

Development Assessment Panel Minutes

18 January 2017

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

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

Staff Mr Mark Thomson (Manager Development Assessment)
 Ms Kathryn Clausen (Senior Urban Planner)
 Mr Nenad Milasinovic (Acting Senior Urban Planner)
 Ms Emily Crook (Urban Planner)

APOLOGIES Nil

ABSENT Mr Don Donaldson

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 19 DECEMBER 2016

Ms Moore moved that the minutes of the Meeting of the Development Assessment Panel, held on 19 December 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 ASSESSMENT PANEL TERMS OF REFERENCE

REPORT AUTHOR: Acting General Manager, Urban Planning & Environment
GENERAL MANAGER: Acting Chief Executive Officer
CONTACT NUMBER: 8366 4567
FILE REFERENCE: S/1099
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to enable the Development Assessment Panel to adopt Terms of Reference to enable it to conduct its business.

BACKGROUND

Section 56A(19) of the *Development Act 1993* (the Act), prescribes that the procedures to be observed in relation to the conduct of business of a council Development Assessment Panel will be:

- (a) as prescribed by regulation;
- (b) insofar as a procedure is not prescribed under paragraph (a) – as determined by the panel.

In this context, there is a legislative obligation on the Panel to adopt Terms of Reference to guide the way in which the Panel conducts its business.

DISCUSSION

The Terms of Reference for the new Development Assessment Panel represent a starting point for the new Panel to conduct its business. The Terms of Reference reflect the Council's expectations for how the Panel should conduct its business. Over time, the Panel may choose to modify any provisions within the Terms of Reference that relate to procedures to be observed in relation to the conduct of the Panel's business.

If Panel Members have major concerns with the Terms of Reference that were endorsed by the previous Development Assessment Panel in January 2016, it is suggested that those concerns be expressed to staff, who in turn can prepare a discussion paper for the Panel's consideration or can facilitate a workshop so that Panel Members can make well informed decisions regarding the Panel's Terms of Reference.

The Council considered a report at its meeting held on 5 December 2016, regarding a review of the previous Development Assessment Panel during the period January 2016 to December 2016. The following resolutions of the Council in relation to that report are relevant to the DAP's Terms of Reference:

That the following Elected Members be and are hereby appointed to the City of Norwood Payneham & St Peters Development Assessment Panel for a period commencing on 18 January 2017 until 31 December 2017:

- *Cr John Frogley;*
- *Cr Carlo Dottore;*
- *Cr Kevin Duke; and*
- *Cr Evonne Moore.*

That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel, for a period commencing on 18 January 2017 until 31 December 2017, or until extended or removed from membership of the Development Assessment Panel by resolution of the Council:

- Mr Terry Mosel (Presiding Member);
- Mr Phil Smith;
- Mr Don Donaldson;
- Ms Jenny Newman; and
- Ms Fleur Bowden.

That the City of Norwood Payneham & St Peters Development Assessment Panel, shall operate, function and be delegated powers, in accordance with the document titled "Terms of Reference of the City of Norwood Payneham and St Peters Development Assessment Panel", included as Attachment A to this report and as varied by any other resolution of the Council, until such time as the Development Assessment Panel determines its own procedures in relation to the conduct of business of the Panel not already determined by the Development Act 1993, or by the Terms of Reference referred to above.

The changes endorsed by the Council at its meetings held on 5 December 2016, with respect to the membership of the Panel, have been incorporated into a revised draft of the Panel's Terms of Reference, a copy of which is contained in **Attachment A**. In this context, it is recommended that the Panel endorse the Terms of Reference included in Attachment A to this report.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

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

FINANCIAL IMPLICATIONS

N/A

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

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

OPTIONS

The Panel can either adopt the draft Terms of Reference attached to this report or adopt a modified version of the Terms of Reference.

CONCLUSION

It is recommended that the Panel endorse the draft Terms of Reference contained in Attachment A, which continue to recognise the Panel's principal role in development assessment and related matters, in accordance with the requirements of the Section 56(A)(19) of the *Development Act 1993*.

COMMENTS

Nil

RECOMMENDATION

That, pursuant to Section 56A(19) of the *Development Act 1993*, the City of Norwood Payneham & St Peters Development Assessment Panel adopt the Development Assessment Panel Terms of Reference, contained in Attachment A to this report, until reviewed further by the Panel.

Mr Dottore moved

That, pursuant to Section 56A(19) of the Development Act 1993, the City of Norwood Payneham & St Peters Development Assessment Panel adopt the Development Assessment Panel Terms of Reference, contained in Attachment A to this report, until reviewed further by the Panel.

Seconded by Ms Newman and carried.

2. STAFF REPORTS

2.2 APPOINTMENT OF DEPUTY PRESIDING MEMBER FOR THE DEVELOPMENT ASSESSMENT PANEL

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

PURPOSE OF REPORT

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

BACKGROUND

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

DISCUSSION

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

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

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

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

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

RELEVANT POLICIES & STRATEGIC DIRECTIONS

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

FINANCIAL IMPLICATIONS

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

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

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

OPTIONS

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

CONCLUSION

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

COMMENTS

Nil.

RECOMMENDATION

That pursuant to Section 56A(4b) of the *Development Act 1993*, _____ be appointed to the position of Deputy Presiding Member for the City of Norwood Payneham & St Peters Development Assessment Panel until 31 December 2017.

Mr Frogley moved

That pursuant to Section 56A(4b) of the Development Act 1993, Phil Smith be appointed to the position of Deputy Presiding Member for the City of Norwood Payneham & St Peters Development Assessment Panel until 31 December 2017.

Seconded by Mr Duke and carried.

2. STAFF REPORTS

2.3 SCHEDULE OF DEVELOPMENT ASSESSMENT PANEL MEETINGS FOR 2017

REPORT AUTHOR: Acting General Manager, Urban Planning & Environment
GENERAL MANAGER: Acting Chief Executive Officer
CONTACT NUMBER: 8366 4567
FILE REFERENCE: S/1099
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to obtain the Panel's endorsement of the draft Schedule of Meetings of the Development Assessment Panel for the period February 2017 to December 2017.

BACKGROUND

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

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

DISCUSSION

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

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

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

RELEVANT POLICIES & STRATEGIC DIRECTIONS

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

FINANCIAL IMPLICATIONS

Nil.

SOCIAL ISSUES/IMPACT

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

CONSULTATION

- **Elected Members**

Nil.

- **Community**

The Schedule of Development Assessment Panel Meetings for 2017 will be available at the Norwood Town Hall, all Libraries and on the Council's website.

- **Staff**

Nil.

- **Other Agencies**

Nil.

OPTIONS

The Panel can either endorse the draft Schedule of meetings attached to this report or set and endorse an alternative schedule for the period February 2017 to December 2017.

CONCLUSION

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

COMMENTS

Nil.

RECOMMENDATION

1. That the Development Assessment Panel meetings for the period February 2017 to December 2017 be held on the third Monday of each calendar month, other than in April, when the meeting shall be held on the third Wednesday of the month, at 7.00pm in the Mayor's Parlour, Norwood Town Hall in accordance with the Schedule of Development Assessment Panel Meetings attached to this report.

Mr Duke moved

1. *That the Development Assessment Panel meetings for the period February 2017 to December 2017 be held on the third Monday of each calendar month, other than in April, when the meeting shall be held on the third Wednesday of the month, at 7.00pm in the Mayor's Parlour, Norwood Town Hall in accordance with the Schedule of Development Assessment Panel Meetings attached to this report.*

Seconded by Ms Moore and carried.

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/194/2016 – PROGETTO DESIGN – 417 MAGILL ROAD, ST MORRIS

DEVELOPMENT APPLICATION:	155/194/2016
APPLICANT:	Progetto Design
SUBJECT SITE:	417 Magill Road, St Morris (Certificate of Title Volume:6148 Folio:199)
DESCRIPTION OF DEVELOPMENT:	Demolition of an existing dwelling and outbuildings and the construction of consulting rooms with two (2) apartments above and the construction of two (2) semi-detached dwellings facing Thomas Avenue with associated fencing and landscaping (Non-Complying)
ZONE:	Local Shopping Zone 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 information to the Panel in order for a determination to be made on an Application for the demolition of an existing dwelling and outbuildings and the construction of consulting rooms with two (2) apartments above and the construction of two (2) semi-detached dwellings facing Thomas Avenue with associated fencing and landscaping which is a Non-Complying form of development.

Staff do not have delegated authority to determine the Application, as the application is a non-complying and Category 3 form of 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.

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

Subject Land Attributes

Shape:	regular (with corner cut-off)
Frontage width:	15.85 metres (excluding corner cut-off)
Depth:	58.83 metres
Area:	928m ²
Topography:	slightly sloping
Existing Structures:	dwelling and outbuildings
Existing Vegetation:	some mature vegetation

The subject land is located on the corner of Magill Road and Thomas Avenue and currently contains a dwelling, outbuildings and a swimming pool. The site slopes approximately 800mm from the south-eastern to the north-western corner.

Locality Attributes

Land uses: mixed use
 Building heights (storeys): several two storey
 Streetscape amenity: low on Magill Road, high on Thomas Avenue

The locality contains a mix of uses and is divided into the Local Shopping Zone, the Residential Character Zone and the Local Business Zone located within the City of Burnside on the southern side of Magill Road. Properties facing Magill Road include offices, shops (including café/restaurants), dwellings, consulting rooms and fitness centres. Properties within the locality along Thomas Avenue contain detached dwellings, other than the commercial property on the opposite corner at 419 Magill Road.

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

Background

At the meeting held on 19 December 2016, the Development Assessment Panel granted Approval to two land division Applications relating to this site; Torrens Title Land Division 155/D084/2016 and Community Strata Land Division 155/C091/2016. The approved land division plans reflect the land use and built form currently proposed in Application 155/194/2016.

If the Panel was to determine that Development Application 155/194/16 does not merit consent in its current form and subsequent changes to the built form were required to overcome the Panel's concerns, which in turn necessitated amendments to the land division, it would be necessary for the Applicant to first seek a variation to the Development Plan Consents which have been issued to the land divisions.

Copies of the land division plans which have been granted Development Plan Consent are contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent for demolition of an existing dwelling and outbuildings and the construction of consulting rooms with two (2) apartments above and the construction of two (2) semi-detached dwellings facing Thomas Avenue with associated fencing and landscaping.

The semi-detached dwellings each contain a combined kitchen/dining/lounge, three bedrooms (the master bedroom contains an ensuite), laundry, separate bathroom and a single garage. The apartments contain a combined kitchen/dining/lounge, two bedrooms (the master bedroom contains an ensuite), laundry nook and the northern apartment has a study. Each apartment is provided with two car parking spaces which will be covered by the upper level.

The consulting rooms contain three consulting rooms plus a treatment room and associated waiting/admin/staff areas. The consulting rooms are provided with 7 spaces inclusive of an accessible space.

