

Development Assessment Panel Minutes

21 November 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 7.00 PM

PRESENT

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

Staff Mr Mark Thomson (Manager Development Assessment)
Ms Kathryn Clausen (Senior Urban Planner)
Mr Graeme Gibson (Urban Planner)
Ms Emily Crook (Urban Planner)

APOLOGIES Nil

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 17 OCTOBER 2016

Mr Minney moved that the minutes of the Meeting of the Development Assessment Panel, held on 17 October 2016 be taken as read and confirmed,

Seconded by Mr Duke and carried.

2. STAFF REPORTS

- Items to be starred (2.1, 2.2, 2.3, 2.4, 2.5)

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/205/2016 – 189 PAYNEHAM ROAD, ST PETERS

| | |
|--------------------------------------|--|
| DEVELOPMENT APPLICATION: | 155/205/16 |
| APPLICANT: | D & C Homes Pty Ltd |
| SUBJECT SITE: | 189 Payneham Road, St Peters (Certificate of Title, Volume: 5808 Folio: 982) |
| DESCRIPTION OF DEVELOPMENT: | Construction of a two-storey office building with associated car parking and landscaping |
| ZONE: | Local Office Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 15 July 2015) |
| PUBLIC NOTIFICATION CATEGORY: | Category 2 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two-storey office building with associated car parking and landscaping.

Staff do not have delegated authority to determine the Application, as the Application is a Category 2 development for the purposes of public notification and representations have been received in opposition to the development.

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

Subject Land Attributes

| | |
|----------------------|---|
| Shape: | regular |
| Frontage width: | 15.24 metres |
| Depth: | 60.96 metres |
| Area: | 929m ² |
| Topography: | slightly sloping toward the rear |
| Existing Structures: | A domestic scale shed exists towards the rear of the site |
| Existing Vegetation: | nil |

The subject land is currently vacant. The land has a primary frontage to Payneham Road and a secondary frontage to First Lane at the rear of the allotment.

Locality Attributes

| | |
|-----------------------------|--|
| Land uses: | mixed use |
| Building heights (storeys): | primarily single storey |
| Streetscape amenity | moderate due to the location on an Arterial Road |

The locality includes a mix of land uses including shops, offices, consulting rooms and dwellings. Payneham Road is an Arterial Road. The adjacent property to the north-east at 187 Payneham Road is a converted single storey dwelling, currently accommodating a personal services establishment. The adjacent property to the south-west at 191 Payneham Road, is a 1950's cream-brick dwelling with a home-based business. Other properties fronting Payneham Road within the locality are mostly converted dwellings, accommodating office uses.

The wider locality includes two storey commercial buildings, including a recently constructed two storey office building at 170 Payneham Road, a two storey bridal shop in a former church at 172 Payneham Road (listed as a Local Heritage Place) and a group of commercial tenancies within a two storey building at 174 Payneham Road.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey office building with associated car parking and landscaping. The ground floor of the proposed building incorporates a reception area, two (2) meeting rooms, a selections area, a kitchenette, bathroom facilities, an office and an internal car parking area. The first floor contains four (4) offices, two (2) meeting rooms, bathroom facilities, a lunch room and an open plan office area.

The proposed building is to be finished externally with a combination of feature brickwork, rendered walling, aluminium composite panels and aluminium framed windows.

Vehicular access is proposed via both Payneham Road and First Lane, with the Payneham Road access point to be for an accessible car parking space only. All other access and egress is to be via First Lane at the rear of the subject land.

The Applicant has provided a landscaping plan that illustrates a mix of trees, shrubs and groundcovers.

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 | Development Plan Merit Assessment Quantitative Guideline |
|--|------------------------------|--|
| Site Area | 929m ² (existing) | N/A |
| Allotment Width | 15.24m (existing) | N/A |
| Allotment Depth | 60.96m (existing) | N/A |
| External Wall Height* | 7.116 metres | N/A |
| Maximum Overall Height (to roof apex)* | 7.9 metres | Two-storey |
| Floor Area | 466.85m ² | N/A |
| Street Set-back | 8.0 metres | N/A |
| Side Set-backs | 1.0- 2.0 m | N/A |
| Rear Set-back | 26.8 metres | N/A |
| Car Parking Provision | 13 spaces | 9.6 spaces |

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

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

Notification

The proposal has been identified and processed as a Category 2 form of development. Ten (10) representations were received (3 in favour and 7 opposed) in response to this notification. A summary of the representor's concerns is set out below:

- the proposed development will result in increased traffic volumes within First Lane;
- the lane is not wide enough to allow for two-way traffic movements;
- trucks and utility vehicles will cause further traffic conflicts;
- access and egress should only be available via Payneham Road;
- traffic calming devices are required in the lane;
- conflicts with school traffic;
- potential damage to structures adjacent the subject land by vehicles (fencing, sheds, roller doors, carports etc);
- the upper level windows will overlook the representor's rear yard.

A copy of the representations is contained in **Attachment C**.

The following representors would like to be heard by the Panel in support of their submission:

- Mrs Rita and Mr Andrew Excell;
- Mr Mark and Mrs Andrea Virgin;
- Dr Michelle Lodge and Dr Michael Roder; and
- Hong Wang

Mr Adam Pedron, the Applicant's designer, has responded to the representations on behalf of the Applicant. A summary of Mr Pedron's response is provided below:

- the plans have been amended to include a high level windows to the upper floor to protect adjoining properties privacy;
- adequate on-site car parking has been proposed;
- accessible parking space is to be provided at the front of the site;
- heavy vehicles are not anticipated to access the site. The proposed office land use will generate typical demand for conventional commuter vehicles;
- offices are an anticipated land use within the Zone, it is reasonable to presume that the associated traffic volume is also anticipated;
- there will be minimal conflicts between vehicles and the local school traffic;
- vehicles will access/egress the site from first lane in a forward direction and will be able to manoeuvre such that fencing will not be damaged.

A copy of Mr Pedron's response to the representations is contained in **Attachment D**.

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 an access point to an Arterial Road (Payneham 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 Local Office Zone, as identified in 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 of development that is envisaged within the Development Plan:

| | |
|-------------------------------|-----------------------------|
| Local Office Zone Objectives: | 1 |
| Local Office Zone PDC's: | 1 & 3 |
| City Wide Objectives: | 2, 7, 12, 26, 27 & 73. |
| City Wide PDC's: | 3, 4, 12, 47, 78, 83 & 292. |

Local Office Zone Principle of Development Control 1 states:

"Development should be, primarily, commercial and professional offices serving nearby residents. In the St Peters Area shown on Map NPSP/1 (Overlay 1) development should be limited to two-storeys."

It is unclear as to whether the offices will service nearby residents or a broader catchment. However, the proposed building is two-storey, which is a scale that is anticipated within the Local Office Zone. As such, the proposed development is consistent with Local Office Zone Objective 1 and Principle of Development Control 1.

City Wide Objectives 26 and 27, and Principles of Development Control 78 and 83 relate to developments that abut different zones and land uses and generally seek to ensure that the potential impacts between land uses are minimised, whilst allowing for appropriate development in accordance with the relevant zone provisions.

While the subject land is located within the Local Office Zone, the adjacent residential properties at the rear of the allotment (including the some of the representor's properties) are located within the Residential Historic (Conservation) Zone.

Office land uses generally provide for a good transition between residential land uses and more intense land uses. This was presumably a consideration when the Local Office Zone was established along Payneham Road, i.e. it provides a buffer for the residential area to the north-west from the heavily trafficked and noisy Payneham Road. Office land uses are generally less intense in terms of traffic and noise generation than other commercial land uses such as shops and consulting rooms.

The fundamental use of the land as offices is considered to be acceptable, consistent with Objective 1 of the Local Office Zone. More specific discussion on the potential sources of conflict with the adjacent residential properties is provided in the following sections of the report.

Streetscape/bulk/scale/height/character

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

| | |
|--------------------------|---------------------------------|
| Local Office Zone PDC's: | 1 & 2. |
| City Wide Objectives: | 18, 19 & 20. |
| City Wide PDC's: | 29-33, 35, 37, 39, 41, 42 & 47. |

Local Office Zone Principle of Development Control 1 anticipates office developments that are limited to two-storeys. The proposed development is consistent with this provision of the Development Plan.

The proposed development is of a contrasting style and scale to the existing buildings within the immediate locality.

Unless otherwise specified in the relevant Zone and/or Policy Area, where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

- (a) the visual impact of the building as viewed from adjoining properties;*
- (b) overshadowing of adjoining properties and allow adequate sunlight to neighbouring buildings, private open space and solar collectors (such as solar hot water systems and photovoltaic cells); and*
- (c) the risk of damage to mature/regulated vegetation on adjoining properties taking into consideration potential damage to the root system.*

The proposed office building is set back 26.8 metres from the rear boundary. First Lane is located at the rear of the allotment, which provides for an additional separation of 4.2 metres from the residential properties to the rear.

The generous rear setback provides for adequate separation between the proposed office building and adjacent dwellings and is compatible with the rear setbacks of buildings on nearby land.

Overall, the proposed setbacks are considered to be in accordance with the relevant Development Plan provisions and acceptable.

Overshadowing/overlooking

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

| | |
|-----------------------|--------|
| City Wide Objectives: | 8 |
| City Wide PDC's: | 11, 83 |

The proposed building will result in overshadowing of the office building located at 187 Payneham Road and a portion of Payneham Road itself. The property at 187 Payneham Road is also located within the Local Office Zone.

City Wide Principle of Development Control 83 states:

“Non-residential development adjacent to a residential zone or within a residential zone should be located, designed and sited to minimise overlooking and overshadowing of nearby residential properties.”

The proposed development will not result in any overshadowing of nearby residential properties and, as such, the development is consistent with City Wide Principle of Development Control 83.

The representors listed loss of privacy as one (1) of their reasons for objecting to the proposal. The Applicant has since amended the plans to incorporate a 1.8m metre upper level window sill height and to enclose the outside staircase. .

The proposed privacy treatments, when combined with the generous distance between the building and adjacent residential properties ensures that overlooking is appropriately minimised, in accordance with City Wide Principle of Development Control 83.

Car-parking/access/manoeuvring

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

| | |
|--------------------------|--|
| Local Office Zone PDC's: | 4 & 5. |
| City Wide Objectives: | 31- 34. |
| City Wide PDC's: | 93, 98, 100, 101, 104, 107, 110, 112, 113, 115, 119, 120, 122, 123, 124, 127, 128, 129 and 130 |

The proposed development includes the provision of twelve (12) car parking spaces at the rear of the site or inside the building, and one (1) accessible car parking space located adjacent to the entrance foyer at the front of the building.

Local Office Zone Principle of Development Control 5 states:

"Car parking should be provided on the site of the office development in the areas depicted on Map NPSP/7 at the rate of one car parking space per 25 square metres of floor area of the office."

The proposed development includes 242m² of office area (including meeting rooms and selections areas), which would generate a demand for 9.7 car parking spaces at the rate of one (1) car parking space per 25 square metres of floor area. Therefore the provision of car parking exceeds this rate, with a theoretical surplus of three (3) parking spaces provided. It is therefore considered that the provision of car parking is consistent with Principle of Development Control 5.

The Application was referred to the Commissioner of Highways as the proposed development includes the creation of an access point to an Arterial Road (Payneham Road). The Commissioner of Highways supports the proposal in principle, subject to the imposition of the following conditions:

1. *All vehicular access to/from the site being gained via First Lane, with the exception of the disabled car park located at the front of the site.*
2. *The Payneham Road access shall be no more than 4.0 metres in width at the property boundary.*
3. *The car park located forward of the building shall be designated as disabled parking only and shall be consistent with AS/NZS 2890.6:2009. A bollard shall be provided within the shared space to prevent vehicles utilising this space as vehicle parking.*
4. *The Payneham Road access point shall not be utilised by vehicles larger than B99 passenger vehicles. All service vehicles shall gain access via First Lane.*
5. *Vehicles larger than a 6.4 Small Rigid Vehicle (SRV) shall not be permitted on site.*
6. *Suitable line marking and signage shall be installed designating the parking area forward of the building for disabled use only.*
7. *All vehicles shall enter and exit the site in a forward direction.*
8. *All car parking shall be designed and installed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.*
9. *Any landscaping located along the Payneham Road property boundary shall be low growing so as not to restrict driver sightlines.*
10. *The signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall be included in the design of signs.*
11. *The signage shall not contain any element that flashes, scrolls, moves or changes.*

12. *All illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ($\leq 200\text{cd/m}^2$).*
13. *All signage shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.*
14. *No stormwater from this development is permitted to discharge on-surface to Payneham Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.*

A full copy of the Commissioner of Highways advice is contained in **Attachment E**.

