

Development Assessment Panel Minutes

20 February 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
Mr Don Donaldson

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 Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 18 JANUARY 2017

Mr Frogley moved that the minutes of the Meeting of the Development Assessment Panel, held on 18 January 2017 be taken as read and confirmed,

Seconded by Ms Moore and carried.

2. STAFF REPORTS

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

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/495/2016 – TAMIR DUNNING PROPERTY GROUP – 13 EDWARD STREET, GLYNDE

DEVELOPMENT APPLICATION:	155/495/2016
APPLICANT:	Tamir Dunning Property Group
SUBJECT SITE:	13 Edward Street, Glynde (Certificate of Title Volume: 5540 Folio: 71)
DESCRIPTION OF DEVELOPMENT:	Demolition of an existing dwelling and the construction of a residential flat building comprising nine (9) dwellings and associated fencing and landscaping
ZONE:	Norwood, Payneham and St Peters (City) Development Plan (28 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 2

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of an existing dwelling and the construction of a residential flat building comprising nine (9) dwellings and associated fencing and landscaping.

Staff do not have delegated authority to determine the Application, as it was subject to Category 2 notification and there are unresolved representations opposing the development, which relate directly to the component of the development that triggered the need for public notification.

In particular, there are representations which oppose the intended land use, being a two-storey residential flat building.

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

Subject Land Attributes

Shape:	regular
Frontage width:	18.31 metres
Depth:	95.15 metres
Area:	1742m ²
Topography:	slightly sloping (1m fall (over 95m) from front to rear)
Existing Structures:	dwelling, outbuildings
Existing Vegetation:	mature trees and vegetation

The subject land is an unusually deep site in proportion to its width, which is likely to have some impact on design options for the site.

Locality Attributes

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

The locality contains a mix of mostly single-storey detached dwellings and group dwellings, with the exception of an immediately adjacent two-storey residential flat building to the north of the subject land. The subject land is located approximately 130m from Payneham Road and is within one (1) kilometre of the Marden Shopping Centre and the Glynde Corner.

A plan of the subject land and its surrounds is attached (**Attachment A**).

Proposal in Detail

A Community Title division of the subject land creating nine (9) community lots and a common property lot (being for driveway access) has recently been approved. The land division was determined by staff under delegation as it achieved the relevant Development Plan land division criteria with respect to site area and frontage.

The Applicant now seeks consent to construct a two-storey residential flat building comprising nine (9) dwellings. Each dwelling is on two-levels and comprises at ground level, an open plan kitchen, living and meals area, laundry, toilet and a covered alfresco. The upper level comprises three (3) bedrooms and two (2) bathrooms. Each dwelling has a balcony fronting the common driveway. The dwelling fronting Edward Street has a second balcony overlooking the street.

Each dwelling has a lightweight carport structure set back from the common driveway to allow for an additional parking space in front of the secure carport. The design of the building includes a 1.2m section of the upper level which is cantilevered over the common driveway. Other than this unusual feature, the building is broken up at the upper level into a series of simple hipped-roof forms. The building incorporates brick, render, 'Scyon' panel, aluminium and 'Colourbond' finishes.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Dwelling 1	Dwellings 2-8	Dwelling 9	Development Plan Merit Assessment Quantitative Guideline
Site Area	171m ²	121m ²	152m ²	N/A
Allotment Width	18.31m			Min of 18m for a residential flat building
Allotment Depth	95.15m			N/A
External Wall Height*	5.5m			N/A
Maximum Overall Height (to roof apex)*	7.2m			N/A
Floor Area (total)	167m ²	157m ²	157m ²	N/A
Floor Area (footprint)	85.96m ²	84.83m ²	84.83m ²	N/A
Site Coverage	41%	58%	47%	N/A
Private Open Space	62m ² % of site area % uncovered	38m ² % of site area % uncovered	68m ²	N/A
Street Set-back	4m ground level 3m - 5.1m upper level	N/A	N/A	N/A
Side Set-back for dwelling fronting primary street	Ground level 0.9m – 2.5m Upper level 4.35 – 4.65m	N/A	N/A	Ground level 0.9m Upper level 2.7m

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Dwelling 1	Dwellings 2-8	Dwelling 9	Development Plan Merit Assessment Quantitative Guideline
Set-back from side boundary of the parent site for dwellings sited behind a dwelling fronting the primary street	N/A	Ground level 2.5m to alfresco and main wall 0.9m to carport Upper level 4.35m - 4.65m to the main wall	Ground level 2.5m to alfresco and main wall 0.9m to carport Upper level 4.35m - 4.65m to the main wall	N/A
Set-back from rear boundary of the parent site	N/A	N/A	Ground level 2.5m Upper level 3.32m	Ground level 2.5m Upper level 4.5m
Car Parking Provision	2 (1 undercover) & 0 visitor per dwelling Total of 18 spaces provided Total of 23 spaces required Overall shortfall of 5 spaces			2 (1 undercover) & 1 visitor

* 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 attached (**Attachment B**).

Notification

The proposal has been identified and processed as a Category **2** form of development.

Thirteen (13) representations were received (twelve (12) opposed, one (1) neutral) in response to this notification, copies of which are attached (**Attachment C**). The key issues raised by representors are, in summary:

- Impact of additional vehicles on traffic and parking in Edward Street
- Concerns regarding overlooking and loss of privacy
- General opposition to two-storey development
- Concern regarding the number of dwellings proposed
- Potential noise from occupants of the dwellings
- Lack of on-site visitor parking
- Edward Street is a busy street and is already impacted by nearby commercial development

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

- Mrs MIMOZA De Cicco
- Mrs P De Cicco, represented by Mr N De Cicco
- Alabrilife Pty Ltd, represented by Lisa Strawbridge – Village Manager
- Margaret CD Hunter

The Applicant has responded to the representations received and a copy of their response is attached (**Attachment D**).

A summary of the response is provided below:

- Additional traffic load on Edward Street is to be expected with an increase in density, which is encouraged within the Medium Density Policy Area.
- The Medium Density Policy Area specifically encourages development of the nature proposed and it is expected that the existing character of the locality will experience change over time
- All upper level windows/balconies have privacy treatment in accordance with City Wide PDC 235
- The on-site car parking shortfall is off-set by proximity to public transport and arterial road network
- Issues relating to noise, parking signs, parking compliance, ownership and property values are not issues that can be dealt with under the Development Act.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

The 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:

Medium Density Policy Area	Desired Character Statement
Medium Density PA Objectives:	1, 4
Medium Density PA PDCs:	1, 5, 6
Residential Zone Desired Character Statement	
Residential Zone Objectives:	1, 2, 3
Residential Zone PDCs:	1, 3, 6
City Wide Objectives:	1, 8, 10, 55-57
City Wide PDCs:	1-4

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

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

In this regard, a residential flat building is an anticipated land use and built form within this locality and, as distinct from parts of the zone outside of the Medium Density Policy Area, the built form parameters for residential flat buildings are more flexible within this locality.

PDC 5 of the Medium Density Policy Area states that there is no minimum site area for dwellings in a residential flat building, provided that the overall site has a minimum frontage width of 18 metres and that the proposal is consistent with the minimum floor area requirement for dwellings and the other policies referred to within the Desired Character Statement above. The subject land has a frontage width of 18.31 metres, which is consistent with PDC 5.

PDC 6 of the Medium Density Policy Area states that dwellings contained within a residential flat building with three (3) bedrooms should have a minimum floor area per dwelling of 100m². The proposed floor areas range between 157m² and 167m², which is consistent with PDC 6.

The other policies referred to in the Desired Character Statement (private open space, communal space, car parking and the design of the built form) are discussed in greater detail under their respective headings later in the report. Provided that the proposal is considered to sufficiently accord with these other aspects, it should be concluded that the proposed dwelling density is acceptable.

streetscape/bulk/scale/height/character

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

Medium Density PA Desired Character Statement

Medium Density PA Objectives: 2, 4
Medium Density PA PDCs: 1, 3, 7

Residential Zone Desired Character Statement

Residential Zone Objectives: 3
Residential Zone PDCs: 6, 8

City Wide Objectives: 18, 19 & 20
City Wide PDCs: 28-33, 35-37, 181, 184, 197

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

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

The proposed two-storey building form is consistent with the desired character of the Policy Area.