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: Semi-Detached dwellings facing Thomas Avenue

Consideration	Dwelling 1 (Northern Dwelling)	Dwelling 2 (Southern Dwelling)	Development Plan Merit Assessment Quantitative Guideline
Site Area	200m ²	190m ²	N/A
Allotment Width	12.6m	12.00m	N/A
Allotment Depth	15.85m	15.85m	N/A
External Wall Height*	3.3m – 5.9m	3.3m – 5.9m	N/A
Maximum Overall Height (to roof apex)*	7.8m	7.8m	N/A

TABLE 1: DEVELOPMENT DATA: Semi-Detached dwellings facing Thomas Avenue *continued...*

Consideration	Dwelling 1 (Northern Dwelling)	Dwelling 2 (Southern Dwelling)	Development Plan Merit Assessment Quantitative Guideline
Floor Area (total)	173.08m ²	173.08m ²	N/A
Floor Area (footprint)	97.1m ²	97.1m ²	N/A
Site Coverage	58.3%	61.4%	N/A
Private Open Space	35m ² 17.5% of site area 46% uncovered	35m ² 18.42% of site area 46% uncovered	35m ² (CW PDC 225(b)) 50% uncovered (CW 229)
Street Set-back	3m	3m	N/A
Side Set-back	0.6m – 3.0m	Nil – 2.4m	N/A
Rear Set-back	1.2m – 5.0m	1.2m – 5.0m	N/A
Car Parking Provision	1 undercover & 1 visitor	1 undercover & 1 visitor	1 undercover 1 visitor (Table NPSP 8)

TABLE 2: DEVELOPMENT DATA: Consulting Rooms and Apartments

Consideration	Dwelling 3 (Northern Apartment)	Dwelling 4 (Southern Apartment)	Consulting Rooms	Development Plan Merit Assessment Quantitative Guideline
Site Area	113m ² (plus subsidiaries)	102m ² (plus subsidiaries)	148m ² (plus subsidiaries)	N/A
Allotment Width	15.85m	14.5m	15.85m	N/A
Allotment Depth	9.7m	11.5m	14.0m	N/A
External Wall Height*	4.6m – 8.0m	4.6m – 8.0m	4.6m – 8.0m	N/A
Maximum Overall Height (to roof apex)*	9.2m	9.2m	9.2m	N/A
Floor Area (total)	113m ² + balcony 26m ²	102m ² + balcony 25m ²	148m ²	N/A
Private Open Space	26m ²	25m ²	N/A	12m ² (CW PDC 226(b))
Street Set-back	N/A	1.2m to balcony 3m to main building	1m at the closest point	N/A
Side Set-back	Nil	Nil – 1.5m	Nil – 1.5m	N/A
Rear Set-back	12.8m to northern car park boundary	N/A	20.2m northern car park boundary	N/A
Car Parking Provision	2 undercover	2 undercover	7 spaces	Apartments: 2 parks per dwelling and 1 visitor for every 2 dwellings (Table NPSP/8) 12 spaces (Table NPSP/9)

** 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** including a Statement of Effect, proposed plans, and a Statement in Support which was submitted at the time of lodgement. It should be noted that some amendments have been made to the design since the preparation of the Statement in Support such as changes to car parking provision and setback from Magill Road.

Notification

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

Seven (7) representations were received (all opposed) in response to this notification, copies of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- Proposed land uses are not considered appropriate within the zone;
- Processing of land divisions prior to land use application;
- Car parking: the number of spaces, layout of the car parking area and reduction of on-street spaces;
- Lack of bicycle parking;
- Obstruction of views to adjacent commercial buildings;
- Privacy and overshadowing;
- Stormwater management; and
- Impacts on neighbours during construction.

The following representors desire to be heard personally by the Development Assessment Panel (DAP):

- *Sam Puopolo; and*
- *Chris & Liana Jurjevic.*

The Applicant has responded to the representations received and a copy of their response is contained in **Attachment D**.

A summary of the response is provided below:

- The order of the land division and land use Applications was determined by the Council;
- Residential use could be appropriate in circumstances where it does not compromise commercial opportunities;
- Traffic and car parking concerns have been addressed by the Applicant's traffic consultant, Cirqa, and the car parking layout has been amended to ensure compliance with Australian Standards;
- The development would not result in significant obstruction of adjacent commercial buildings;
- Details of retaining walls have been provided;
- Additional landscaping has been included for the dwellings.

State Agency Consultation

The Application was referred to the Department of Planning Transport & Infrastructure, as the development involves a new crossover within 25 metres of Magill Road (a secondary arterial road). This response is contained in **Attachment E** and is discussed further in the [carparking/access/manoeuvring](#) section of this report.

Discussion

The subject land is located within the Local Shopping Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposal is non-complying as it involves the construction of semi-detached dwellings which are listed as a non-complying form of development within the Local Shopping Zone.

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

Land Use and Density

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

Local Shopping Zone Objective: 1, 57

Local Shopping Zone Principles of Development Control: 1

City Wide Objectives: 1, 2, 3, 5, 7, 26, 27

City Wide Principles of Development Control: 1, 2, 3, 4, 80, 81, 83, 84, 85

The Local Shopping Zone anticipates primarily small groups of shops which cater for the day-to-day needs of nearby residents. The proposed land uses are medical consulting rooms and residential dwellings.

Although consulting rooms are not explicitly anticipated within the Local Shopping Zone, they are a 'merit' form of development within the Zone. A range of commercial uses are currently located along Magill Road including shops, offices consulting rooms and fitness centres. Given the small scale of the consulting rooms, it is considered to be a service directed to the local community, rather than a broader catchment area, and therefore it is considered compatible with local shops and appropriate within the Local Shopping Zone.

Several types of dwellings are listed as non-complying within the Local Shopping Zone including detached, semi-detached, multiple dwelling, and residential flat buildings. Interestingly, a 'shop and dwelling' is listed as a complying form of development within the zone. This reference to dwelling relates to the traditional form of shop with an associated dwelling located at the rear.

It is likely that most dwelling types are listed as non-complying development to preserve land within the zone for shops and allied commercial uses to serve the needs of the local community and to maintain active frontages along main corridors such as Magill Road.

With respect to preserving commercial land, the proposal does incorporate a commercial land use at the front of the site, with residential use above and behind. In this way, the outcome is similar to that which is created by the traditional 'shop and dwelling'. The size of the consulting rooms is considered appropriate for the zone. A larger consulting room which occupied the whole site may result in a level of activity which is beyond that anticipated within the Local Shopping Zone and could have a detrimental impact on surrounding residential properties within the Residential Character Zone, by creating a level of intensity of use that is beyond what is anticipated for the Local Shopping Zone.

With respect to providing active frontages to Magill Road, the location of consulting rooms on the lower floor in close proximity to Magill Road is considered to achieve that outcome.

The semi-detached dwellings are located at the rear (north) of the property adjacent to the Residential Character Zone. The location of dwellings at the edge of the zone is considered to provide a reasonable 'buffer' between the consulting rooms and the existing dwelling at 1 Thomas Avenue. In any event, the operation of the consulting rooms is likely to be relatively quiet and there is likely to be little to no activity at sensitive times such as weeknights and weekends. As such, the proposed land uses are not considered to result in excessive noise impacts for the occupants of surrounding dwellings.

As the apartments are located adjacent to Magill Road, future occupants of these dwellings (particularly the southern apartment) are likely to be impacted by traffic noise from Magill Road. If the Panel determines to approve the application, it is recommended that a condition be imposed, requiring double glazing on the apartments to minimise noise within the building.

On balance, the proposed mix of residential and commercial use is considered to be consistent with City Wide Objective 26, which seeks development sited to minimise adverse impact and conflict between land uses and City Wide Principle of Development Control 3, which states that development should take place on land which is suitable for the intended use of that land, having regard to the location and condition of the land and the provisions of the zone.

The allotment sizes of the proposed consulting rooms and dwellings are consistent with land divisions 155/D084/2016 and 155/C091/2016, approved by the Panel on 19 December 2016. The subject land is considered suitable for a higher density development compared to surrounding development in the adjacent zones, given its location on a secondary arterial road, and its close proximity to public transport, public open spaces, shops and other services. The proposed dwelling density is therefore consistent with City Wide Objective 57, which anticipates increased dwelling densities in areas close to centres, public transport and significant public open spaces. .

streetscape/bulk/scale/height/character

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

City Wide Objectives: 8, 18 - 20,
City Wide Principles of Development Control: 28 - 30, 33 - 36, 39, 190, 192

The Local Shopping Zone policies do not provide any guidance with respect to building height or built form. The following City Wide provisions are considered particularly relevant to this assessment:

City Wide Principle of Development Control 34:

“Development on corner allotments should:

- (a) reinforce the primary and secondary street frontages of the subject site with highly articulated building forms; and*
- (b) be sited to complement the siting of buildings on the adjacent corner sites.*

City Wide Principle of Development Control 29:

“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.”*

The Magill Road streetscape currently contains a mix of single storey and two-storey buildings in a variety of styles and materials.

The proposed two-storey mixed use building is located in close proximity to the Magill Road frontage and is located on the Thomas Avenue boundary resulting in a visually prominent corner building. A number of other commercial properties along Magill Road have been constructed on or near front and secondary street boundaries and as such, the proposed siting of the building is considered appropriate. In particular, the building on the adjacent corner at 419 Magill Road is set close to Magill Road and on the Thomas Avenue frontage. In this context, the proposed building is considered to complement the siting of buildings on the adjacent corner sites, consistent with City Wide Principle of Development Control 34.

The overall size of the mixed use building is not dissimilar to other two-storey buildings within the locality. The Thomas Avenue elevation of the building is considered to be suitably articulated consistent with Principle of Development Control 34.

The mixed use building is proposed to have a contemporary form using feature cladding and concrete panels in contrasting colours, and incorporates 4.5 metre high lower level walls, however the building maintains a roof form and solid to void ratio consistent with most buildings on Magill Road. The design of the mixed use building was amended through the course of the assessment, to provide a greater setback from Magill Road, allowing for a large established red ironbark street tree to be retained. The canopy of this tree would obscure views of the upper level of the building to some extent, assisting to soften its impact on the established streetscape.

To the north of the subject land, dwellings facing Thomas Avenue within the Residential Character Zone are primarily single storey. However, it is considered acceptable for some two-storey development to occur on the subject land facing Thomas Avenue, given that the site is not within the Residential Character Zone and in light of the varied heights of buildings on sites facing Magill Road within the locality, particularly the adjacent commercial building at 419 Magill Road.

The design of the proposed two-storey semi-detached dwellings has been amended during the course of the assessment to provide greater articulation, especially to the upper level, and to provide a greater variety of materials including render, cladding, timber panelling and red brick. It is considered that the revised dwelling design provides an appropriate transition between the character homes within Thomas Avenue and the commercial buildings facing Magill Road. The semi-detached dwellings have a common roof form consistent with City Wide Principle of Development Control 190.

On balance, the streetscape presentation of the buildings is considered appropriate in the context of the locality.

Setbacks and Site Coverage

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

City Wide Principles of Development Control: 50, 52, 206

The Local Shopping Zone does not provide any qualitative or quantitative policies for building setbacks. As such, consideration has been given to the following City Wide provisions

Principle of Development Control 50

"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."*

Principle of Development Control 52

"Except where otherwise specified in the relevant Zone and/or Policy Area, the setback of development from a secondary street frontage should reflect the setbacks of the adjoining buildings and the predominant setback of other buildings in the locality."

As discussed in the *streetscape/bulk/scale/height/character* section of this report, the proposed mixed use building is located in close proximity to the Magill Road Boundary (1.2 metres to the balcony and entrance and 3 metres to the main building line) and is proposed on the Thomas Avenue boundary. Building to front and side boundaries is a common feature for commercial buildings along Magill Road so these setbacks are considered appropriate and are not considered to have a detrimental impact on the streetscape. The upper level walls are considered to be sufficiently set back to provide space around the building; a portion of the upper level is located on the western boundary however this is adjacent to a commercial (office) property so will not affect residential amenity.

The semi-detached dwellings have front setbacks to Thomas Avenue ranging from 3 metres to the lower level front room to 5.8 metres to the garage. The proposed front setbacks are considered to provide an adequate transition between the proposed side boundary wall of the mixed use building and the 10 metre front setback of 1 Thomas Avenue. Consideration was also given to the siting of the large commercial building at 419 Magill Road which is located on the Thomas Avenue boundary.

The northern semi-detached dwelling is set back 600mm to 4 metres from the northern boundary at the lower level and 3 metres to 4 metres at the upper level. The setbacks from the northern boundary are considered to result in a reasonable visual impact on the occupants of 1 Thomas Avenue and are consistent with City Wide Principle of Development Control 206 with respect to impacts on neighbours. The southern semi-detached dwelling is proposed to be built to both boundaries at the lower level and 2.4 metres to 3.4

metres to the southern boundary at the upper level however this dwelling will not have a direct impact on residential amenity. Boundary to boundary development is not common for residential properties in the locality, however the adjacent proposed car parking area will provide the appearance of space around the building and both dwellings can access the rear yard through the garages for rubbish bins etc.