First Lane is too narrow for two-way vehicular traffic movements (First Lane is 4.2 metres wide). The consequence of this is that vehicles entering First Lane would need to wait on Winchester Street or Westminster Street if a vehicle was egressing First Lane. Similarly, vehicles leaving the subject land would need to wait at the edge of the proposed car parking area if a vehicle was already in First Lane.

The Australian Standards recommend, for long access driveways, that a passing opportunity be provided every thirty (30) metres. The subject land is approximately 75m from Winchester Street to the north and 90m from Westminster Street to the south. However in this instance, First Lane is a public road and formal passing opportunities are not possible without the acquisition of adjacent private land. There are several informal passing opportunities where carports and garages on adjacent land have been set back from First Lane.

The representors are concerned with the impact of increased vehicle movements within First Lane and the resulting potential for traffic conflicts with existing residents that utilise First Lane for access purposes. The representors have suggested that this issue could be overcome by directing all traffic movements to and from Payneham Road.

The Commissioner of Highways does not support two-way vehicle movements between the subject land and Payneham Road. Whilst the Council does not take direction from the Commissioner of Highways on the issue of creating a new access to an arterial road, it must have regard to the advice. It is understood that the reasoning behind the advice is that providing vehicular access to all car parking from Payneham Road would impact on traffic flows on Payneham Road and that as Payneham Road is a relatively high speed traffic environment, any potential conflict associated with traffic entering and exiting the subject land is likely to be of greater consequence in terms of safety and convenience, than that on First Lane.

The Applicant has provide a report from Mr Frank Siow a Traffic Engineer, on this issue. In Mr Siow's opinion, the intensification of traffic on the rear lane is acceptable and will not create significant conflicts between the residential and commercial properties. A copy of the advice from Mr Siow is contained in **Attachment F**.

Having regard to the advice from the Commissioner of Highways, Mr Siow and the concerns of adjacent residents, on balance it is considered appropriate that the proposed development utilise First Lane for access and egress purposes.

Traffic conflicts within the laneway are most likely to occur in the early morning and evening as employees arrive and leave work, however even at these times, the potential for conflict is relatively low and not considered to be unreasonable.

Traffic movements associated with office land uses are comparatively low compared to other forms of commercial development, with most vehicle movements occurring in the morning and the early evening, as employees arrive and leave work. Vehicle movements throughout the day are generally minimal and there are little or no vehicle movements at night or on weekends.

The land is within a Local Office Zone and it is considered that the extent of traffic movements associated with the proposal within First Lane can be reasonably anticipated, particularly given the views of the Commissioner of Highways towards access and egress directly from Payneham Road. The impact of additional traffic within First Lane is therefore considered to be acceptable.

The provision of car parking is considered to be adequate and vehicle manoeuvring and access is considered to be safe and reasonably convenient, in accordance with City Wide Principle of Development Control 89.

If the Panel determines to approve the development, it is recommended that the Commissioner of Highway's suggested conditions be imposed as conditions of consent.

Finished floor levels/flooding/retaining/stormwater

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

| | |
|-----------------------|---|
| City Wide Objectives: | 9, 37, 42 & 51. |
| City Wide PDC's: | 7, 10, 147, 148, 149, 151, 154, 155, 160 and 163. |

The subject land is not located within a flood zone or area that is affected by flooding.

The Applicants engineering report prepared by Intrax Engineering was referred to the Council's former Project Manager – Civil, Mr Matthew Kildea, for his assessment of the proposed floor levels and stormwater disposal.

The Intrax report demonstrates that storm water can be discharged whilst maintaining the 1 in 5 ARI rate and that this can be achieved without requiring any significant earthworks or having any adverse impact on adjoining properties.

Stormwater is proposed to be disposed of directly to Payneham Road. This is considered to be an acceptable solution provided that the discharge rate does not exceed that of a 1 in 5 year ARI event, as recommended by the Council's Senior Projects Engineer.

The applicant has advised that side fencing behind the building line will consist of 1.8m high good neighbour colorbond fencing which is considered to be appropriate within the locality.

The rear fence is to be an open style gate that will be placed on a timer to ensure to ensure the site is secure after hours with the gate automatically opening and closing at 7:00am and 7:00pm respectively.

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

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

| | |
|-----------------------|------------------------------|
| City Wide Objectives: | 24, 94 & 113. |
| City Wide PDC's: | 73, 74, 75, 76, 77, 78 & 79. |

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

The Applicant has provided a landscaping plan with the Application. Several species are proposed including trees (Cherry Plum and Manchurian Pear), shrubs (Oregon grape, Pittosporum and Scared bamboo) and a mix of ground covers. Details of the location of the plantings have outlined provided on the site plan.

It is considered that the rear landscaping bed adjacent the northern boundary can be increased in height to 1.5m, which although not in accordance with City Wide Principle of Development Control 74(a) (which states a minimum distance of 2.0m is required), would allow for the planting of either the nominated Cherry Plum or Manchurian Pears along the boundary. The increase in the garden bed width will not compromise vehicle manoeuvring. The amendment will ensure that the rear car parking area is consistent with City Wide Principle of Development Control 76 and increase the landscaped setting that is evident within the Residential Historic (Conservation) Zone

The landscaping plan is contained in **Attachment B**.

No street trees are affected by the proposed development.

Environmental Sustainability

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

| | |
|-----------------------|------------|
| City Wide Objectives: | 23, |
| City Wide PDC's: | 67 & 69, - |

The proposed office building has been designed with minimal west facing windows and has projecting awnings over the western windows, which will assist in reducing the heat load during summer and will allow for solar access to the windows in winter. This is considered to be a positive aspect of the development.

The Applicant has not indicated where the air conditioning and/or other plant and equipment will be located on the site. If the Panel determines to approve the development, it is recommended that a condition be imposed to ensure that the plant and equipment is adequately screened such that it does not have any unreasonable impact on the amenity of adjacent residential properties.

The proposed development will not result in any adverse micro-climate impacts such as overshadowing of adjacent residential properties.

Summary

The proposed development is considered to be acceptable from a land use perspective. The bulk and scale of the proposed development, while greater than adjacent development, is anticipated within the Local Office Zone. The proposed setbacks are consistent with other development within the locality. Overshadowing is considered to be acceptable and measures have been taken to ensure that no unreasonable overlooking will result from the development.

The provision of car parking is acceptable and whilst the proposed development may result in minor traffic conflicts within First Lane for a short period of time as employees arrive and leave the land each day; the potential for conflict is considered to be minimal and not fatal to the overall merits of the proposal, given the zoning of the land (Local Office).

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 155/205/2016 by D & C Homes Pty Ltd to construct a two-storey office building with associated car parking and landscaping, on the land located at 189 Payneham Road, St Peters, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan and floor plan prepared by Inspire Design Studio, received by the Council on 8 November 2016;
- Elevations prepared by Inspire Design Studio, received by the Council on 14 November 2016 and
- Civil Computation prepared by Intrax dated 29 March 2016

DPTI Conditions

1. All vehicular access to/from the site being gained via First Lane, with the exception of the disabled car park located at the front of the site.
2. The Payneham Road access shall be no more than 4.0 metres in width at the property boundary.
3. The car park located forward of the building shall be designated as disabled parking only and shall be consistent with AS/NZS 2890.6:2009. A bollard shall be provided within the shared space to prevent vehicles utilising this space as vehicle parking.
4. The Payneham Road access point shall not be utilised by vehicles larger than B99 passenger vehicles. All service vehicles shall gain access via First Lane.
5. Vehicles larger than a 6.4 Small Rigid Vehicle (SRV) shall not be permitted on site.
6. Suitable line marking and signage shall be installed designating the parking area forward of the building for disabled use only.
7. All vehicles shall enter and exit the site in a forward direction.
8. All car parking shall be designed and installed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
9. Any landscaping located along the Payneham Road property boundary shall be low growing so as not to restrict driver sightlines.
10. The signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall be included in the design of signs.
11. The signage shall not contain any element that flashes, scrolls, moves or changes.
12. All illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ($\leq 200\text{cd/m}^2$).
13. All signage shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
14. No stormwater from this development is permitted to discharge on-surface to Payneham Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the Payneham Road underground pipe drainage system.
2. All stormwater discharged from the land shall remain at pre-development levels with 1 in 5 year ARI events detained on-site and pumped back to the Payneham Road underground stormwater pipe system.
3. The car parking area shall be graded such that surface stormwater does not enter First Lane, whilst maintaining a convenient grade for vehicles to egress the land into First Lane. Details of the car parking area levels and stormwater disposal shall be provided to the reasonable satisfaction of the Council prior to the issuing of Development Approval.

4. The landscaping bed adjacent the northern boundary shall be increased in width to 1.5m and planted with a mixture of Manchurian Pears and Cherry Plum trees (as nominated on the approved landscaping plan) to the reasonable satisfaction of the council
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 existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
7. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of all parking bays so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
8. 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.
9. Any air conditioning units or other plant and equipment associated with the development, herein approved, shall be adequately screened such that noise levels do not exceed 45db(a) when measured at adjoining residential property boundaries.

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.

Mrs Rita Excell; addressed the Panel from 7:01pm until 7:06pm.

Mrs Andrea Virgin; addressed the Panel from 7:07pm until 7:11pm.

Jing Wang on behalf of Hong Wang addressed the Panel from 7:11pm until 7:13pm

Mr Adam Pedron, the Applicant's designer, addressed the Panel from 7:13pm until 7:21pm.

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 **refused** to Development Application No 155/205/2016 by D & C Homes Pty Ltd to construct a two-storey office building with associated car parking and landscaping, on the land located at 189 Payneham Road, St Peters, for the following reasons:*

- 1. The proposed development would be contrary to Development Plan provisions regarding orderly access and circulation of traffic generated to and from the site so as to compromise safety of pedestrians and traffic, particularly concerning First Lane.*
- 2. The proposed development would be contrary to Local Office Zone Principle of Development Control 2 in so far as it would impair the amenity or residential character of the adjoining residential zone*

Seconded by Mr Minney and carried.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/419/2016 – 144 – 146 PAYNEHAM ROAD, EVANDALE

| | |
|--------------------------------------|--|
| DEVELOPMENT APPLICATION: | 155/419/2016 |
| APPLICANT: | Mr J Nicopoulos |
| SUBJECT SITE: | 144-146 Payneham Road, Evandale (Certificate of Title Volume: 5283 Folio: 898) |
| DESCRIPTION OF DEVELOPMENT: | Construction of a two-storey office building with associated at-grade car parking and landscaping |
| ZONE: | Local Office Zone - Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016) |
| PUBLIC NOTIFICATION CATEGORY: | Category 2 |

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two-storey office building with associated at-grade car parking and landscaping, at 144-146 Payneham Road, Evandale.

Staff do not have delegated authority to determine the Application, as the application is a Category 2 form of development, to which a representation was received opposing the proposed development. 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: | 28.65 metres (to Payneham Road) |
| Secondary Frontage Width: | 34.44 metres (to Wheaton Road) |
| Depth: | 37.49 metres |
| Area: | 1,186.18m ² |
| Topography: | essentially flat |
| Existing Structures: | vacant land |
| Existing Vegetation: | overgrown grass |

The land has a primary frontage to Payneham Road and a secondary frontage to Wheaton Road. An existing crossover is located adjacent the Wheaton Road frontage of the land. Three mature street trees (two Jacarandas and one Queensland Box) are also located adjacent the Wheaton Road frontage. A bus stop and associated shelter are situated adjacent the Payneham Road frontage of the land. Two side entry pits are located either side of the intersection of Payneham Road and Wheaton Road.

