

Development Assessment Panel Agenda & Reports

18 July 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.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
Norwood
Payneham
& St Peters

13 July 2016

To all Members of the Development Assessment Panel:

- Mr Terry Mosel (Presiding Member)
- Mr Don Donaldson
- Mr Phil Smith
- Mr Kevin Duke
- Ms Evonne Moore
- Ms Jenny Newman
- Ms Fleur Bowden
- Mr Carlo Dottore
- Mr John Minney

NOTICE OF MEETING

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

Monday 18 July 2016, commencing at 7.00pm.

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

Yours faithfully

Mario Barone
CHIEF EXECUTIVE OFFICER

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VENUE Mayors Parlour, Norwood Town Hall

HOUR

PRESENT

Panel Members

Staff

APOLOGIES Ms Jenny Newman

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 20 JUNE 2016**
2. **STAFF REPORTS**
 - Items to be starred (.....)
 - All unstarred items to be adopted (.....)

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/0056/2016 – MR G GRIDA – 29 MARIAN ROAD, PAYNEHAM SOUTH

DEVELOPMENT APPLICATION:	155/0056/16
APPLICANT:	Mr G Grida
SUBJECT SITE:	29 Marian Road, Payneham South (Certificate of Title - Volume: 5172, Folio: 556)
DESCRIPTION OF DEVELOPMENT:	Demolition of a detached dwelling and associated outbuildings; and the construction of two (2), two-storey semi-detached dwellings with associated fencing and landscaping
ZONE:	Residential Zone Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide details to the Panel on a compromise proposal which has been submitted in relation to a Development Application that was refused by the Panel at its meeting held on 18 April 2016 and which is the subject of an Appeal to the Environment Resources and Development (ERD) Court. The Panel is required to consider the amended plans and advise the ERD Court as to whether or not the amended plans satisfactorily address the concerns identified with the Application, such that consent would now be warranted.

Background

A Development Application (Development Application No. 155/0056/16) was lodged on 8 February 2016 for the demolition of a detached dwelling and associated outbuildings; and the construction of two (2), two-storey semi-detached dwellings with associated fencing and landscaping at 29 Marian Road, Payneham South.

The Panel considered the Application at its meeting held on 18 April 2016 and determined to refuse the Application for the following reasons:

- 1. The proposal is an overdevelopment of the site as the site areas are inconsistent with the minimum site areas anticipated within the Residential Zone.*
- 2. The setbacks from Arthur Street are insufficient.*
- 3. Dwelling 1 is provided with insufficient private open space.*
- 4. The imposing nature of the extent of balcony on Arthur Street.*
- 5. The development is inconsistent with the Residential Zone desired character statement with respect to space between buildings.*

A copy of the relevant section of the Minutes of the Panel meeting held on 18 April 2016, including the refused plans, is contained in **Attachment A**.

Following the refusal of the Application by the Panel, the Applicant lodged an appeal with the ERD Court. The Applicant has prepared a compromise proposal, which is the subject of this report.

A copy of the amended plans and a summary letter prepared by the Architect is contained in **Attachment B**.

A summary of the proposed amendments is provided below:

- the front fence incorporates a corner cut-off adjacent to the intersection of Marian Road and Arthur Street;
- the front setback of Dwelling 1 has increased from 4.8 metres to 5.0 metres;
- the stairwell projections have been removed from both dwellings;
- the dwellings have each been reduced in width by 300mm;
- the Arthur Street setback has been increased from 3.0 metres to 3.3 metres for both dwellings;
- the landscaping areas adjacent to Arthur Street have increased in width from 1.8 metres to 2.4 metres for the length of the site;
- the setback of the proposed balconies from Arthur Street has increased from 1.8 metres to 2.1 metres;
- the roof profiles have been amended from gabled to hipped, with the resulting external wall heights reducing from a maximum of 7.6 metres to a maximum of 5.8 metres;
- the overall height of the proposed dwellings has reduced by 500mm from 7.6 metres to 7.1 metres;
- the building footprints have reduced from 223m² to 194.6m²;
- the resulting site coverage has reduced commensurately from 44.5% to 38.8%;
- the private open space areas have increased from 40m² per dwelling to 58m² for Dwelling 1 and 54m² for Dwelling 2.

Discussion

The following discussion is based on the Panel's reasons for refusal as listed above.

Dwelling Density

The number of dwellings proposed remains unchanged. The proposed site areas per dwelling have altered marginally to accommodate the amended siting of the proposed dwellings. The site area for Dwelling 1 is now 282.6m² (previously 284.3m²) and the site area for Dwelling 2 is now 219.0m² (previously 216.0m²), as a result of a proposed internal boundary realignment.

Whilst the Applicant has made improvements to the built form on the subject land, the number of dwellings proposed remains unchanged, with negligible change to the proposed site areas per dwelling. As such, Reason 1 for the Panel's refusal of the Application has not been addressed.

Notwithstanding this, Council staff remain of the view that the proposed allotment areas and dimensions are acceptable in this instance, despite being less than the 300m² prescribed by Residential Zone Principle of Development Control (PDC) 7, for the reasons described in the original staff report contained in **Attachment A**.

Setbacks from Arthur Street

The setbacks of the proposed dwellings from the Arthur Street property boundary have been increased from 3.0 metres to 3.3 metres to the facade of the dwellings, with the setback of the proposed balconies commensurately increased to 2.1 metres from the Arthur Street property boundary.

The improved setbacks from Arthur Street have enabled the Applicant to increase the width of the landscaping areas adjacent to Arthur Street from 1.8 metres to 2.4 metres, which will provide for a better streetscape character and improved general amenity.

The proposed balconies will be marginally less prominent as a result of the proposed additional setback from the Arthur Street property boundary, albeit that the additional 300mm setback will not significantly reduce the prominence of the balconies. The extent (or width) of the proposed balconies remain unchanged.

Private Open Space

The provision of private open space for both dwellings has improved substantially from the original design. The private open space associated with Dwelling 1 has increased from 40m² to 58m², which represents a 40% increase. The private open space associated with Dwelling 2 has increased from 40m² to 54m², which represents a 35% increase.

Given that Dwelling 1 has a site area of greater than 250m², City Wide PDC 225 prescribes that 20% of the site area should be provided as private open space. The amended provision of private open space for Dwelling 1 now equates to 20.5%, consistent with City Wide PDC 225.

Dwelling 2 has a site area of less than 250m² and, as such, City Wide PDC 225 prescribes the provision of 35m² of private open space. Dwelling 2 now incorporates 54m² of private open space, which exceeds the minimum prescribed by City Wide PDC 225.

The provision of private open space is now considered to be acceptable.

Space between dwellings

The Panel previously expressed concern with the provision of space around the dwellings, with a particular emphasis on the 'boundary to boundary' nature of Dwelling 2. The Desired Character Statement for the Residential Zone was referenced in the reasons for refusal in this respect.