With regard to bulk and scale, the subject land is proportionally much deeper than it is wide (at over 95m deep), which would, to some degree limit the design and siting options for the dwellings, factoring in the need to provide a sufficiently wide landscaped common driveway to service the dwellings. The resulting built form comprises a continuous building line at ground level, with a series of 1.9m gaps separating sections of the upper level, which would assist in reducing the visual mass of the building when viewed from neighbouring properties.

From the street, the building would be visible extending back from the frontage due to the width of the common driveway. Portions of the upper level are proposed to cantilever 1.2m over the common driveway – a feature resulting from the relatively narrow width of the site – which is likely to increase the visual bulk of the building from the street.

The unusual depth of the subject land means that the visual impact of the built form would be spread across a number of adjacent and nearby properties, including three (3) fronting Lewis Road, which have their rear yards directly adjacent to the southern boundary of the subject land. In this respect, it is noted that only one (1) neutral representation, in which no specific concern was raised, was received from the owners/occupants of a Lewis Road property.

A two-storey residential flat building is located directly to the north of the subject land, the occupants of which would look out over the proposed common driveway on the subject land. While the bulk of the building will be visible from the dwellings within this building, it is noted that the private open space areas of the building are located on the other side (north side) of the building and the windows on the southern side appear to be small kitchen windows. No representations were received from the occupants/owners of these dwellings.

Part of the larger Alabrilife Retirement Village site also is located directly adjacent to the northern boundary of the subject land and occupants will have some outlook from the rear units and the driveway area onto the driveway elevation of the residential flat building. Several representations were received from the owners/occupants of these units, with concerns relating to overlooking, noise and traffic, all of which will be discussed in further sections of this report.

A single-storey detached dwelling is located directly adjacent to the southern boundary of the subject land and the built form will be highly visible from the rear yard and driveway of this property. The owners of this property have made a submission objecting to the proposed development. The submission raises concern with the number of proposed dwellings in the context of increased traffic/parking, private open space, set-back from the street and the potential for overlooking, all of which will be discussed in further sections of this report.

With regard to the streetscape impact of the proposal, the desired character statement of the Residential Zone states the following:

'Although it is expected that residential densities will increase over time, resulting in more dense forms of development and smaller site and allotment sizes, it is intended that the overall character of the zone will maintain a 'suburban' feel with a high level of amenity. This will be achieved by generally maintaining a rhythm of buildings comprising one and two storeys, set back from the street so that front gardens can be established and also by requiring 'space' to be established between buildings.'

From the street, it is considered that the layout of driveway to one side of the building and the provision of a relatively generous set-back on the other side of the building would maintain a sense of space around the building and reflect the intent of the 'suburban' character. This, however, is further qualified with an expectation that this character will be distinguished from areas outside of the Medium Density Policy Area by a building scale and form which is more dense.

Other than the existing residential flat building to the north of the subject land, it is acknowledged that the proposal would introduce a much denser form of development within this locality and would have some impact arising from the bulk and scale of the built form. Notwithstanding this, it is considered that the bulk and scale of the proposed development would be in accordance with that expected in the Medium Density Policy Area and reflected in the desired character.

Setbacks and Site Coverage

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

Medium Density PA PDCs:	7
City Wide PDCs:	202, 203, 208

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

The plans indicate that Dwelling 1 (fronting Edward Street) will have a ground level set-back of 4m, except for a small projecting pier which supports the upper level balcony and protrudes an additional metre towards the street. The remainder of the upper level is set back 5.1m from the street. Although the balcony component is not consistent with front set-back requirement of PDC 7, it does improve the level of articulation on the front elevation of the dwelling. Notwithstanding this, given the limited usability of this balcony and its location adjacent to a bedroom (and not a living area), it is considered reasonable to require that it be reduced in size

so that it satisfies the 4m set-back requirement. As such, if the Panel determines to approve the Application then a condition should be included to reflect this amendment.

In terms of side and rear setbacks, City Wide Principle of Development Control 202 states that any single storey component of a two-storey dwelling on a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be set back no less than 2.5 metres. City Wide Principle of Development Control 203 states that any two-storey component of a two-storey dwelling on a battleaxe, hammerhead or similar configuration allotment or site and a side or rear boundary of the parent development site, should be set back no less than 4.5 metres.

Dwellings 2-9 are proposed to have 2.5m set-backs to the ground level alfresco areas, which satisfy PDC 202. The carport components however, encroach into this set-back distance so that they come to within 0.9m of the boundary. Whilst this does not accord with PDC 202, the carports have been designed as flat-roofed lightweight components which, if proposed as a separate development application, would be complying under the Residential Development Code provisions. From a more practical perspective, these structures would not appear from neighbouring properties as part of the dwellings, but rather as 'add-on' verandahs or the like. In this way, the intent of PDC 202, for dwellings to be 2.5m away from side and rear boundaries at ground level, is considered to be achieved.

The plans indicate that Dwellings 2-9 are to have upper level set-backs of between 4.35m and 4.65m from the southern (side) boundary of the subject land to the main walls, which does not satisfy the 4.5m criteria of PDC 203. This PDC states that this set-back should be to any component of the dwelling, which in this case, should be to the eave. As the eave is 450mm wide, this would decrease the set-back distance to between 3.9m and 4.2m. In order to satisfy this set-back distance, the upper level would need to be pushed back between 300mm and 600mm. This shortcoming was raised with the Applicant, however, the Applicant determined to retain the upper level floor plan as proposed, with the provision of articulation along this elevation of the building. In this regard, it is considered that the logic of providing more articulation to the upper level (as opposed to a continuous unbroken setback of 4.5m) is sound from a purely aesthetic perspective.

The shadow diagrams indicate that the level of overshadowing during the winter solstice is within the level allowed by City-Wide PDC 196 and is therefore acceptable (this is discussed in greater detail in the following section). While it is difficult to assess exactly what the additional visual impact might be of the building being up to 600mm closer to the southern boundary, it is considered that it is unlikely to be significantly more than if it were sited 600mm further away. In this context, the failure of the proposal to satisfy this policy is not considered, in itself, sufficient to warrant refusal of the application.

In terms of site coverage, Medium Density Policy Area Principle of Development Control 7 states that the site coverage for residential flat buildings (and ancillary structures) within the Policy Area should not exceed 70%. The proposed development, which includes covered alfresco areas, results in an overall site coverage of 37%, which clearly satisfies PDC 7.

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

City Wide Principle of Development Control 196 states:

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

The Applicant has provided shadow diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice. The impact of shadowing would affect the directly adjoining properties to the south of the subject land, being 15 Edward Street, Glynde and 28, 30 and 32 Lewis Road, Glynde. The shadow diagrams show that between 9am and approximately 1pm, all of these properties would receive sunlight in excess of the requirement of PDC 196. After about 1pm, the level of shadow would increase over more than 50% of the private open space areas.

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

The extent of overshadowing is not likely to significantly detract from the amenity of the occupiers of adjacent properties and accords with City Wide Principle of Development Control 196.

In terms of privacy, the plans indicate that all upper level windows on the southern (rear) elevations of the dwellings will have sill heights of 1.75m above floor level, which satisfies PDC 235, which requires sill heights of 1.7m for privacy.

The plans indicate that the upper level windows and small balconies on the northern (driveway) elevation will also include privacy treatment. The window to the main bedrooms includes white translucent glazing and the balconies include aluminium louver privacy screens above a solid balustrade to a height of 1.7m above the floor level. It is questionable as to whether privacy treatment is required on this elevation of the building, as it does not appear to overlook any private open space areas to the north of the subject land. Notwithstanding this, given the concerns raised by some of the occupants of the Alabrillife complex to the north of the subject land and the proximity of the windows of the adjacent residential flat building, the Applicant has provided additional privacy treatment which would assist in alleviating the perception of overlooking.

The upper level windows and small balcony facing Edward Street do not require any privacy treatment, as they do not overlook any adjacent private open space areas.

The upper level windows on the side (western) elevation of Dwelling 9 include sill heights of 1.75m above floor level, which satisfies PDC 235.

Overall, it is considered that the proposal adequately addresses any potential overlooking issues.