Prior to the land being vacant, a petrol service station occupied the property. In 1994 Development Approval was granted to Development Application Number 160/233/94 by the former Corporation of the Town of St Peters to demolish a canopy and remove underground tanks. In 1996, Development Approval was granted to Development Application Number 160/037/96, to demolish a garage area and storage shed on the land. The Corporation of the Town of St Peters also granted Planning Consent (160/257/95) for the construction of a single-storey office building, with associated car parking and landscaping. This particular consent was never enacted and has since lapsed.

Locality Attributes

| | |
|-----------------------------|---|
| Land uses: | mixed use |
| Building heights (storeys): | predominantly single-storey |
| Streetscape amenity | moderate due to the highly trafficked nature of Payneham Road |

The south-eastern side of Payneham Road is characterised by single-storey former dwellings which have been converted to business uses and some remaining dwellings. The two adjacent properties at 142 Payneham Road and 148-150 Payneham Road contain bungalows which have been converted to an office and a consulting rooms (ie. chiropractor) respectively. Beyond these two properties, other buildings in the locality fronting Payneham Road include villas that have been converted to offices and consulting rooms as well as single-fronted original shop buildings. The north-eastern side of Payneham Road is also characterised by single-storey buildings of this nature.

In terms of two-storey construction, the nearest examples are located at 168 and 170 Payneham Road, both of which are purpose-built office buildings. On the north-western side of Payneham Road, two three-storey residential flat buildings are located at 181 Payneham Road (ie. at the intersection of Westminster Street and Payneham Road) in addition to the original Jam Factory facade which is akin to a 2 – 3 storey building height.

The Wheaton Road locality is characterised by residential development, comprising 19 predominantly single-storey detached dwellings facing Wheaton Road, a number of which are historic buildings including villas and double-fronted cottages. The front dwelling setback pattern on the north-eastern side of Wheaton Road is relatively inconsistent whereas on the south-western side, the front setback of dwellings is consistent with the majority of these dwellings being setback between 6.0 – 6.6 metres. Well-established mature street trees occupy both sides of Wheaton which contribute to the overall high level amenity.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey office building with associated at-grade car parking and landscaping. The ground floor of the proposed building incorporates an open plan office area (ie. in the order of 88m² of lettable area), an entrance foyer, a lift, two stairwells and a rubbish bin enclosure area. The at-grade car parking area comprises 30 car parking spaces and a designated parking area for bicycles and motorcycles. At first floor level, an open floor plan office area in the order of 793m² of lettable area is proposed, along with amenities and wet areas is to be situated directly over the lower ground level and the car parking area.

The proposed building has large expanses of fenestration (a combination of high-level non reflective tinted glazing and opaque colour-back “mid grey” glazing) to the Payneham Road, Wheaton Road and the south-eastern elevations, and aluminium finish Alucabond cladding. The remaining north-eastern elevation is to be constructed of precast texture coated concrete panels (colour “Dune – warm light grey”).

Two-way vehicular access and egress is proposed via Wheaton Road to the at-grade car parking area. A roller door to the parking area is proposed to remain open during business hours, and closed outside of this period.

Landscaping comprising a mix of trees, shrubs and groundcovers is proposed.

Business identification signage details have not been provided and as such, a separate Development Application would need to be lodged for any such signage.

TABLE 1: DEVELOPMENT DATA:

| Consideration | Proposed | Development Plan Merit Assessment Quantitative Guideline |
|---|--|--|
| Site Area | 1,186.18m ² | N/A |
| Allotment Width | 28.65m (to Payneham Road) | N/A |
| Allotment Depth | 37.49m | N/A |
| External Wall Height* | 6.9 – 7.2m- | N/A |
| Maximum Overall Height (to roof apex)* | 7.2m | Two-storey |
| Office Floor Area | 881m ² (ie. 88m ² at ground level and 793m ² at upper level) of net lettable area | N/A |
| Payneham Road Setback | 3.3m (to ground level predominantly) 2.1m (to upper level) | N/A |
| Wheaton Road Setback | 2.5m (to ground level) 1.5m (to upper level) | N/A |
| North-Eastern Side Setback | Nil | N/A |
| South-Eastern Rear Set-back | Nil for a length of 7.0m at ground level 1.6 – 3.0m at upper level | N/A |
| Car Parking Provision | 30 spaces | 36 spaces @ 1 space per 25m ² of floor area of the office |

** 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. One representation was received, opposing the Application, in response to the notification. A summary of the representor's concerns, as detailed by Mr John Outhred of Outhred English Urban & Regional Planners on behalf of the representor, is set out below:

- insufficient onsite car parking provision for employees and visitors;
- loss of privacy from upper level windows;
- increased parking congestion along Wheaton Road;
- visual dominance/massing of proposed two-storey building; and
- noise generation from vehicle movements within the proposed at-grade car parking area.

A copy of the representation is contained in **Attachment C**.

Mr John Outhred has indicated that he wishes to address the Development Assessment Panel (Panel) on behalf of the representor personally:

Mr Phillip Brunning of Phillip Brunning & Associates has responded to the representations on behalf of the Applicant. A summary of Mr Brunning's response is provided below:

- a two-storey office building is consistent with the objectives and intent of the zone;
- City Wide Principle of Development Control 122 allows for a lesser provision of on-site car parking where a site is within 200 metres walking distance of a convenient and frequent service fixed public transport stop. A bus stop is located directly adjacent the Payneham Road frontage of the subject land;
- there is no substantive evidence that a high number of cars are parked on the surrounding residential streets (eg. Wheaton Road) during business hours;
- the upper level setback from the south-eastern boundary has been increased;
- a 2.4 metre high acoustic fence has been proposed to negate vehicular traffic noise within the proposed at-grade car parking area.

A copy of Mr Brunning's response to the representations is contained in **Attachment D**.

Mr Brunning has indicated that he wishes to address the Panel on behalf of the Applicant.

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 appeared to encroach within a road widening setback under the *Metropolitan Adelaide Road Widening Plan Act 1972*. 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 Local Office Zone, as identified in 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

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

| | |
|-------------------------------|-----------------------|
| Local Office Zone Objectives: | 1 |
| Local Office Zone PDC's: | 1 & 3 |
| City Wide Objectives: | 1, 2, 7, 13, 26 & 27 |
| City Wide PDC's: | 1, 3, 4, 12, 80, & 84 |

Local Office Zone Principle of Development Control 1 states:

"Development should be, primarily, commercial and professional offices serving nearby residents. In the St Peters Area shown on Map NPSP/1 (Overlay 1) development should be limited to two-storeys."

An office is therefore an anticipated land use within the Local Office Zone. It is unclear as to whether the office areas will service nearby residents or a broader catchment. To this end, it is difficult to imagine any office building 'serving nearby residents', since an office by its very nature is a building used for administration or the practice of a profession, but does not include consulting rooms, banks or other such premises that have a direct service function. In this context, it is considered that the reference to "serving nearby residents" in Principle of Development Control 1 makes little sense and should not be given much weight in the assessment.

The proposed building is two-storey, which is a scale that is anticipated within the Local Office Zone. As such, the proposed development is considered to be consistent with Local Office Zone Objective 1 and Principle of Development Control 1.

City Wide Objectives 26 and 27, and Principle of Development Control 84 relate to developments that abut different zones and land uses and seek to ensure that new development is suitably compatible in terms of minimising impacts such as noise and maintaining an appropriate level of amenity. The adjacent residential property at the rear of the land at 2 Wheaton Road is located within the Residential Character Zone.

Office land uses generally provide for a reasonable transition between residential land uses and more intense land uses. In particular, office land uses are generally less intensive in terms of traffic and noise generation than other commercial land uses such as shops and consulting rooms.

The fundamental use of the land as offices is considered to be acceptable, consistent with Objective 1 of the Local Office 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:

| | |
|--------------------------|--------------------|
| Local Office Zone PDC's: | 1 & 2 |
| City Wide Objectives: | 18, 19 & 20 |
| City Wide PDC's: | 28-35, 37, 41 & 44 |

Local Office Zone Principle of Development Control 1 anticipates office developments that are limited to two-storeys. The proposed development is consistent with this provision of the Development Plan.

Payneham Road Character

The adjacent consulting rooms at 148-150 Payneham Road are accommodated within a converted single-storey bungalow, which is characteristic of other development within the Zone (ie. original dwellings such as bungalows and villas converted to non-residential uses). The proposed development is of a contrasting style and bulk to the existing development within the locality.

City Wide Principle of Development Control 29 states:

"Except where the zone or policy area objectives, principles of development control and/or desired character of a locality provide otherwise, new buildings:

- (a) may be of a contemporary appearance and exhibit an innovative style;*
- (b) should complement the urban context of existing buildings on adjoining and nearby land in terms of:*
 - (i) maintenance of existing vertical and horizontal building alignments*
 - (ii) architectural style, building shape and the use of common architectural elements and features;*
 - (iii) consistent colours, materials and finishes; and*
- (c) should not visually dominate the surrounding locality."*

Each of the considerations in Principle 29 are addressed in the table below.

| Policy Position | Assessment |
|---|---|
| Except where the Local Office Zone policies provide otherwise, new buildings may be of a contemporary appearance and exhibit an innovative style | The proposed building has a contemporary appearance and the Local Office Zone policies do not exclude this design approach |
| Except where the Local Office Zone policies provide otherwise, new buildings should complement the urban context of existing buildings on adjoining and nearby land in terms of maintenance of existing vertical and horizontal building alignments | The proposed building does not maintain the vertical building alignments of buildings on adjoining land (it is 2 storey whereas those on adjoining land are single storey), however this is not necessary, as the Local Office Zone policies provide for 2 storey |
| Except where the Local Office Zone policies provide otherwise new buildings should complement the urban context of existing buildings on adjoining and nearby land in terms of architectural style, building shape and the use of common architectural elements and features. | Whether the proposed outwardly contemporary and rectilinear building 'complements' the urban context of existing buildings on adjoining and nearby land is somewhat subjective. There is very little commonality in architectural elements and features between the proposed building and existing buildings on adjoining and |

| | |
|---|---|
| | <p>nearby land. However, to have commonality would not allow for a contemporary appearance, which would be at odds with the first consideration.</p> |
| <p>Except where the Local Office Zone policies provide otherwise new buildings should complement the urban context of existing buildings on adjoining and nearby land in terms of consistent colours, materials and finishes.</p> | <p>The proposed colours of the building are reasonably consistent with the colours of buildings on adjoining and nearby land. The solid external elements on the Payneham Road, Wheaton Road and rear south-western elevation primarily comprise aluminium finished Alucabond cladding, and tinted and/or coloured glazing. In addition to this, sandstone blockwork along with some exposed precast concrete panels (light grey colour) to the rear south-eastern elevations are also proposed. Some of the proposed materials and finishes (predominantly Alucabond cladding and glass) are not consistent with buildings on adjacent and nearby land. In terms of the proposed colours (eg, "light grey"/Dulux Dune and light grey coloured aluminium finish Alucabond) and the use of sandstone, this is reasonably consistent with the colours and materials used on dwellings facing Wheaton Road (eg. galvanised and/or grey coloured colorbond roofing, stonework to the facade of his villas and double-fronted cottages). That said, to be entirely consistent would be counter to having a contemporary appearance, which would be at odds with the first consideration.</p> |
| <p>Except where the Local Office Zone policies provide otherwise, new buildings should not visually dominate the surrounding locality.</p> | <p>The surrounding locality includes buildings with a visual bulk and scale that is similar to that of the proposed building, such as at 167-169, 181, 168, 170, 172, 174 and 211 Payneham Road, all of which are within 200 metres of the subject land. In this context, although the proposed building is likely to be visually dominant within its immediate locality, it will not visually dominate the broader surrounding locality.</p> |

Accordingly, the proposed building is considered to be consistent with Principle 29, other than not comprising architectural elements, features, materials and finishes, that are common/consistent with buildings on adjoining land. Given that the achievement of commonality/consistency would be inconsistent with the allowance for a contemporary architectural approach in the first part of Principle 29 and in lieu of any specific guidance on architectural approach within the Local Office Zone policies, this inconsistency is not considered to be problematic.