The relevant section of the Desired Character Statement for the Residential Zone states:

"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."

The proposed development is for semi-detached dwellings, which by their nature are attached on one side boundary. Semi-detached dwellings are an anticipated built form within the Residential Zone. In this instance the garage for Dwelling 2 also abuts the southern side boundary, which is shared by the dwelling at 76 Arthur Street.

The proposed garage is contained under a separate roof form that has been lowered from the original design, which assists in creating some separation between the dwelling and the southern boundary. The proposed garage also abuts a similar garage wall on the adjacent land, such that the proposed boundary wall will not have any adverse impact on the amenity of the adjacent property occupiers.

It is also noted that row dwellings are anticipated within the Residential Zone, which by their nature will result in one or more dwellings that are built from boundary to boundary. Row dwellings with a similar configuration to the proposed semi-detached dwellings are located opposite the subject land at 39, 41 and 43 Arthur Street.

Given the context of the locality and the proposed amendments to the garage roof form and the overall height, the proposed development is considered to be acceptable, despite Dwelling 2 having built form abutting both side boundaries.

Other

The proposed plans now illustrate a 3.0 metre by 3.0 metre corner cut-off for the front fence adjacent to the intersection of Marian Road and Arthur Street. As such, there is no longer any need for a condition to be imposed to this effect as was proposed with the original report to the Panel.

The stairwell protrusions have been removed from the design with the stairwells now contained within the dwellings. The front setback of Dwelling 1 has increased by 200mm, from 4.8 metres to 5.0 metres, which will assist in providing some additional landscaping and a better setback relationship with the adjacent residential flat building.

Summary

Whilst many of the proposed amendments are relatively minor in isolation, collectively the proposed amendments will result in a development that has a better relationship with adjacent and nearby dwellings. The proposed alterations to the roof forms and the lowering of the overall height are considered to make the greatest contribution to an overall reduction in bulk and scale.

The reduced building footprints and overall site coverage; and the commensurate increase in setbacks, private open space and landscaping are all positive aspects of the amended design.

The overall dwelling density remains unchanged and the site areas per dwelling have only changed marginally as a result of an internal boundary realignment. This aspect of the proposal did not address one of the Panel's concerns.

Whilst the proposed balconies have been set back an additional 300mm from the Arthur Street property boundary, the dimensions of the balconies remain unchanged. The boundary to boundary built form of Dwelling 2 and its associated garage also remains unchanged, albeit that the overall height and roof form of the garage has been reduced.

Despite some of the Panel's reasons for refusal not being met in full, the proposed changes are considered to improve the proposed development substantially.

It is considered that the amended proposal sufficiently accords with the relevant provisions of the Development Plan to warrant Development Plan 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*, the Environment Resources & Development Court be advised that Development Application No. 155/0056/16, by Mr G Grida, to demolish a detached dwelling and associated outbuildings; and the construction of two (2), two-storey semi-detached dwellings with associated fencing and landscaping on the land located at 29 Marian Road, Payneham South, is acceptable subject to the following conditions, or similar conditions as deemed suitable by the Court:

Relevant Plans

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

- Drawing No 15/16/s1A prepared by Carlo Dottore and Partners Architects, received by the Council on 8 June 2016.

Conditions

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

2. The southern side of the balcony of Dwelling 2 shall be screened up to a height of 1.7 meters above the floor level of the balcony prior to occupation of the building in a manner that permanently restricts views being obtained by a person from the balcony, with details to be provided to the reasonable satisfaction of the Council or its delegate, prior to the issuing of Development Approval (suggested treatments include, but are not restricted to, wing walls, or solid or translucent panels).
3. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
4. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet of each dwelling by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/0372/2016 – MR J SEMETS – 74A FIFTH AVENUE, ST PETERS

DEVELOPMENT APPLICATION:	155/0372/16
APPLICANT:	Mr J Semets
SUBJECT SITE:	74A Fifth Avenue, St Peters (Certificate of Title - Volume: 5804, Folio: 868)
DESCRIPTION OF DEVELOPMENT:	Demolition of an existing dwelling and the construction of a single storey detached dwelling with an associated outbuilding (games room), swimming pool, retaining walls, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone – The Avenues Policy Area - Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	22.86 metres
Depth:	45.72 metres
Area:	1045.2m ²
Topography:	fall of approximately 1.5m from the front to the rear
Existing Structures:	detached dwelling and associated outbuildings
Existing Vegetation:	small trees and lawn

The subject land is occupied by a post-World War II triple-fronted conventional dwelling with associated outbuildings. The existing dwelling is not listed as a Local Heritage Place or a Contributory Item within the Council's Development Plan.

The subject land has a frontage to Fifth Avenue and rear access via Sixth Lane. An existing driveway crossover to Fifth Avenue is located adjacent to the north-eastern side boundary.

Two (2) street trees are located within the Council verge adjacent to the subject land. The north-eastern street tree is a semi-mature specimen while the south-western tree is a juvenile specimen. There are no regulated trees on the subject land or adjacent land.

Locality Attributes

Land uses:	predominantly residential
Building heights (storeys):	predominantly single storey
Streetscape amenity	high due to quality of building stock and landscaped garden settings

The locality is predominately characterised by single storey detached dwellings on large allotments with landscaped gardens. The only exception to the single storey form of dwellings within the locality is the adjacent dwelling at 74A Fifth Avenue, which has a second storey contained within the roof space.

Neither of the adjacent dwellings are listed as Local Heritage Places or Contributory Items within the Development Plan. The nearest Contributory Items are one (1) allotment removed from the subject land at 76 Fifth Avenue and opposite the subject land at 69A and 71 Fifth Avenue.

Fifth Avenue contains a number of mature street trees that significantly contribute to the landscaped setting of the locality.

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

Proposal in Detail

The Applicant seeks consent to demolish the existing dwelling and associated outbuildings; and to construct a single storey detached dwelling with an associated outbuilding (games room), swimming pool, retaining walls, fencing and landscaping.

The proposed detached dwelling has been designed as a replica East Adelaide Building Company return verandah Villa with a contemporary addition-like portion beyond, which has been designed to give the impression of an original character dwelling with a modern rear addition, despite being an entirely new dwelling.

The replica portion of the dwelling is well detailed and incorporates traditional proportions and materials including bluestone walls, a convex timber return verandah, timber window frames, corrugated profile Colorbond roof with a traditional 35 degree pitch and ornate applied detail.

The contemporary rear portion of the dwelling incorporates a hipped roof form, sandstone walls and commercial aluminium window frames.

The proposed development includes the construction of a swimming pool with associated safety fencing and an outbuilding (games room) at the rear of the site. The proposed outbuilding abuts the rear Sixth Lane boundary and is proposed to be constructed with sandstone external walls and a flat roof.