Private open space

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

City Wide PDCs: 222-225, 227, 229 & 230

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

“Dwellings (other than residential flat buildings in the form of apartments within a multi storey building) should have associated private open space of sufficient area, shape and gradient to be functional and capable of meeting the likely needs of the occupant(s) (taking into consideration the location of the dwelling and the dimensions and gradient of the site) and should be in accordance with the following:

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

All of the proposed dwellings have site areas of less than 250m² and, as such, should have a minimum area of private open space of 35 square metres.

Dwelling 1 (adjacent Edward Street) includes 70m² of private open space, which comprises an area to the south of the dwelling (including a roofed alfresco) and a fenced area to the side of the dwelling adjacent to Edward Street and the two (2) upper level balconies (one being 8m² and the other being 7.75m²). City Wide PDC 222 states that an upper level balcony should only be considered as private open if it has an area greater than 8m². Technically, the 7.75m² should not be counted as private open space, however, the shortfall in area is so minor that it should be considered as meeting this requirement. It has been

recommended that the other balcony (fronting Edward Street) be reduced in size in order to set it further back from the street, which would reduce its area to 4.5m². This would reduce the total private open space area to 62m², which is still exceeds the required amount.

Dwellings 2-8 include 38m² of private open space, which comprises an area to the rear (south) of each dwelling (including a roofed alfresco) and an upper level 7.75m² balconies. As with Dwelling 1, the upper level balconies are only minimally short of the required 8m² and it is therefore reasonable to include these in the overall calculation. As such, the private open space areas of Dwellings 2-8 satisfy the 35m² minimum requirement.

Dwelling 9 includes 68m² of private open space, which comprises a side and rear yard area (including a roofed alfresco) and an upper level balcony (again, at 7.75m²) has been retained in the overall calculation. This amount exceeds the 35m² minimum requirement.

All of the ground level private open space areas are directly accessible from the main living areas of the respective dwellings.

A negative aspect of the proposal is the siting of the private open space areas on the southern side of the dwellings, which means that they will not have good solar access. The Applicant has advised that an alternative site layout involving placing the driveway adjacent the southern side boundary was considered, however was undesirable, as the adjacent residential flat building to the north has no privacy treatment and occupants would be able to directly overlook the private open space of the proposed dwellings if they were to be sited on the northern side of the site. As such, it is considered that the siting of the private open space areas to the south of the site is acceptable in this instance. The small upper level balconies are sited on the northern side of the dwellings and although they are not part of the main living area, they will provide a private area for occupants to sit and enjoy the northerly aspect.

City Wide Principle of Development Control 229 states that fifty percent (50%) of the total private open space requirement provided at ground level should be open to the sky and developed in a manner to provide outdoor amenity, opportunities for landscaping and a reduction in stormwater runoff through the use of permeable surface treatments. The proposal accords with this.

Carparking/access/manoeuvring

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

City Wide Objectives:	38
City Wide PDC's:	98, 101, 104, 118, 120, 122, 181, 198, 200 & 219
Table NPSP/8	

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to residential flat buildings, Table NPSP/8 states that 2 on-site car parking spaces should be provided for each three (3) bedroom dwelling, of which at least 1 space should be covered. In addition, one (1) visitor space should be provided for every two (2) dwellings.

Each of the proposed dwellings includes two (2) exclusive car parking spaces, in the form of a carport and an un-enclosed space in front of the carport, partially beneath the upper level portion of the dwelling, in accordance with PDC 120 and Table NPSP/8.

The development does not provide any of the required five (5) on-site visitor parking spaces, which is highlighted as a negative aspect of the proposal. A previous iteration of the proposal – which was the proposal that underwent public notification - did include three (3) of the five (5) required on-site visitor spaces, however, changes to the width of the common driveway and the building set-backs, has resulted in these visitor spaces being removed in the current proposal. The background to these changes is summarised below.

The original proposal sited the building back further towards the southern boundary of the subject land, which resulted in it failing the 2.5m ground level and 4.5m upper level set-back requirements (for dwellings sited behind a dwelling fronting the street). In addition, the proposed common driveway did not have sufficient width to accommodate a 5m wide vehicle carriageway and 1m of landscaping, both which are requirements of City Wide PDC 189. The 5m width is intended to ensure safe and convenient manoeuvring and the landscaping requirement is to assist in softening the visual impact of this type of driveway and provide a buffer between the building line and the fence.

At the time, Staff considered that the allocation of a 6m wide common driveway was a critical aspect of the land division plan, in terms of landscaping and manoeuvring, particularly given that the depth of the site would result in a driveway length of nearly 96m. It was also considered important to be able to better address the set-back requirements, given the relatively narrow width of the site and the possibility to develop deep into the site. It was also thought that two (2) of the proposed visitor parks - being located at the very rear of the site - were not particularly accessible or convenient for visitors. To some extent, on a private residential site, it is considered that unless visitor parking is clearly visible and easily accessible, visitors are more likely to park on the street.

That being said, the design of the occupant spaces, whereby each dwelling has one unenclosed space, is also conducive to visitor parking, particularly for friends or family who might be more familiar with the layout of the site. As such, in discussion with the Applicant, staff agreed to move forward with amended plans which addressed the common driveway design but reduced the amount of on-site dedicated visitor parking.

The Panel should note that several of the representations received raised concern with the previous on-site visitor parking shortfall and as the amended proposal removes more visitor spaces, the objections raised in this respect have not been overcome.

In further deliberating whether the on-site visitor parking shortfall, in itself, is sufficiently at variance with the Development Plan to warrant refusal, consideration should be given to the ability to 'discount' the rates set out in Table NPSP/8, which is provided in City Wide PDC 122, which states (in part):

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

- (b) sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop;"*

The subject land is located with 200m of a bus stop located on Payneham Road, close to Edward Street. The bus service operating along Payneham Road is considered to be a 'high frequency' service, which is defined in the Development Plan as a *'route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.'* Furthermore, the bus stop location is also identified as being within a 'Go Zone'. As such, it is considered that the locality of the development site satisfies part b) of PDC 122.

With regard to what a 'lesser rate' implies, reference is made to a report prepared by Aurecon Australia in 2013 - *Parking Spaces for Urban Places: Car Parking Study*. This report was jointly funded by the Local Government Association and several South Australian Councils and was intended to investigate and update car parking rates for different land uses, with a focus being on the objectives of the *30 Year Plan* to increase residential densities in strategic locations. This report suggests that discounting of up to 20% could be applied to locations which are within 200m walking distance of a 'Go Zone'.

Using the rate set out in Table NPSP/8, the development would be required to provide a total of 23 spaces (18 occupant and 5 visitor). The proposal provides 18 spaces, which equates to an overall shortfall of 22%. If a 20% discount were to be applied in accordance with the findings of the above report, it would reduce the overall requirement by 4-5 spaces, which would address this shortfall. In addition, there is on-street parking available within the locality, albeit with parking controls on the subject side of Edward Street, which limits parking to 1 hour between the hours of 11am and 10pm daily.

It is considered that the day to day travel behaviour of the occupants and their visitors is unlikely to have any significant impact on the existing road network. While there is the potential from time to time for occupants to host parties or the like and for there to be a spike in on-street parking demand during such times, it is no different than what might already occur throughout the locality under existing conditions.

On balance, while the shortfall in on-site visitor parking is a negative aspect of the proposal, it is considered to be acceptable in the context of the proposal satisfying occupant demand, the ability to apply discounting based on proximity to a high frequency bus route (and being a 'Go Zone') and the ability for visitors to park in the surrounding streets from time to time.

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

Principle 189 also states that the paved carriageway width should be no less than 5m in width, with 1m of landscaping, resulting in a total width of paved carriageway and landscaping of 6m. The proposed development also complies with this policy.

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

Finished floor levels/flooding/retaining

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

City Wide PDCs:	53-58, 79, 164, 167-171
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The subject land is not within an identified flood plain.

The subject land has a fall of approximately 1m from the street boundary to the rear boundary, which is not significant given the depth of the site. The Applicant has provided an engineering plan which indicates that the bench and floor levels will be stepped to reflect the slope of the land, resulting in a difference in finished floor levels of 700mm between the front and rear dwellings. The plan indicates that retaining of up to 300mm in height may be required along boundaries, which combined with a standard 1.8m high fence would satisfy City Wide PDCs 57 and 58 which limits the acceptable height of retaining walls to 1m and the combined height of fencing and retaining walls to 2.4m.