The proposed office building is reasonably well articulated and incorporates a good degree of fenestration with materials including tinted glazing and aluminium finished Alucabond cladding. It is considered that the high quality appearance of the building, combined with the proposed landscaping, will ensure that the character and visual amenity of the locality is maintained.

There is adequate space between the adjacent single-storey building at 140-150 Payneham Road, as well as the converted single-storey bungalow at 142 Payneham Road (situated on the other side of the junction of Wheaton Road) and the proposed building, to provide an appropriate rhythm of building spacing along Payneham Road.

Wheaton Road Character

Local Office Zone Principle of Development Control 3 states:

“Development in the St Peters Area shown on Map NPSP/1 (Overlay 1) should not impair the amenity or residential character of adjoining residential zones.”

The resulting bulk and scale of the proposed building is larger than that of the adjacent dwelling at 2 Wheaton Road as well as the surrounding detached dwellings fronting Wheaton Road, all of which are located within the Residential Character Zone. That said, the proposed building is considered to provide a reasonable interface with the adjacent residential development, in that it is to be set back 3.0 metres from the rear south-eastern boundary (with the dwelling at 2 Wheaton Road setback approximately 8.9 metres from the same boundary). In addition, the Wheaton Road elevation of the proposed office building includes sawn sandstone blockwork at ground level, which is consistent with a residential building material palette that can be found within Wheaton Road. In combination with a good degree of proposed landscaping, as well as the existing three mature street trees along the Wheaton Road frontage, the proposal is considered to result in an acceptable built form interface with the adjacent Residential Character Zone.

As such, the proposed development is considered to be acceptable from a bulk, scale and streetscape perspective.

Setbacks

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

City Wide PDC's: 50, 51 & 52

At the closest point, the proposed new building is set back 2.1 metres from the Payneham Road property boundary, which is closer than the directly adjacent single-storey building at 148-150 Payneham Road which has a setback of 13.8 metres from Payneham Road. The other adjacent single-storey (ie. the other side of Wheaton Road) at 142 Payneham Road is setback 7.5 metres.

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 front setbacks of existing buildings within the locality of Payneham Road vary as shown on **Attachment A1**. Of the two-storey and three-storey development within the area, the retained facade of the Jam Factory at 167-169 Payneham Road about the Payneham Road frontage and the easternmost three-storey residential flat building has a 6.6 metre setback from Payneham Road. On the same side of Payneham Road as the subject land, 168 and 170 Payneham Road are setback in the order of 4.5 and 2.5 metres respectively.

In this context, the proposed development is considered to be consistent with City Wide Principle of Development Control 50, which requires buildings to be set back from public roads at a compatible distance to buildings on adjacent and nearby land, without comprising the appearance and character of the locality.

With regard to the setback pattern from the northern side of Wheaton Road, this consists of dwellings at 2, 4 and 6 Wheaton Road set back approximately 6.1 metres, 6.6 metres and 8.0 metres respectively from the street. The proposed setback of 1.5 metres (at the closest point) from Wheaton Road to the new office building is inconsistent with this setback pattern. However, consideration should be given to the fact that this is the secondary frontage of the building and is typical for secondary street setbacks on corner sites, to be

less than the primary street setback pattern of dwellings on the same street. In this context, the setback from Wheaton Road is also considered acceptable.

At the closest point, the south-eastern rear upper level elevation of the proposed office building is set back 3.0 metres from the rear boundary. Combined with the 8.5 metre side setback of the neighbouring dwelling at 2 Wheaton Road from this shared boundary, the rear setback is considered to provide for adequate separation between the proposed two-storey office building and adjacent dwelling at 2 Wheaton Road.

Overall, the proposed setbacks are considered to be acceptable.

Car parking/access/traffic

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

Local Office Zone PDC's: 5

Table NPSP/10

City Wide Objectives: 34

City Wide PDC's: 98, 99, 104, 105, 109, 110, 111, 112, 113, 115, 120,
122, 123, 124 & 129

Pursuant to Schedule 8 of the *Development Regulations 2008* and more specially, Section 3 —Development adjacent to main roads, comprising development likely to encroach within a road widening setback under the *Metropolitan Adelaide Road Widening Plan Act 1972* (the Plan), the proposal was referred to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI). The Safety and Service Division reviewed the proposal and advised that a 4.5 metre x 4.5 metre corner cut-off was required from the Payneham Road/Wheaton Road junction, pursuant to requirements of the Plan. The Applicant has already proposed a 4.5 metre x 4.5 metre corner cut-off as part of the proposed development.

In addition to this, the Safety and Service Division advised that the Plan also indicates that a possible requirement for a portion of land up to 2.1 metres in width adjacent to the Payneham Road frontage. With this in mind, Safety and Service Division has noted that the proposed building incorporates a cantilevered entry awning (ie. adjacent the Payneham Road frontage) that encroaches within the 2.1 metre potential future road widening requirement. On the basis, the Applicant has detailed that the proposed awning is to be constructed in a demountable and/or removal manner, which in turn satisfies the Safety and Service Division concerns in relation to the proposal with respect to future road widening requirements.

A copy of DPTI's advice is contained in **Attachment E**.

The proposed development includes the provision of a total of 30 car parking spaces at-grade. The proposal also includes designated motorcycle and bicycle provision within the car parking area.

Car Parking

Local Office Zone Principle of Development Control 5 states:

"Car parking should be provided on the site of the office development in the areas depicted on Map NPSP/7 at the rate of one car parking space per 25 square metres of floor area of the office."

The proposed development includes 881m² of open plan office area, which would generate a demand for 36 car parking spaces at the rate of 1 car parking space per 25m² of floor area. The provision of calculated car parking is therefore inconsistent with Principle of Development Control 5 as the proposal results in a shortfall of 6 spaces.

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*

(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*"

A bus stop (ie. for bus services towards the Adelaide CBD) is located directly adjacent the Payneham Road frontage of the subject land. Conversely, on the other side of Payneham Road adjacent to 183A Payneham Road, is a bust stop that services buses travelling away from the Adelaide CBD. On balance, although the development results in a shortfall of car parking spaces, the 6 parking space shortfall is not considered fatal to the Application as it is offset with adequate on-site bicycle parking provision as well good access to public bus services to and from the Adelaide CBD.

Bicycle Parking

City Wide Principle of Development Control 109 states:

"Development should encourage and facilitate cycling as a mode of transport by incorporating end-of journey facilities including:

- (a) showers, changing facilities and secure lockers;*
- (b) signage indicating the location of bicycle facilities; and*
- (c) bicycle parking facilities provided at the rate set out in Table NPSP/10"*

The proposal accords with Principle 109(a) as shower and changing facilities are provided at the upper floor level office area.

Table NPSP/10 – details off street bicycle parking requirements for both employee and visitor parking for office developments. For every 100m² of gross leasable floor area, 1 employee bicycle parking space is to be provided. In addition to this, 2 visitor bicycles parking spaces plus 1 bicycle space per 500m² of gross leasable area is required.

The Applicant has dedicated in the order of 25m² of area for both bicycle and motorcycle parking within the at-grade car parking area. Applying the prescribed rate detailed in Table NPSP/10, the proposal would result in a bicycle parking demand of between 14 – 15 bicycle spaces. In this context, it is reasonable to assume that this number of bicycles can be accommodated within the proposed designated area.

Access and Manoeuvring

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 Applicant's Planning Consultant, Mr Phillip Brunning, has advised that the proposed car parking configuration and layout is generally in accordance with *AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*. Mr Brunning has advised that the final exact column placement will be determined when Building Rules Consent documentation is prepared and will occur in consultation with a Traffic Engineer.

If the Panel determines to approve the Application, it is recommended that a condition be imposed requiring the car parking area configuration and column location satisfy the requirements of *AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*.

At the request of Council's Planning staff, the Applicant has amended the proposal so that the furthestmost car parking spaces, including the stacked-spaces numbered 28 and 29, are designated for staff car parking only. This is to include all of the parking spaces numbered from 24 – 31 on the "Ground Floor/Site Plan". All of the affected parking spaces have compromised manoeuvring, which is considered acceptable for staff, who will become accustomed to the required manoeuvring, but not acceptable for visitors.

All of the proposed car parking spaces are to be located behind a roller door. It is the Applicants intention that the roller door to the at-grade parking area will remain open during business hours, and closed outside of this period so as to ensure suitable levels of security to the building. Opening and closing of the roller door will be managed as part of the 'day to day' operations of the office building by employees. Should the

Panel determine to approve the Application, it is recommended that a condition be imposed requiring that the roller 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.

Traffic Generation

Local Office Zone Principle of Development Control 4 states:

“Development in the St Peters Area shown on Map NPSP/1 (Overlay 1) should result in the generation of no more than a minor increase in vehicular traffic to the site.”

Given that an office land use is proposed, the majority of the vehicle movements will likely be generated by employees upon arrival in the morning and departure in the early evening. It is also likely that most vehicle movement to and from the site will occur via Payneham Road, as opposed to “short-cuts” through the surrounding local street network within Evandale, Stepney and Maylands.

In this context, while the proposed development is likely to result in some minor levels of additional traffic within the local street network, the resultant impacts are not considered to be unreasonable, particularly taking into account that the land is zoned to enable two storey office development.

Overshadowing/overlooking

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

City Wide PDC's: 11 & 83

City Wide Principle of Development Control 83 states:
“Non-residential development adjacent to a residential zone or within a residential zone should be located, designed and sited to minimise overlooking and overshadowing of nearby residential properties.”

The proposed development will not result in excessive overlooking of the nearest residential property at 2 Wheaton Road. The representor from this residential property is concerned that privacy would be affected by the proposal. In terms of the south-eastern upper level elevation, fixed opaque (colour-back) glazing is proposed to an internal floor height of 1.7 metres, with clear glazing above this to the underside of the fascia area. In this regard, it is considered that overlooking is appropriately minimised, in accordance with City Wide Principle of Development Control 83.

Finished floor levels/flooding/retaining

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

City Wide Objectives: 42
City Wide PDC's: 147, 148, 149 & 151

The subject land is not located within a flood zone or area that is affected by flooding.

The Application was referred to the Council's Project Manager – Civil, for his assessment of levels and stormwater disposal. The Project Manager – Civil, has advised that all stormwater is to be collected on the subject land via a sump and disposed of directly to the pipe under Payneham Road and the existing 1 in 5 year ARI peak flow is to be maintained and not exceeded. Accordingly, if the Panel determines to approve the development, it is recommended that the Engineering recommendations set out above be imposed as a condition of consent.

Noise and Amenity

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

| | |
|-----------------------|-------------|
| City Wide Objectives: | 26 |
| City Wide PDC's: | 12, 80 & 84 |

In considering the concerns raised by directly neighbouring residential occupiers at 2 Wheaton Road, the Applicant has amended the proposal so as to incorporate a 2.4 metre high colorbond fence along the south-eastern rear boundary of the subject land.

This acoustic measure put forward by the Applicant is considered to be reasonable, particularly given previous Planning staff assessment experiences involving expert advice received from acoustic consulting engineers, that have had regard to the *Environment Protection (Noise) Policy 2007* which provides recommended noise level criteria for noise sources associated within developments within and/or adjacent to residential areas. In such circumstances, sheet metal perimeter fencing to a height of 2.4 metres has been a recommended effective acoustic treatment. In addition, the overall height of the proposed colorbond fence is considered to be acceptable from a visual outlook perspective for the residential occupiers in question as it is relatively consistent with City Wide Principle of Development Control 58 which 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).*"

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: | 73-78 |

No regulated trees are located on the subject land or on directly adjacent land.