The proposed front fence incorporates rendered masonry pillars, bluestone plinth and ornate wrought-iron palisade inserts.

The Applicant has provided a detailed landscaping plan that includes a range of trees including two (2) medium-large deciduous 'Gleditsia Sunburst' (Honey Locust) trees in the proposed ornamental front garden, 'Bay Laurel' hedges and lawn areas.

The proposed dwelling has a split level design with the rear portion of the dwelling set lower than the front portion of the dwelling. The rear garden area incorporates several retaining walls to reduce the need for excessive retaining walls at the boundary of the site. An existing shed that is located in the south-western rear corner of the land is proposed to be retained and incorporated into the proposed development.

The proposed dwelling contains four (4) bedrooms (the master contains an ensuite and walk-in-robe), a combined kitchen/living/dining room, a second living room, a bathroom, a laundry and a storeroom. A double width garage is proposed under the main roof of the rear portion of the dwelling, with access to be

provided via a new driveway crossover with access from Fifth Avenue. A verandah terrace is proposed at the rear of the dwelling with direct links from the combined kitchen/living/dining room.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	1045.2m ²	600m ² (The Avenues Policy Area PDC 5)
Allotment Width	22.86m	18m (The Avenues Policy Area PDC 7)
Allotment Depth	45.72m	N/A
External Wall Height*	3.2m – 4.2m (excluding the gable end)	N/A
Maximum Overall Height (to roof apex)*	6.8m	N/A
Floor Area (including carport and terrace)	401m ²	N/A
Site Coverage	38.4%	50% (The Avenues Policy Area PDC 6)
Private Open Space	275m ² 26.3% of site area 83% uncovered	20% site area (City Wide PDC 225)
Street Setback	9.7 metres (facade) 7.6 metres (verandah)	Consistent with adjacent CI or LHP (The Avenues Policy Area PDC 8)
Side Setbacks	1.0m – 3.5m (north-eastern) 6.4m (south-western) 900mm (garage) nil (outbuilding – north-eastern)	Reflect the pattern of adjacent development (The Avenues Policy Area PDC 8)
Rear Set-back	13.6m - 16.1m (dwelling) Nil (outbuilding)	N/A
Car Parking Provision	Two (2) undercover & four (4) visitor	2 (1 undercover) - Table NPSP/8

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

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

Notification

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

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

The Avenues Policy Area Desired Character Statement
The Avenues PA Objectives: 1
The Avenues PA PDC's: 1, 3, 7 & 8

Residential Historic (Conservation) Zone Desired Character Statement
Residential H(C)Z Objectives: 4, 6
Residential H(C)Z PDC's: 1, 2, 3, 5 & 7

City Wide Objectives: 1, 2, 5, 7, 55 & 56
City Wide PDC's: 1, 2, 3 & 4

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

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

and

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

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

Streetscape/bulk/scale/height/character

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

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

Residential H(C)Z Desired Character Statement
Residential H(C)Z Objectives: 1, 2, 3, 5, 6 & 8
Residential H(C)Z PDC's: 1, 2, 14, 15, 16, 17, 18, 19, 22 & 23

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

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

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

and

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

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

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

“New development will complement and reinforce the traditional colours and materials such as stone, brick and rendered masonry. It will be set in a sympathetic landscaped setting and will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock.” (my underline)

As the dwelling is located within the Residential Historic (Conservation) Zone, the Application was referred to the Council's Heritage Advisor, David Brown. A summary of Mr Brown's response is set out below:

- the proposed dwelling is set out conceptually as a replica house at the front of the site and a contemporary addition at the rear of the site;
- the proposed design includes a double garage facing the street, despite the allotment having rear lane access. Double garages in Historic (Conservation) Zones are not typical design elements and tend to detract from the well sited dwellings with surrounding landscaping;
- the proposed replica portion of the dwelling is a copy of an East Adelaide Building Company Return Verandah Villa with reasonable setbacks;
- the main criticism from a heritage perspective is that replica buildings blur the distinction between real heritage and pastiche for the casual observer. A better response is for a design that is more honest to its date of construction;
- East Adelaide Building Company dwellings were generally constructed further south in the St Peters area that was developed during an earlier period than when this part of Fifth Avenue was developed. The character of surrounding homes is that of Bungalows and Tudors, with only a few pre-WW1 dwellings;
- the overt detail applied to the house is not considered to be appropriate as it misleads the observer as to the true age of the house. A similar form could be developed without all of the applied decoration, which would comprise a simplified verandah design, more minimal quoins and window surrounds and less detailed timber work on the house;
- the proposed front fence is considered to be an almost exact replica of an East Adelaide Building Company house, commonly seen in Fifth and Sixth Avenues further to the south. If the house design was deemed appropriate, then the fence is well matched; and
- overall, whilst the proportions, scale and general layout of the dwelling are considered acceptable (with the exception of the double garage), the proposed house is a replica dwelling out of context and the applied decoration/ornate detail is considered to be inappropriate.

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

Whilst the proposal satisfies many of the Development Plan provisions for new dwellings in Historic Conservation Zones (for example those relating to materials, form, scale, setbacks, etc.), the proposed dwelling design is clearly a replica of an East Adelaide Building Company Return Verandah Villa, which attempts to reproduce the finer architectural detail of the historic dwellings, contrary to the Desired Character Statement for the Residential Historic (Conservation) Zone.

As set out in Mr Brown's advice, the proposed dwelling design retains much of the finer architectural detail of East Adelaide Building Company dwellings in the area. Examples of retained replication finer architectural detailing are:

- the ornate verandah design;
- the detailed quoins;
- the mouldings surrounding the windows; and
- less detailed timber work on the house.

The policy intent is considered to be clear, insofar as the prominence and significance of historic buildings should be maintained, through ensuring that new dwellings are complementary in form, scale and composition, without competing for prominence or 'mimicking' older dwellings by replicating finer architectural detailing.

In this instance, the proposed design of the dwelling with a replica front portion and a contemporary addition-like portion at the rear, is considered to exacerbate the feeling that the front portion of the dwelling is original, rather than a new dwelling.

It is noted that the Desired Character Statement for The Avenues Policy Area includes a reference to development avoiding poor imitation. The relevant passage states:

Old and new development will be combined in a way that shows an understanding of historic design patterns, avoids poor imitation and improves the overall visual amenity of streetscapes...

The meaning of the phrase "poor imitation" is unclear in this context. It could mean that imitation is a poor approach in the context of the locality, or that good imitation is acceptable. In addition, when seeking clarification/guidance in the Desired Character Statement for the Residential Historic (Conservation) Zone, "poor imitation" could also mean development with similar (not the same) form and materials to original dwellings, but without the finer architectural detail. Given the reinforcement of this approach in the Desired Character Statement for the Residential Historic (Conservation) Zone, staff are of the view that this is the correct interpretation.