The rear setbacks of the proposed semi-detached dwellings are considered to provide private yard spaces of adequate dimensions and will not affect residential amenity.

The semi-detached dwellings cover 58% and 61% of their respective sites, which is considered appropriate for allotments of 200m² or less, particularly as covered outdoor area is included as part of this Application.

Overshadowing/overlooking

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

City Wide Principles of Development Control: 11, 58, 71, 79, 195, 196, 235, 236

Due to the orientation of the subject land, the proposed development will not overshadow residential properties.

The proposed semi-detached dwellings have high upper level windows on the northern and southern elevations however the rear windows are illustrated as full length windows. There may be an opportunity for views into the rear yard of 1 Thomas Avenue from the proposed rear windows, and as such, if the Panel determines to approve the application, it is recommended that a condition be imposed, requiring the rear windows to also be screened to a height of 1.7 metres above the finished floor level. It is considered that there is sufficient separation from the proposed apartments so as to not result in unreasonable overlooking into the property at 1 Thomas Avenue.

To provide adequate protection from flooding, the finished floor levels of the semi-detached dwellings are up to 570mm above natural ground level which has the potential to cause overlooking from the ground level. The Applicant has provided fence and retaining wall elevations contained in **Attachment C**. The elevations illustrate that the fence height will be 1.7 metres above the finished ground floor level and the total retaining wall and fence height does not exceed 2.4 metres, as anticipated by City Wide Principle of Development Control 58.

Private open space

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

City Wide Principles of Development Control: 222 – 226, 229, 230

The proposed semi-detached dwellings are provided with 35m² private open space consistent with City Wide Principle of Development Control 225(b). The private open space is slightly inconsistent with City Wide Principle of Development Control 229 as 46% rather than 50% of the yards are uncovered however this is a minor departure. The private yard spaces have good links to the main living areas, are of useable dimensions, and separate areas are provided for services, clothes drying, rainwater tanks etc. The private open space areas will be overshadowed in the morning and midday with access to light limited to the afternoon which is a negative aspect of the proposal.

With respect to the apartments, City Wide Principle of Development Control 226 states (in part):
“Residential development in the form of apartments within a multi storey building should have associated private open space of sufficient area and shape to be functional and capable of meeting the likely needs of the occupant(s) and should be in accordance with the following requirements:...

(b) two bedrooms, a minimum area of 12 square metres of private open space;..”

The northern apartment is provided with a 26m² balcony and the balcony for the southern apartment has a 26m² area of useable dimensions plus an additional 25m² adjacent to Magill Road which has a depth of less than 2 metres. The balcony areas are consistent with Principle of Development Control 226, provide good links to the internal living areas and have good access to morning and midday light.

It is also noted that the subject land is located approximately 500m from public open space at St Morris Reserve.

Car parking/access/manoeuvring

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

City Wide Objectives: 32, 34

City Wide Principles of Development Control: 101, 113, 115, 118, 120, 122, 123, 124, 211, 212

The Applicant has provided a report from a traffic consultant, Cirqa, outlining the provision of car parking as part of the development and the layout of the mixed use car parking area. A copy of the report is contained in **Attachment D**.

Table NPSP/8 anticipates that dwellings with 2 or 3 bedrooms in a multi-storey building (other than detached and semi-detached dwellings) should be provided with two (2) car parking spaces plus one (1) visitor space for every two (2) dwellings. The apartments each have two car parking spaces designated, however do not have a designated shared visitor space, which is inconsistent with Table NPSP/8.

City Wide Principle of Development Control 122 parts (b) and (c) anticipate that a lesser number of car parks can be provided where the site is in close proximity to public transport and where the proposal is a mixed use development where the uses have differing peak times. As the subject land is adjacent to public transport on Magill Road and visitors to the apartments could use the car parks to the consulting room after hours, the shortfall of one (1) designated visitor space from the standard rate is not considered unreasonable.

With respect to the semi-detached dwellings, each dwelling is provided with one (1) undercover and one (1) visitor space in the driveway consistent with Table NPSP/8. The internal dimensions of the garages are consistent with City Wide Principle of Development Control 212 and the garage occupies less than 50% of the frontage widths consistent with City Wide Principle of Development Control 211.

The proposed Development Application was lodged on 31 March 2016 and as such, the version of the Development Plan applicable to this assessment was consolidated on 2 July 2015. On 28 April 2016 a new version of the Development Plan was consolidated which introduced new commercial car parking rates for certain designated areas located near high frequency public transport routes.

The subject land falls within a designated area however as the Application must be assessed against the Development Plan that was in operation at the time of lodgement, the new commercial rates are not technically applicable to this assessment. However, if the Application was to be withdrawn and re-lodged after 28 April 2016 the new rates would apply. Given the circumstances, Council staff consider it reasonable to consider the new car parking rates when undertaking this assessment. However for the Panel's information, an assessment against both rates is outlined below.

The consulting rooms consist of three (3) consulting rooms plus an ancillary treatment room and the building has a floor area of 148m². The consulting rooms are proposed to be serviced by seven (7) car parking spaces.

The car parking rate for consulting rooms given in Table NPSP/9 in the 2 July 2015 Development Plan is of 4 car parks per consulting room. Based on this rate, the theoretical demand for the consulting rooms is 12 car parks, resulting in a shortfall of 5 spaces.

The car parking rate for all non-residential land uses given in Table NPSP/9A in the 28 April 2016 Development Plan is a desired minimum number of 3 parks per 100m² of gross floor area. Based on this rate, the theoretical demand is 4.4 ~ 5 spaces, resulting in a surplus of 2 spaces.

While there is a notable shortfall in car parking when applying the standard rates provided in the 2 July 2015 Development Plan, the proposed number of car parks provided for the consulting rooms is considered appropriate when considering the ability to 'discount' car parking rates pursuant to City Wide Principle of Development Control 122 and having regard to the rates applicable in the current version of the Development Plan.

The car parking area has been amended by the Applicant to address discrepancies with Australian Standard 2890.1:2004. The amendments included an increase in the width of the shared space adjacent to the accessible space, slight relocation of the pillars supporting the upper level, and indicating car parks 9, 10 and 11 as staff only parking as they are 2.4 metres wide rather than 2.5 metres wide. It should be noted that the aisle width is wider than required by the Australian Standard which will make access and egress from the parking spaces easier.

To protect the structural root zone of the adjacent street trees, the access driveway to the car park is slightly narrower than may otherwise be provided. Vehicles will, however, still be able to access and egress the site in a forward direction.

The Application was referred to the Department of Planning, Transport and Infrastructure (DPTI) as it proposes a new crossover within 25 metres of a secondary arterial road. A copy of the referral response is contained in **Attachment E**. It is worth noting that some amendments have been made to the car parking layout since the Application was reviewed DPTI (particularly a reduction in car parking spaces due to changes in building setback) however access arrangements have not been altered. DPTI are generally supportive of the proposal, subject to recommended conditions.

DPTI have suggested that a right of way could be granted across the car parking area in favour of 415 Magill Road to facilitate future access for this property via Thomas Avenue, rather than Magill Road. The Council is not aware of any current plans for redevelopment for 415 Magill Road and as such, it is not considered necessary or appropriate for the Council to require a right of way over the subject land for this purpose. The referral also indicates that consent from DPTI is required for work within possible future Road Widening requirements. Council staff sought clarification from DPTI staff who confirmed that there are no current requirements for road widening on the subject land, this simply refers to a blanket 'possible future requirement' for sites on the corner of an arterial road.

DPTI also recommended that parking restrictions be placed on the portion of kerb between Magill Road and the driveway to the car parking area. The Council's Regulatory Services staff have verbally advised that aside from the required 10 metre clearance from the intersection, there is no current intention to prohibit on street parking in this location, however should it become apparent that cars parking in this location is problematic, this can be reviewed as necessary.

The proposed crossovers will require the removal of one on-street car park. While this is considered a negative aspect of the proposal, the loss of one street park is not unreasonable given the scale of the development.

A bicycle rack is provided on the site in front of the commercial building on Magill Road however no designated bicycle parking spaces are provided for the apartments. This is inconsistent with Table NPSP/10 and a negative aspect of the proposal, particularly as there is no lift access to the apartments, making it difficult to store bicycles within the apartments. Sufficient room would be available on the sites of the semi-detached dwellings for bicycle storage.

Finished floor levels/flooding/retaining

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

City Wide Objectives: 9, 51

City Wide Principles of Development Control: 7, 169, 170, 171

The majority of the subject land is within the 1 in 100 year floodplain and a small portion of the front of the property is within the 1 in 50 year floodplain. The Applicant engaged Tonkin Consulting to review the development to determine appropriate finished floor levels for the proposed buildings. The Tonkin Consulting

report is contained in **Attachment F** and was reviewed by the Council's Project Manager – Civil who concurred with the advice provided. It is noted that the proposed finished floor level for the consulting room is marginally less than that recommended by Tonkin Consulting. As such, should the Panel determine to approve the development, it is recommended that a condition be imposed requiring the recommended floor level.

The subject land falls approximately 860mm from the south-eastern corner to the north-western corner. The finished floor level of the consulting rooms will be between 110 mm and 480mm above ground level and the semi-detached dwellings will be between 230mm and 570mm above natural ground level. This will require some relatively minor retaining as illustrated in **Attachment C**. The combined retaining wall and fencing heights will not exceed 2.4 metres, consistent with City Wide Principle of Development Control 58.

Due to the proposed levels, stormwater can be directed to the street via a gravity fed stormwater system.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives: 24, 117, 118

City Wide Principles of Development Control: 73, 74, 76, 395, 397

Several street trees are located adjacent to the subject land including a regulated Red Ironbark on Magill Road and four (4) non-regulated Jacarandas on Thomas Avenue.

The Applicant originally proposed the mixed use building abutting the front Magill Road boundary however the building footprint was amended so that it would be outside of the Tree Protection Zone of the regulated Red Ironbark street tree. A portion of the balcony will be located within the Tree Protection Zone however the Council's Coordinator Horticultural and Arboricultural Services has advised that this is within tolerances and it is not expected that any unreasonable levels of pruning would be required to accommodate the building as proposed. If the Panel determines to approve the application, it is recommended that a condition be imposed, requiring there be no excavation within the Tree Protection Zone to avoid damage to the tree, other than work required to install the proposed bike rack.

The proposed driveway locations have been designed to avoid conflict with the Structural Root Zone of the adjacent Jacaranda Trees.

The subject land contains some established non-regulated vegetation with two (2) existing trees proposed to be retained on the allotments of the semi-detached dwellings. All other vegetation will be removed.

During the assessment process, Council staff recommended that additional landscaping areas be included in the proposed development. While some additional vegetation has been included, the proposed plantings are limited to low shrubs and ground covers. The level of proposed landscaping is considered to be a negative aspect of the proposal, however the retention of two existing trees on the subject land and the five (5) adjacent street trees will help to 'soften' the appearance of the development and associated hard paved areas.

Environmental Sustainability

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

City Wide Objectives: 23, 42

City Wide Principles of Development Control: 67 – 70, 148, 148, 159

The proposed semi-detached dwellings are illustrated on the plans as incorporating 1000 litre rainwater tanks, however the Applicant has advised that the dwellings can be provided with 2000 litre rainwater tanks. The apartments are not illustrated as incorporating rainwater tanks. If the Panel determines to approve the application, it is recommended that a condition be imposed requiring 2000 litre rainwater tanks for each dwelling to be consistent with City Wide Principle of Development Control 159.

The proposed development will introduce additional hard paved area. If the Panel determines to approve the application, it is recommended that a condition be imposed requiring that the existing 1 in 5 year average return interval (ARI) rain event peak flow be maintained on the proposed commercial site, which can be achieved by underground storage or controlled pumping, or a combination of both, with details of the stormwater management system to be provided prior to full Development Approval.

The proposed semi-detached dwellings will not have good access to northern light for internal living areas, however the living areas will have access to both eastern and western light and will have good opportunities for cross ventilation. The west facing windows/doors to the living areas will be protected from western sun by the overhang of the upper level. The upper level west facing windows will have some sun protection from the western eaves and the affected rooms are limited to Bedrooms 2 & 3.