Three mature street trees are situated adjacent the Wheaton Road property boundary of the subject land. The south-easternmost street tree is a Queensland Box tree and is the closest of the three street trees to the proposed new crossover. The theoretical Structural Root Zone of the Queensland Box tree has been calculated at 2.45 metres from the centre of the tree. At the closest point from this street tree, the proposed crossover location is 2.0 metres. Should the Panel determine to approve the proposed development, it is recommended that a condition of consent be imposed requiring that the new crossover be constructed no closer than 2.45 meters, from the centre of the Queensland Box street tree.

With respect to the two Jacaranda street trees, it is noted that a portion of the trunks and to a reasonable degree the canopies, of both trees lean towards and are situated within the subject land. The Council's Planning staff has received advice from the Coordinator Horticultural & Arboricultural Services, confirming that pruning work can be undertaken to the Jacaranda street trees so as to ensure that the canopies and branches do not conflict with the location of the proposed built form. With this in mind, it is recommend that a condition of consent be imposed requiring that the Applicant/Owner contact the Council to organise the pruning of the two Jacaranda street trees, should the Panel determine that the Application warrants Approval.

The Applicant has proposed landscaping beds that incorporate automated water drip irrigation system adjacent to both the Payneham Road frontage (3.5 metres in width) and the Wheaton Road frontage (2.5 metres in width) as part of the development proposal. The landscaping includes native shrubs (eg. Cycads) and trees (eg. Callistemon 'Endeavour' Bottlebrush) which in overall terms, is considered to enhance the proposed development in accordance with City Wide Objective 24.

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 & 69 |

The proposed office building has been designed with extensive glazing to the Payneham Road/north-western elevation. The glazing to the Payneham Road/north-western elevation is to incorporate "tinted energy-efficient glazing" windows, which will assist in reducing the heat load during summer months. This is considered to be a positive aspect of the development.

The Applicant has not indicated where the air conditioning and/or other plant and equipment will be located on the site. If the Panel determines to approve the development, it is recommended that a condition be imposed to ensure that the plant and equipment is adequately screened such that it does not have any unreasonable impact on the amenity of adjacent residential properties.

Two rainwater tanks with a combined capacity of 6,000 liters are proposed within the at-grade car parking area (ie. within the location of the scooter/bicycle parking) and are intended to be plumbed into the office building's toilets as well as to irrigate the landscaping areas. Should the Panel determine to approve the development, it is recommended that this be reiterated by way of a condition.

Rubbish bin storage has been allowed for within the car parking area (ie. adjacent to the Wheaton Road frontage) and is to be screened from public and internal view. It is also recommended that a condition be imposed, requiring bin storage to be appropriately screened.

Summary

The proposed office development is considered to be acceptable from a land use perspective. The bulk and scale of the proposed development, while greater than adjacent development, is anticipated within the Local Office Zone. The proposed setbacks are compatible with other development within the locality. No unreasonable overlooking will result from the upper level areas of the development into adjacent residential properties.

The proposed car parking and bicycle parking provision provided on site, combined with convenient access to public bus services, is considered to be adequate to accommodate both future employees and visitors, without the need for an unreasonable degree of parking spaces to be accommodated on Wheaton Road or the other surrounding streets. The proposed car parking configuration and the proposed vehicular access and egress arrangements are considered to be safe and convenient.

Vehicular noise emanating from the at-grade car parking area will be adequately addressed by the proposed acoustic fencing measures. The proposed roller door to the at-grade car parking is considered to provide adequate security for the site after hours.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/419/2016 by Mr Nicopoulos for the construction of a two-storey office building with associated at-grade car parking and implementation of landscaping, on the land located at 144-146 Payneham Road, Evandale, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans and elevations (Drawing Numbers NC-32016-SK6C, SK7B, SK8A, SK9C, SK10B and SK14) prepared by John Lentakis Building Design and received by the Council on 28 September 2016 and 4 November 2016.

Conditions

1. The Applicant shall ensure that the at-grade car parking area shall be designed and configured to satisfy *AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*.
2. The roller door located at the entrance of the at-grade car parking area shall remain open at all times during when the office(s) are operating.
3. Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.
4. Driveways, car parking spaces, maneuvering areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
5. 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.
6. All waste shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
7. All roof-mounted plant and air-conditioning equipment shall be appropriately screened from public view to the reasonable satisfaction of the Council or its delegate.
8. 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 the adjacent street water table.
9. All stormwater discharged from the land shall remain at pre-development levels with 1 in 5 year ARI rain events detained on-site and pumped back to the street and water table on Payneham Road. This may be achieved by underground storage and controlled pumping, or a combination of both.
10. The new crossover shall commence no closer than 2.45 metres from the centre of the adjacent Queensland Box street tree so as to ensure the tree's Structural Root Zone is not adversely compromised.
11. The Applicant/Owner shall contact the Council's Horticultural & Arboricultural Services Coordinator, Joel Ashforth, by telephoning 8366 4588, in order to make arrangements for the two mature Jacaranda street trees (located adjacent the Wheaton Road frontage of the property) to be pruned prior to any building work commencing.
12. All areas nominated as landscaping or garden areas on the approved plans shall be established and maintained 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
13. A rainwater tank or two rain water tanks, with a combined storage capacity not less than 6 kiloliters (6000 liters) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.

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.

Mr Phillip Brunning and Mr John Lentakis on behalf of the Applicant addressed the Panel from 7:43pm until 7:59pm.

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 155/419/2016 by Mr Nicopoulos for the construction of a two-storey office building with associated at-grade car parking and implementation of landscaping, on the land located at 144-146 Payneham Road, Evandale, subject to the following requirements, conditions and notes:*

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2. *The roller door located at the entrance of the at-grade car parking area shall remain open at all times during when the office(s) are operating.*
3. *Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council or its delegate.*
4. *Driveways, car parking spaces, maneuvering areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.*
5. *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.*
6. *All waste shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.*
7. *All roof-mounted plant and air-conditioning equipment shall be appropriately screened from public view to the reasonable satisfaction of the Council or its delegate.*
8. *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 the adjacent street water table.*
9. *All stormwater discharged from the land shall remain at pre-development levels with 1 in 5 year ARI rain events detained on-site and pumped back to the street and water table on Payneham Road. This may be achieved by underground storage and controlled pumping, or a combination of both.*
10. *The new crossover shall commence no closer than 2.45 metres from the centre of the adjacent Queensland Box street tree so as to ensure the tree's Structural Root Zone is not adversely compromised.*
11. *The Applicant/Owner shall contact the Council's Horticultural & Arboricultural Services Coordinator, Joel Ashforth, by telephoning 8366 4588, in order to make arrangements for the two mature Jacaranda street trees (located adjacent the Wheaton Road frontage of the property) to be pruned prior to any building work commencing.*
12. *All areas nominated as landscaping or garden areas on the approved plans shall be established and maintained 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*
13. *A rainwater tank or two rain water tanks, with a combined storage capacity not less than 6 kiloliters (6000 liters) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
14. *The Applicant shall submit further details of the treatment to the north elevation designed to break up the dominance of the wall on the boundary and increase articulation, and to reduce reflection to the reasonable satisfaction of the Council or its delegate.*
15. *The applicant shall relocate the bin store to within the car parking area and replace with landscaping.*

16. *All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced to the reasonable satisfaction of the Council or its delegate.*

Notes to Applicant

1. *The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.*

2. *The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.*

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

3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*

4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.*

All works on Council owned land required as part of this development 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.*

Seconded Mr Dottore and carried.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/582/2016 – 10 BISHOPS PLACE, KENSINGTON

| | |
|--------------------------------------|--|
| DEVELOPMENT APPLICATION: | 155/582/16 |
| APPLICANT: | Mr A Boparai |
| SUBJECT SITE: | 10 Bishops Place, Kensington (Certificate of Title; Volume: 5160, Folio: 418) |
| DESCRIPTION OF DEVELOPMENT: | Construction of a single-storey detached dwelling, an associated masonry and slatted front fence and the installation of a 25,000 litre rainwater tank |
| ZONE: | Residential Historic (Conservation) Zone – Kensington 1 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 construction of a single-storey dwelling, an associated masonry and slatted front fence and the installation of a 25,000 litre rainwater tank.

Staff do not have delegated authority to determine the Application, as it comprises the construction of a new dwelling in the Residential Historic (Conservation) Zone.

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

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

Subject Land Attributes

| | |
|----------------------|---|
| Shape: | regular |
| Frontage width: | 19.05 metres |
| Depth: | 36.6 metres |
| Area: | 695.10m ² |
| Topography: | fall from rear (south-east) to front (north-west) in the order of 947mm |
| Existing Structures: | single-storey detached dwelling with an attached carport and associated outbuildings |
| Existing Vegetation: | several mature trees located within the front and rear yard areas, none of which are regulated |

The subject land is a regular shaped allotment on the south-eastern side of Bishops Place. The land is occupied by an austerity style post World War 2 single-storey dwelling.

Locality Attributes

Land uses: predominantly residential, with a primary school located at the intersection of Bishops Place and Regent Street

Building heights (storeys): mostly single-storey construction with some examples of one and two-storey development

The character of the locality, as influenced by built form, is mixed. The dwellings on the same side of Bishops Place as the subject land (ie. the south-eastern side) are all conventional, hipped roof post world war 2 dwellings. To the north-east of the subject land at 8 Bishops Place, is an austerity style single-storey detached dwelling. To the south-west of the subject land at 12 Bishops Place, is a now heavily modified former bungalow single-storey.

On the opposite side of the street (ie. the north-western side), all dwellings located between Regent Street and Tram Street are either Contributory Items or Local Heritage Places, and comprise a mix of inter-war detached dwellings, Victorian bluestone duplex cottages and a two-storey converted tram barn.

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

Proposal in Detail

The Applicant seeks consent to construct a single-storey dwelling with an associated masonry and slatted front fence.

The proposed dwelling presents to the street as a simplified symmetrical cottage with an attached two-vehicle garage. Both the front portion of the dwelling and the garage area incorporate simple roof forms pitched at 30 degrees and clad in colorbond custom orb profile (colour Basalt). The facade of the dwelling incorporates rendered brickwork banding (colour Dulux Whitehouse) and sandstone blocks laid in a stretcher bond pattern. The brickwork to the garage is to be a darker colour selection. The wall heights (measured from ground level to the underside of the fascia) of the front of the dwelling are 3.1 metres. The height of the garage walls is 2.7 metres.

The proposed dwelling comprises a combined kitchen/dining/living room; four bedrooms (three of which have associated ensuite and walk-in-robe areas), a separate bathroom, a second living area, a "theatre room" and a laundry. A covered alfresco area, that is accessible from the combined kitchen/dining/living area, is proposed to the rear of the dwelling.

A 25,000 litre rainwater tank is proposed to be installed within the rear yard area of the property.

A two vehicle garage is proposed with a driveway area that can accommodate two visitor car parks.

The proposed front fence has an overall height of 1.8 metres and comprises rendered masonry (painted Dulux Whitehouse) piers and plinths, with horizontal aluminium black powder coated slats. The proposed front pedestrian gate and the vehicular driveway gates are also to be constructed of horizontal aluminium black powder coated slats.

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 | 695.10m ² | N/A |
| Allotment Width | 19.05m | N/A |
| Allotment Depth | 36.6m | N/A |
| External Wall Height* | 2.8 - 3.1m (dwelling) 2.7 – 2.8m (garage) | N/A |

| | | |
|---|------------------------------------|---|
| Maximum Overall Height (to roof apex)* | 5.8m | Two-storey – Kensington 1 Policy Area PDC 3 |
| Floor Areas | 396m ² | N/A |
| Site Coverage | 57% | N/A |
| Private Open Space | 130m ² 85% uncovered | 35m ² - City Wide PDC 225(a) 50% of the total private open space requirement provided at ground level should be open to the sky – City Wide PDC 229 |
| Street Set-back | 6.2m (dwelling) 7.0m (garage) | N/A |
| South-Western Side Setback | NIL (garage) & 1.2m (dwelling) | N/A |
| North-Eastern Side Setback | 1.1 – 1.9m | |
| Rear Set-back | 5.1m | N/A |
| Car Parking Provision | 2 undercover & 2 visitor | 2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage - (Table NPSP/8) |

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

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

Notification

The proposal has been identified and processed as a Category 1 form of development, pursuant to Schedule 9 Part 1(2)(a) of the *Development Regulations 2008*. 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 Kensington 1 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:

Kensington 1 Policy Area Desired Character Statement
Kensington 1 Policy Area PDC's: 2 & 4

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

City Wide Objectives: 7 & 55-57
City Wide PDC's: 3, 4 & 186

Kensington 1 Policy Area Principle of Development Control 2 states:

“Development should provide a range of types and forms of residential accommodation, offering a wide range of housing choice.”