The proposed replica form of the front portion of the dwelling and the finer architectural detailing is considered to be contrary to the Desired Character Statement for the Residential Historic (Conservation) Zone and a significant shortcoming of the proposal.

The concern with the replica form and the applied detailing were raised with the Applicant. The Applicant has chosen not to amend the Application and wishes for the Panel to determine the Application in its current form.

Beyond the concerns raised regarding the architectural style, the proposed dwelling is single storey in form, consistent with The Avenues Policy Area Principle of Development Control 4, and has a general bulk and scale that complements other development within the locality. The proposed external wall heights, materials and roof pitch are consistent with the Desired Character Statement for The Avenues Policy Area.

The dwelling is proposed with a double-width garage that is to be accessed from the front of the property, via a new driveway crossover. Residential Historic (Conservation) Zone Principle of Development Control 32 states, in part:

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

The proposed vehicular access and parking configuration is inconsistent with Residential Historic (Conservation) Zone Principle of Development Control 32, which seeks all access and garaging via rear lanes.

The existing dwelling on the subject land is accessed via a driveway crossover directly from Fifth Avenue. The Applicant has proposed to reinstate the existing driveway crossover and to establish a new crossover on the opposite side of the allotment in accordance with Council requirements.

In addition, all of the adjacent dwellings have vehicular access directly from Fifth Avenue with most dwellings having secondary access from the rear lane. Several of these dwellings also have carports and garages attached to the side of the dwelling or under the main roof, including the dwellings at 69, 69A, 71, 73, 74 and 74B Fifth Avenue. The proposed garage is set well back behind the dwelling facade, such that it would not

be a prominent streetscape feature. As such, it presents to the street in much the same way that the carports and garages attached to the side of dwellings on adjacent properties do.

The front yard is proposed to be well landscaped to offset the hard paved driveway. As such, the proposed garage facing the street is considered to be consistent with Residential Historic (Conservation) Zone Principle of Development Control 31, which seeks garages that are designed to not visually dominate the streetscape.

On balance, whilst the garage facing the street is contrary to Principle 32, when taking into account the established character of the locality and the manner in which the proposed garage has been designed, it is not considered to be a significant shortcoming of the application.

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

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

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

The proposed front fence consists of rendered masonry pillars and bluestone plinth with wrought-iron palisade inserts. The pillars range in height from 1.9 metres to 2.4 metres high, as a result of the existing cross-fall of the land. The wrought-iron palisade infill ranges in height from 900mm to 1.3 metres. Of the six (6) masonry pillars proposed, only two (2) of the pillars exceed the maximum height prescribed by The Avenues Policy Area Principle of Development Control 9 (at the north-eastern end where the verge level is lower).

In this instance, the proposed scale of the fence is true to its design and the variance in the height of two (2) pillars is considered to be minor as the fence will complement the dwelling and other front fences within the locality.

Setbacks and Site Coverage

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

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

In terms of front and side setbacks, The Avenues Policy Area Principle of Development Control 8 states:

“The front and side setbacks of new dwellings should reflect the pattern established by the adjoining dwellings and should be sited at a distance equal to or greater than, the alignment of the main face of the adjacent heritage place or contributory item. Where a site is between two heritage places or contributory items the greater of the two set-backs should be applied.”

The adjacent dwelling at 74 Fifth Avenue is a modified Bungalow and the adjacent dwelling at 74B Fifth Avenue is a replica Villa that was constructed in 2007. Neither of the adjacent dwellings are Heritage Places or Contributory Items. As such, the proposed dwelling should incorporate front and side setbacks that reflect the pattern established by the adjoining dwellings.

The adjacent dwelling at 74 Fifth Avenue is set back 10.6 metres from the Fifth Avenue property boundary, with its front verandah extending to 7.4 metres from the Fifth Avenue property boundary. The adjacent dwelling at 74B Fifth Avenue is set back 7.5 metres from the Fifth Avenue property boundary.

The proposed dwelling has a front setback of 9.7 metres to the facade of the dwelling, with the verandah extending to 7.6 metres from the Fifth Avenue boundary. The proposed dwelling facade provides a good transitional relationship between the two (2) adjacent dwellings and the proposed verandah is set slightly behind the alignment of the verandahs on the adjacent dwellings. In this context, the proposed front setbacks are considered to reflect the pattern established by the adjoining dwellings, in accordance with The Avenues Policy Area Principle of Development Control 8.

The side setbacks of the proposed dwelling range between 1.0 metre and 3.5 metres on the north-eastern side of the dwelling and 6.4 metres on the south-western side of the dwelling. Toward the rear of the dwelling, the contemporary portion of the dwelling is set back 1.0 metre from the north-eastern side boundary, while the proposed garage is set back 900mm from the south-western side boundary.

The proposed side boundary setbacks are also considered to reflect the pattern established by the adjoining dwellings, in accordance with The Avenues Policy Area Principle of Development Control 8.

The proposed dwelling is set back between 13.6 metres and 16.1 metres from the rear boundary of the subject land, which provides generous separation from the rear boundary consistent with adjacent and nearby dwellings.

The proposed development also includes the construction of an outbuilding (games room) at the rear of the allotment. The proposed outbuilding abuts both the north-eastern side boundary (for 6.6 metres) and the rear lane boundary (for 7.0 metres).

City Wide Principle of Development Control 207 states:

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

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

The proposed outbuilding occupies less than eight (8) metres on each boundary, consistent with City Wide Principle of Development Control 207. However, whilst the proposed outbuilding has an external wall height of 2.9 metres, it is situated over a retaining wall that will result in the overall height of the outbuilding and retaining wall of up to 3.55 metres on the north-eastern side boundary and 3.7 metres on the rear lane boundary.

In this instance, the proposed combined retaining and external wall heights are considered to be acceptable as the siting of the outbuilding is adjacent to the neighbour's shed and the rear lane, such that there will be no unreasonable visual outlook impact or overshadowing impact on the occupants of the adjoining property, in accordance with City Wide Principle of Development Control 207(b).

The location plan provided by the Applicant, which is contained in **Attachment B**, is a good illustration of the siting relationship of the proposed dwelling and the associated outbuildings to existing development within the locality. The proposed setbacks are considered to complement other development in the locality and the siting of the dwelling will provide a good fit in the context of the locality.

The proposed development results in an overall site coverage of 38.4%, which is substantially less than the 50% maximum prescribed by The Avenues Policy Area Principle of Development Control 6. It is also noted that the proposed dwelling incorporates under cover vehicle parking, storage areas and outdoor covered entertaining areas, such that it is unlikely that further development would be sought in the future that could increase the site coverage.

Overshadowing/overlooking

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

City Wide PDC's:

194 - 196

The proposed dwelling is single storey in form with generous setbacks from the south-western side boundary. Whilst the proposed garage is set back 900mm from the south-western side boundary, it incorporates a flat roof design such that overshadowing of the neighbour's private open space area will be negligible.