Access to light for the internal living areas of the apartments will be limited to the morning. Each habitable room, other than the study for the northern apartment, will have access to natural light and ventilation. The bathrooms will require mechanical ventilation. Should the Panel determine to approve the development, it is recommended that a condition be imposed requiring a skylight to the foyer of the apartments and to the study of the northern apartment to provide some access to natural light. The apartments do not incorporate west facing windows.

On balance, the proposed development is considered to be consistent with City Wide Objective 23.

Summary

The proposed development incorporates residential land uses which are not specifically anticipated within the Local Shopping Zone. However, the scale of the consulting room use is considered to be consistent with the general intent of the Local Shopping Zone in providing services to the locality community. The siting of the proposed dwellings is not considered to compromise the continued use of commercial land, result in conflicts between commercial and residential use, and is not dissimilar to the anticipated 'shop and dwelling' land use which is complying within the Local Shopping Zone.

The presentation of the buildings is considered to result in an appropriate streetscape outcome and the development is not considered to result in any unreasonable impacts on the amenity of adjacent residential occupants.

The dwellings are provided with sufficient private open space and the location of windows and internal living areas are positioned to provide good access to private open space and reasonable access to light given the orientation of the allotments.

The semi-detached dwellings are provided with sufficient car parking spaces. The apartments are provided with sufficient resident car parking spaces but do not have a designated visitor space or bicycle parking, however there is the possibility for residential visitors to use the consulting room spaces outside of business hours. It is considered that the consulting room is provided with sufficient car parking spaces when considering the car parking rates provided in the current Development Plan.

The lack of landscaping proposed for the development is considered a negative aspect of the proposal, however this is somewhat offset by the retention of two (2) on-site trees and the six (6) adjacent street trees.

On balance, 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 155/194/2016 by Progetto Design for the demolition of an existing dwelling and outbuildings and the construction of consulting rooms with two (2) apartments above and the construction of two (2) semi-detached dwellings facing Thomas Avenue with associated fencing and landscaping on the land located at 417 Magill Road St Morris subject to the concurrence of the Development Assessment Commission and 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, Floor Plans, Elevation, Existing Plan (demolition) and Fence elevations prepared by Progetto Design, Drawing No's. 1509-110-001, 1509-110-003B, 1509-110-004A, 1509-110-005B, 1509-110-006B, 1509-110-007A, 1509-110-009B & 1509-110-010, received by the Council 9 January 2017

Conditions

1. The following acoustic treatments shall be applied to the windows and doors of the proposed first floor apartments, herein approved:
 - Acoustic seals shall be fitted to ensure that the glazing and doors are sealed as close as practical to airtight when closed; and
 - The windows shall incorporate 6.5mm "Hush" glass (or equivalent glazing).
2. The portion of all upper floor windows to the semi-detached dwellings, with the exception of the east (front) facing windows of both dwellings and the southern facing windows of the southern dwelling, which is less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)
3. The finished floor level of the consulting rooms shall be 80.55 mAHD.
4. A Tree Protection Zone (TPZ) shall be provided to the adjacent Red Ironbark street tree located in the Magill Road verge. In this case a protection zone of 7.4 metres is required, measured outward from the trunk of the tree. The following shall be adhered to within the TPZ:
 - a) No excavation shall occur within the Tree Protection Zone other than for the proposed bike rack;
 - b) No impervious paving or other impervious material shall be installed within the Tree Protection Zone;
 - c) no storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the TPZ.
 - d) nothing shall be attached to the tree;
 - e) supplementary watering shall be provided to the tree through any dry periods during and after the construction process;
 - f) structural roots, that is, roots with a diameter greater than 50 millimetres, located outside the TPZ should be retained during the construction. If such roots require removal they shall be severed by saw cutting, sharp axe or secateurs and not with a Backhoe or any machinery or blunt instrument. Wounds shall be dressed with a commercially available tree-wound healing compound; and
 - g) excavation for the bike rack shall be by a non-destructive method (e.g. Hydro Vac or Air Spade) and any structural roots, that is, roots with a diameter greater than 50 millimetres, encountered should be retained.
5. Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), or alternatively, an 8 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent
6. Skylights shall be included to the upper level foyer of the apartments and to the study of the northern apartment.

7. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.
8. All stormwater discharged from the site containing the consulting rooms and apartments 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. This may be achieved by underground storage and controlled pumping, or a combination of both.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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

DPTI Conditions

1. All vehicular access to/from the site shall be gained via Thomas Avenue only. No direct vehicular access onto Magill Road shall be permitted.
2. Pedestrian sightlines at the mixed use development car park access shall be in accordance with Figure 3.3 of AS/NZS 2890.1:2004.
3. All vehicles shall enter and exit the mixed use development car park in a forward direction.
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Magill Road. Any alterations to the road drainage infrastructure to facilitate this shall be at the Applicant's cost.

Notes to Applicant

1. This site is partially affected by a possible required shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a 4.5 x 4.5 metre cut-off at the Magill Road / Thomas Avenue corner of this site for future road purposes. The consent of the Commissioner of Highways under the MARWP Act is required for all building works on or within 6.0 metres of this possible requirement.

As part of the building is within the above requirement, the application should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.
2. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.

3. 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.

4. 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.

5. 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.

6. 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.

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

Dylan Ashboth (Town Planning HQ) on behalf of Sam Puopolo addressed the Panel from 7:05pm until 7:14pm.

Marcus Rolfe, (from URPS) on behalf of the Applicant addressed the Panel from 7:15pm until 7:35pm.

Mr Frogley 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 155/194/2016 by Progetto Design for the demolition of an existing dwelling and outbuildings and the construction of consulting rooms with two (2) apartments above and the construction of two (2) semi-detached dwellings facing Thomas Avenue with associated fencing and landscaping on the land located at 417 Magill Road St Morris subject to the concurrence of the Development Assessment Commission and 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, Floor Plans, Elevation, Existing Plan (demolition) and Fence elevations prepared by Progetto Design, Drawing No's. 1509-110-001, 1509-110-003B, 1509-110-004A, 1509-110-005B, 1509-110-006B, 1509-110-007A, 1509-110-009B & 1509-110-010, received by the Council 9 January 2017*

Conditions

1. *The following acoustic treatments shall be applied to the windows and doors of the proposed first floor apartments, herein approved:*
 - *Acoustic seals shall be fitted to ensure that the glazing and doors are sealed as close as practical to airtight when closed; and*
 - *The windows shall incorporate 6.5mm “Hush” glass (or equivalent glazing).*
2. *The portion of all upper floor windows to the semi-detached dwellings, with the exception of the east (front) facing windows of both dwellings and the southern facing windows of the southern dwelling, which is less than 1.7 m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)*
3. *The finished floor level of the consulting rooms shall be 80.55 mAHD.*
4. *A Tree Protection Zone (TPZ) shall be provided to the adjacent Red Ironbark street tree located in the Magill Road verge. In this case a protection zone of 7.4 metres is required, measured outward from the trunk of the tree. The following shall be adhered to within the TPZ:*
 - h) No excavation shall occur within the Tree Protection Zone other than for the proposed bike rack;*
 - i) No impervious paving or other impervious material shall be installed within the Tree Protection Zone;*
 - j) no storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the TPZ.*
 - k) nothing shall be attached to the tree;*
 - l) supplementary watering shall be provided to the tree through any dry periods during and after the construction process;*
 - m) structural roots, that is, roots with a diameter greater than 50 millimetres, located outside the TPZ should be retained during the construction. If such roots require removal they shall be severed by saw cutting, sharp axe or secateurs and not with a Backhoe or any machinery or blunt instrument. Wounds shall be dressed with a commercially available tree-wound healing compound; and*
 - n) excavation for the bike rack shall be by a non-destructive method (e.g. Hydro Vac or Air Spade) and any structural roots, that is, roots with a diameter greater than 50 millimetres, encountered should be retained.*
5. *Each dwelling shall be installed with a rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), or alternatively, an 8 kilolitre communal rainwater tank shall be installed, with each dwelling contributing rainwater from at least 50m² of its roof catchment area to the communal tank and in either case, water shall be plumbed to each individual dwelling to a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent*
6. *Skylights shall be included to the upper level foyer of the apartments and to the study of the northern apartment.*
7. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.*
8. *All stormwater discharged from the site containing the consulting rooms and apartments 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. This may be achieved by underground storage and controlled pumping, or a combination of both.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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

DPTI Conditions

1. All vehicular access to/from the site shall be gained via Thomas Avenue only. No direct vehicular access onto Magill Road shall be permitted.
2. Pedestrian sightlines at the mixed use development car park access shall be in accordance with Figure 3.3 of AS/NZS 2890.1:2004.
3. All vehicles shall enter and exit the mixed use development car park in a forward direction.
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Magill Road. Any alterations to the road drainage infrastructure to facilitate this shall be at the Applicant's cost.

Notes to Applicant

1. This site is partially affected by a possible requirement shown on the Metropolitan Adelaide Road Widening Plan (MARWP) for a 4.5 x 4.5 metre cut-off at the Magill Road / Thomas Avenue corner of this site for future road purposes. The consent of the Commissioner of Highways under the MARWP Act is required for all building works on or within 6.0 metres of this possible requirement.

As part of the building is within the above requirement, the application should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.

2. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
3. 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.

4. *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.
5. *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.*
6. *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.
7. *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 the motion was lost.

Mr Duke moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/194/2016 by Progetto Design for the demolition of an existing dwelling and outbuildings and the construction of consulting rooms with two (2) apartments above and the construction of two (2) semi-detached dwellings facing Thomas Avenue with associated fencing and landscaping on the land located at 417 Magill Road St Morris, for the following reasons:*

- 1. Insufficient car parking is provided on the site of the proposal.*
- 2. The proposal constitutes an overdevelopment of the site with respect to bulk and scale.*

Seconded by Ms Moore and carried.

2. STAFF REPORTS

2.5 DEVELOPMENT APPLICATION 155/D080/2016 & 155/0081/2016 – HIGH VISION INVESTMENT PTY LTD – 8-14 BRIAR ROAD, FELIXSTOW

DEVELOPMENT APPLICATION:	155/D080/16, 155/0081/16
APPLICANT:	High Vision Investment Pty Ltd
SUBJECT SITE:	8 – 14 Briar Road, Felixstow (Certificate of Title - Volume: 5061, Folio: 725)
DESCRIPTION OF DEVELOPMENT:	Torrens Title Land Division creating one (1) additional allotment (155/D080/16) Community Title Land Division creating forty-three (43) Community Lots, the demolition of existing buildings and the removal of ten (10) Regulated trees (including one Regulated street tree) and one (1) non-regulated street tree, the construction of six (6) two-storey residential flat buildings and one (1) abutting detached dwelling comprising forty-nine (49) dwellings and associated garages, carports, fencing, landscaping, retaining walls and earthworks (155/081/16)
ZONE:	Residential Zone – Medium Density 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 information to the Panel in order for a determination to be made on two (2) related Development Applications – the first being a Torrens Title Land Division Application and the second being a ‘combined’ Application which involves a Community Title Land Division and a land use/built form proposal for the whole of the subject land.

In the past, it was common practice for the Council to consider a land use application as a precursor to a land division application, however in recent months this has changed as a result of ERD Court decisions relating to the consideration of land use appeals which do not have land division consents in place. As such, the Council has changed its practice to now require a land division application to precede a land use application. In regard to the subject land, given the size and nature of the proposal and some of the associated processing complexities, the Applicant – whilst not compelled to do so – has chosen to lodge a ‘combined’ Application for both the Community Title land division and land use/built form components. A separate Development Application to create one additional Torrens Title allotment has also been lodged and needs to be determined before the combined Community Title division/land use/built form application can be determined.

Staff do not have delegated authority to deal with the Torrens Title Land Division, as the site area and frontage width of one (1) of the proposed allotments does not meet the delegation criteria. Staff do not have delegated authority to deal with the combined application (Community Title Land division and the land use/built form), as an objection was received during the public notification period. As such, both Applications are referred to the Panel for determination.