The proposal is for a detached dwelling, consistent with Principle of Development Control 2. The existing dwelling 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. Accordingly, the demolition of this dwelling and the construction of a replacement dwelling is consistent with Residential Historic (Conservation) Zone Principle of Development Control 8, which states (in part):

“The introduction of new dwellings in the zone should only occur where:

(b) it replaces a building or use of land which does not contribute significantly to the heritage value, historic character and the desired character of the zone;”

As the proposal is for a single dwelling on an existing allotment, there will be no increase in density resulting from the development.

Streetscape/bulk/scale/height/character

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

Kensington 1 Policy Area Desired Character Statement
Kensington 1 Policy Area Objectives: 1
Kensington 1 Policy Area PDC's: 1 & 3

Residential Historic (Conservation) Zone Desired Character Statement
Residential H(C)Z Objectives: 1, 3 & 5
Residential H(C)Z PDC's: 1, 2, 3, 13-19, 22, 23, 25 & 26

City Wide Objectives: 18, 19 & 20
City Wide PDC's: 28-32, 37, 39 & 41

Kensington 1 Policy Area Principle of Development Control 3 states:

“Development in the Kensington 1 Policy Area should not exceed two storeys in height above natural ground level.”

The proposed building height is consistent with Principle 3, given that the new dwelling is to be single-storey. The external wall height of the proposed dwelling (ie. the front part of the building visible within a streetscape context) and roof pitch is consistent and complements the traditional built form of the nearby Contributory Items and Local Heritage Places, located at 11, 13, 15 and 17 Bishops Place and 61 Regent Street.

To assist with assessing the compatibility of the building with the Residential Historic (Conservation) Zone policies, the Application was referred to the Council's Heritage Advisor, David Brown. A summary of Mr Brown's comments is set out below:

- in a streetscape context, the design appearance of the new dwelling is considered appropriate in that it presents as a contemporary and complementary symmetrical cottage form with an attached garage that has lower wall heights and a lower roof form, than the facade of the dwelling.
- the proposed materials and finishes are considered to be appropriate with the garage being constructed of a darker brick so as to assist in being more recessive than the front of the dwelling.
- overall, the design appearance is considered to be acceptable when viewed from the street and sets a better precedence for future development within the immediate area.

A copy of the Heritage Advisor's response is contained in **Attachment C**.

Whilst it is considered that most aspects of the proposed dwelling are compatible with the design of existing historic buildings within the locality, the proximity of the garage to the facade and the extent to which the garage is integrated with the dwelling is uncharacteristic of historic buildings in the locality. Residential Historic (Conservation) Zone Principle of Development Control 31 and City Wide Principle of Development Control 211 provide the most guidance regarding the development of garages within the zone and state:

"Development of carports and garages or other outbuildings should, without necessarily replicating the historic detailing of the surrounding Heritage Places or Contributory Items:

- (a) be set behind the main face of the dwelling and may be freestanding;*
- (b) be designed and sited to ensure garage doors do not visually dominate the primary or secondary street frontage of the dwelling;*
- (c) not extend design elements such as verandahs, roof forms or historic detailing at the same alignment as the main face of the principal building;*
- (d) exhibit architectural and roof form designs, and exterior finishes to enhance and not diminish the historic character of the locality; and*
- (e) not incorporate undercroft parking or other parking or access arrangements that are not in keeping with the historic character of the area."*

and

"Unless the desired character of an area provides otherwise, garages and carports fronting a primary street should:

- (a) be of a width that is minimised relative to the width of the dwelling frontage and in any case, should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 50 per cent (or 40 per cent in a Residential Historic (Conservation) Zone) of the allotment or building site frontage width, whichever is the lesser distance; and*
- (b) be set back at least 0.5 metres behind the main face of the associated dwelling, unless the main face incorporates projecting elements such as a portico or verandah, in which case the garage or carport may be in line with the main face of the associated dwelling; and*
- (c) be set back no less than 5.5 metres from the primary street frontage, to allow for vehicle parking."*

The width of the garage and its setback from the facade (ie. 750mm) is consistent with City Wide Principle 211. The roof over the garage is also lower than the height of the roof over the principle dwelling, consistent with part (c) of Residential Historic (Conservation) Zone Principle 31. Although uncharacteristic of historic dwellings in the locality, the garage design is consistent with the clearly specified provisions of the Development Plan and therefore considered acceptable.

The applicant has advised verbally that the exposed brick to be used for the garage and the garage doors are to be a dark colour, contrasting with the lighter material selection for the dwelling facade, which will assist in reducing the prominence of the garage. As these details have not been provided with the Application, if the Panel determines to consent to the Application, it is recommended that a condition be

imposed, requiring the garage bricks and doors be a dark colour to the reasonable satisfaction of the Council or its delegate.

Setbacks and Site Coverage

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

| | |
|--------------------------|-------------------|
| Residential H(C)Z PDC's: | 10, 11 & 12 |
| City Wide PDC's: | 50, 204-207 & 208 |

Residential Historic (Conservation) Zone Principle of Development Control 10 states:

"Dwellings should be setback 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; or
(b) not less than the average of the setbacks of the adjoining dwellings, if the difference between the setbacks of the adjoining dwellings is greater than 2 metres."

The dwelling at 8 Bishops Place, is set back from the street 7.1 metres to the main facade. The dwelling at 12 Bishops Place is set back from Bishops Place 5.1 metres to its main facade. The proposed dwelling is set back 6.2 metres to the facade and 7.0 metres to the double garage. The proposed front setback to the main face/facade of the new dwelling is consistent with Zone Principle of Development Control 10.

On the north-eastern side, the proposed dwelling has side setback of 1.1 and 1.9 metres. From the south-western side, the proposed dwelling has a side setback of 1.2 metres with the attached garage to be on the boundary. Although boundary development is not typical within the Residential Historic Conservation Zone, many carports and/or garages are located on or close to at least one side boundary. Examples within the immediate area include the detached dwellings located at 8, 10, 11 and 12 Bishops Place. In this context, the proposed dwelling is still considered to have the appearance of space on at least one side which is consistent with the previously identified surrounding dwellings.

The side setbacks are also considered to provide adequate visual separation from the occupants of adjacent properties given the wall heights. The extent of boundary development is not considered to have an unreasonable visual impact on the occupants of 12 Bishops Place as it is adjacent to an enclosed verandah area (ie. along the north-eastern side of 12 Bishops Place).

The rear setback provides sufficient private open space and maintains an adequate degree of visual outlook for the directly neighbouring occupiers at 25 Shipsters Road who are also situated on a higher ground level than that of the subject land.

In terms of site coverage, the proposed dwelling covers 57% of the site area.

There are no quantitative site coverage guidelines within the Kensington 1 Policy Area or the Residential Historic (Conservation) Zone. In terms of qualitative guidance, Residential Historic (Conservation) Zone Principle of Development Control 12 states:

"The site coverage of buildings resulting from the erection or alteration of, or addition to, a building, should be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character."

The existing Contributory Items and Local Heritage Places within the immediate area which are located at 11, 13, 15 and 17 Bishops Place, and 61 Regent Street, cover approximately 46%, 64%, 52%, 53% and 32% of their sites respectively..

In this context, the site coverage of the proposed dwelling is considered to be compatible with the site coverage of other buildings in the locality which contribute significantly to the historic character consistent with Residential Historic (Conservation) Zone Principle of Development Control 12.

Overshadowing/overlooking

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

City Wide PDC's: 11, 31, 195 & 196

As the proposed dwelling is single-storey with an appropriate finished floor level relative to natural ground level (ie. no higher than 410mm at the front portion of the dwelling), with modest wall heights and roof pitch, the dwelling is unlikely to lead to any unreasonable overlooking or overshadowing of adjacent properties

Private open space

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

City Wide PDC's: 222-225, 227 & 229

The proposed dwelling has areas of private open space equivalent to 19% of the site area, including an undercover alfresco area at the rear of the dwelling. The amount of allocated private open space is slightly below the 20% guideline set out in City Wide Principle 225(a). Other areas on the property are able to accommodate clothes drying, rainwater tank (in this instance, a capacity of 25,000 litres) and bin storage to avoid the need for these activities to occur within the designated private open space. In this context, the amount of private open space is considered acceptable.

The private open space area is linked to the main internal living areas and, given the northwest-southeast orientation of the land, has reasonable access to northern light during the morning to midday hours. The positioning and layout of the private open space is considered to be a positive aspect of the development and is consistent with Principles of Development Control 222-225 and 229.

Car-parking/access/manoeuvring

RH(C)Z PDC's: 32, 33
City Wide Objectives: 34
City Wide PDC's: 98, 104, 120, 122 & 181

Table NPSP/8

Table NPSP/8 prescribes that the proposed detached dwelling should be provided with two on-site car parking spaces, of which at least one should be covered. The proposed dwelling can accommodate two undercover cars and two visitor parks in the driveway, which exceeds the requirements specified in Table NPSP/8.

City Wide Principle of Development Control 212 prescribes that a two vehicle garage should have an internal dimension of 5.8 metres x 6.0 metres. The proposed garage has internal dimensions of 6.7 metres x 6.5 metres. In this regard, Principle 212 is satisfied.

The development involves the widening of the existing crossover. Access to and from the driveway and garage area has been determined to be safe and convenient.

Finished floor levels/flooding/retaining

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

City Wide PDC's: 53-58, 79, 164, 167-171

The subject land is not located within a 1 in 100 year Average Recurrence Interval (ARI) flood plain.

The subject land falls from the rear (southeast) to the front (northwest) in the order of 947mm over the 36.6 metre depth of the property. The proposed finished floor level will range between 220mm below natural ground level to 222 - 380mm above relative natural ground level and 810mm above midpoint top-of-kerb. The proposed finished floor level is considered appropriate and compatible with the approximate finished floor levels of the directly neighbouring dwellings at 8 and 12 Bishops Place. No substantial retaining is required and stormwater can be disposed to the Bishops Place 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:

| | |
|--------------------------|-------------------------|
| Residential H(C)Z PDC's: | 36 & 37 |
| City Wide Objectives: | 24, 98, 117, 118 & 119 |
| City Wide PDC's: | 220, 221, 396 & 398-400 |

There are no regulated or mature trees on the subject land or adjacent land that would be affected by the proposed development. Similarly, the construction of the proposed masonry front fence and the widening of the existing crossover would not compromise the adjacent mature street tree.

The Applicant has proposed landscaping in the front and rear yards and along the north-eastern side boundary. The species proposed to be used include Twiggy Daisy Bushes, Emerald Gaiety Euonymus' and Native Fuchsias (all of which are a type of shrub). The proposed landscaping is considered to complement the development and is considered to be consistent with City Wide Objective 24 which anticipates development enhanced with appropriate landscaping.

Environmental Sustainability

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

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

The proposed dwelling has been designed to provide reasonable levels of access to natural light. More specifically, the main internal living area (ie. the combined kitchen/dining/living area) has relatively large windows and glass doors on the north-eastern elevation which are to be shaded 600mm wide eaves. As such, this aspect of the proposal is consistent with City Wide Principle of Development Control 69(b), which states:

"Development should be designed to minimise energy consumption by incorporating, where practicable, energy efficient building design elements, techniques and materials, such as:

- (b) the use of deciduous trees, pergolas, eaves, verandas and awnings, to allow penetration of heat and light from the sun in winter and to provide shade in summer;"*

City Wide Principle of Development Control 159 prescribes that new dwellings should be provided with a 2,000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. The Applicant has proposed a 25,000 litre rainwater tank to collect stormwater from the roofed area of the dwelling. The proposed capacity is well in excess of both the mandatory Building Code of Australia requirement and Principle 159.