In terms of overlooking, the proposed dwelling is single storey and has been designed with a split level to follow the natural contours of the land. The combined height of the proposed side and rear retaining walls and fences ranges between 1.8 metres and 2.47 metres, with the overall height of all fences extending to 1.8 metres above the internal verandah/terrace level. As such, no unreasonable overlooking will occur as a result of the proposed development.

The relationship between the internal floor and terrace levels, and the side fencing is well illustrated on the north-east fence elevation contained in **Attachment B5**.

Private open space

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

City Wide PDC's:	222-225, 229
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The proposed dwelling includes 275m² of private open space, which equates to 26.3% of the overall site area. City Wide Principle of Development Control 225(a) prescribes that dwellings with a site area of greater than 250 square metres should have a minimum area of private open space of at least 20% of the site area. The proposed development is consistent with this provision.

The proposed private open space area is divided between the large rear yard and a small north-facing courtyard. The private open space is well oriented and has good links with the living rooms of the proposed dwelling. A service yard is proposed at the rear of the garage which will house the bins and clothes drying area.

The provision of private open space area is considered to be a positive aspect of the development and is consistent with City Wide Principles of Development Control 222 to 225 and 229.

Carparking/access/manoeuvring

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

RH(C)Z PDC's:	32
City Wide Objectives:	34
City Wide PDC's:	98, 101, 113, 118 & 212

Table NPSP/8

Table NPSP/8 prescribes that detached dwellings should be provided with two (2) on-site car parking spaces, of which at least one (1) should be covered. The proposed dwelling will accommodate two (2) undercover car parking spaces within the garage, with sufficient area on the driveway for at least four (4) visitor parking spaces. The internal dimensions of the garage are consistent with Principle of Development Control 212.

The Applicant has proposed to reinstate the existing driveway crossover adjacent to the north-eastern side of the allotment and to construct a new driveway crossover adjacent to the south-western side of the allotment. The proposed driveway crossover will have a clearance of 1.7 metres from the adjacent timber telegraph pole and 2.7 metres from an adjacent juvenile street tree.

The proposed access will be safe and convenient in accordance with City Wide Principle of Development Control 98 and will not interfere with any existing infrastructure or street trees.

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, 57, 58 & 164

The subject land is not within a recognised flood plain.

The subject land falls approximately 1.5 metres from the front of the site to the rear. The dwelling has been designed with a split level and internal retaining walls are proposed to terrace the rear yard, to reduce the need for excessive retaining walls at the boundaries of the land.

The proposed dwelling has a finished floor level at the front of the dwelling that ranges between 450mm below and 60mm above the adjacent top of kerb level. The rear portion of the dwelling has a finished floor level that is 160mm lower than the front portion of the dwelling and the garage has a finished floor level that is a further 480mm lower.

Roof runoff from the development is proposed to be disposed of via a sealed system to a 2000 litre rain water tank, which will be plumber back to the dwelling with overflow directed to the street water table. Surface runoff will be collected in sumps and pumped to the street water table in accordance with the Council's required standards.

No stormwater will be disposed of to the Sixth Lane at the rear of the land.

Retaining walls located within the rear yard vary in height from 260mm to 670mm, consistent with City Wide Principle of Development Control 57, which states that the height of any retaining wall should not exceed 1.0 metre.

At the boundaries of the subject land, retaining wall heights range from 330mm along a portion of the south-western side boundary and the rear lane boundary; to 600mm along a portion of the north-eastern side boundary. The combined height of retaining walls and fencing along the side and rear boundaries ranges between 1.8 metres and 2.47 metres.

City Wide Principle of Development Control 58 states:

"The combined height of a fence and a retaining wall should not exceed 2.4 metres (measured from the lower of the two adjoining natural ground levels)."

Only a small section of retaining wall and fence exceeds 2.4 metres in height. This section is located along the north-eastern side boundary and is located behind the neighbour's shed, such that its impact will be negligible. In addition, the maximum height is only exceeded by 70mm and the length of affected fence is limited to 2.1 metres.

Overall, the proposed finished floor levels, finished ground levels, and the provision of retaining walls and fencing has been well considered to retain the privacy of adjacent property occupiers without resulting in an unreasonably compromised visual amenity.

Trees (significant, mature & street) and landscaping

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

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

There are no regulated trees on the subject land. Two (2) street trees are located within the Fifth Avenue verge, adjacent to the subject land.

The proposed front fence (and associated footings) is located outside of the structural root zones (SRZ) of the adjacent street trees. Similarly, the proposed driveway crossover is located outside of the SRZ's, such that the proposed development will not have any adverse impact on the adjacent street trees.

The proposed site plan includes a detailed landscaping plan which includes a range of trees including two (2) medium-large deciduous 'Gleditsia Sunburst' (Honey Locust) trees in a proposed ornamental front garden with 'Bay Laurel' hedges and lawn areas. The rear yard is terraced and includes a lawn area adjacent to the dwelling at the upper level, with a garden area and trees within the lower level at the rear of the site.

The proposed provision of landscaping will enhance the dwelling and will add to the appearance and quality of the streetscape, in accordance with the Desired Character Statement for The Avenues Policy Area.

Environmental Sustainability

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

City Wide Objectives:	23, 42
City Wide PDC's:	70-72, 149, 150 & 159

The proposed dwelling is well orientated for access to natural light. The north-western rear elevation is protected by a wide verandah that is contained under the main roof, which will provide shade for the floor to ceiling windows during summer.

The Applicant has proposed to direct roof run-off to a 2000 litre rainwater tank, which will be plumbed back to the dwelling for reuse, in accordance with City Wide Principle of Development Control 159.

Whilst no solar collectors are proposed, the dwelling incorporates large roof areas that could facilitate the efficient use of solar collectors, in accordance with City Wide Principle of Development Control 70.

Summary

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

The dwelling is provided with sufficient private open space and has been designed to take advantage of access to natural light. The proposed setbacks and resulting site coverage are consistent with the relevant provisions of the Development Plan. Sufficient vehicle parking spaces and safe and convenient access has been provided.

While the proposal satisfies most of the Development Plan provisions for new dwellings in Historic Conservation Zones (materials, form, scale, setback, etc.), it attempts to reproduce a historic dwelling and in doing so, blurs the distinction between heritage and replica. This is considered to be a particularly important consideration for a new dwelling in a Historic (Conservation) Zone. The policy intent is clear, insofar as the prominence and significance of historic buildings should be maintained, while new dwellings should be complementary, without competing for prominence.

Whilst the proposed development is only at odds with one (1) aspect of the Development Plan, (i.e. the reference to not reproducing the finer architectural detail of the historic building stock, which is contained in the Desired Character Statement for the Residential Historic (Conservation) Zone), that shortcoming of the proposal carries significant weight as the reference is clearly expressed and sets a clear direction for the design of new dwellings in the zone.

