floor area over the previously approved plans.

The Applicant has prepared a Statement of Effect in support of the proposal. A copy of the Statement of Effect is contained in **Attachment E**.

## Notification

The proposal has been identified and processed as a Category 3 (non-complying) form of development.

One (1) representation was received (opposed to the development) in response to this notification, a copy of which is contained in **Attachment F**. A summary of the representor's concerns is set out below:

- possible ground movement and noise during development;
- increased traffic and on-street car parking; and
- appropriateness of the proposal within a heritage area.

The representor does not desire to be heard personally by the Development Assessment Panel.

Mr Greg Vincent, of Masterplan Town + Country Planners, has responded to the representation received on behalf of the Applicant. A copy of Mr Vincent's response is contained in **Attachment G**.

A summary of the response is provided below:

- the proposed site works are not excessive and will be appropriately engineered to maintain the structural integrity of surrounding properties. The representor's property is located on the opposite side of Winchester Street and is over 25 metres from the proposed site works. No ground movement is expected or envisaged as a result of the proposed construction works;
- the Applicant and their chosen contractors will be required to meet the relevant standards of the EPA regarding acceptable operating hours, dust/air quality and drag out. The Applicant, during construction, will provide contact details for the site supervisor to the adjacent property owners, as a means of providing an on-site contact should any noise nuisance issues arise;
- the proposed amended plans will not result in any additional demand for on-street car parking and will not generate any additional traffic. The proposed occupant bed numbers have reduced and the number of staff remains unchanged;
- the proposed basement level would not result in any visible changes to the approved scheme, albeit that it will increase the net floor level of the building. The proposed construction of a basement level would not have any resultant visual impact upon the surrounding locality or the surrounding and on-site heritage fabric; and
- whilst the representor has not expressed a desire to be heard personally by the Development Assessment Panel, the Applicant (or their representative) will be present at the Panel meeting to answer any questions that may arise.

It is noted that the representor did not make any representation to the original Development Application.

### **State Agency Consultation**

The Application was not required to be referred to any State Government Agencies. Should the Panel determine to approve the proposed development, the concurrence of the Development Assessment Commission would be required as the proposed development is a non-complying form of development within the Residential Historic (Conservation) Zone.

### **Discussion**

The subject land is located within the Residential Historic (Conservation) Zone (The Avenues Policy Area) as identified within the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is a non-complying form of development, as the proposed additions to the existing Nursing Home exceed 25% of the existing floor area (the floor area is proposed to increase by 27% from the previously approved design).

Following an initial review of the Application and the accompanying Statement of Support, Council staff determined under delegated authority that the proposed development displayed sufficient merit to proceed to a full assessment of the Application, pursuant to Regulation 17(3)(b) of the *Development Regulations 2008*.

The proposed addition of a basement floor level will have negligible impact on the character or amenity of the area, due to being located below ground level.

The proposed additional floor area (approximately 474m<sup>2</sup>) is to be used exclusively as communal facilities for the occupants of the Nursing Home. The number of approved occupant beds within the Nursing Home has reduced from thirty-four (34) to thirty-two (32). Similarly, staff numbers associated with the facility are proposed to remain unchanged.

As such, the proposed variations will not result in any additional traffic within the locality or demand for on-street car parking.

The ground floor level of the proposed Nursing Home additions (46.54mAHD) remains unchanged as a result of the introduction of a proposed basement floor level. Accordingly, the external appearance of the proposed Nursing Home additions will remain unchanged, with the exception of two (2) ground level roof light wells which will not be visible from the public realm or adjacent land.

The proposed basement floor level will substantially improve the extent of common facilities available within the Nursing Home and the quality of life for the occupants.