The Panel must first determine the Torrens Title Land Division (DA 55/0080/2016) and is required to consider whether, on balance, the proposal is 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.

If the Panel determines to grant consent to DA 155/D080/16, then the Panel must go on to determine the Community Title Land Division (DA 155/0081/16), which also includes the land use and built form proposals for the subject land. Again, the Panel is required to consider whether, on balance, the proposal is seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Subject Land Attributes

Shape:	Irregular
Frontage width:	80.24 metres
Depth:	41.96 – 68.19 metres
Area:	10,680m ²
Topography:	The southern part of the subject land falls from the rear towards Briar Road. The northern part of the subject land falls from Briar Road towards the lowest point of the subject land being the northern-most (rear) corner. Along the eastern-most (rear) boundary of the subject land there is a fall of approximately 3.2m from south to north and an existing retaining wall with a height of between 900mm and 1.5m along a portion of this boundary separates the subject land and the adjacent lower land to the east.
Existing Structures:	Three (3) buildings of brick construction previously used as a rehabilitation centre, administration and a community mental health service and a car parking area.
Existing Vegetation:	Various trees and shrubs, including nine (9) Regulated Trees (none are Significant Trees) on the subject land.

The land use component of this Application deals with the development of the smaller Torrens Title allotment, as well as the development of the proposed Community Lots. The Panel should note that the one (1) of the larger Community Lots (Lot 100), which is proposed to be developed for 'affordable housing' - as required by the contract of sale with Renewal SA - will be the subject of a further Community Strata division should this current Application be approved.

As well as the nine (9) Regulated Trees on the subject land (all of which are proposed to be removed), there is a stand of closely spaced Ironbark (street) trees located along Briar Road adjacent to the subject land. The Application proposes the removal of two (2) of these trees (one being a Regulated tree) to accommodate the two common driveway access points to the subject land.

The subject land is together with easements over adjacent land (to the east of the subject land) for drainage purposes. These easement rights continue to facilitate drainage options from the rear of the subject land into the drainage system along St Johns Lane and Fisher Street.

Locality Attributes

Land uses:	Mix of residential development and institutional buildings
Building heights (storeys):	Predominantly single-storey

The land is located on the eastern side of Briar Road adjacent to a concentration of single-storey Housing Trust residences and a two-storey Local Heritage listed building and surrounding buildings currently occupied by a Funeral Home. On the western side of Briar Road, the built form is characterised by educational and institutional buildings. A recently approved land division on the western side of Briar Road (directly across from the subject land) is proposed to be developed for two (2) two-storey residential flat buildings comprising eleven (11) dwellings.

The locality is considered to have a moderate level of amenity, resulting from the mix of residential and non-residential land uses, proximity to Payneham Road and built form quality. An existing stand of closely spaced mature Ironbark trees along this section of Briar Road does however make a significant positive contribution to the streetscape amenity.

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

Proposal in Detail

The proposal involves two (2) separate Development Applications – the first being a Torrens Title Land Division which creates a small Torrens Title allotment at the northern end of the subject land fronting Briar Road. The second, larger Torrens Title allotment is the subject of the second Development Application, which proposes a combined Community Title Land Division and a land use/built form proposal for the future development of the Community Lots and the adjacent detached dwelling allotment.

The Community Land Division proposes to create forty-three (43) Community Lots and four (4) Common Property areas, which are to be developed in stages. The Common Property areas are to be developed as the common driveways and a walkway serving the residential flat buildings and if approved, would require the removal of two (2) street trees, one being a Regulated Tree.

One of the Community Lots (Lot 100) is proposed to be developed for six (6) apartments as part of the affordable housing component required by Renewal SA in the sale of contract for the land. Subject to the approval of this current Application, Lot 100 is to be further divided through a Community Strata Scheme.

Copies of the proposed Torrens Title Land Division and the proposed Community Title Land Division are contained in **Attachment B**.

The land use component of the Application proposes the construction of one (1) two-storey detached dwelling on the small Torrens Title allotment fronting Briar Road (with driveway access from an existing crossover on Briar Road) and the construction of six (6) two-storey residential flat buildings comprising forty-eight (48) dwellings with vehicle access via common driveways accessed from two (2) new crossovers on Briar Road. The land use component of the Application also includes the demolition of the existing structures on the subject land and the removal of nine (9) Regulated trees on the subject land, as well as garages, carports, fencing, landscaping retaining walls and earthworks associated with the development.

With regard to fencing, the proposal does not include front fencing for the dwellings fronting Briar Road. Fencing along the other boundaries of the subject land will be a combination of retaining walls (where already existing and where new retaining walls are required) and Colourbond good neighbour fencing. Other fencing between the dwelling sites is included, as well as fencing which delineates the side boundaries of Dwellings 12 and 23 and the Briar Road frontage. This fencing comprises a combination of lightweight rendered walls, aluminium slats and timber slats.

For the purpose of this report the six (6) Residential Flat Buildings (RFBs) will be identified as follows:

- RFB 1 (Dwellings 1 – 11)
- RFB 2 (Dwellings 12 – 22)
- RFB 3 (Dwellings 23 – 33)
- RFB 4 (Dwellings 34 – 39)
- RFB 5 (Dwellings 41 – 43)
- RFB 6 (Dwellings 44 – 49).

RFB 1 comprises eleven (11) two-storey dwellings, all fronting Briar Road and all having freestanding rear-loading double garages, which are accessed via a common driveway. The 'middle' dwellings include 3 bedrooms, 2.5 bathrooms and 2 living areas, while the 'end' dwellings are slightly larger with an additional fourth bedroom and balconies facing Briar Road.

RFB2 and RFB3 each comprise eleven (11) two-storey dwellings facing a central common landscaped walkway and all have garages, which are accessed via common driveways to the rear of the dwelling sites. The 'middle' dwellings include 3 bedrooms, 2.5 bathrooms, 2 living areas and have single garages under the main roof with space for an additional vehicle in front of the garage. Small service courtyards are adjacent to

this vehicle space. The four 'end' dwellings have larger floor areas which include an additional fourth bedroom and larger private open space areas. These dwellings have attached skillion-roof double garages and one has an adjacent additional parking space within its site.

RFB 4 comprises six (6) two-storey dwellings, all fronting Briar Road and all having freestanding rear-loading double garages, which are accessed via a common driveway. The abutting detached dwelling, which from a streetscape perspective appears as part of the RFB, has a double garage under the main roof and has its own driveway access directly off Briar Road. The set-back of the garage allows for additional vehicle parking in front. The 'middle' dwellings include 3 bedrooms, 2.5 bathrooms and 2 living areas, while the 'end' dwellings (one being the detached dwelling) have slightly larger floor areas with an additional fourth bedroom.

RFB 5 is located in the rear north-eastern corner of the site and forms part of the 'affordable' housing component. It comprises three (3) two-storey dwellings with single garages under the main roof which are accessed from a common driveway. Small service courtyards are located adjacent to the garages. They each include 3 bedrooms, 2.5 bathrooms and 1 living area.

RFB 6 is abutting RFB 5 and forms the remainder of the affordable housing component. It comprises six (6) apartments - three (3) at ground level and three (3) at first floor level. A freestanding six-carport structure provides a vehicle parking space for each apartment. The apartments each include 2 bedrooms, 1 bathroom, laundry and living all on the one level. The upper level apartments are accessed via separate internal stairways from ground level doorways. The upper level apartments include 24m² balconies, which are accessed off the main living areas, and form their private open space component.

Table 1 below sets out the key development data for each of the RFBs:

TABLE 1: DEVELOPMENT DATA:

Consideration	RFB 1	RFB 2	RFB 3	RFB 4 + abutting detached dwelling	RFB 5	RFB 6	D/Plan requirement
Set-back from Briar Road	3.6 – 4m	3 – 4m	2.2 – 4m	3.4 – 5.5m	N/A	N/A	4m
Set-back from rear (parent) boundary	N/A	4 – 4.6m single- storey 4 – 4.5m two- storey	3.7 – 4.4m single- storey 4.4-4.7m two- storey	N/A	7.6m single and two- storey	4.5m single and two-storey	2.5m single- storey 4.5m two- storey
Set-back from side (parent) boundary	*0.9m – 1.8m	N/A	N/A	*0.9m single- storey 2m two- storey	N/A	4m single- and two- storey	2.5m single- storey 4.5m two- storey *0.9m single- storey 1.9m two- storey
Private open space	28m ² – 45m ²	43m ² - 160m ²	40m ² - 160m ²	25m ² - 70m ²	37m ²	24m ² - 27m ²	<250m - 35m ²
Floor Area	214m ² – 236m ²	164m ² – 246m ²	164m ² – 246m ²	216m ² - 230m ² 260m ² (detached dwelling)	165m ² - 167m ²	114m ² - 123m ²	2 bedrooms (min 70m ²) 3+ bedrooms (100m ² min)

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	RFB 1	RFB 2	RFB 3	RFB 4 + abutting detached dwelling	RFB 5	RFB 6	D/Plan requirement
Boundary development	No boundary development is proposed						
Wall height	6m to the top of the gutters						None quantified
Total building height	7.4m to the top of the roof pitch						None quantified
On site vehicle parking	17 dwellings (considered as row dwellings for the purpose of calculating parking rates) = 34 spaces 1 detached dwelling = 2 spaces 27 x 2/3 bedroom dwellings in a residential flat building = 54 spaces 4 x 4 bedroom dwellings in a residential flat building = 12 spaces - 102 spaces required - 91 provided						2 (1 covered) per 2 or 3 bedroom 3 (1 covered) per 4+ bedroom
On site visitor vehicle parking	8 visitor parks provided noting that visitor parking is not required for those dwellings counted as row or detached dwellings						11 spaces for 31 dwellings

The above aspects of the proposal will be discussed in detail in further sections of the report.

Plans and details of the proposed land use component of the Application are contained in **Attachment C**.

Notification

Pursuant to Schedule 9 Part 2, 18(b) (in relation to the built form) and 25 (in relation to the removal of the Regulated street tree) of the *Development Regulations 2008*, DA 155/081/16 has been identified and processed as a Category 2 form of development. As such, public notification of the Application was undertaken to notify owners and occupiers of adjacent land pursuant to Section 38(4) of the *Development Act 1993*.

A total of two (2) representations were received, one (1) in favour of the proposal and one (1) opposed to the proposal.

The representor in favour of the proposal has indicated support subject to ensuring that overlooking does not affect her property and has also requested the removal of one of the Regulated Trees (the Aleppo Pine) on the subject land.

The representor opposed to the proposal is concerned that his property will lose natural sunlight, shade and greenery and that it will affect wildlife. He is also concerned about the visual impact of two-storey buildings close to the boundary. He has indicated that he would be willing to support the proposal if the Applicant were to assist him in erecting a verandah on his property. The Applicant has indicated that they are willing to accommodate Mr Burford's request and will contact him in due course. Mr Burford has indicated that he wishes to be heard at the Development Assessment Panel meeting.

Development Application 155/D080/16 is a Category 1 application and therefore was not subject to public notification.

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

State Agency Consultation

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

Discussion

The subject land is located within the Medium Density Policy Area of the Residential Zone, as identified within the Norwood, Payneham and St Peters (City) Development Plan. Both Applications are neither complying nor non-complying forms of development and accordingly are required to be assessed on merit 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 proposed use of the subject land for residential purposes is consistent with its location in the Residential Zone. With regard to the type and density of residential development that could be expected within the Medium Density Policy Area of the Residential Zone, the following Development Plan provisions are relevant:

Residential Zone Desired Character Statement	
Medium Density Policy Area Desired Character Statement	
Residential Zone Objectives:	1, 2 & 3
Medium Density Policy Area Objectives:	1, 3 & 4
Residential Zone PDCs:	1 & 3
Medium Density Policy Area PDCs	1 & 5
City Wide Objectives:	1, 15, 16, 55-57 & 59
City Wide PDCs:	20, 21, 23, 185, 186 & 189

With regard the proposed land division components of the Application, City Wide Objective 15 requires that the creation of new allotments should be appropriate for the intended use of the land, which in this case, is for the construction of one (1) detached (abutting) dwelling and six (6) residential flat buildings comprising a total of 49 dwellings across the 1.68ha site.