The plan indicates that each dwelling will have a 3500 litre combination detention/retention tank plumbed into the dwelling for re-use and the overflow will be directed rainwater tanks for each dwelling, which are to be plumbed back to each dwelling for reuse, with overflow directed to the street.

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

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

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 PDCs: 73, 74, 220 & 221, 395, 396

The subject land does not contain any regulated trees, however, contains a number of mature trees, shrubs and vegetation. The most notable element is a large non-indigenous tree located in the front garden of the existing dwelling, however, it is not proposed to be retained.

The Applicant has provided a landscaping plan prepared by a landscaping services company, a copy of which is attached (**Attachment G**). While limited space is available for planting along the length of the driveway, 1m wide sections for landscaping have been staggered along the length of the driveway and across the rear section of the driveway, which will assist in softening the 'gunbarrel' effect in accordance with City Wide PDC 189.

It is also considered that the landscaping proposed for the front and side yards of dwelling 1 will assist in softening the building from the street. It is noted that artificial turf is proposed for the rear yards of Dwellings 2-8, which is an understandable choice given the southern aspect of these yards.

The landscaping plan indicates the methodology for planting, irrigating and maintaining the vegetation on site, which should be further confirmed by way of a condition.

Overall, it is considered that the proposed landscaping plan demonstrates an appropriate amount and mix of plantings, which will provide a level of screening at the boundaries of the site and provide some shading along the driveway area.

Environmental Sustainability

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

City Wide Objectives: 23 & 42
City Wide PDCs: 67-72, 147, 148, 151 & 159

The proposed orientation of the private open space areas on the northern side of the dwellings has been highlighted as a negative aspect of the proposal in a previous section of this report. As stated previously, the Applicant has sited the open space on the southern side of the dwellings because the windows of the adjacent residential flat building directly overlook the northern side of the building and would have resulted in privacy issues for the occupants.

With regard to the internal layout of the dwellings, the main living areas are located on the northern side and so will have reasonable access to northern sunlight and be provided with some sun protection from the cantilevered upper floors. The upper level windows on the northern elevation have minimal shading from summer sun, however, ultimately the development will need to achieve the required energy rating in order to be granted Building Rules Consent.

Overall, the development does not exhibit any outstanding environmental features, but in this respect nor does it offend the relevant provision of the Development Plan.

The proposed dwellings are each provided with a 3500 litre combination detention/retention tank which is to be plumbed back to the dwelling in accordance with City Wide Principle of Development Control 161.

Summary

The proposal satisfies the relevant Development Plan provisions with respect to land use, building height, site coverage, private open space, overlooking and overshadowing.

It is considered that the bulk and scale and streetscape appearance of the development, will to some degree, have an impact on the existing character of the locality, which, other than the adjacent two-storey residential flat building, is predominantly single-storey. This however, is considered to be acceptable in the context of its location in the Medium Density Policy Area, where development of this nature is anticipated.

As there is no minimum site area requirement for dwelling sites in a residential flat building configuration, the test as to whether the proposed density is appropriate, is in how the proposal performs against the other quantitative and qualitative policies of the Development Plan, including those which it satisfies above.

On the negative side however, the following shortcomings of the proposal are noted:

The proposal has an on-site car parking shortfall of five (5) visitor spaces based on the rates provided in Table NPSP/8.

The upper level front set-back of Dwelling 1 does not meet the minimum requirement of 4m, due to part of the balcony which encroaches 1m into this set-back distance.

The proposal does not meet the 4.5m upper level set-back requirement for dwellings which are sited behind dwellings fronting the street (Dwellings 2-9). In order to address this requirement, the upper level of the building would need to be set back further from the southern (rear) boundary of the subject land by between 300mm and 600mm.

The proposal does not meet the 2.5m ground level set-back requirement for dwellings which are sited behind dwellings fronting the street (Dwellings 2-9). The carport sections of the dwellings are sited 0.9m from the southern (rear) boundary of the subject land.

Having regard to the discussion in previous sections of the report on each of the aspects of the proposal which do not satisfy the relevant Development Plan provisions, the main concerns are whether the visual impact of the lesser building set-back is likely to be unreasonable and whether the shortfall in on-site visitor parking is acceptable.

With regard to the upper level front set-back, a minor amendment to reduce the width of the balcony by 1m would satisfy the set-back provision and as such, this has been recommended as a condition of approval should the Panel determine to support the Application.

With regard to the building set-backs, at ground level the lesser set-back of the carport is considered acceptable in light of the fact that such a structure would be complying under the Residential Development Code. At the upper level, it is considered that the lesser set-back distance is acceptable as it does provide the building with a greater level of articulation and does not offend the policies relating to overshadowing. In terms of visual impact, it is considered that an amendment to the upper level - to either reduce the floor area or increase the set-back in order to satisfy the shortfall - would be unlikely to reduce the visual impact of a development of this scale to any significant degree.

With regard to the car parking shortfall, City Wide PDC 122 provides the ability to discount the required rate based on, amongst other things, proximity to a high frequency bus stop. If a 20% discount were to be applied in accordance with a recent South Australian Study – *Parking Spaces for Urban Places – Car Parking Study*, it is considered that this shortfall would be addressed. In addition, each dwelling has one space which is not enclosed and could be used by visitors. On this basis, the provision of on-site car parking is considered to be acceptable.

Accordingly, 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 155/495/2016, by Tamir Dunning Property Group to construct a two-storey residential flat building comprising nine (9) dwellings, on the land located at 13 Edward Street, Glynde, subject to the following requirements, conditions and notes:

Relevant Plans

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

- Site plan, floor plans and elevations prepared by 'in property design' (Revision D) and received by the Council on 7 February 2017;
- Landscape Plan prepared by Yardstick Landscape Services Pty Ltd dated 7 February 2017 and received by the Council on 8 February 2017; and
- Civil Works Site Layout Plan prepared by 'Intrax' (amended plan dated 2 February 2017) and received by the Council on 2 February 2017.

Conditions

1. That the front set-back of the upper level balcony of Dwelling 1 be increased to four (4) metres.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.
3. All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
4. All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.

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.

Margaret CD Hunter addressed the Panel from 6:59pm until 7:07pm.

Mr N De Cicco, also representing Ms M De Cicco and Mrs P De Cicco, addressed the Panel from 7:07pm until 7:09pm.

Mr Garth Heynen on behalf of the Applicant addressed the Panel from 7:09pm 7:23pm.

Mr Donaldson moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/495/2016, by Tamir Dunning Property Group to construct a two-storey residential flat building comprising nine (9) dwellings, on the land located at 13 Edward Street, Glynde, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *Site plan, floor plans and elevations prepared by 'in property design' (Revision D) and received by the Council on 7 February 2017;*
- *Landscape Plan prepared by Yardstick Landscape Services Pty Ltd dated 7 February 2017 and received by the Council on 8 February 2017; and*
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Conditions

1. *That the front set-back of the upper level balcony of Dwelling 1 be increased to four (4) metres.*
 2. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into the adjacent street water table.*
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3. *All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
4. *All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.*

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.*

Seconded by Mr Frogley and the motion was lost.

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 **refused** to Development Application No 155/495/2016, by *Tamir Dunning Property Group* to construct a two-storey residential flat building comprising nine (9) dwellings, on the land located at 13 Edward Street, Glynde for the following reasons:

1. *The proposal is an overdevelopment of the site;*
2. *The proposal is lacking in visitor car parking*
3. *The proposal is lacking in safe and convenient access for all forms of transport*
4. *The proposed dwellings have inadequate setbacks from boundaries*
5. *The proposal has inadequate landscaping*
6. *The proposal had inadequate provision for bin collection*

Seconded by Mr Smith and carried.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/D106/2016 – ECOLOGIK CONSTRUCTIONS PTY LTD – 41 MARDEN ROAD, MARDEN

DEVELOPMENT APPLICATION:	155/D106/16
APPLICANT:	Ecologik Constructions Pty Ltd
SUBJECT SITE:	41 Marden Road, Marden (Certificate of Title - Volume: 6135 Folio: 162)
DESCRIPTION OF DEVELOPMENT:	Torrens Title Land Division creating four (4) additional allotments
ZONE:	Residential Zone – Medium Density Policy Area Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for a Torrens Title Land Division creating four (4) additional allotments.