All other aspects of the previous assessment remain unchanged and the information provided in the previous report contained in Attachment B, remains applicable. Accordingly, it remains the view of staff that the proposal, on balance, is not seriously at variance with the Development Plan and sufficiently accords with the provision 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 155/0005/16 by St Basils Homes (SA), for a variation to Development Plan Consent 155/0071/15, comprising the addition of a communal basement floor level with a swimming pool, theatre room, activities room, hair salon, equipment room and associated amenities (non-complying); on the land located at 9 Winchester Street, St Peters, subject to the concurrence of the Development Assessment Commission and the following requirements, conditions and notes:

### Relevant Plans and Details

The Development Plan Consent granted by the City of Norwood, Payneham & St Peters in respect of Development Application No. 155/0071/15 is hereby varied by deleting condition 1 and substituting in its place the following condition:

- the development shall proceed in accordance with the details of Development Application No. 155/0005/16 and the approved plans, Job No. 09461, prepared by Pruszinski Architects, received by the Council on 20 January 2016.

All other conditions and advice notes that are imposed on the original Development Plan Consent issued in respect to Development Application No. 155/0071/15 remain valid.

### Notes to Applicant

1. The granting of Development Plan Consent to this variation application does not imply an extension of time to the original Development Plan Consent, which was granted on 15 June 2015. As such, Building Rules Consent will need to be obtained by 15 June 2016 to obtain Development Approval (unless a separate request for an extension of time is sought and obtained from the Council).
-

Mr Donaldson moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/0005/16 by St Basils Homes (SA), for a variation to Development Plan Consent 155/0071/15, comprising the addition of a communal basement floor level with a swimming pool, theatre room, activities room, hair salon, equipment room and associated amenities (non-complying); on the land located at 9 Winchester Street, St Peters, subject to the concurrence of the Development Assessment Commission and the following requirements, conditions and notes:*

Relevant Plans and Details

*The Development Plan Consent granted by the City of Norwood, Payneham & St Peters in respect of Development Application No. 155/0071/15 is hereby varied by deleting condition 1 and substituting in its place the following conditions:*

- *The development shall proceed in accordance with the details of Development Application No. 155/0005/16 and the approved plans, Job No. 09461, prepared by Pruszinski Architects, received by the Council on 20 January 2016.*
- 1. *Details of the westernmost staircase that emerges into the outdoor sitting/dining area shall be provided prior to the issuing of Development Approval, to the satisfaction of the Council or its delegate.*
- 2. *That the facilities within the basement herein approved shall be restricted to the exclusive use of the residents, their carers, and staff of the nursing home facility on the subject land.*

*All other conditions and advice notes that are imposed on the original Development Plan Consent issued in respect to Development Application No. 155/0071/15 remain valid.*

Notes to Applicant

1. *The granting of Development Plan Consent to this variation application does not imply an extension of time to the original Development Plan Consent, which was granted on 15 June 2015. As such, Building Rules Consent will need to be obtained by 15 June 2016 to obtain Development Approval (unless a separate request for an extension of time is sought and obtained from the Council).*

*Seconded by Ms Newman and carried.*

## 2. STAFF REPORTS

### 2.4 DEVELOPMENT APPLICATION 155/479/2015 – MR N AND MRS N HEYWOOD-SMITH – 41 SYDENHAM ROAD, NORWOOD

<b>DEVELOPMENT APPLICATION:</b>	<b>155/479/2015</b>
<b>APPLICANT:</b>	<b>Mr N and Mrs N Heywood-Smith</b>
<b>SUBJECT SITE:</b>	<b>41 Sydenham Road, Norwood (Certificate of Title; Volume: 5781, Folio: 369)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Demolition of an existing building and construction of a two-storey building to accommodate ground level car parking spaces in association with an adjacent office and a dwelling at the upper floor level.</b>
<b>ZONE:</b>	<b>Business Zone (Beulah Road Policy Area) – Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 3</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of an existing building and construction of a two-storey building to accommodate ground level car parking spaces in association with an adjacent office and a dwelling at the upper level.