The ERD Court has repeatedly emphasised the importance of Desired Character Statements in helping to make sense of other provisions (Objectives and Principles of Development Control) within the relevant zone or policy area. The ERD Court and Supreme Court have also stated on numerous occasions, that there needs to be good reason to depart from a clearly stated policy position. There does not appear to be any good reason to do so in this instance.

Accordingly, whilst it is considered that the proposal is not seriously at variance with the Development Plan, it does not sufficiently accord with the relevant provisions of the Development Plan to warrant consent in its current form.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **refused** to Development Application No 155/0372/16 by Mt J Semets to demolish the existing dwelling and associated outbuildings; and to construct a single storey detached dwelling with an associated outbuilding (games room), swimming pool, retaining walls, fencing and landscaping, on the land located at 74A Fifth Avenue, St Peters, for the following reasons:

1. The proposal is at odds with the Desired Character Statement for the Residential Historic (Conservation) Zone, as the proposed dwelling is a replica of historic buildings in the Zone.

The Desired Character Statement for the Residential Historic (Conservation) Zone encourages development that will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock.

The proposed dwelling replicates the general form, roof forms, verandah and fence detail and all of the applied decorative detail of original East Adelaide Return Verandah Villas, which are typically located further south in the Zone, rather than within the locality of the subject land.

The proposed design approach deceives the casual observer to the true period of construction, particularly given that the rear portion of the dwelling has been designed to appear as a contemporary addition to an original home.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/197/2016 – BROWN FALCONER – 2-6 PERCIVAL STREET & 28 QUEEN STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/197/2016
APPLICANT:	Brown Falconer
SUBJECT SITE:	2-6 Percival Street and 28 Queen Street, Norwood (Certificate of Title - Volume: 5829, Folio: 208 and Certificate of Title - Volume: 5695, Folio: 852)
DESCRIPTION OF DEVELOPMENT:	Construction of nine (9) independent living units with associated fencing and landscaping to be operated under the <i>Retirement Villages Act 1987</i>
ZONE:	Residential Character (Norwood) Zone Norwood Payneham and St Peters (City) Development Plan (dated 2 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to construct nine (9) single storey independent living units to be operated under the Retirement Villages Act with associated fencing and landscaping, on two (2) non-contiguous allotments.

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 – 28 Queen Street

Shape:	regular
Frontage width:	15.1m
Depth:	43.1m
Area:	651m ²
Topography:	Essentially flat
Existing Structures:	two (2) single storey independent living units
Existing Vegetation:	small trees and shrubs

Subject Land Attributes – 2-6 Percival Street

Shape:	regular
Frontage width:	47.5m
Depth:	46.9m
Area:	2230m ²
Topography:	slight fall of 1.0m from North to South
Existing Structures:	single storey former nursing home
Existing Vegetation:	small trees and shrubs

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:

Percival North

Consideration	Dwellings 1-3	Development Plan Merit Assessment Quantitative Guideline
Site Areas*	217m ²	300m ² *
Site Width	15.1m	9m Detached 8m Semi-detached
Site Depth	43.1m	N/A
External Wall Height	3.0m	N/A
Maximum Overall Height (to roof apex)	7.2m	Two-storey
Floor Area (total)	135m ² -142m ²	N/A
Site Coverage	63%	N/A
Private Open Space*	35m ² - 70m ²	35m ² *
Street Setback	1.5m-2.35m	N/A
Side Setbacks (ground level)	1.0m-1.5m	2.5m
Rear Setback	Nil-1.0m	4.0m
Car Parking Provision	1 covered space each dwelling with houses 2 and 3 having visitor parks	1 space per dwelling plus .5 visitor space for every 2 dwellings (Table NPSP/8)

** A lesser requirement than that specified for site area and private open space may be appropriate for housing for seniors provided the development is of a scale and appearance that reflects the residential nature and character of the locality and is designed to provide safe, attractive and comfortable living conditions for the residents.*

TABLE 1: DEVELOPMENT DATA (cont.):

Percival South

Consideration	Dwellings 1-6	Development Plan Merit Assessment Quantitative Guideline
Site Areas Excluding 'common' area**	271m ² average excluding common areas	300m ² average excluding common areas *
Site Width	47.5m	N/A
Site Depth	46.9m	N/A
External Wall Height	3.0m	N/A
Maximum Overall Height (to roof apex)	6.8m	Two-storey PDC 12
Floor Area (total)	178m ² – 180m ²	N/A

TABLE 1: DEVELOPMENT DATA (cont.):

Consideration	Dwellings 1-6	Development Plan Merit Assessment Quantitative Guideline
Site Coverage	48%	N/A
Private Open Space*	67m ² & 63m ² (22% & 21% of site areas)	20% of allotment area & 50% uncovered (CW PDC's 225(a) & 229)*
Street Setback	4.0m	6.0m (Residential Zone PDC 8)
Side Setbacks	1.0m-2.7m	2.5m (CW PDC 202)
Rear Setback	1.524m	4.0m PDC 12
Car Parking Provision	2 covered spaces each dwelling 3 visitor parks	1 space per dwelling plus .5 visitor space for every 2 dwellings (Table NPSP/8)

* *A lesser requirement than that specified for site area and private open space may be appropriate for housing for seniors provided the development is of a scale and appearance that reflects the residential nature and character of the locality and is designed to provide safe, attractive and comfortable living conditions for the residents.*

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

Notification

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

State Agency Consultation

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

Discussion

The subject land is located within the Residential Character (Norwood) 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 Character (Norwood) Zone	Desired Character Statement
Residential Character (Norwood) Zone Objectives:	1, 2
Residential Character (Norwood) Zone PDC's:	1, 3, 7
City Wide Objectives:	1, 2, 3, 7, 8, 10, 11, 55-57, 59
City Wide PDC's:	1-4, 178, 247, 249

Principle of Development Control 1 of the Residential Character (Norwood) Zone states that housing for seniors is an appropriate land use within the zone. The proposed independent living units are a form of housing for seniors as the Applicant has advised that the units will be operated under the provisions of the *Retirement Villages Act 1987*.

Residential Character Zone (Norwood) Policy Area Principle of Development Control 10 (in part) states:

A dwelling should have a minimum site area and a frontage to a public road of not less than shown in the following table:

Dwelling Type	Site Area (square metres)	Minimum Site Frontage (metres)
<i>Detached Dwelling:</i>		
- North of The Parade and east of Osmond Terrace, excluding sites fronting Portrush Road	300 minimum	9* *12.5 where a double garage/carport fronting the primary street is proposed
<i>Semi-detached Dwelling:</i>		
- North of The Parade and east of Osmond Terrace, excluding sites fronting Portrush Road	300 minimum	8* *12.5 (where a double garage/carport fronting the primary street is proposed) *12.5 (where a double garage/carport fronting the primary street is proposed)
<i>Group Dwelling:</i>		
- North of The Parade and east of Osmond Terrace, excluding sites fronting Portrush Road	300 average (exclusive of common areas)	18 (total development site frontage)

Each dwelling at Percival North has an exclusive site area of 217m², which is an 83m² shortfall of the minimum site area contained in Principle 10. The dwellings within the Percival South site have an average site area of 220m² excluding 'common' areas which equates to an 80m² shortfall. Each of the sites achieve the required minimum frontage for the relevant form of development.