Staff do not have delegated authority to determine the Application, as it is for a land division which does not have an approved related development and which does not meet the relevant quantitative Development Plan Criteria with respect to site area for four (4) of the proposed allotments. The shortfall in site area is not considered to be 'very minor' in nature and 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.

Background

In September 2016, the Applicant lodged a Development Application for the construction of five (5) two-storey row dwellings on the subject land (DA 155/664/2016). Consistent with the Council's practice that a land division application must be determined prior to the determination of a related built form/land use application, the Applicant prepared and lodged a Development Application for the proposed land division.

In January 2017, the Applicant lodged the subject Torrens Title Land Division, which reflects the built form /land use Application. For the purpose of the Panel's deliberations on the Land Division Application, the plans submitted as part of the land use/built form Application will be used as indicative plans in order to demonstrate the suitability (or otherwise) of the proposed allotments for their intended use. Should the Panel determine to approve the Land Division Application, the land/use built form Application would then be fully assessed and determined by staff under delegation.

Subject Land Attributes

Shape:	slightly irregular (corner allotment)
Frontage width:	Grigg St - 37.49m Marden Rd - 19.63m

Depth: Grigg St - 19.63m – 22.74m
Marden Rd – 37.49m - 40.54m
Area: 916m²
Topography: relatively flat
Existing Structures: detached dwelling and outbuildings
Existing Vegetation: a number of mature trees and shrubs within both the front and rear yard areas

The subject land contains a single-storey detached dwelling of post war construction, a large cement block garage located on the western boundary and a range of mature shrubs and trees.

Locality Attributes

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

The locality is predominantly residential, however, the close proximity of the Marden Senior College is likely to have some impact on the residential nature of the locality. The locality is also likely to be influenced to some degree by traffic entering and exiting Lower Portrush Road, via Grigg Street.

There are three (3) street trees and a stobie pole located adjacent to the Grigg Street frontage and one (1) street tree and a stobie pole located adjacent to the Marden Road frontage of the subject land.

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

Proposal in Detail

The proposed Land Division is for the subdivision of one (1) Torrens Title allotment into five (1) Torrens Title allotments with reciprocal party wall rights for the purpose of a future development comprising five (5) two-storey row dwellings.

The relevant details of the proposal in terms of allotment areas and dimensions for the future development of row dwellings are set out in Table 1 below.

TABLE 1: DEVELOPMENT DATA:

Consideration	Allotment 95	Allotments 96-98	Allotment 99	Development Plan Merit Assessment Quantitative Guideline
Site Area	193m ²	150m ²	273m ²	200m ² for Row Dwellings
Frontage width	8.2m	6.6m	9.49m (Grigg St) 19.63m (Marden Rd)	5m
Allotment Depth	22.72 - 22.74m	22.72 - 22.68m	19.63 - 22.68m (Grigg St) 9.49 - 11.95m (Marden Rd)	N/A

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

Notification

Pursuant to Schedule 9 Part 1, 2(f) of the *Development Regulations 2008*, the proposal has been identified and processed as a Category 1 form of development. As such, no public notification was undertaken.

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

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
Medium Density Policy Area:	1 & 5
City Wide Objectives:	1, 15, 16 & 55-57
City Wide PDCs:	20, 21, 181, 185 & 186

City Wide Objective 15 sets out that land divisions should create allotments appropriate for the intended use of the land. The proposed land division is intended to cater for five (5) two-storey row dwellings. Plans showing the design of the intended buildings, upon which the land division has been derived, are contained in **Attachment C**.

In order to determine whether the proposed allotments are suitable for their intended use, it is appropriate to consider:

1. whether the resulting dwelling types (which the land division caters for) are envisaged in the Residential Zone, specifically the Medium Density Policy Area; and
2. if the site areas and frontage widths proposed are in accordance with the relevant policies for the intended dwelling type within the Medium Density Policy Area.

With regard to row dwellings being an envisaged dwelling type, the Medium Density Policy Area specifically encourages denser dwelling forms in both the Objectives and Desired Character Statement and states that more flexible development parameters will apply for row dwellings group dwellings and residential flat buildings. As such, a land division which is intended for the future development of row dwellings is considered appropriate.

With regard to the size of the proposed allotments, PDC 5 of the Medium Density Policy Area requires row dwelling sites to have a minimum area of 200m² and a minimum frontage width of 5m. Although all five (5) allotments easily achieve the minimum frontage width requirement of 5m, only one (1) allotment meets the minimum site area requirement of 200m². Three (3) of the proposed allotments fall short of the prescribed minimum requirement by 50m² (25%) and one (1) allotment falls short by 7m² (3%). While the 25% shortfall is considered to be relatively significant, it is noted that if the subject land were to be divided into five (5) equally proportioned sites, each site would have an area of 183m², which is only 17m² or 8% less than the prescribed minimum requirement.

It should also be highlighted that if the proposed land division was for the future development of a residential flat building containing five (5) dwellings, it would satisfy PDC 5, as there is no prescribed minimum site area requirement for a residential flat building in the Medium Density Policy Area. The difference between dwellings in a residential flat building and row dwellings, is that the former are not held on exclusive sites, as there is reliance on some common land (e.g. a common driveway).

In considering whether the failure of the proposal to meet the minimum site area requirement for row dwellings causes the proposal to be insufficiently in accordance with the Development Plan to merit consent, it is necessary to further consider how the indicative proposal performs against the range of other

quantitative and qualitative provisions of the Development Plan. This will assist in concluding whether, on balance, the allotments of the size proposed are able to be supported.

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 proposed land division:

Residential Zone Desired Character Statement	
Medium Density Policy Area Desired Character Statement	
Residential Zone Objectives:	3
Medium Density Policy Area Objectives:	1 - 4
Residential Zone PDC:	6
Medium Density Policy Area PDCs:	1, 3, 5 & 7
City Wide Objectives:	18, 19 & 20
City Wide PDCs:	28-35, 37, 39, 211

The proposed land division, if approved, would allow for the construction of five (5) row dwellings on the subject land, being a corner site with frontages to Marden Road and Grigg Street.

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

“Built form within the Medium Density Policy Area will be carefully managed to ensure that it provides an appropriate transition down in scale and mass to residential development outside of the Policy Area.”

The boundary of the Medium Density Policy Area runs along the centre of Marden Road, which means that the land on the eastern side of Marden Road (opposite the subject site) is outside of the Policy Area. With regard to the proposed height and scale of the indicative dwellings, two-storey row dwellings are anticipated throughout the Residential Zone, therefore it is considered that the subject site could be developed for two-storey row dwellings and not offend this aspect of the Desired Character Statement.

Whilst a slightly denser building form is expected within the Medium Density Policy Area, the building bulk of the indicative proposal presents to Grigg Street rather than Marden Road. It is considered that the presentation of the corner dwelling to Marden Road is likely to be more akin to the presentation of a detached dwelling and as such would provide an acceptable transition at the Policy Area boundary.

Having regard to the indicative design of the dwellings, it is considered that they are well articulated along both street frontages and incorporate a good range of materials and finishes.

A negative aspect of the design, however, is the lack of windows and/or obvious habitable rooms at ground level along the Grigg Street elevation, due mostly to the width of garaging on each site.

This is a design outcome which is more likely to occur in the Medium Density Policy Area, where row dwelling sites are only required to have a minimum frontage width of 5m. On a site of this width, it would not be possible to satisfy City Wide PDC 211 which requires the width of garages facing the street to be minimised relative to the width of the dwelling and be no more than 50% of the total allotment width, unless the desired character of an area provides otherwise. As such, it is considered that the desired character in this instance, does provide otherwise, by allowing row dwelling sites to have narrow frontage widths which are likely to result in garage dominance (even with single garages).

Notwithstanding this conclusion, it is considered that there is scope to negotiate design changes through the assessment of the built form/land use Application, to include additional windows treatment along the front facades and reduce the garage dominance and improve street level activation and interest.

Setbacks and Site Coverage

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

Medium Density PA PDC: 7
City Wide PDCs: 207, 208

Medium Density Policy Area Principle of Development Control 7 states that dwellings should have a minimum set-back from the primary road frontage of 4 metres and the secondary road frontage of 2 metres (for two-storey development). The indicative plans show that dwellings are able to be constructed on the subject land consistent with this set-back policy.