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

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

#### **Subject Land and Locality**

Shape:	regular
Primary Frontage Width:	20.41 metres (to Sydenham Road)
Depth:	38.34 metres
Area:	826m <sup>2</sup>
Existing Structures:	concrete block office building and adjoining concrete block building used for car parking

The subject land is located adjacent the intersection of Sydenham Road and Beulah Road. It contains two adjoining concrete block buildings which were constructed in 1982 for E M Vivian & Co, a stationary manufacturer and wholesaler. The eastern building abuts the northern, eastern and southern boundaries and the western building abuts the northern and western boundaries but is set back approximately 9 metres from Beulah Road. The Development Approval that was granted in 1982 was for a warehouse with ancillary showroom and offices.

The land was occupied by E M Vivian & Co until 2012, when the Council granted Development Approval for the land to be used for office accommodation (Development Approval Number 155/223/12). In particular, the entirety of the former manufacturing/showroom/office building on the corner of Beulah Road and



Sydenham Road was approved to be used for offices for W&L Aged Care Services and the former delivery/dispatch/storage building fronting Beulah Road was approved to be used for car parking associated with the office including 7 internal spaces and 6 outdoor spaces in front of the building.

### Locality Attributes

Land uses:	predominantly a mixture of offices, residential and consulting rooms
Predominant dwelling era:	pre-war, post war and contemporary
Extent of consolidation/infill:	moderate - high
Building heights (storeys):	predominantly two-storey (ie. Beulah Road)
Streetscape amenity:	moderate - influenced by variety of buildings styles and more notably, the variety of land uses within the locality

The locality is mixed use in character with a range of office, light industrial uses (ie. printing businesses) and residential properties. In addition to these uses, the locality also includes warehouses, consulting rooms and a compound pharmacy. The wider locality also contains the Beulah Road Community Hall at 31 Beulah Road which accommodates various groups including the Norwood Concert Hall, a church group and a dance group. In terms of buildings heights, both single-storey and two-storey construction (predominantly along the southern side of Beulah Road) is evident within the locality. During business hours the section of Beulah Road located between Runge/Charlotte Place and Sydenham Road is used for parking by employees and/or visitors attending business within the area and on this basis, on-street car parking demand is therefore quite high.

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

### Proposal in Detail

The Applicant seeks consent to demolish the existing western building and construct a replacement building which will include a revised car parking area at ground floor level and a dwelling at the upper floor level.

The proposed ground level car parking area provides parking for 13 cars, as is currently provided on the site, however all of the spaces are now to be undercover and 2 of the parking spaces are to be allocated to the dwelling with the remaining 11 available for the existing offices located in the eastern building. All car parking spaces are to be located behind a sliding gate. The lower level also contains a new entry and stairs to access the residence above. The eastern building is to remain unchanged and is intended to be continued as office use.

The dwelling is proposed to be built to all boundaries and occupies 372.1m<sup>2</sup> of upper floor area in addition to the ground floor entry, resulting in a total of 392.7m<sup>2</sup>. The dwelling comprises an open plan kitchen/living/dining area, three bedrooms (Bedroom 1 has an ensuite), a separate bathroom, a separate WC and a laundry. A courtyard area of 105.1m<sup>2</sup> is proposed in the north eastern corner of the dwelling which is accessible from the living/dining area. In addition, a 39m<sup>2</sup> balcony area (adjacent Beulah Road) is also linked to the kitchen/dining/living area.

The proposed building has a modern, flat roof design and is to be constructed of unpainted precast concrete panels, with vertically fixed feature timber ("Tallwood natural finish") slats, painted render in a Solver "Admiralty Grey" colour, timber door and aluminium door and window frames.