In order to determine whether the proposed allotments are suitable for their intended use, it is appropriate to consider firstly whether the proposed dwelling types (residential flat buildings and one detached dwelling) are envisaged in the Residential Zone - Medium Density Policy Area and secondly, if the configuration of the dwelling sites are in accordance with the relevant parameters set out in the Development Plan for these dwelling types.

With regard to a residential flat building being an envisaged dwelling type, the Medium Density Policy Area encourages denser dwelling forms in both the Objectives and in the Desired Character Statement which states that more flexible development parameters (as compared to outside of the Policy Area) will be included for residential flat buildings. While the Policy Area encourages denser dwelling forms such as residential flat buildings, group dwellings and the like, it also anticipates detached dwelling forms. As such the proposed dwelling forms are considered appropriate.

With regard to the configuration of the dwelling sites, Table 2 below sets out the parameters for residential flat buildings and detached dwelling sites within the Medium Density Policy Area.

Dwelling type	Site Area	Minimum site frontage
Residential Flat Building	No minimum	18m (total development site frontage)
Detached dwelling (double garage as proposed)	350m ²	12.5m

The total development site frontage for the Community Land Division is 171.98m which well exceeds the 18m minimum frontage width requirement. As there is no prescribed minimum site area requirement for individual dwellings within a residential flat building, the range of site areas (136m² - 689m²) indicated for the proposed Community Lots are not at variance with this provision. Although the Policy Area prescribes no minimum site area for residential flat buildings, the suitability of the size of the sites will mostly be guided by other requirements relating to minimum floor area, private open space, building set-backs and the provision of on-site vehicle parking. Whilst it has been established that residential flat buildings are an appropriate

dwelling type in this part of the Residential Zone, the assessment of these other aspects of the proposal will be discussed in further sections of the report and will conclude whether or not the proposed density is acceptable.

The proposed Torrens Title allotment is 272m² in area and has a frontage width of 8.26m. As such, it does not meet the minimum site area and frontage width requirement prescribed in the Residential Zone for a detached dwelling with a double garage. While in isolation, a double garage on this narrow site might be unacceptable from a streetscape perspective, when considered as part of the whole built form proposal, the streetscape impact of the double garage is considered to be minimal, particularly as it will be the only dwelling within the overall development to have a garage fronting Briar Road. Similarly, while a detached dwelling would usually have more space around it in terms of set-backs from side boundaries, in this instance, the dwelling has been designed to abut and, in appearance, be integrated with the adjoining residential flat building. In this instance, the detached dwelling appears, visually, to be part of the adjoining residential flat building and as such is considered appropriate on a site of this size.

Streetscape/bulk/scale/height/character

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character insofar as they are relevant to the proposal:

Residential Zone Desired Character Statement	
Medium Density Policy Area Desired Character Statement	
Residential Zone Objectives:	3
Medium Density Policy Area Objectives	4
Medium Density Policy Area PDC	1, 6 & 7
City Wide Objectives:	18, 19 & 20
City Wide PDC's:	28-32, 37, 39, 197 & 201

The proposed construction of two-storey residential flat buildings on the subject land is consistent with the two-storey building height allowed within the Medium Density Policy Area. While the surrounding locality is essentially single storey, there is sufficient variation in the scale of the surrounding single storey buildings (including larger institutional buildings on the western side of Briar Road), to balance the intensity and scale of the proposed development on the subject land. Additionally, within the Medium Density Policy Area it is expected that the introduction of denser building forms will, over time, change the existing character of essentially single-storey, low density locations.

The six (6) residential flat buildings are reasonably well-spaced across the site, with driveways and landscaping providing separation and visual relief. A positive aspect of the proposal is the configuration of garaging and access driveways so that the Briar Road frontage remains largely undisturbed by driveways and garaging. Another positive aspect of the proposal is the orientation of the middle dwellings (dwellings 12 – 33) running north/south through the site, which assists in breaking up the visual mass of the buildings along Briar Road and provides good dwelling orientation and solar access.

The relatively simple contemporary designs, which include a series of hipped-roof forms, parapets, porticos and blade walls, provide a good level and articulation and visual interest, particularly along the Briar Road frontage.

The common walkway between RFB 2 and RFB 3 provides pedestrian access for Dwellings 12 to 33. A negative aspect of this type of design is the possibility of creating an isolated space or entrapment area, which could impact on pedestrian safety. In this regard, while fencing has been included to separate the communal walkway from the private open space areas of each dwelling, the fencing comprises sections of aluminium slats which, along with upper levels of the dwellings which overlook the walkway, allows passive surveillance to occur.

Heritage

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

City Wide PDCs:	345 & 347
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The subject land is located adjacent to a Local Heritage Place, which is also within the Medium Density Policy Area. Darroch House is a two-storey former residence which is now occupied by a funeral home. The original property has been subdivided over the years so that the building is now sited behind the subject land, approximately 50m from the Briar Road frontage.

The Council's Heritage Advisor, David Brown, has advised that he is supportive of the proposal as it has been designed to maintain some views of the heritage building. A copy of this advice is contained in **Attachment E**.

Setbacks and Site Coverage

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

Medium Density Policy Area PDC:	7
City Wide PDCs:	202, 203, 184 & 208.

PDC 7 of the Medium Density Policy Area includes a 4m set-back criterion for development fronting non-arterial roads. While all of the main walls of the dwellings fronting Briar Road are set back at least 4m, there are some projecting elements such as blade walls and porticos which encroach into this set-back distance. Having regard to this policy, which does not require that front set-backs achieve consistency with surrounding development, it is considered that these encroachments are minor from a streetscape perspective and do not fundamentally offend the intent of the policy. The detached dwelling located on the northern boundary of the subject land has a double garage set back 5.5m from Briar Road (with a 900mm side set-back) and at this end of the development site, provides a reasonable transition to the neighbouring dwelling which has a set-back of approximately 8m and its driveway located along this boundary.

With regard to side and rear set-backs, the dwellings sited behind the dwellings fronting Briar Road are subject to the requirements of City Wide Principle of Development Control 203 which states:

'The distance between any two-storey component of a dwelling on a battleaxe, hammerhead or similar configuration allotment, and the side or rear boundary of the parent development site, should be no less than 4.5 metres.'

RFB 6 has a rear and side set-back of 4.5m and 4.0m respectively. While the side set-back does not meet this provision, it is considered that the 500mm difference is unlikely to have any significant additional visual impact on the neighbouring land to the north given the configuration of the dwellings, private open space and vegetation on the adjacent land.

- RFBs 2 and 3 (Dwellings 22 and 33) have upper level set-backs from the rear parent development site boundary of between 4m and 4.7m. Only a small section of upper level wall encroaches within this set-back distance and having regard to the existing buildings on the site, and development on the adjacent land, it is considered that the small encroachment is acceptable. The set-back of these dwellings at ground level is between 3.7m and 4.6m, except for two (2) lightweight skillion roof verandahs, which are only set back 1m from the rear boundary. The encroachment of the verandah components of the dwellings is considered acceptable on the basis that if they were to be proposed through a future Application, they would most meet the criteria for Residential Development Code complying development.

The detached dwelling abutting RFB 4 has a side set-back of 900mm at ground level and 2m for the upper level. Given the orientation of this dwelling to the south of the neighbouring land, the building will not cause any overshadowing impacts.

With regard to site coverage, the construction of the six (6) residential flat buildings will result in approximately 47% site coverage.

City Wide PDC 208, states:

- *'Site coverage should ensure that sufficient space is provided for:*

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

The proposal indicated that all of the dwellings will have 2000 litre rainwaters tanks and areas for outdoor clothes drying (albeit that the upper level apartments in RFB6 will need to utilise the balconies for outdoor clothes drying).

While suitable areas for bin storage have not been shown for all the dwellings, it is considered that there is sufficient space on each site for this to be accommodated. The allocation of bin storage areas for each dwelling is discussed in a following section of this report.

The allocation for private open space and landscaping has been considered in a following section of this report and concludes that the provision of private open space is acceptable. The amount of area allocated for landscaping is considered to be acceptable, however, given the size of the development site, it has been recommended that the Applicant be required to engage a landscape architect to prepare a detailed landscaping plan showing a suitable mix of trees and other vegetation within the allocated landscaping areas.

A following section of this report concludes that pedestrian and vehicle access and vehicle parking is acceptable.

Also relevant to site coverage, City Wide PDC 184 states:

'No more than half of the open space (the area excluding all buildings and structures) around:

- (a) a dwelling located on a battleaxe allotment, hammerhead allotment or an allotment of a similar configuration;
- (b) a residential flat building; or
- (c) group dwellings;

should be used for uncovered car parking, vehicle manoeuvring areas and driveways.'

In this regard, the areas of common driveway do not exceed this requirement.

Overall, it is considered that the proposed site coverage is acceptable and that there is scope for the future development of small sheds or verandahs on individual dwelling sites, which would be considered on a case by case basis if Development Approval is required.

Overshadowing/overlooking

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

City Wide PDCs: 11, 31, 71, 72, 195, 196, 235 & 236.

The extent of overshadowing of adjacent land resulting from the proposal is consistent with City Wide PDC 195 and 196. Some overshadowing will occur within the site, however, the orientation of the buildings has been relatively well considered with most having some northern aspect to living areas and/or private open space.

With respect to overlooking, some overlooking will occur between the dwellings sited on the subject land. In particular, this would occur between RFBs 2 and 3, which face each other and have their private open space areas located adjacent to the common walkway. This is considered a positive aspect of the proposal insofar as it would allow some passive surveillance of the common walkway which is desirable from 'crime prevention' perspective. The upper level rear windows of RFBs 2 and 3 also do not have any privacy

between 300mm and 1.1m in height. This would increase the combined height of fencing and retaining wall along this new section to approximately 2.9m, which is not 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).

Having regard to the neighbouring property to the north, which has a driveway along this boundary and only one small window on this side elevation, it is considered that the combined fence and retaining wall height is unlikely to have any unreasonable visual amenity impacts.

The subject land is together with existing easements for drainage through the land to the east and into the drainage system along St John's Lane and Fisher Street. It is understood that the Engineer has not, at this stage, investigated the capacity of the stormwater infrastructure available through the easement to the east and as such, has indicated a design showing all stormwater being directed to Briar Road. The Council's Acting Project Manager – Civil has further advised that the stormwater infrastructure to the east of the subject land would require further investigation to clarify the capacity of this infrastructure to drain stormwater from the subject land, particularly as the engineer has not yet calculated the amount of on-site detention that would be required to maintain the pre-development levels of stormwater discharge from the site.

Given the size of the development site and the option to utilise the easements to the rear of the subject land for drainage, it is considered appropriate to require by way of condition that a stormwater management plan for the site be developed prior to the Application receiving full Development Approval. This would determine the most appropriate option for stormwater disposal across the site. As such, if the Panel determines to approve the Application, the following condition of approval is recommended.

'A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land so as to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.'

Front fencing for the dwellings fronting Briar Road is not proposed as part of the Application. Side boundary fencing adjacent to Briar Road (for Dwellings 12 and 23) is to be constructed from light weight rendered wall and cladding with powder coated aluminium slatted sections. The plans indicate that no footings are required for this type of fence construction. From a streetscape perspective, the 1.8m height is considered acceptable as it would only be along a small section of the entire site frontage and appears to be well articulated.

Fencing along the common walkway between RFBs 2 and 3 will delineate the private open space areas of each dwelling. It is proposed to be constructed of a combination of 1.8m high rendered walls and slatted aluminium sections and gates. This will maintain an acceptable level of privacy whilst allowing some visibility through the fence, which is desirable for passive surveillance of the walkway.

Perimeter fencing and other boundary fencing within the site is proposed to be 1800mm high Colorbond 'good neighbour' fencing. As discussed in a previous section of this report, the fence heights will vary at the boundaries with adjacent land due to the height of existing and proposed retaining walls.