With regard to side set-backs, one of the existing buildings on the subject land is a large cement block garage built on the western boundary. The indicative plans show that the intent is to utilise the existing boundary wall and integrate it into the structure of new building. The existing wall is 15m in length along this boundary and 3.8m high. Whilst the development of a new wall along the boundary would be guided by the requirement of City Wide PDC 207 which generally limits the height of new walls to 3m and the length to 8m, the Applicant is able to retain the existing wall in situ and utilise the current level of boundary development. If at the development stage, it was discovered that it was not feasible to retain the existing wall, then the Applicant would be required to redesign the new structure having regard to PDC 207. Other side set-backs, including at the upper level, are in accordance with PDC 7.

With regard to rear set-backs, all of the dwellings achieve the minimum 4m set-back at ground level. Whilst the western-most dwelling does not achieve the minimum rear set-back of 6m at the upper level, it is considered that alternative design options could be easily achieved that would sufficiently satisfy this requirement.

With regard to site coverage, PDC 7 of the Medium Density Policy Area allows up to 70% site coverage for row dwellings, group dwellings and residential flat buildings. The indicative plans demonstrate that five (5) row dwellings comprising 3 bedrooms and 2.5 bathrooms, would be able to be constructed on the subject land without exceeding the maximum allowable site coverage. Furthermore, it is considered that this level of site coverage would allow for the future development of verandas or the like without exceeding the 70% maximum.

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 subject land is located on the north-western corner of the intersection of Grigg Street and Marden Road. The orientation of the land suggests that most overshadowing of any built form would fall over the subject front yards and the street and would be unlikely to have any unreasonable impact on the adjacent neighbours.

Issues relating to overlooking would be able to be addressed through the assessment of the built form Application.

Private open space

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

City Wide PDCs: 222-225, 227, 229 & 230

City Wide Principle of Development Control 225 requires that dwellings with sites of less than 250m² should provide a minimum of 35m² private open space and dwellings with sites of greater than 250m² should provide a minimum of 20% of the site area as private open space. The indicative plans show that three (3) dwellings fall short of the required amount by 3-4%, which is considered minimal. The corner dwelling has a shortfall of approximately 16%, however, it would be possible to address this shortfall by enclosing a portion of the side yard, without compromising the presentation of the dwelling to Marden Road.

The orientation of the subject land would ensure that the private open space areas have good access to northern sunlight. The indicative plans show that the private open space areas would be accessible from the main living areas of the dwellings.

Overall, it is considered that the size of the proposed allotments is not likely to prevent the ability to design dwellings with sufficiently sized and sited private open space areas.

Car parking/access/manoeuvring

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

City Wide Objectives:	38
City Wide PDCs:	98, 101, 104, 118, 120, 122, 181, 198, 200 & 219
Tables NPSP/8	on-site car parking rate for row dwellings

City Wide Principle of Development Control 120 states that development should include on-site car parking in accordance with the rates prescribed in Table NPSP/8. In relation to row dwellings the following rate applies:

'2 (1 covered) spaces per dwelling; whereby the covered space is set back no less than 5.5 metres from the primary street frontage...'

The indicative plans show that each of the five (5) dwellings would satisfy this requirement, with the garages being set back at least 5.5m from the street frontages and with each dwelling having either a single or double garage.

The Panel should note that a stobie pole along the Marden Road frontage is sited approximately 1.5m in from the northern boundary of the subject land. The indicative plans show a double garage and new driveway access located on this northern boundary and as such, the stobie pole may inhibit vehicle manoeuvring. Notwithstanding this potential shortcoming of the design, it is considered that a single garage and driveway access could easily be accommodated with sufficient clearance from the stobie pole. As such, should the Panel approve the land division, it is not considered that such an approval would entrench any issues with the future development of a driveway along this frontage.

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 PDCs:	148, 154, 155, 160, 170 & 171
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The subject land is not within an identified flood plain so there is not likely to be any requirement for finished floor levels to be high relative to natural ground level.

Given the likelihood that the site will be developed at a higher level of site coverage than what currently exists, stormwater management and any requirements for on-site detention, would be assessed as part of the built form/land use Application.

Trees (significant, mature & street) and landscaping

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

City Wide Objectives:	24
City Wide PDCs:	185, 186, 220 & 221

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

The indicative layout of the dwellings sites shows that there is reasonable opportunity for each dwelling to incorporate small areas of landscaping in the front yards. The corner site also provides additional opportunity to incorporate landscaping which addresses both street frontages. The indicative plans also indicate the retention of a large palm tree on the corner site, which would be a positive outcome for the built form/land use Application.

There are three (3) relatively mature street trees located along Grigg Street adjacent to the subject land and one (1) similarly mature street tree located adjacent to the Marden Road frontage. The indicative plans propose one (1) new double width crossover and one (1) new single width crossover (in addition to the existing crossover) along the Grigg Street frontage. The middle street tree is most likely to be affected, with new crossovers being located 1.9m from the western side and 1.6m from the eastern side of this tree. These clearances are in accordance with the Council's Urban Services Department policy which requires that new crossovers are located a minimum distance of 1.5m from a street tree.

The proposed double-width driveway on Grigg Street is shown as having only 1.35m clearance from the eastern side of the western-most street tree, which is not in accordance with the Urban Services Department Policy. Whilst this could have some impact, it is noted that the conditions on the western side, where there is a clearance of approximately 4.5m from the existing crossover, are not proposed to be altered. Although the positioning of the driveways and crossovers is a critical consideration in determining the land division Application, it is considered that there is the potential to slightly taper the design of the crossover and sufficiently increase the clearance from the eastern side of the tree.

Overall, while it is considered that the location of the three (3) street trees on Grigg Street could limit the options for future driveway siting and design, it is considered that there would be sufficient scope during the assessment of the built form Application to alter the design of the driveways to ensure the health and longevity of these street trees. The Council's Horticultural & Arboricultural Coordinator has confirmed that he does not consider the location of the street trees would be an impediment to the establishment of new driveway crossovers for the proposed row dwellings.

Environmental Sustainability

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

City Wide Objectives:	23 & 42.
City Wide PDCs:	67-72, 147, 148, 151 & 159.

Having regard to both the orientation of the subject land and the indicative dwelling floor plans, it is considered that good access to northern light in the winter months for both the internal living areas and the private open space areas is achievable in accordance with City Wide PDC 68.

Summary

The proposed land division is within the Residential Zone, Medium Density Policy Area and will result in the creation of five (5) Torren Title allotments, which are intended for the future development of five (5) row dwellings.

With regard to land use, row dwellings are an anticipated form of development in the Medium Density Policy Area. With regard to density, all of the proposed allotments satisfy the minimum frontage width requirement for row dwellings, however, four (4) of the allotments do not satisfy the minimum site area requirement. Three (3) of the proposed allotments fall short of the prescribed minimum requirement by 25% and one (1) allotment falls short by (3%). While the 25% shortfall is considered reasonably significant, it is noted that if the subject land was to be divided into five (5) equally proportioned sites, each site would have an area of 183m², which is only 8% less than the prescribed minimum requirement.

The indicative plans provided in support of the land division demonstrate that notwithstanding the site area shortfall, it is considered that the allotments could be developed for five (5) row dwellings which would sufficiently satisfy the relevant City-Wide, Zone and Policy Area provisions of the Development Plan.

On balance, it is considered that the proposed Torrens Title Land Division is not seriously at variance with the Development Plan and sufficiently accords with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/D106/16 by Ecologik, to undertake a Torrens Title Land Division creating four (4) additional allotments, on land located at 41 Marden Road, Marden, subject to the following conditions:

Relevant Plans

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

- Plan of Division prepared by Access SDM Pty Ltd dated 12 December 2016 and received by the Council on 18 January 2017.

Conditions

1. All buildings and structures, with the exception of the cement block garage located on the western boundary of the subject land, shall be demolished and removed prior to the issuing of section 51 clearance.

Notes to Applicant

1. 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.

2. The postal address of the newly created allotments are:

- Allotment 95 = 17A Grigg Street, Marden
- Allotment 96 = 17B Grigg Street, Marden
- Allotment 97 = 17C Grigg Street, Marden
- Allotment 98 = 17D Grigg Street, Marden
- Allotment 99 = 17E Grigg Street, Marden

3. 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.