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

**TABLE 1: DEVELOPMENT DATA:**

Consideration	Proposed Dwelling	Existing Office	Development Plan Merit Assessment Quantitative Guideline
Site Area	392.7m <sup>2</sup>	Unchanged	N/A
Allotment Width	16.41m	20.4 – 22.9m	N/A
Allotment Depth	23m	38.3m	N/A
External Wall Height*	6.5m	Unchanged	N/A
Maximum Overall Height (to roof apex)*	6.5m	Unchanged	N/A
Floor Area (total)	392.7m <sup>2</sup>	435m <sup>2</sup> (ground floor area - unchanged) 47.5m <sup>2</sup> (mezzanine level - unchanged)	N/A
Floor Area (footprint)	392.7m <sup>2</sup>	435m <sup>2</sup> (ground floor area - unchanged)	N/A
Private Open Space	137.84m <sup>2</sup> 35.1% of site area 40% uncovered	N/A	20% of site area – CWPDC 225(a)
Street Set-back	Nil	Unchanged	N/A
Side Set-back	Nil	Unchanged	N/A
Rear Set-back	Nil	Unchanged	N/A
Car Parking Provision	2 spaces	Existing 13 spaces – reduction to 11 spaces	2 spaces per 2 or 3 bedroom dwelling + 0.5 visitor spaces - Table NPSP/8  1 space per 25m <sup>2</sup> of office area – Table NPSP/8

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

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

#### Notification

The proposed dwellings have been identified and processed as a Category 3 form of development. No representations were received in response to the public notification.

## State Agency Consultation

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

## Discussion

The subject land is located within the Business Zone and specifically within the Beulah Road 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:

Business Zone Objectives:	1, 2 & 3.
Business Zone PDC's:	1, 2, 3, & 8
City Wide Objectives:	1 & 55-57
City Wide PDC's:	3

There are numerous examples of existing residential development located within the immediate locality (ie. the southern side of Beulah Road and the western side of Sydenham Road) within the Business Zone, including row dwellings at 31-39 Sydenham Road, a pair of semi-detached dwellings at 44 Beulah Road, 14 dwellings at 48 – 52 Beulah Road and three dwellings located at 45, 47 and 49 Sydenham Road. The existing office land use is proposed to be maintained at ground level on the subject land.

Business Zone Objectives 3 and Principle of Development Control 1 both anticipate residential development above ground floor non-residential land uses in the zone in certain areas. The subject land is not within an identified location; rather the identified locations include properties along portions of The Parade, Fullarton Road, Kensington Road and Magill Road.

Whilst the subject land is not located in an identified location, it is considered to be an appropriate location for first floor level residential development, as:

- it is well separated from obtrusive or noisy commercial uses,
- it will continue to incorporate a commercial use at lower level, providing an active frontage to the street, and
- represents an efficient use of the subject land, as it is unlikely that additional commercial floor area at the upper level would be possible, due to on-site car parking limitations,

Accordingly, an upper level dwelling is considered to be an appropriate additional land use for the subject land and will contribute to housing diversity in the 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:

#### Norwood Policy Area Desired Character Statement

Business Zone Objectives:	7
City Wide Objectives:	8 & 18-20
City Wide PDC's:	29-37, 39, 41 & 44

The proposed two-storey built form has a contemporary rectilinear form. The design approach is consistent with the predominant character of buildings that front onto Beulah Road in the immediate area (particular the southern side of Beulah Road). In particular, the character is derived from two-storey masonry buildings with concealed roof forms, that are situated abutting and/or close to the front property boundaries. The proposed two-storey built form is also consistent with Business Zone Principle of Development Control 7.

In this context, it is considered that the proposed building additions will make a positive contribution to this portion of the Beulah Road streetscape.

In this regard, the proposed development is considered to satisfy City Wide Objectives 8 and 20 in that the proposal results in compatible design appearance in the context of the locality and displays and contemporary architectural design approach.

### Setbacks

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

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

The Business Zone does not specify minimum front setbacks.