Overall, the proposed style and height of fencing is considered to be appropriate.

Car parking/access/manoeuvring

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

City Wide Objectives:	34
City Wide PDCs:	98, 101, 113, 118, 120, 122, 181, 189 & 200

Table NPSP/8 car parking rates for group dwellings, residential flat buildings and row dwellings

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

- '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;'

The development site is located within 200 metres of bus stops located on Turner Street, Felixstow and Payneham Road, Felixstow. Payneham Road is a high frequency transport route and the bus service on Turner Road runs every thirty minutes from Monday to Friday, with services running hourly on the weekends. In accordance with City Wide Principle of Development Control 122(b), as the development site has access to frequent service public transport it is considered that some discounting of the required rates can be applied to this development.

The on-site car parking rates have been applied with reference to Table NPSP/8 – *Off Street Vehicle Parking for Residential Land Uses*.

The demand for Dwellings 1-11 and Dwellings 34-39 has been calculated using the rate for row dwellings, being 2 spaces (1 covered) per dwelling and no visitor parking requirement. The reason for applying this rate is that the garaging is configured as for row dwellings, where the rear-loading garages provide the required occupant spaces and visitors have the ability to park on the street in front of the dwellings because there are no driveways. Dwelling 40 is a detached dwelling and has the same requirement as a row dwelling, that is, 2 spaces (1 covered) per dwelling and no visitor parking. Accordingly, the total demand for Dwellings 1-11 and 34-40 is 36 spaces.

The demand for the remainder of the dwellings has been calculated using the rate for residential flat buildings, being 2 spaces (1 covered) per 2 or 3 bedroom dwelling and 3 spaces (2 covered) per 4 or more bedrooms. In addition, 1 visitor space is required for every 2 dwellings (for the first 10 dwellings) plus 1 space for every additional 4 dwellings. Taking into account the number of bedrooms (or rooms that could be used as a bedroom) per dwelling, the total demand for the remainder of the dwellings has been calculated at 77 spaces (66 occupant and 11 visitor spaces).

Overall, the proposal provides a total of 99 spaces (91 occupant and 8 visitor spaces), which equates to a shortfall across the site of approximately 12% (14 of the required 113 spaces). This shortfall is considered acceptable, in light of the potential to discount parking demand due to the proximity of the development to a high frequency bus route and to a district shopping centre (Marden). There is also ample on-street parking along the length of Briar Road adjacent to the development site.

With regard to on-street parking, the Panel should note that currently, on-street parking along the eastern side of Briar Road is restricted during weekdays, however, the Council's Regulatory Services Department has advised that these controls will be removed due to the closure of the Brain Rehabilitation Unit and that there are no plans to introduce new parking controls along this section of Briar Road.

City Wide Principle of Development Control 189 provides guidelines for the configuration of driveway and manoeuvring areas for residential flat buildings, so as to achieve safe and convenient access arrangements. In relation to developments involving more than two (2) dwellings utilising a common driveway, City Wide Principle of Development Control 194 states that the driveway should have a 6 x 6 metre paved carriageway at the front of the property, to enable safe and convenient access/egress for vehicles turning into and out of the site simultaneously. The proposal accords with this guideline.

The on-site vehicle parking spaces and aisle widths are in accordance with *Australian Standard AS: 2890 – Parking facilities*, as required by City Wide PDC 123.

Principle 189 also states that the paved carriageway width should be no less than 5 metres in width with one metre of landscaping along one or both sides. The landscaping varies in width from 600mm to 2.45 metres, resulting in a total combined width of paved carriageway and landscaping of at least 6.0 metres, consistent with Principle 189.

A report from the Applicant's Traffic Engineer regarding the traffic and car parking related aspects of the proposal is contained in **Attachment F**. The report supports the above analysis and further concludes that the additional traffic likely to be generated from the development site would not have an adverse impact on the adjacent road network.

Trees (regulated, mature & street) and landscaping

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

City Wide Objectives: 24, 117, 118
City Wide PDCs: 73, 74, 220 & 221, 395, 396

The subject land contains a number of regulated trees which were identified in an audit of trees on the site (as well as the adjacent street trees) undertaken on behalf of Renewal SA prior to the sale of the land to the current owner. A copy of this audit is contained in **Attachment G**. A copy of advice from the Applicant's Arborist is also contained in Attachment G, however, it should be noted that this advice does discuss all of the regulated trees.

In total, there are nine (9) regulated trees on the subject land, as well as a number of other non-regulated trees and vegetation. None of the regulated trees are significant. According to advice contained in the audit, they include:

1. River Red Gum (2.1m, good health/structure)
2. River Red Gum (2.4m (multiple trunk), good health/structure)
3. River Red Gum (2.05m, fair health/good structure)
4. Aleppo Pine (2.45m, excellent health/structure)
5. Prickly Paperbark (2.30m, good health/poor structure – recommended for removal)
6. Canary Island Date Palm (2.45m, good health/structure)
7. Canary Island Date Palm (2.3m, good health/structure)
8. Cotton Palm (2.7m, good health/structure)
9. Cotton Palm (2.95m, good health/structure)

Most of these trees are relatively visible in the streetscape because a large area of the site is vacant. Of these, the River Red Gums located along the northern and eastern boundaries and the Aleppo Pine located along the eastern boundary are the most visible. Two (2) of the River Red Gums (1 and 2) located along the northern boundary are part of a larger stand of trees (the others not being regulated).

City Wide Objective 118 seeks development which balances the preservation of regulated trees which display one or more of the following attributes:

- a) significantly contributes to the character or visual amenity of the locality;*
- b) indigenous to the locality;*
- c) a rare or endangered species;*
- d) an important habitat for native fauna.'*

Of the nine (9) regulated trees, none are rare or endangered. The River Red Gums are the only trees indigenous to the locality and it is likely that they provide some habitat for native fauna.

With regard to whether or not these trees contribute significantly to the character or visual amenity of the locality, it is considered that River Red Gums 1 and 2 contribute, insofar as they belong to a larger stand of trees which, together, are highly visible in the street because there is no development on this part of the site to block the view of them from Briar Road.

The third River Red Gum and the Aleppo Pine are situated close to the rear boundary of the site and are also only visible from Briar Road because there are no buildings on this part of the site. They would also be visible from close neighbouring properties to the east, however, it should be noted that one of the two submissions received from the neighbours is seeking to have the Aleppo Pine removed. In the context of their position at the rear of the site and the probability that any new development on the subject land is likely to block views of these trees, it is considered that their visual contribution to the locality is not significant.

At only eight (8) metres in height, the Date Palms are not considered to make any significant visual contribution to the locality. The Cotton Palms are approximately 18m in height and may have originally been part of the garden of the adjacent Local Heritage Place. They are visible over the tops of the existing building, however, given their distance from the street and other tree canopies in the locality, it is not considered that they make a significant visual contribution.

City Wide Principle of Development Control 396 states that a regulated tree should not be removed or damaged other than where it can be demonstrated that, amongst other considerations, development that is reasonable and expected would not otherwise be possible. This consideration does not apply to significant trees (i.e. those with a trunk circumference >3m), which have a higher threshold 'test', whereby an Applicant must demonstrate that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

Accordingly, with respect to the proposed removal of those trees which potentially satisfy the qualitative attributes in Objective 118 (in particular the River Red Gum trees), it is noted that the proposed intensity and layout of development on the land is in accordance with what is reasonably expected within the Medium Density Policy Area. Although it may be possible for an alternative reasonable design solution to be achieved whilst retaining one or more of the regulated trees, that is a consideration reserved for significant trees, not regulated trees.

Having regard to Objective 118 which seeks to balance development with the preservation of regulated trees, in this instance, it is considered that the removal of these trees is acceptable. It is not considered that their visual significance or where relevant, their attributes in terms of being indigenous to the locality or providing habitat for native fauna, outweigh the objectives of increasing residential densities and providing a range of housing types within the Medium Density Policy Area. With regard to the Council's requirement for either the planting of replacement trees or payment into the Council's Urban Tree Fund, in this instance should the Panel approve the Application, then it is recommended that the Applicant be required to pay into the Urban Tree Fund. This is due to the limitations of the replacement tree policy which does not allow the planting of trees within ten (10) metres of a dwelling, which would be difficult given the proposed density.

With regard to street trees, there is a significant stand of Red Flowering Ironbarks located along the eastern side of Briar Road, which are considered to make a valuable contribution to the streetscape and the locality. Eight (8) of these Ironbarks are also Regulated Trees with circumferences of between 2.1m and 2.68m.

The proposal is seeking to remove two (2) of these Ironbarks - one (1) non-regulated and one (1) regulated. Their removal will facilitate the new common driveway crossovers along Briar Road. Given the number and close spacing of the street trees along this part of Briar Road, it would be very difficult to develop regular Torrens Title allotments with driveway access onto Briar Road without impacting on the street trees. A positive aspect of this proposal is the minimisation of driveways and access points along Briar Road, which will assist in maintaining the existing character of the street which is dominated by these street trees. The Council's Coordinator, Horticultural & Arboricultural Services has reviewed the proposal and has agreed that on balance, the loss of two (2) trees from the larger stand of street trees, is acceptable, subject to the Applicant paying the full cost for the removal and replacement of these trees. A condition of approval has been included to reflect this.

No submissions received through the public notification raised concerns with the removal of the regulated street tree.

Given the relatively close set-back of the development to the Briar Road street trees, the Applicant has noted on the site plan that pier and beam (above ground) construction will be used for the dwellings adjacent to Briar Road, in order to ensure maintenance of tree protection zones. As the extent of tree protection zones has not yet been fully determined and may affect the final extent of pier and beam construction required, it is recommended that the following condition of approval is included in order to confirm the Council's expectations with regard to protecting these street trees.

'Prior to Building Rules Consent, and to the satisfaction of the Council or its delegate, the Applicant is required to demonstrate that the proposed construction (including any associated site works) will not significantly impact on the health and structure of adjacent stand of Red Flowering Ironbark street trees (which includes (8) regulated trees). This may require further investigation by a suitably qualified arborist as to the extent of appropriate tree protection zones for each tree, confirmation of

the required extent of pier and beam footing construction and confirmation of the methodologies to be employed during construction, to ensure the longevity of these trees.'

The proposed landscaping for the development site has been included on the site plan and shows a simple mix of trees and shrubs to be planted within these spaces. Although it is considered that the area allocated for landscaping is adequate, there is some concern regarding the species choice, placement and mix of planting. For example, Manchurian Pears may not be an appropriate tree choice for planting so close to the canopies of the Ironbarks along Briar Road. For such a large development site, it would be important to ensure that the landscaping is of high quality and compatible with the street trees. It would also be important that the choice and placement of plantings optimises environmental benefit with regard to summer shading and access to winter light. This has been raised as an issue with the Applicant who has advised that they would be willing to accept a condition of approval which requires that a more detailed landscaping plan is prepared by a landscape architect prior to receiving full Development Approval. Accordingly, should the Panel determine to approve the Application, the following condition of approval is recommended:

'A landscaping plan for the subject land shall be prepared by a suitably qualified landscape architect and to the reasonable satisfaction of the Council's delegate prior to the granting of Development Approval. The plan should provide detail on suitable mix of trees and other vegetation to be planted within the landscaping areas shown on the approved Site Plan with particular regard to providing suitable summer shading and access to winter sunlight for the private open space and main living areas of the dwellings.'

With regard to landscaping and pedestrian amenity, the layout requires that pedestrians will have to share the common driveway to walk from Briar Road to RFBs 5 and 6. The common driveway has been shown as concrete with an exposed aggregate finish. Narrow (900mm wide) feature brick paving strips have been incorporated along one side of the east/west sections of driveway and in front of RFBs 5 and 6. Narrow landscaping beds (500mm – 1m wide) have been included along the common driveways (other than adjacent to the garages). While the pedestrian access to RFBs 5 and 6 along the common driveway is not a positive aspect of the proposal, it is considered that the landscaping and paving treatment will assist in reducing the summer heat aspect and provide a more amenable walking environment and is acceptable in this regard.