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

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/D106/16 by Ecologik, to undertake a Torrens Title Land Division creating four (4) additional allotments, on land located at 41 Marden Road, Marden, subject to the following conditions:

Relevant Plans

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

- Plan of Division prepared by Access SDM Pty Ltd dated 12 December 2016 and received by the Council on 18 January 2017.

Conditions

1. All buildings and structures, with the exception of the cement block garage located on the western boundary of the subject land, shall be demolished and removed prior to the issuing of section 51 clearance.

Notes to Applicant

1. 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.

2. The postal address of the newly created allotments are:

- Allotment 95 = 17A Grigg Street, Marden
- Allotment 96 = 17B Grigg Street, Marden
- Allotment 97 = 17C Grigg Street, Marden
- Allotment 98 = 17D Grigg Street, Marden
- Allotment 99 = 17E Grigg Street, Marden

3. 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.

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

Seconded by Ms Newman and carried.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/D080/2016 AND 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 an Application which was previously considered and deferred by the Panel, at its meeting held on 18 January 2017. The Applicant has submitted further information in relation to the Application and it is necessary for the Panel to determine whether or not the proposal sufficiently accords with the Development Plan to warrant consent.

Background

The Applicant is seeking consent to undertake a Torrens Title Land Division (DA 155/D080/16) and an associated 'combined' Application which involves a Community Title Land Division and a land use/built form proposal for the whole of the subject land (DA 155/081/16).

At its meeting held on 18 January 2017, the Panel determined:

“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.”*

A copy of the relevant section of the Minutes of the Panel meeting held on 18 January 2017, including attachments, is contained in **Attachment A**.

Discussion

The Panel raised concerns with aspects of the proposed development relating to passive surveillance and pedestrian safety and requested the Applicant to consider changes to the design of the rear garages for the Dwellings fronting Briar Road and to the design of the central common walkway to better address the Development Plan provisions relevant to safety and security.

The layout of the development site includes common driveways which serve the mostly rear loading garages and carports of the dwellings on subject land. Pedestrian access for Dwellings 12 to 33 is via a common central walkway and for Dwellings 41 to 49 is via the northern-most common driveway.

The Panel raised concern with safety and security within these common areas, particularly for pedestrians. The discussion which resulted in the deferral motion suggested that pedestrian access arrangements to the central common walkway should be clarified as to whether this area would be gated or open for anyone to access, and that further detail should be provided to establish lighting arrangements and to confirm the suitability of landscaping for safety and security purposes.

The Panel also thought that passive surveillance of the common driveway areas behind the dwellings fronting Briar Road was inadequately addressed.

In response to these concerns, the Applicant has replaced the garages of Dwellings 1 to 11 and 34 to 40, with skillion roofed carports, which have timber look steel batten auto-operational doors that provide 25% visual permeability. A copy of the amended plans is contained in **Attachment B**. The Panel should note that only the amended plans are contained in this attachment – these plans replace sheets 2 of 17, 4 of 17, 12 of 17 and 14 of 17, which are contained in Attachment A of this report.

The Applicant has also engaged the consultancy firm, Oxigen, to prepare an integrated landscape and lighting plan. A copy of this plan is contained in **Attachment C**. The Panel should note that this landscaping and lighting plan replaces the indicative landscaping shown on the site plan (sheet 1 of 17), which is contained in Attachment A of this report.

City-Wide PDC 243 states:

Residential developments and associated spaces should be designed to enhance safety and security by:

- (a) *ensuring dwellings overlook public and communal streets and public open spaces to allow casual surveillance;*
- (b) *avoiding heavily obscured or isolated spaces that potentially expose residents to threat in their usual movements to and from home e.g. by providing convenient and safe access from car parking spaces to entry doors;*
- (c) *providing clear lines of sight and appropriate lighting;*

- (d) *clearly differentiating public, communal and private areas through the use of low front fences or other visual treatments; and*
- (e) *making the public realm attractive to general foot traffic and casual surveillance throughout various times of the day."*

It is considered that the more open nature of the carports and their lower height would increase the opportunity for passive surveillance from the rear yards and upper level windows of Dwellings 1 to 11 and 34 to 40, albeit that the upper level windows include privacy treatment. Whilst the privacy treatment excludes most incidental overlooking, the fact that from the driveway area these windows would be visible and that from inside, a person standing could actively choose to overlook the driveway, increases the perception and opportunity for surveillance. The auto-operational doors would still provide security but would also allow some visibility from the rear yards of the dwellings. In this regard, it is considered that these amendments better address PDC 243 parts a) and e) by increasing casual surveillance opportunities. In addition, the landscaping plan shows that light poles will be located at various positions along the common driveway areas, which would further assist in this respect.

In relation to the central common walkway for Dwellings 12 to 33, the plans now confirm that the entrance from Briar Road will be gated. The landscaping plan includes a planting schedule and indicates the placement for bollard lights. These treatments are considered to better address parts c) and d) and e) of PDC 243.

It is further noted that with regard to part b) of PDC 243, with the exception of the six (6) apartments contained within RFB 6, all dwellings provide secure access to the dwelling sites via locked garages/carports, which would allow occupants to enter their respective dwellings from within the secure area. Whilst the six (6) carports associated with RFB 6 are not secure, they are in plain view from most of the surrounding dwellings which increases surveillance opportunities. The lighting of the common areas will further assist in this regard.

Summary

The Applicant has given consideration to the areas of concern which were raised by the Panel at the meeting held on 18 January 2017. The Applicant has provided a new landscaping and lighting plan and has amended the site and elevation plans in relation to the dwellings fronting Briar Road, in an attempt to address the Panel's concerns.

It remains the opinion of staff that the proposed combined land division and land use applications are not seriously at variance with the Development Plan and sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

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 (excluding the indicative landscaping), Elevation Plans, Ground Floor Plans, First Floor Plans (Sheets 3 of 17, 5 to 11 of 17, 13 of 17 and 15 to 17 of 17) 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.
- Landscaping and Lighting Plan prepared by Oxigen (dated January 2017) and received by the Council on 31 January 2017.
- Elevation Plans and Ground Floor Plans (Sheets 2 of 17, 4 of 17, 12 of 17 and 14 of 17) prepared by Alberto D'Andrea and Associates (as amended) and received by the Council on 17 February 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. 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.
 7. 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.
 8. 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.
 9. 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.
-

Mr Donaldson moved

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application 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 (excluding the indicative landscaping), Elevation Plans, Ground Floor Plans, First Floor Plans (Sheets 3 of 17, 5 to 11 of 17, 13 of 17 and 15 to 17 of 17) 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.*
- *Landscaping and Lighting Plan prepared by Oxigen (dated January 2017) and received by the Council on 31 January 2017.*
- *Elevation Plans and Ground Floor Plans (Sheets 2 of 17, 4 of 17, 12 of 17 and 14 of 17) prepared by Alberto D'Andrea and Associates (as amended) and received by the Council on 17 February 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. *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.*
7. *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.*
8. *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.*
9. *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

1. *The Applicant is encouraged to retain, reuse or relocate the existing palm trees on the subject land and notes the Applicant's intention to do so.*

Seconded by Mr Smith and carried.

2. STAFF REPORTS

2.4 DEVELOPMENT APPLICATION 155/573/2016 – DIMENSION DESIGN STUDIO – 183 O G ROAD, MARDEN

DEVELOPMENT APPLICATION:	155/573/16
APPLICANT:	Dimension Design Studio
SUBJECT SITE:	183 O G Road, Marden (Certificate of Title, Volume: 5806 Folio: 798)
DESCRIPTION OF DEVELOPMENT:	Demolition of a single-storey detached dwelling and associated outbuildings, and the construction of a two-storey residential flat building comprising five (5) dwellings and an office (fronting O G Road) with associated car parking and landscaping
ZONE:	Residential Zone (Medium Density Policy Area) - Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide details to the Panel on a compromise proposal which has been submitted in relation to a Development Application that was refused by the Panel at its meeting held on 19 December 2016 and which is the subject of an Appeal to the Environment Resources and Development (ERD) Court. The Panel is required to consider the amended plans and advise the ERD Court as to whether or not the amended plans satisfactorily address the concerns identified with the Application, such that consent would now be warranted.

Background

On 19 August 2015, Development Application 155/573/16 was lodged with the Council for the demolition a single-storey detached dwelling and associated outbuildings, and construction of a two-storey residential flat building comprising five (5) dwellings and an office (at upper level only) with associated car parking and landscaping.