City Wide Principle of Development Control 50 states the following:

*The setback of buildings should:*

- (a) *be similar to, or compatible with, the setbacks of buildings on adjoining land and the predominant setback of buildings in the locality, unless otherwise specified in the relevant Zone and/or Policy Area;*
- (b) *contribute positively to the existing or desired streetscape character of the locality; and*
- (c) *not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.*

The immediate area is characterised by buildings being close to and/or abutting the front property boundaries which occupy the majority if not all of their sites. The single-storey office building on the subject land has no setback from its Beulah Road secondary frontage. The proposed boundary to boundary development of the western building is consistent with the prevailing development pattern within the immediate area.

The proposal is therefore considered to satisfy City Wide Principle of Development Control 50 with respect to siting.

### Private open space

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

City Wide PDC's: 222-225, 229 & 230.

The proposed dwelling has 137.84m<sup>2</sup> of private open space, comprising both the internal courtyard and the balcony area, which equates to 35.1% of the site and of which 60% is covered. The proposed private open space provision satisfies the quantitative requirements specified in City Wide Principle of Development Control 225(a) in that sites of 250m<sup>2</sup> or greater should be provided with 20% of the site area as private open space. The development is inconsistent with City Wide Principle of Development Control 229 as greater than 50% of the private open space area is covered however the variance from the provision is considered relatively minor, particularly for the type and location of dwelling proposed.

Both the internal courtyard and the balcony areas are directly accessible from the main open plan living area of the dwelling. As the balcony is located on the southern side of the dwelling, it will not have access to northern light however the internal courtyard area will receive direct access for the majority of the daylight hours throughout the year given its predominantly northern orientation.

Clothes drying can be accommodated in the internal courtyard. The plans do not demonstrate a bin storage area for the residence however bins can be accommodated immediately adjacent to the north and/or south of the proposed residence entry. Should bins be located to the south of the residence entry adjacent to the footpath, this will require the deletion of the proposed landscaping bed however this landscaping area is very small and is to the south of the building, thus the loss of this landscaping is not considered to be unreasonable or of any significant consequence to the development outcomes. As such, if the Panel determine to approve the Application, it is recommended that a condition be imposed requiring that details of a bin storage area be provided prior to full Development Approval and that the bins be screened from public view.

#### Car parking/access/manoeuvring

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

City Wide Objectives:	32 & 34
City Wide PDC's:	98, 107, 109, 110, 113, 117, 120, 121, 122, 123, 124, 130, Table NPSP/8 & Table NPSP/9.

Currently, 13 car parking spaces are provided for the existing office tenancy and no changes are proposed to the existing office floor area. The proposed redevelopment of the car parking area will maintain 13 parking spaces, however as 2 spaces will be allocated to the proposed dwelling, the office will be provided with 2 less car parking spaces than the current situation.

City Wide Principle of Development Control 121 states:

*"Development in the nature of additions to existing non-residential premises should provide on-site car parking in accordance with the principles of development control to serve new floor area while maintaining existing car parking numbers for the existing floor area."*

Although the above policy is normally applied to additional non-residential floor area to a commercial tenancy, it is considered appropriate to apply the policy to the proposed addition of a dwelling. That is, to be consistent with the 'spirit' of the above mentioned policy, the current car parking provision for the existing office should be maintained and additional car parks should be provided to service the dwelling.

The proposed development is inconsistent with the above policy as the development will result in two less car parking spaces being available for the office tenancy. Inspections of the existing car parking area by Council staff have revealed that the car parking demand generated by the existing business which operates from the offices, will likely be able to be accommodated, despite the reduction in two car parking spaces. This is because the current business involves employees being away from the office in their cars for much of the working day. That said, there is no way of ensuring that the current business will not change in the future to a more typical office model, which could result in a minor shortfall of on-site car parking. The calculated theoretical shortfall of 2 car parking spaces is therefore considered to be a negative aspect of the proposal.