City Wide Principle of Development Control 249 states:

"A lesser requirement than that specified for site area and private open space may be appropriate for supported accommodation and housing for seniors provided the development is of a scale and appearance that reflects the residential nature and character of the locality and is designed to provide safe, attractive and comfortable living conditions for the residents."

Accordingly, the shortfall in the site areas of the dwellings (applying the rates in Principle 10 of the Residential Character (Norwood Zone) may be acceptable, subject to the proposed development achieving qualitative outcomes with respect to the character of the area as well as internal amenity for occupants. The former consideration is discussed in detail later in the report under the heading *Streetscape/bulk/scale/height/character*, while the latter consideration will be discussed under the heading of *setbacks and site coverage*. In short, it is concluded in those sections of the report, that the proposal is of a scale and appearance that reflects the residential nature and character of the locality and is designed to provide safe, attractive and comfortable living conditions for the residents.

Having regard to minimum allotment sizes specified in Principle of Development Control 10 of the Policy Area, the discounts able to be applied through City Wide Principle of Development Control 249 and the varied allotment pattern and sizes in the locality, the proposed density is considered appropriate.

Streetscape/bulk/scale/height/character

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

Residential Character (Norwood) Zone	Desired Character Statement
Residential Character (Norwood) Zone Objectives: 3	
Residential Character (Norwood) Zone PDC's:	5, 9, 15, 16,
City Wide Objectives:	18, 19 & 20
City Wide PDC's:	28-34, 37, 39, 190, 191, 192, 193, 201

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

Building heights will generally be limited to maintain a single-storey streetscape appearance, however, in some locations where a single-storey built form character is particularly intact, may be further limited to single-storey. The design of new dwellings may be traditional or contemporary but in all cases will make reference to the architectural detail of the surrounding pre-1940s dwellings, in particular the roof forms, front verandah treatments, window proportions and the use of different materials and finishes. Flat roof pitches, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties...

The design of buildings will be innovative and contemporary, however, large unbroken expanses of glass or walling and monochromatic colour schemes will not occur where it will be highly visible in the streetscape or from surrounding properties.

The single storey nature of each dwelling provides for an appropriate fit in the locality, which contains a mix of single and two storey buildings. The hipped roof form of each dwelling which is to be clad in corrugated iron, the use of limestone blockwork, the incorporation of front verandah elements and traditionally proportioned windows are all considered to be consistent with traditional building styles found in the locality. The dwellings are essentially a contemporary version of more traditional homes in the locality and this design approach is consistent with the Desired Character Statement.

With respect to the Percival North Site, City Wide Principles of Development Control 190 and 192 state:

The roof form and design of semi-detached dwellings in localities where the predominant dwelling type is detached dwellings should achieve the form of a single integrated building (Refer to Figure 5) and be of a bulk and scale that is consistent with the predominant pattern of development.

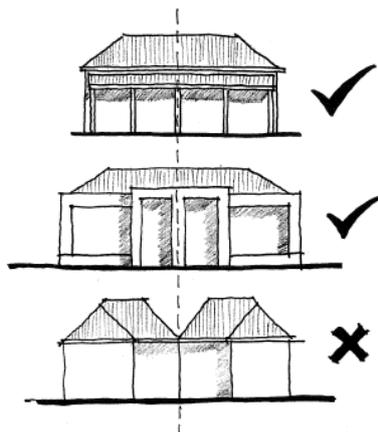


Figure 5

Dwellings on corner sites should address both the primary and secondary street frontages and should be designed and sited so that the dwelling facade on the secondary street frontage includes visible articulation and detail, which complements the secondary streetscape (Refer to Figure 6).

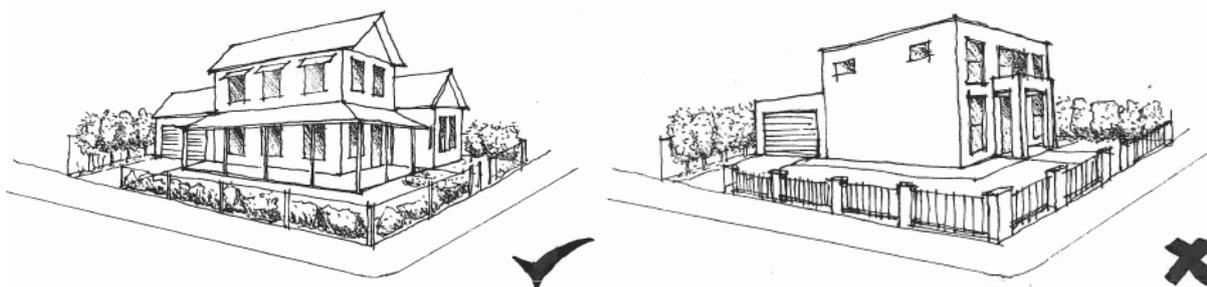


Figure 6

The proposed dwellings at the Percival North site are consistent with the above provisions, as Dwelling 1 addresses the corner of the site through the use of a mixture of high and low fencing, modulation in the southern and western facade and return verandah elements interspersed with landscaping, whilst Houses 2 and 3 have an integrated roof form.

With respect to the Percival South site, the proposed U shaped driveway, with access located at the eastern end and egress located at the western end, is considered to be a positive aspect of the proposal, as the northern dwellings on the site are rear loading, which allows for a streetscape presentation devoid of garages and the retention of existing street trees.

Setbacks and Site Coverage

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

City Wide PDC's: 202, 204, 205, 206, 208

With respect to the Percival North site, City Wide Principle of 205(a) states:

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

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

The proposed front setback for the Percival North dwellings facing Percival Street is 1.5m, which is consistent with the adjoining dwelling at 1 Percival Street, Norwood. With respect to Dwelling 1, which faces Queen Street, a front setback of 2.4m is proposed. The adjoining dwelling at 24-26 Queen Street has a front setback of 3.1m to the verandah and 4.2m to the main wall, with the verandah being under the main roof of the dwelling. Whilst the front setback is not consistent with Principle 205(a), the relatively minor shortfall (ie. 0.6m) is considered acceptable given the corner location of the dwelling, the staggered setback alignment of the dwelling and reasonable separation between the two (2) dwellings, allowing for a gradual transition in setbacks.