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

1. *Lack of adequate street setback contrary to PDC 7 of the Medium Density Policy Area;*
2. *Lack of adequate landscaping to the front of the site contrary to City Wide Objective 24 and City Wide Principle of Development Control 73;*
3. *The bulk and scale of the building contrary to City Wide Objectives 18 and 19;*
4. *The lack of street activation of the first storey office component and car parking area.*

A copy of the relevant part of the Minutes of the Panel meeting held on 19 December 2016, is contained in **Attachment A**.

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

The proposed amendments can be summarised as follows:

- the outwardly contemporary design appearance of the office component has been amended and now displays a more residential form and appearance to O G Road.
- the office component now incorporates an entry area that leads into an office and reception area at ground level. The previously refused proposal had only a stair entry and lift access at ground level.
- the overall floor area of the office has increased from 155m² to 166m².
- the five (5) car parking spaces (ie. associated with the office during business hours and three (3) of which are to be available for visitors outside of office hours) have been reconfigured.
- as the car parking area has been amended, meaningful landscaping areas have been introduced in between the front ground floor office area and the O G Road property boundary of the subject land.

A copy of the amended plans and a covering letter prepared by the Applicant's Planning consultant is contained in **Attachment B**.

Discussion

The amended plans will be discussed in the context of the reasons for refusal given by the Panel.

Lack of adequate street setback contrary to PDC 7 of the Medium Density Policy Area

Medium Density Policy Area Principle of Development Control 7 states that development fronting an arterial road within the Medium Density Policy Area should be designed with a minimum setback of 6.0 metres, however, a closer set-back may be provided for mixed- use buildings on arterial roads that comprise non-residential uses at ground level.

The previous proposal involved an office at first floor level, with car parking below at ground level, with a 4.0 metre setback from OG Road to the building. As there was no commercial land use at ground level providing street activation, the opportunity for a setback of less than 6.0 metres provided for in Principle of Development Control 7 did not apply.

The amended proposal includes the provision of office space at ground level, with a front setback that varies for the most part between 4.0 and 4.8 metres, with a central projecting facade element being set back between 3.6 and 3.8 metres.

By providing office space at ground level, the street setback dispensation clause in Principle of Development Control 7 for mixed use buildings containing non-residential land uses at ground level is applicable. Accordingly, the amended plans are considered to adequately address this aspect of the proposal.

Lack of adequate landscaping to the front of the site contrary to City Wide Objective 24 and City Wide Principle of Development Control 73

By providing office space at ground floor level and reconfiguring the onsite car parking, a larger area of soft landscaping is able to be provided between the building and OG Road.

The Applicant has provided a detailed landscaping scheme. The landscaping scheme includes groundcovers (White Fan Flower and Flax Lilly), shrubs (Lilly Pilly, Wallflower and Japanese Box), climbers (Native Sarsaparilla) and trees, with branches more or less parallel to the main stem, (Fastigate Lilly Pilly) are proposed adjacent to the central common driveway area as well as the front yard area of the office.

The revised landscaping scheme is considered to provide additional amenity benefits in terms of improved visual attractiveness and softening of the development, as well as assisting reducing heat accumulation in summer months.

Accordingly, the quality and extent of landscaping is considered to be an improved outcome in comparison to the original landscaping scheme.

The bulk and scale of the building contrary to City Wide Objectives 18 and 19

The Applicant has amended the appearance of the proposed office component of the two storey building in order to improve its relationship to existing residential buildings on adjacent and nearby land on the south-western side of O G Road.

In particular, the same external materials and finishes that are proposed for the five (5) dwellings, are now proposed to be used for the office component. This includes grey coloured colorbond roofs, rendered hebel wall cladding (colour light grey), exposed brickwork ('Metallix' black or similar with 'Brighton light' mortar joints') and powder-coated black aluminium window frames. In addition, the office component now has a traditional hipped roof form and relatively residential proportioned windows at both ground and upper level. Whilst the overall form remains two-storey and the bulk and scale is greater than immediately adjacent development, it is considered that the revised design provides an improved relationship with the existing built form character of surrounding environment.

All other aspects of the proposed development (ie. the five (5) dwellings) are unchanged.

The lack of street activation of the first storey office component and car parking area.

The Applicant has addressed this concern by altering the design of the office component. More specifically, the overall appearance of the office is now outwardly two-storey in form with the car parking area situated behind the office and within the proposed building envelope. This in turn has enabled the front lawn and landscaped area to be introduced in between the proposed office facade and the O G Road front boundary.

With the introduction of the office floor area at ground level, two relatively large window areas are proposed either side of the front entrance door and will provide for greater street activation and connectivity, as well as casual surveillance from the 'office/reception' area and the 'boardroom' onto the now well-landscaped front yard area and onto O G Road. In this context, the compromise proposal is considered to be consistent with Residential Zone Principle of Development Control 1 and Medium Density Policy Area Principle of Development Control 7, both of which encourage commercial land uses at ground level, as well as the following excerpt from the desired character statement for the Residential Zone:

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

A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape"

Summary

The compromise proposal is considered to address the reasons for refusal that were given at the Panel meeting held on 19 December 2016.

The revised design of appearance and reconfiguration of the office component results in a more sympathetic and visually compatible building form when viewed within a streetscape context. Combined with both improved streetscape activation and meaningful landscaping areas to the front of the site, the proposed changes are considered to add further merit to the proposed development when compared to the original proposal.

The compromise proposal is considered to sufficiently accord with the Development Plan to warrant consent, for the reasons set out in the previous report and the further analysis provided in this report.

RECOMMENDATION

That the Environment Resources and Development Court be advised that the Development Assessment Panel is satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, subject to the following conditions:

Relevant Plans

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

- plans and elevations (Project Number 740.16 – Revision D) prepared by Dimension Design Studio and received by the Council on 1 February 2017;
- landscaping plan and schedule prepared Mr Tony Stanton of Living Pictures and received by the Council on 1 February 2017; and
- Civil Plan & Details (Project Number 160801 and Drawing Number C1) prepared by MQZ Consulting Engineers and received by the Council on 6 February 2017.

Conditions

1. The portion of all upper floor windows on the northern, southern and western elevations, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings and office area in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)
2. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.
3. A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.
4. A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), shall be installed for each of the dwellings or alternatively, an 10 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.
5. The existing northernmost crossover invert shall be reinstated to kerb and gutter prior to the occupation of the dwellings and office building to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.
6. A landscaping scheme relating to the landscaping area located in between the O G Road property boundary and the office car parking area, shall be prepared and provided to the Council prior to the granting of Development Approval, which illustrates the number of 'Oakville Crimson Spire' trees that are to be planted within the landscaping area, as well as details of suitable low-level plant species, located within these landscaping areas, to the reasonable satisfaction of the Council or its delegate.

7. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.
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Mr Mosel declared a conflict of interest in this matter as he knows one of the representors. Mr Mosel left the meeting at 8:19pm.

Mr Smith chaired the meeting in Mr Mosel's absence.

Mr Donaldson moved

That the Environment Resources and Development Court be advised that the Development Assessment Panel is satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, subject to the following conditions:

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Conditions

1. *The portion of all upper floor windows on the northern, southern and western elevations, less than 1.7 metres above the internal floor level shall be treated prior to occupation of the dwellings and office area in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 metres above the internal floor level or a window sill height of 1.7 metres above the internal floor level.)*
 2. *All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.*
 3. *A Stormwater Management Plan shall be prepared and provided to the Council with the documentation for Building Rules Consent, which illustrates stormwater discharge from the subject land at pre-development levels. On-site retention of stormwater may be required during high rainfall events. Sufficient storage (above or below ground) shall be provided to safely contain stormwater runoff from the contributing catchments for a 5 year ARI rainfall event.*
 4. *A rainwater tank with a storage capacity not less than 2 kilolitre (2000 litres), shall be installed for each of the dwellings or alternatively, an 10 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.*
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5. *The existing northernmost crossover invert shall be reinstated to kerb and gutter prior to the occupation of the dwellings and office building to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.*
6. *All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, prior to the occupation of the premises and shall be maintained to the reasonable satisfaction of the Council or its delegate.*

Seconded by Ms Newman and carried.

Mr Mosel returned to the meeting at 8:28pm.

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:29pm.

Terry Mosel
Presiding Member