City Wide Principle of Development Control 122 states (in part):

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

- (b) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop; or*
- (c) mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times; or*
- (g) where it can be demonstrated that it would not result in a greater demand for on-street car parking on existing streets in the locality"*

The subject land is approximately 350m to the nearest bus stop on Magill Road and 400m to the nearest bus stop on The Parade which is slightly more than the 200m distance anticipated in the above provision, however there are convenient public transport options available for office staff and dwelling residents. The mixed use nature of the site will typically result in visitors to the site arriving at different peak times and the mixed use nature of other properties within the locality results in varying times for demand for on street

parking. On balance, although the development results in a shortfall of car parking spaces, the two parking space shortfall is not considered fatal to the Application.

Table NPSP/8 of the Council's Development Plan states that a residential dwelling with 2 or 3 bedrooms in multi-storey buildings should be provided with two (2) on site car parking spaces plus 0.5 visitor spaces per dwelling rounded up to the nearest whole number i.e. one (1) visitor space. The dwelling is proposed to be provided with two (2) allocated car parking spaces but no designated visitor parking spaces. However, residential visitors are most likely to attend the site outside of usual business hours and as such, visitors to the dwelling can make use of the office car parks when these spaces are not in use.

City Wide Principle of Development Control 117(e) states:

*"Driveways and parking areas should be designed and constructed to:  
(e) be consistent with Australian Standard AS: 2890 – Parking facilities."*

The proposed car parking layout has been reviewed by Ben Wilson of Cirqa traffic consultants. A copy of Mr Wilson's report is contained in **Attachment C**.

Mr Wilson has advised that the proposed car parking configuration will provide improved vehicle access and parking arrangements compared to the existing situation, however the revised parking layout will remain at variance with the Australian Standard. Notwithstanding the non-conformance, the spaces will be accessible in accordance with the intent of the standard, given the spaces are wider than the minimum requirement for residential and office related parking. A shortfall of the proposed parking layout is that the rear four (4) parking spaces are suitable for a small car only due to turning manoeuvre limitations. This is considered a negative aspect of the proposal and may not ordinarily be supported however this reflects the existing situation and as such, it is considered acceptable in the circumstances, albeit not an ideal outcome.

If the Panel determines to approve the Application, it is recommended that a condition be imposed requiring the rear (northern most) four (4) parking spaces to be clearly delineated as small car spaces.

One of the rear four (4) parking spaces limited to a small car is also proposed to be an accessible parking space, which is not considered to be practical or appropriate. To overcome this issue, should the Panel determine to approve the Application, it is recommended that a condition be imposed requiring the accessible space and the space marked "W & L Park 6" be swapped such that the accessible space is located to the south of the shared space. Mr Wilson has confirmed that this relocation would be an improved situation for users of the accessible parking space as a car can more easily reverse into that space, than drive into it in a forward direction and this would position the driver's side adjacent to the shared space.

The development will result in all car parking spaces being located behind a sliding gate whereas previously 6 spaces were open and accessible. Should the Panel determine to approve the Application, it is recommended that a condition be imposed requiring the gates to remain open during business hours and while the office is occupied to ensure the parking spaces remain open and accessible for the convenience of staff and visitors. After hours, the occupants of the dwelling will be able to access the parking spaces. Visitors to the dwelling will need to arrange access with the occupants of the dwelling, however this is not dissimilar to other residential properties with gated access.

#### Overshadowing/overlooking

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

City Wide PDC's: 11, 195, 196 & 235.

The north-eastern courtyard of the proposed dwelling will be screened by the proposed boundary walls which will prevent views into the adjacent row dwellings in Sydenham Road. The balcony facing Beulah Road will not afford views into any adjacent residential properties.

In terms of overshadowing, the proposed built form will result in the majority of shadowing being cast upon the Council footpath area and Beulah Road.

Finished floor levels/flooding/retaining

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

City Wide PDC's: 10, 149 & 150 - 155.

The proposed development will result in maintaining the predominantly impervious surface area over the subject land.