It is also noted that a dedicated bin storage area has not been shown for the dwellings fronting Briar Road. While there is sufficient room in the rear yards and garages to store bins, the occupants would be required to take bins out to Briar Road via the common driveways as they do not have access except through the dwelling. For some occupants this would be quite a distance to walk and not practical. While the placement of bins in front yards is not ideal if they are visible, it is considered that there is sufficient space in the front yards of these dwellings to provide a dedicated bin enclosure provided it is designed to hide the bins effectively.

In addition, the upper level apartments of RFB6 (Dwellings 45, 46 and 48) and the middle dwelling of RFB 5 (Dwelling 42) do not have areas where bins can be practically stored.

As such, if the Panel determines to approve the Application, then it is recommended that a condition of approval be included to require the inclusion of suitable bin enclosures for the above-mentioned dwellings.

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, 154, 159 & 160.

Having regard to the orientation of the subject land it is considered that the siting of the residential flat buildings and the proposed floor and private open space layouts, will optimise exposure to natural light and northern exposure, which is consistent with City Wide PDCs 67 and 68.

With regard to City Wide PDC 69, which seeks that development minimises energy consumption by incorporating, where practicable, energy efficient building design elements, it is noted that some of the north and north-eastern elevations of the RFBs would be highly exposed to summer sun without some form of shading (other than from the eave, spandrel and blade wall components of the buildings). In this regard, the site plan indicates that trees will be planted within the private open space areas of Dwellings 1-40 and within the private open space area of Dwelling 49. While it would take some time for these trees to provide sufficient shade, it would also be possible for future owner/occupiers to erect small verandah structures, as an option for additional shading.

However, it is noted that RFB 6 (affordable housing component) has very little in the way of shading elements other than the proposed planting of trees along the northern boundary of the site. The balconies and windows of the upper level apartments would be highly exposed to summer sun without some form of shade structures. Accordingly, should the Panel determine to approve the Application, it is recommended that a condition of approval be included to require that the balconies and windows of RFB 6 incorporate some form of shade structures on the north and north-western elevations.

The engineering plan indicates that all dwellings will include a 2000 litre capacity tank for re-plumbing into a toilet, water heater or cold water outlet, which is consistent with City Wide PDC 159.

Summary

The proposal for a medium density housing development on the 1.68 ha site at 8 – 14 Briar Road Felixstow, is consistent with the desired character of the Medium Density Policy Area of the Residential Zone, which encourages denser and more diverse housing types. The proposed development comprises 49 dwellings within six (6) residential flat buildings and one abutting detached dwelling. This includes an 'affordable' housing component of 18% of the overall development (9 of the 49 dwellings), which satisfies a 15% requirement of the contract of sale with Renewal SA.

The buildings are well spaced and sited on the land and have been designed with a good level of articulation and include a range of different materials and finishes. The orientation of the buildings would allow a reasonable level of northern light to living areas and private open space.

The configuration of the proposed common driveways and the inclusion of rear-loading garages for the dwellings fronting Briar Road will minimise the impact of such structures on the Briar Avenue streetscape.

The proposed removal of the (9) regulated trees on the subject land would allow for the development of the land in accordance with what could be reasonably expected within the Medium Density Policy Area. It is not considered that their visual significance or where relevant, their attributes in terms of being indigenous to the locality or providing habitat for native fauna, outweigh the objectives of increasing residential densities and providing a range of housing types within the Medium Density Policy Area. On balance, their removal is considered acceptable.

The removal of the two (2) street trees (one being regulated) is supported by the Council's Coordinator, Horticultural & Arboricultural Services, on the basis of the type of development which could be expected given the size of the site and the zoning, and that it will not diminish the overall significance of the stand of closely spaced street trees.

With regard to the remaining street trees, which include nine (9) regulated trees, the Applicant has indicated that pier and beam construction will be used for all of the dwellings adjacent to the Briar Road frontage. Notwithstanding this, a condition of approval has been included to require further investigation of appropriate tree protection zones and the final extent of any pier and beam requirement and construction methodology.

Other aspects of the proposal, including on-site vehicle parking and private open space have been assessed as having minor but acceptable shortfalls.

While the environmental performance of the proposal is considered to be generally acceptable, it is considered that the northern and eastern elevation of the apartment building and the upper level balconies would be highly exposed to summer sun without some additional shading treatment. Accordingly, a condition of approval has been included for this aspect of the development.

With regard to landscaping, while the amount of landscape areas is considered adequate, some concern has been raised with the proposed mix and selection of plantings. Given the size of the development site, it is considered important to ensure that the landscaping is of high quality, compatible with the adjacent street trees and optimises environmental benefit with regard to summer shading and access to winter sunlight. Accordingly, a condition of approval is included to require the preparation of a landscaping plan by a suitably qualified landscape architect.

With regard to stormwater and site drainage, it has been identified that the subject land has easement rights for drainage from the rear of the development site. While it has been demonstrated that the site can be drained to Briar Road using a combination of gravity and pump systems, given the fall of the land, it is considered reasonable to require the Applicant to further explore drainage options which will reduce the reliance on pump systems. In this regard, a condition of approval has been included to require that a stormwater management plan be developed to further explore drainage options.

RECOMMENDATION 1

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 Number 155/D080/16 by High Vision Investment Pty Ltd to undertake a Torrens Title Land Division creating one (1) additional allotment, on the land located at 8 – 14 Briar Road, Felixstow, subject to the imposition of the following 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:

- Plan of Division prepared by John C Bested & Associates Pty Ltd and received by the Council on 16 November 2016.

Conditions

Nil.

RECOMMENDATION 2

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 Number 155/D081/16 by High Vision Investment Pty Ltd to undertake the following:

Subject to the Approval of Development Application 155/0080/2016, a Community Title Land Division of Allotment 200 (being part CT 5061/725) creating forty-three (43) Community Lots; and

The demolition of the existing buildings and the removal of ten (10) Regulated Trees (including one Regulated street tree) and one (1) non-regulated street tree; and

The construction of six (6) two-storey residential flat buildings and one (1) abutting detached dwelling comprising forty-nine (49) dwellings and associated garages, carports, fencing, landscaping, retaining walls and earthworks;

on the land located at 8 – 14 Briar Road, Felixstow, subject to the imposition of the following 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, except where varied by the following conditions of consent:

- Plan of Community Title Land Division prepared by John C Bested & Associates Pty Ltd and received by the Council on 10 November 2016.
- Site Plan, Elevation Plans, Ground Floor Plans, First Floor Plans prepared by Alberto D'Andrea and Associates (as amended) and received by the Council on 9 January 2017.
- Site engineering plan prepared by Lelio Bibbo Consulting Engineers (as amended) and received by the Council on 10 January 2017.

Conditions

1. All buildings shall be demolished and removed prior to the issuing of Section 51 Clearance.
2. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land being maintained at pre-development levels and includes investigation of the possible use of the stormwater easement to the east of the land to avoid reliance on pumps. On-site detention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
3. Prior to Building Rules Consent, and to the satisfaction of the Council or its delegate, the Applicant is required to demonstrate the extent of pier and beam construction which will be required to maintain the health and structure of the adjacent street trees. Additionally, the Applicant is required to demonstrate how the health and structure of these trees will be maintained during the construction process, with regard to the associated site works, and the installation of utilities to each dwelling. This will require further investigation by a suitably qualified arborist as to the extent of appropriate tree protection zones for each tree and confirmation of the methodologies to be employed during construction, which may include supervision of the works by a suitably qualified arborist.
4. In regard to the removal of the nine (9) regulated trees on the subject land, payment of \$1,539 (\$171 per tree) shall be paid into the Council's Urban Tree Fund, prior to the tree removals herein approved being undertaken.
5. In regard to the removal of the two (2) Council Street Trees, all costs associated with the removal and replacement of these trees by the Council shall be entirely at the cost of the Applicant.
6. A landscaping plan for the subject land shall be prepared by a suitably qualified landscape architect and to the reasonable satisfaction of the Council's delegate prior to the granting of Development Approval. The plan should provide detail on suitable mix of trees and other vegetation to be planted within the landscaping areas shown on the approved Site Plan with particular regard to providing suitable summer shading and access to winter sunlight for the private open space and main living areas of the dwellings.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the final landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
8. Prior to Development Approval, the Applicant shall nominate on the plans submitted for Development Approval, suitable areas and enclosures for the storage of bins associated with Dwellings 2-10, 35-39, 42, 45, 46 and 48, to the reasonable satisfaction of the Council or its delegate.

9. The design of Residential Flat Building 6 shall be amended to incorporate canopy or verandah elements to the windows and doors on the side and rear elevations of the building and the balconies of the upper level apartments in order to provide better protection from the summer sun, to the reasonable satisfaction of the Council or its delegate.
10. The upper level balconies of Residential Flat Building 6 shall be screened to ensure the privacy of the dwellings located on the adjacent land to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

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

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.
6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Mr Jeff Burford addressed the Panel from 8:01pm until 8:04pm.

Marcus Rolfe (from URPS) and Alberto D'Andrea on behalf of the Applicant addressed the Panel from 8:05pm until 8:32pm.

Ms Moore 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 Number 155/D080/16 by High Vision Investment Pty Ltd to undertake a Torrens Title Land Division creating one (1) additional allotment, on the land located at 8 – 14 Briar Road, Felixstow, subject to the imposition of the following 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:

- Plan of Division prepared by John C Bested & Associates Pty Ltd and received by the Council on 16 November 2016.

Conditions

Nil.

Seconded by Mr Smith and carried.

Ms Newman moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application Number 155/D081/16 by High Vision Investment Pty Ltd to undertake the following:

Subject to the Approval of Development Application 155/0080/2016, a Community Title Land Division of Allotment 200 (being part CT 5061/725) creating forty-three (43) Community Lots; and

The demolition of the existing buildings and the removal of ten (10) Regulated Trees (including one Regulated street tree) and one (1) non-regulated street tree; and

The construction of six (6) two-storey residential flat buildings and one (1) abutting detached dwelling comprising forty-nine (49) dwellings and associated garages, carports, fencing, landscaping, retaining walls and earthworks;

on the land located at 8 – 14 Briar Road, Felixstow is deemed to insufficiently accord with the Development Plan such that it does not warrant consent in its current form and as such, consideration of the Application is **deferred**, to enable the Applicant to consider amending their proposal to overcome the following concerns:

1. Increase pedestrian permeability throughout the site and in so doing eliminate/ reduce the number of dead ends/ entrapment spots in accordance with CPTED principles.
2. Increase passive surveillance opportunities and safety over rear lanes (adjacent to dwellings 1 to 11 and 34 to 43).
3. Increased provision and safety of central communal space allowing for increased mature landscaping opportunities.

Seconded by Mr Dottore and the motion was lost.

Mr Smith moved

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application Number 155/D081/16 by High Vision Investment Pty Ltd to undertake the following:

Subject to the Approval of Development Application 155/0080/2016, a Community Title Land Division of Allotment 200 (being part CT 5061/725) creating forty-three (43) Community Lots; and

The demolition of the existing buildings and the removal of ten (10) Regulated Trees (including one Regulated street tree) and one (1) non-regulated street tree; and

The construction of six (6) two-storey residential flat buildings and one (1) abutting detached dwelling comprising forty-nine (49) dwellings and associated garages, carports, fencing, landscaping, retaining walls and earthworks;

*on the land located at 8 – 14 Briar Road, Felixstow, is deemed to insufficiently accord with the Development Plan such that it does not warrant consent in its current form and as such, consideration of the Application is **deferred**, to enable the Applicant to consider amending their proposal to overcome the following concerns:*

- 1. Increase passive surveillance opportunities and safety over rear lanes (adjacent to dwellings 1 to 11 and 34 to 43) and the central open space.*

Seconded by Ms Moore and carried.

3. OTHER BUSINESS
Nil

4. CONFIDENTIAL REPORTS
Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 9:16pm.

Terry Mosel
Presiding Member