The front setback of the Percival South dwellings is proposed to be 4.0m. The dwelling on the adjoining property to the east at 1/8 Percival Street has a front setback of 4.5m. Other dwellings along the southern side of Percival Street within the locality are set back a similar distance from the street. The proposed front setback of the Percival South dwellings is considered appropriate, despite the 500mm disparity between the proposed setback and the adjoining dwelling at 1/8 Percival Street, particularly in light of the open sided verandah which provides a more open appearance when viewed from the street and the separation created as a result of the driveway entrance and landscaping buffer on the eastern boundary.

City Wide Principle of Development Control 202 states:

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

In terms of side and rear setbacks for Percival South, City Wide Principle of Development Control 202 states that the single storey component of a 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. The side setbacks of houses 4 and 6 do not meet the provision, with only a portion of each dwelling setback a greater distance than 2.5m. The rear setback of these dwellings is proposed to be 1.5m which is also inconsistent with Principle 202.

Despite being less than 2.5 metres, the side setbacks of houses 4 and 6 are not likely to detrimentally impact on occupants of adjoining dwellings. In relation to Dwelling 6, the adjacent dwelling on the property to the east is built on the boundary, so there are no outlook or overshadowing impacts. With respect to dwelling 4, the encroachment within the 2.5m setback is considered acceptable as the built form is modulated, such that the majority of the dwelling is setback at least 2.7 metres from its western boundary and there is a reasonable distance between the new unit and the existing dwelling at 32 Queen Street, Norwood. Further to this, the proposed setback is akin to that of the current nursing home on the subject land.

The rear setback is considered appropriate as it abuts Buttery Reserve, a Council reserve occupied by a croquet club, lawn tennis club and the China Painters Guild. Accordingly, whilst the proposed side and rear setbacks for the dwellings proposed at the rear of the site do not meet the quantitative requirements of City Wide Principle of Development Control 202, it is considered the surrounding development provides sufficient mitigating circumstances.

The proposed site coverage for the Percival North site is 63% and the proposed site coverage for the Percival South site is 48%. The Residential Character (Norwood) Zone does not provide quantitative guidance. It is therefore relevant to consider City Wide Principle of Development Control 208, which states:

Site coverage should ensure that sufficient space is provided for:

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

It is considered that each of the dwellings have been designed in a manner that allows for the provision of each of the above listed facilities and safe, attractive and comfortable living conditions for the residents, consistent with City Wide Principle 249. Accordingly, the proposed development is considered to be acceptable from a setback and site coverage perspective.

Overshadowing/Overlooking

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

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

The extent of overshadowing and overlooking of neighbouring residential properties resulting from the proposal is likely to be acceptable, due to the single storey nature of the proposed dwellings, the side and rear setbacks and the relatively flat topography of the sites.

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, 249

City Wide Principle of Development Control 225 states (in part):

Dwellings (other than residential development 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; or
- (b) a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres; and
- (c) in either of the circumstances described above, have a maximum gradient of 1 in 10.

The Percival North dwellings have site areas of less than 250m² and, as such, should have a minimum area of private open space of at least 35m² which the proposed development is consistent with. In respect to the Percival South Site, each dwelling should have an area of private open space at least 20% of the site area. The provision of private open space is consistent with this provision. The private open space for the dwellings fronting Percival Street at the Percival South site, is located between the dwellings and the street. In this respect, City Wide Principle 222 states in relation to private open space:

"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"

Having regard to the existing streetscape, the apartments within the Beulah Terraces retirement village have high solid front fences to provide private open space areas. The location of the private open space within the front yard areas of Dwellings 1-3 of the Percival South site, allows for increased northern sunlight exposure, and is able to be adequately screened through a mix of fencing and landscaping.

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 provision.

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

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 and shrubs are located on the subject land, but are not proposed to be retained as part of the development.

The Applicant has provided a landscaping plan that incorporates mature trees and shrubs. The same landscaping schedule was implemented as part of the Beulah Terraces development and has resulted in a positive landscaped environment. The Applicant has indicated that a mix of the identified trees and shrubs will be planted within each respective site.

One (1) mature regulated Iron Bark street tree is located adjacent to the subject land which has a circumference of 2.03m. The proposed crossover for House 2 is 1.25m away from the base of the tree. This has been discussed with Council's Co-ordinator Arboriculture and Horticulture who has advised that notwithstanding the incursion into the Structural Root Zone of the tree, is acceptable on the basis of the existing built form (fencing and buildings) located adjacent to the tree.

Environmental Sustainability

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

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

All dwellings well orientated for solar access to the living areas and their private open space. This is considered to be a positive aspect of the proposed development.

The proposed dwellings have generous eaves which will reduce the heat loading on these windows in summer, while enabling solar access in winter.

The Applicant has proposed the provision of 1000 litre rainwater tanks for each dwelling, consistent with the Building Code of Australia 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 application, 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 from the sites will be maintained at pre-development levels. This may result in the need for on-site detention measures.

Summary

The Applicant is seeking approval to redevelop the subject land from a low care nursing home to independent living accommodation, to be operated pursuant to the Retirement Villages Act. Housing for Seniors is a desired land use within the Residential Character (Norwood) Zone.

The proposed built form is considered to be of a very high quality and of a scale that will make a positive contribution to the streetscape. Adequate provision of private open space and car parking is considered to have been provided, considering the nature of the occupants of the dwellings and the close proximity of the subject land to the shops and services located on The Parade and Magill Road.

The minor shortcomings of the proposal with respect to side and rear setbacks for the rear dwellings proposed on the Percival South site, will not have an unreasonable impact on adjacent property occupants.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan.

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 155/197/2016/15 by Brown Falconer, for the construction of nine (9) independent living units with associated fencing and landscaping to be operated under the *Retirement Villages Act*; at 28 Queen Street and 2-6 Percival Street, Norwood:

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 Brown Falconer, marked Issue A dated 28/06/2016

Conditions

1. The development is to operate as a retirement village under the Retirement Villages Act 1987 which will be owned & administered by a single entity with residences occupied in pursuance to a licence under that Act.
2. The visitor car parking space adjacent dwelling five shall be deleted to enable safe and convenient vehicular access and egress for the occupants of dwelling 1.
3. 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.
4. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers where appropriate to facilitate the movement of disabled persons).
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
6. All plants located in common areas shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.
7. All car parking spaces shall be line marked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
8. A low level 'no entry' sign shall be installed within the landscaping bed adjacent the western driveway of the site at 2-6 Percival Street, Norwood.
9. 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
10. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), or alternatively, a 6 kilolitre communal rainwater tank shall be installed for the Percival North site and a 12 kilolitre communal rainwater tank shall be installed for the Percival South site, with each dwelling contributing rainwater from at least 50m² 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. The rainwater storage capacity will be additional to any detention requirements.

11. 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.

Notes to Applicant:

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

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

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

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

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

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