Stormwater from the new dwelling can be direct to the adjacent Beulah Road watertable via a gravity fed system.

Trees (regulated, mature & street) and landscaping

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

City Wide Objectives: 24, 117 & 118  
City Wide PDC's: 73-75, 220 & 221

The Applicant has provided a landscaping plan and schedule for the proposed dwelling. The level of landscaping that is proposed is considered to be appropriate and will enhance the living amenity of future occupiers in accordance with City Wide Principle of Development Control 221(a). The species of plants proposed are considered to be appropriate given the restricted conditions of planting in a rooftop garden.

If the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring all areas nominated as soft landscaping on the site plan to be planted in accordance with the nominated landscaping plan and schedule.

Environment

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

City Wide Objectives: 23 & 42  
City Wide PDC's: 70-72 & 159

The main private open space area and internal open plan living areas of the proposed dwelling have a prominently northerly aspect to maximise access to natural light which is consistent Principles 70 and 71. All main rooms have access to natural light and the ensuite is adjacent to a landscaped light well, however, the roof plan is not consistent with the floor plan as there is currently no skylight shown on the roof plan.. To resolve this issue, it is recommended that a condition be imposed requiring the roof plan to be amended to reflect the provision of a skylight over the light well. The laundry will rely on artificial light however this is not considered unreasonable given the limited use of the room. The internal access to light is considered to be adequate given the constraints of the site.

The proposal results in a slight reduction in the extent of impervious areas to the subject land as a result of the landscaped areas within the internal courtyard. This in turn results in a relative reduction in the extent of stormwater runoff during rainfall events as a result of the proposed soft landscaping provision. Therefore from an environmental perspective, this aspect of the proposal is considered to be a positive outcome.

The Applicant has indicated the proposed dwelling will incorporate a 1,000 litre wall mounted rainwater tank which meets the mandatory Building Code of Australia requirement of 1,000 litres for a dwelling it however fails to satisfy Principle 159 which requires new dwellings be installed with a 2,000 litre rainwater tank. If the Panel determines to approve the proposed development, it is recommended that a condition be imposed requiring the rainwater tank have a capacity of 2,000 litres.

## Summary

The proposed demolition of an existing building and construction of a two-storey building to accommodate ground level car parking spaces in association with an adjacent office and a dwelling at the upper level is consistent with the Development Plan provisions which seek a variety of housing types and configurations in appropriate areas. The subject land has reasonably good access to public transport links into the Adelaide CBD. The proposed land use mix is generally anticipated within the Business Zone and is consistent with other existing residential uses within the zone.

In terms of the number of storeys, the proposed dwelling is consistent with the relevant Zone provision which prescribes a maximum height of two-storeys. The overall height of the dwelling is compatible with the existing two-storey commercial and residential building heights within the immediate area of Beulah Road.

The overall car parking shortfall in terms of servicing both the existing and proposed use is considered to be acceptable and the shortfall of 2 parking spaces is a negative aspect of the proposal, however there is considered to be sufficient justification for the shortfall, having regard to City Wide Principle 122.

The proposed private open space provision is considered to be adequate to service the needs of the likely occupiers by providing an area for entertaining, clothes drying and minor landscaping planter beds and/or potted plantings.

The facade appearance of the building is considered a positive aspect of the proposal in that the design approach is considered to complement the existing built form character of this part of Beulah Road.

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

## RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No. 155/479/2015 by Mr N and Mrs N Heywood-Smith for demolition of an existing building and construction of a two-storey building to accommodate ground level car parking spaces in association with an adjacent office and a dwelling at the upper floor level, on the land at 41 Sydenham Road, Norwood, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- plans and elevations prepared by Bey Drafting Building Design, Drawing No's 1512.03PD Sheets 1 – 5, received by the Council 9 March 2016

### Conditions

1. The gate to the car parking area herein approved shall remain open during business hours and while the office is occupied to provide safe and convenient access for staff, occupants and visitors.
2. The upper level courtyard shall be screened to a height of 1.7 metres above finished floor level in a manner that permanently restricts views being obtained by a person from the courtyard, prior to occupation of the building and to the reasonable satisfaction of the Council or its delegate.
3. The rear (northernmost) four (4) parking spaces shall be clearly delineated as suitable for a small car only.