Summary

The proposed dwelling is an anticipated land use and type of development within the Residential Historic (Conservation) Zone and the Kensington 1 Policy Area. The proposed building setbacks, site coverage, the provision of private open space, rainwater retention, on-site vehicle car parking and stormwater disposal are all considered to be acceptable.

However, the proposed built form does not complement adjacent and nearby development and is not consistent with the Residential Historic (Conservation) Zone Objective 5 or Zone Principle of Development Control 31.

Whilst the design and setback of the proposed garage can be rectified by way of a condition or minor alterations, the overall streetscape appearance of the dwelling is considered to be a fundamental shortcoming of the proposed development in its own right. The Applicant has indicated that he is not willing to amend the design style of the proposed dwelling.

As such, it is considered that whilst the proposal is not seriously at variance with the Development Plan, it does not sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be granted to Development Application No 155/582/16 by Mr A Boparai to construct a single-storey detached dwelling, an associated masonry and slatted front fence and the installation of a 25,000 litre rainwater tank, on the land located at 10 Bishops Place, Kensington, 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 (Job Number 16071-PD(a)) prepared by Studio M Building Design and received by the Council on 21 October 2016.

Conditions

1. The doors to the garage shall be either panel-lift or a tilt-doors (ie. not a roller door profile) and shall be of a darker colour to the reasonable satisfaction of the Council or its delegate.
2. The exposed brickwork to the garage shall be of a darker colour, so as to contrast with the lighter material of the facade of the dwelling, to the reasonable satisfaction of the Council or its delegate.
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 street kerb & water table or a Council underground pipe drainage system.
4. A rainwater tank with a storage capacity not less than 25 kilolitres (25,000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
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.

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.

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 155/582/16 by Mr A Boparai to construct a single-storey detached dwelling, an associated masonry and slatted front fence and the installation of a 25,000 litre rainwater tank, on the land located at 10 Bishops Place, Kensington, 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 (Job Number 16071-PD(a)) prepared by Studio M Building Design and received by the Council on 21 October 2016.*

Conditions

1. *The doors to the garage shall be either panel-lift or a tilt-doors (ie. not a roller door profile) and shall be of a darker colour to the reasonable satisfaction of the Council or its delegate.*
2. *The exposed brickwork to the garage shall be of a darker colour, so as to contrast with the lighter material of the facade of the dwelling, to the reasonable satisfaction of the Council or its delegate.*
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 street kerb & water table or a Council underground pipe drainage system.*
4. *A rainwater tank with a storage capacity not less than 25 kilolitres (25,000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.*
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.*

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.*

Seconded by Mr Dottore and carried.

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/865/15 – 87- 95 HACKNEY ROAD, HACKNEY

| | |
|--------------------------------------|---|
| DEVELOPMENT APPLICATION: | 155/865/15 |
| APPLICANT: | V-Three Hackney Pty Ltd |
| SUBJECT SITE: | 87-95 Hackney Road & 2-4 Bertram Street, Hackney (Certificates of Title: Volume: 5504 Folio 619 Volume: 5206 Folio: 565 Volume: 6054 Folio 681 Volume: 5128 Folio 393 Volume 5107 Folio 323 Volume 5213 Folio 724 Volume 5107 Folio 151 Volume 5107 Folio 160 Volume 5106 Folio 845) |
| DESCRIPTION OF DEVELOPMENT: | alterations and additions to an existing hotel and construction of residential buildings comprising dwellings and a serviced apartment facility, together with car parking, landscaping and removal of a regulated tree |
| ZONE: | Residential Character Zone - Hackney Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 2 July 2015) |
| PUBLIC NOTIFICATION CATEGORY: | Category 3 |

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 15 August 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. 155/865/15) was lodged with the Council for alterations and additions to an existing hotel and construction of six (6) residential buildings comprising a total of 42 dwellings and a 41 bedroom serviced apartment facility, together with car parking, landscaping and removal of a regulated tree.

The Panel considered the Application at its meeting held on 15 August 2016 and determined to refuse the Application for the following reasons:

- 1. The proposal is contrary to the desired character statement of the Residential Character Zone in that the proposal does not have a single storey appearance from the primary street frontage on Bertram Street and Richmond Street contrary to Principle of Development Control 4 of the Hackney Policy Area and Principle of Development Control 6 of the Residential Character Zone.*
- 2. The development is contrary to the Desired Character Statement for the Residential Character Zone in that the proposed dwellings facing Hackney Road are four storey not outwardly two storey as required by Principle of Development Control 4 of the Hackney Policy Area*

3. *The development is contrary to Principles of Development Controls 334 and 342 in that the proposed development is set forward of the heritage listed hotel instead of reinstating the vistas to the heritage place as seen from public roads required when development occurs on land containing a heritage place.*
4. *Under-provision of on-site car parking spaces to service the needs of the development.*

A copy of the relevant section of the Minutes of the Panel meeting held on 15 August 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 Applicant's Planning consultant is contained in **Attachment B**.

A summary of the proposed amendments is provided below:

- the four-storey residential flat building located on the corner of Bertram Street and Hackney Road has been replaced with three additional two-storey townhouses facing Bertram Street;
- the number of car parking spaces has increased from 105 spaces to 135 spaces,
- the landscaped 'secure residents garden' adjacent to the eastern side boundary has been reduced in width from 7 metres to 4 metres and now provides an open communal landscaped walk for pedestrians and cyclists between flour mill lane and Richmond Road;
- open space at the corner of Bertram Street and Hackney Road has increased, providing more space for the trees being retained;
- a curved glass wall has been proposed at ground level, adjacent to the original heritage Hotel, to widen views of the remaining heritage nib fabric side wall;
- an increased setback from Hackney Road to the first floor level roof deck adjacent to the Hotel, to reveal the remaining heritage nib fabric side wall at that level; and
- reconstruction of the southern wall of the original Hotel, to be either stone clad or constructed of recycled stone, depending on feasibility.

Discussion

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

Two Storey Appearance to Bertram Street and Richmond Street

The Panel was concerned that the proposed outwardly two storey dwellings fronting Bertram Street and the proposed outwardly three storey building comprising dwellings fronting Richmond Street, were inconsistent with the policy for the Residential Character Zone, which states that development should be designed to achieve a mostly single-storey streetscape appearance.

This aspect of the Application has not changed.

Four Storey Appearance to Hackney Road

The Panel was concerned that the development presented to Hackney Road as a four storey building, whereas the Desired Character Statement for the Residential (Character) Zone states that development along the Hackney Road frontage up to two storeys is appropriate.

The proposed additions to the original Hotel remain four storeys in height, however it was previously proposed that a second four-storey building be constructed on the corner of Hackney Road and Bertram Street. This has been replaced with two storey townhouses, facing Bertram Street. As such, the separation between the proposed four storey building and the nearest dwelling to the south on Hackney Road (ie. 85 Hackney Road) has significantly increased, with the proposed two storey dwellings fronting Hackney Road acting as an appropriate transition down in scale.

Siting Relative to Local Heritage Place Hotel

The Panel was concerned that the siting of the proposed additions to the south of the Hotel, which are within the footprint of the existing additions, do not allow for sufficient vistas to the heritage place as seen from Hackney Road.

The Applicant has provided information on the extent of original fabric which remains on the southern side of the Hotel. In particular, it has been explained that when previous additions to the Hotel were undertaken, the original southern external wall was mostly demolished. With only a small return nib retained.

Whilst this original small section of southern wall was previously proposed to be exposed at ground level, views of the section of wall were restricted by a masonry wall of the addition, extending out to the street boundary. The amended plans address this, by replacing the ground level 90 degree masonry wall with a curved glass wall, forming a continuation of the glass wall proposed along the Hackney Road frontage. At first floor level the roof deck is now proposed to be set back, to reveal the remaining section of heritage wall.

Whilst the proposed changes will assist in improving vistas of the original Hotel at short range, particularly views of the remaining section of southern wall, the siting of the additions will still obscure views of the Hotel to some extent when approaching from the south. If the additions were set back an equal distance from Hackney Road as the existing Hotel, this would open up views of the Hotel and increase its relative prominence in the streetscape. A potential use of the space between the additions and the street boundary would be outdoor dining.

Car Parking

It was calculated that the previous proposal would have resulted in a 14 space car parking deficit, after applying discounts that the Council's Traffic Consultants considered were appropriate for various reasons. Specifically, 105 spaces were provided and 119 spaces were calculated as being required.

The amended proposal includes a total of 135 car parking spaces. The increase has been achieved by increasing the width of the car parking station to the east and west and the rationalisation of circulation spaces previously proposed within building.

As a consequence of expanding the parking station to the east, the previously proposed 7 metre wide secure open space located at ground level adjacent to the eastern side boundary, has been reduced in width to 4 metres. This change has not affected the setbacks from the eastern boundary at upper floor levels. The reduction from 7m to 4m at ground level is not considered to be detrimental to the amenity of residents of the adjacent dwellings to the east, nor the functionality or amenity of the open space walkway link.

The amended number of car parking spaces exceeds the number of spaces that the Council's Traffic Consultants consider is appropriate to cater for the likely demands of the development by 16 spaces and is therefore considered appropriate.

Summary

The proposed amendments address some of the reasons that the Panel gave for refusing the Application. In particular:

- a portion of the development adjacent to Hackney Road is now two storey, whereas previously it was four storey;
- all dwellings facing Bertram Street are now two storey, whereas previously a building at the western end on the corner of Hackney Road was four storeys;
- some improvements have been made to the interface between the original Hotel and the Hotel additions, to improve vistas of the original Hotel at close range; and
- car parking numbers have increased and now achieve the rate recommended by the Council's Traffic Consultants.

Areas of concern which have not been addressed, include the two and three storey presentation of the development to Bertram Street and Richmond Street respectively, the remaining four-storey component of

the development facing Hackney Road and the siting of the Hotel addition closer to Hackney Road than the original Hotel.

RECOMMENDATION

That the Environment Resources and Development Court be advised that the Development Assessment Panel is satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, 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 V Three, Project Number V3H.PC02, Drawing Numbers S1B, S2B, S3B, S4B, S5B, S6B, S7B RevB, S8B, S9B, S10B, S11B, S12B, S13B, S14B, S15, S16, S17, S18 and S19

Conditions

1. A detailed tree protection plan shall be prepared in relation to all on-site and Council street trees to be retained, in accordance with AS4970 2009 Protection of trees on development sites, by a professional arborist, before issue of building rules consent, and final development authorisation for the development, to the reasonable satisfaction of the Council and the tree protection plan be incorporated into the site handbook and induction process prior to any demolition or construction works commencing at the site and/or near to these trees.
2. Comprehensive documentation of the restoration of the original Hotel building shall be prepared before the issuing of Development Approval, to the reasonable satisfaction of the Council, detailing the restoration of the hotel's two main facades, which shall include reconstructing the original balcony, and possibly even the old signage seen in the early photos
3. details of the ramp transition and driver sight lines at the Richmond Street vehicle entrance, shall be provided to the reasonable satisfaction of the Council, prior to the granting prior of Development Approval, demonstrating compliance with AS/NZS 2890.1:2004 – Figure 3.2.
4. Left turn in and Left turn out signage shall be installed at the entrance to 'Flour Mill Lane'.
5. The access door to the secure parking area off Richmond Street shall be set back a minimum of 6 metres from the Richmond Street boundary.
6. All trees and other plants which are either existing and shown to be retained and/or proposed to be planted within the 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.
7. All loading and unloading of vehicles shall be carried out entirely upon the subject land.
8. 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.
9. All of the on car parking spaces shown on the ground floor plan, Drawing Number P04, other than those within the garages of dwellings fronting Bertram Street, shall be freely available at all times for use by staff, clientele of the Hotel and serviced apartments and visitors to dwellings within the development.