4. The accessible space and the space marked as "W & L Park 6" shall be swapped so that the accessible space is located to the south of the shared access area.
5. Details of a bin storage area shall be provided prior to full Development Approval. The bin storage area shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
6. The roof plan shall be amended prior to full Development Approval to reflect the provision of a skylight consistent with the light well shown on the first floor plan to the reasonable satisfaction of the Council or its delegate.
7. 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. All roof and site surface waters are to be directed to the street watertable through appropriately designed pit and pipe systems. This includes water runoff from the rear open space areas of each allotment.
8. The new dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres), with storm water plumbed 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.
9. All areas nominated as landscaping on the approved plans shall be planted with a suitable mix and density of shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
10. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
11. Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
12. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
13. All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.

#### Notes to Applicant

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

4. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
  5. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
  6. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
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*Mr Dottore moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No. 155/479/2015 by Mr N and Mrs N Heywood-Smith for demolition of an existing building and construction of a two-storey building to accommodate ground level car parking spaces in association with an adjacent office and a dwelling at the upper floor level, on the land at 41 Sydenham Road, Norwood, subject to the following requirements, conditions and notes:*

*Relevant Plans*

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

- *plans and elevations prepared by Bey Drafting Building Design, Drawing No's 1512.03PD Sheets 1 – 5, received by the Council 9 March 2016*

*Conditions*

1. *The gate to the car parking area herein approved shall remain open during business hours and while the office is occupied to provide safe and convenient access for staff, occupants and visitors.*
  2. *The upper level courtyard shall be screened to a height of 1.7 metres above finished floor level in a manner that permanently restricts views being obtained by a person from the courtyard, prior to occupation of the building and to the reasonable satisfaction of the Council or its delegate.*
  3. *The rear (northernmost) four (4) parking spaces shall be clearly delineated as suitable for a small car only.*
  4. *The accessible space and the space marked as "W & L Park 6" shall be swapped so that the accessible space is located to the south of the shared access area.*
  5. *Details of a bin storage area shall be provided prior to full Development Approval. The bin storage area shall be screened from public view to the reasonable satisfaction of the Council or its delegate.*
  6. *The roof plan shall be amended prior to full Development Approval to reflect the provision of a skylight consistent with the light well shown on the first floor plan to the reasonable satisfaction of the Council or its delegate.*
  7. *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*
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*any adjoining property or any building, and does not affect the stability of any building. All roof and site surface waters are to be directed to the street watertable through appropriately designed pit and pipe systems. This includes water runoff from the rear open space areas of each allotment.*

8. *The new dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres), with storm water plumbed 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.*
9. *All areas nominated as landscaping on the approved plans shall be planted with a suitable mix and density of shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
10. *All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
11. *Wheel stopping devices (or kerbing with adequate clearance from the boundaries) constructed of concrete, metal or wood shall be placed at the end of all new parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.*
12. *Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.*
13. *All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.*
14. *Signage to indicate the availability of customer car parking on the subject land shall be installed adjacent the entry to the carpark.*
15. *The precast concrete tilt up panels on the east and north elevations shall be painted or treated and incorporate some articulation to provide more visual interest, to the satisfaction of the Council or its delegate.*

#### Notes to Applicant

1. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.*
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5. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
6. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

*Seconded by Ms Bowden and carried.*

**3. OTHER BUSINESS**

Nil

**4. CONFIDENTIAL REPORTS**

Nil

**5. CLOSURE**

The Presiding Member declared the meeting closed at 8:05pm.

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