Mr Smith moved

That the Environment Resources and Development Court be advised that the Development Assessment Panel is satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, 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 V Three, Project Number V3H.PC02, Drawing Numbers S1B, S2B, S3B, S4B, S5B, S6B, S7B RevB, S8B, S9B, S10B, S11B, S12B, S13B, S14B, S15, S16, S17, S18 and S19*

Conditions

1. *A detailed tree protection plan shall be prepared in relation to all on-site and Council street trees to be retained, in accordance with AS4970 2009 Protection of trees on development sites, by a professional arborist, before issue of building rules consent, and final development authorisation for the development, to the reasonable satisfaction of the Council and the tree protection plan be incorporated into the site handbook and induction process prior to any demolition or construction works commencing at the site and/or near to these trees.*
2. *Comprehensive documentation of the restoration of the original Hotel building shall be prepared before the issuing of Development Approval, to the reasonable satisfaction of the Council, detailing the restoration of the hotel's two main facades, which shall include reconstructing the original balcony, and possibly even the old signage seen in the early photos*
3. *details of the ramp transition and driver sight lines at the Richmond Street vehicle entrance, shall be provided to the reasonable satisfaction of the Council, prior to the granting prior of Development Approval, demonstrating compliance with AS/NZS 2890.1:2004 – Figure 3.2.*
4. *Left turn in and Left turn out signage shall be installed at the entrance to 'Flour Mill Lane'.*
5. *The access door to the secure parking area off Richmond Street shall be set back a minimum of 6 metres from the Richmond Street boundary.*
6. *All trees and other plants which are either existing and shown to be retained and/or proposed to be planted within the 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.*
7. *All loading and unloading of vehicles shall be carried out entirely upon the subject land.*
8. *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.*
9. *All of the on car parking spaces shown on the ground floor plan, Drawing Number P04, other than those within the garages of dwellings fronting Bertram Street, shall be freely available at all times for use by staff, clientele of the Hotel and serviced apartments and visitors to dwellings within the development.*

Seconded by Mr Dottore and the motion was lost.

Mr Donaldson moved

That the Environment Resources and Development Court be advised that the Development Assessment Panel considers that the amended proposal does not sufficiently accord with the Development Plan to warrant Consent.

Seconded by Mr Minney and carried.

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/332/16 – 13 SALTER STREET, KENSINGTON

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| DEVELOPMENT APPLICATION: | 155/0332/16 |
| APPLICANT: | DC Architecture |
| SUBJECT SITE: | 13 Salter Street, Kensington (Certificate of Title; Volume: 6160, Folio: 528) |
| DESCRIPTION OF DEVELOPMENT: | Construction of a two-storey dwelling, with an associated cellar, swimming pool and fencing |
| ZONE: | Residential Historic (Conservation) Zone – Kensington 1 Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016) |
| PUBLIC NOTIFICATION CATEGORY: | Category 2 |

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 19 September 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. 155/332/16) was lodged with the Council for the construction of a two-storey dwelling, with an associated cellar, swimming pool and fencing.

The Panel considered the Application at its meeting held on 19 September 2016 and determined to refuse the Application for the following reasons:

- 1. The proposed built form is considered to be too bold, does not complement adjacent development and is not consistent with the Desired Character Statement for the Residential Historic (Conservation) Zone or Zone Principles of Development Control 16, 18 and 22.*
- 2. The resulting site coverage (82%) is considered to be incompatible with the site coverage of other buildings in the locality, contrary to Residential Historic (Conservation) Zone Principle of Development Control 12.*
- 3. The proposed external privacy louvres are not considered to provide adequate privacy to the north-east facing windows of the adjacent dwelling at 15 Salter Street, at odds with City Wide Principle of Development Control 235.*
- 4. The location of the private open space forward of the dwelling results in a compromised amenity due to its location adjacent to the street, its orientation to the south of the dwelling and the resulting lack of direct sunlight during winter. The proposed development is therefore contrary to City Wide Principle of Development Control 224, parts (b), (f) and (g).*
- 5. The proposed dwelling has poor orientation and minimal access to northern light within the living areas of the dwelling, contrary to City Wide Principles of Development Control 67 and 68.*

6. *Vehicular access to the proposed allotment is considered to be very tight, with minimal manoeuvring areas. It is likely that vehicles will need to make multiple movements when accessing and egressing the proposed car parking spaces at the rear of the dwelling. Vehicle manoeuvring is therefore not considered to be convenient, contrary to City Wide Principle of Development Control 98.*

A copy of the relevant section of the Minutes of the Panel meeting held on 19 September 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 is contained in **Attachment B**.

A summary of the proposed amendments is provided below:

- The upper level setback from the street has increased from 1.7m to 4.0m;
- The external cladding of the upper level has changed from standing seam metal roof sheet (matt stealth colour) to rendered walling to be finished with cementitious paint;
- The vertical aluminium louvres along the side elevation of the upper level have changed from having a painted finish to a wood finish;
- the front fence design has changed from rendered masonry with circular openings to a stone clad masonry fence;
- the side fence adjacent the driveway has changed from a rendered masonry wall with vertical recesses to a stone clad wall;
- the carport opening width has increased from 6.0m to 7.1m, and
- the landscaping plan has changed, to include the planting of a creeping fig up the wall of the adjacent commercial building to the north.

Discussion

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

Built Form Prominence and Compatibility

The increased upper level street setback from 1.7m to 4.0m has the effect of reducing the prominence of the dwelling in the street. Despite the revised setback, the dwelling remains approximately two (2) metres forward of the dwelling to the south at 15 Salter Street and would be highly visible in the streetscape due to the separation between the proposed dwelling and the dwelling at 15 Salter Street, created by the driveway.

That said, the increased setback provides a more appropriate transition between the dwelling at 15 Salter Street and the commercial building to the north and result in a less dominant impact on the streetscape.

The changes to the materiality of the building are also considered to assist in 'softening' the impact on the street. The render finish to the upper level, painted in a cementitious paint (in a colour to match the stone cladding on the front fence) is considered to be more complimentary to the established character of the street than the previously proposed standing seam sheet metal cladding. The painted render is a softer finish and is consistent with the finish of external walls of other buildings in the locality. Metal cladding on the other hand, whilst used for roofing within the locality, is considered likely to be less compatible with the streetscape character when used in the previously proposed context as wall cladding.

The proposed 'stone' colour of the painted render is similar to the colour of the bricks of the commercial building to the north, reducing contrast and in turn prominence of the proposed building, as viewed from the south.

The style of the building remains unchanged and in this respect, it still does not reflect key design features of historic buildings within the locality, such as roof form and pitch, inclusion of a verandah element, window proportions etc, as is sought in the Desired Character Statement for the Residential Historic (Conservation) Zone.

The low proportion of historic buildings within the locality reduces the relevance of this section of the Desired Character Statement, however some such buildings do remain and the policy is aspirational, seeking to ensure that over time, as sites which do not contain historic buildings are developed, streetscapes are characterised by buildings which are compatible with the remaining historic buildings, through the repetition of the stated key design elements. This is not achieved with the proposal.

Site Coverage

The increased street setback is achieved by reducing the area of the upper level floor plan by 18m². In turn, this reduces the site coverage by 9%, from 82% to 73%. There is no quantitative Development Plan policy relating to site coverage. Rather, Residential Historic (Conservation) Zone Principle of Development Control 12 states:

“The site coverage of buildings resulting from the erection or alteration of, or addition to, a building, should be compatible with the site coverage of those buildings in the locality which contribute significantly to the historic character.”

The existing Contributory Items within the locality (located at 3, 14, 17, 21 and 26 Salter Street, and 12 and 14 Bridge Street) have an average site coverage of approximately 55%, excluding any common land. The other buildings within the locality have a similar extent of average site coverage.

The revised site coverage is more compatible with the site coverage of other buildings in the locality and having regard to the adjacency of the site to the commercial building to the north (which has much higher site coverage) and the small area of the subject land, the site coverage is now considered acceptable.

Overlooking

No changes have been made to the plans in response to the concern that overlooking could occur from the upper level floor to ceiling windows, over the property at 15 Salter Street.

The proposed external louvres remain at 90 degrees to the windows, which would only restrict oblique angle views from the first floor windows. The 90 degree louvres would restrict overlooking of all adjacent private open space areas, but would enable views directly toward the north-east facing windows of the adjacent dwelling at 15 Salter Street.

Accordingly, if the Panel determines to approve the proposed development, it is recommended that a condition be imposed to adequately address overlooking of the adjacent dwelling's windows from the south-west facing first floor windows.

Private Open Space Location

No change has been made to the plans to address the concern that the private open space is located between the dwelling and the street. It is noted, however, that high solid front fences are characteristic of the locality and in this context, this aspect of the proposal is only a minor concern.

Access to Northern Sunlight

In response to a concern that the proposed dwelling is poorly orientated to receive northern sunlight, the Applicant has sought to demonstrate that northern sunlight access is achieved. Specifically, the Applicant has demonstrated in the plans, that the height of the adjacent commercial building to the north steps down at the rear, allowing the northern sun to penetrate north-facing windows to the lounge and master bedroom at the upper level of the proposed dwelling.

Convenience of Manoeuvring

The carport opening width has been increased from 6m to 7.1m, by removing a return nib wall from the northern side. This change will increase the convenience of manoeuvring into and out of the carport, however upon applying the Australian Standard vehicle manoeuvring templates for a B85 (85th percentile

sized) vehicle, it remains likely that one (1) of the two cars using the carport (ie. the northern-most parked car) will require a three-point turn to leave the carport. Given that the Development Plan only requires a detached dwelling to have one covered car parking space set back at least 5.5m from the primary street frontage, the proposal achieves the car parking policies without accommodating a second car within the carport. In this context, the reduced convenience of the second parking space within the carport is considered acceptable.

Summary

The proposed amendments are considered to result in an improvement to the compatibility of the dwelling to the character of the locality and it is now less prominent. However, the design composition of the building remains fundamentally incompatible with historic buildings in the locality.

Other concerns previously identified have either been addressed, are able to be addressed by way of condition, or are considered to be of relatively minor concern in the overall assessment.

On balance, the proposal is still considered to insufficiently accord with the Development Plan to merit consent.

RECOMMENDATION

That the Environment Resources and Development Court be advised that the Development Assessment Panel does not accept the compromise proposal, for the following reasons:

1. The proposed built form is considered to be too bold, does not complement adjacent development and is not consistent with the Desired Character Statement for the Residential Historic (Conservation) Zone or Zone Principles of Development Control 16, 18 and 22.
2. The resulting site coverage (82%) is considered to be incompatible with the site coverage of other buildings in the locality, contrary to Residential Historic (Conservation) Zone Principle of Development Control 12.
3. The proposed external privacy louvres are not considered to provide adequate privacy to the north-east facing windows of the adjacent dwelling at 15 Salter Street, at odds with City Wide Principle of Development Control 235.
4. The location of the private open space forward of the dwelling results in a compromised amenity due to its location adjacent to the street, its orientation to the south-east of the dwelling and the resulting lack of direct sunlight during winter. The proposed development is therefore contrary to City Wide Principle of Development Control 224, parts (b), (f) and (g).

Ms Moore moved

That the Environment Resources and Development Court be advised that the Development Assessment Panel does not accept the compromise proposal, for the following reasons:

1. *The proposed built form is considered to be too bold, does not complement adjacent development and is not consistent with the Desired Character Statement for the Residential Historic (Conservation) Zone or Zone Principles of Development Control 16, 18 and 22.*
2. *The resulting site coverage (82%) is considered to be incompatible with the site coverage of other buildings in the locality, contrary to Residential Historic (Conservation) Zone Principle of Development Control 12.*

3. *The proposed external privacy louvres are not considered to provide adequate privacy to the north-east facing windows of the adjacent dwelling at 15 Salter Street, at odds with City Wide Principle of Development Control 235.*
4. *The location of the private open space forward of the dwelling results in a compromised amenity due to its location adjacent to the street, its orientation to the south-east of the dwelling and the resulting lack of direct sunlight during winter. The proposed development is therefore contrary to City Wide Principle of Development Control 224, parts (b), (f) and (g).*

Seconded by Mr Duke and carried.

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 9:03pm.

Terry Mosel
Presiding Member