

Development Assessment Panel Minutes

19 April 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.*

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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

Page No.

1.	CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 20 MARCH 2017	1
2.	STAFF REPORTS	1
2.1	DEVELOPMENT APPLICATION 155/106/2017 – MR RAPUANO & MRS RAPUANO – 20A EDWARD STREET, NORWOOD	2
2.2	DEVELOPMENT APPLICATION 155/911/2016 – LARES HOMES – 16 PROSSER AVENUE, NORWOOD	14
2.3	DEVELOPMENT APPLICATION 155/C104/2016 – CHEESMAN ARCHITECTS – 9 NORA STREET, MAYLANDS	29
2.4	DEVELOPMENT APPLICATION 155/495/2016 – TAMIR DUNNING PROPERTY GROUP – 13 EDWARD STREET, GLYNDE	38
3.	OTHER BUSINESS	45
4.	CONFIDENTIAL REPORTS	45
5.	CLOSURE	45

VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members 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)
Mr Nenad Milasinovic (Acting Senior Urban Planner)
Ms Emily Crook (Urban Planner)

APOLOGIES Mr Terry Mosel

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 20 MARCH 2017

Mr Donaldson moved that the minutes of the Meeting of the Development Assessment Panel, held on 20 March 2017 be taken as read and confirmed,

Seconded by Ms Newman and carried.

2. STAFF REPORTS

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

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/106/2017 – MR RAPUANO & MRS RAPUANO – 20A EDWARD STREET, NORWOOD

DEVELOPMENT APPLICATION:	155/106/17
APPLICANT:	Mr Rapuano & Mrs Rapuano
SUBJECT SITE:	20A Edward Street, Norwood (Certificate of Title; Volume: 6179, Folio: 955)
DESCRIPTION OF DEVELOPMENT:	Construction of a two-storey detached dwelling together with an associated swimming pool, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone – Norwood 4 Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 24 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a two-storey detached dwelling with an associated swimming pool, fencing and landscaping.

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

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

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

Subject Land Attributes

Shape:	irregular (ie. 'battleaxe/hammerhead')
Frontage width:	4.0 metres
Depth:	54.56 metres
Area:	560m ²
Topography:	gently sloping from the rear (east) to the front (west)
Existing Structures:	vacant
Existing Vegetation:	no vegetation

The subject land was created via Land Division Approval 155/D014/16. This Land Division Approval resulted in the existing dwelling at 20 Edward Street being retained on a reduced site area of 641m². The allotment slopes from rear (east) to front (west), falling approximately 1.2 metres over the 54.56 metre depth of the site (more specifically, the driveway handle) resulting in a relatively gentle gradient.

Locality Attributes

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

The dwellings either side of the subject land facing Edward Street are mid-1990's two storey townhouse style dwellings located to the south at 22 Edward Street and a cottage located at 18 Edward Street. A single-storey residential flat building and the Margaret Ives Kindergarten are located directly opposite the subject land. Edward Street displays high amenity resulting from dense and mature street tree plantings and high proportion of character dwellings adding to the amenity of the area.

To the north of the subject land, an outwardly two-storey dwelling is located at 17A Moulden Street. To the east, three single-storey cottages are located at 19, 21 and 23 Moulden Street. To the south at 22B Edward Street, a dwelling with a 'room in the roof space' design is situated behind 22 Edward Street.

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

Proposal in Detail

The Applicant seeks consent to construct a two-storey detached dwelling, together with a swimming pool, fencing and landscaping.

The proposed dwelling has a contemporary rectilinear form. The external walls are a combination of face brick (colour Austral Brahman Granite) at the southern and eastern ground level elevations and rendered painted walls (colour Dulux "Ghosting Quarter") at upper level and the ground level northern and western elevations. Feature steel interlocking panels (colour 'dark tonal') are proposed to the upper level western and southern elevations. The dwelling has 3.0 metre and 2.7 metre floor to ceiling heights at ground level and upper level respectively.

At ground level, the proposed dwelling comprises open plan kitchen/dining/living, two bedrooms (including a master with ensuite and walk in robe), a covered alfresco area, WC, laundry and storeroom and a double garage. An inground swimming pool is proposed adjacent to the open plan kitchen/dining/living and alfresco area.

The side and rear boundary fences will be replaced with a combination of corrugated profile colorbond – 'Windspray' fencing and painted (colour 'grey tonal') rendered masonry, both with a maximum height of 1.8 metres. Automated 1.8 metre high inwardly swinging driveway gates comprising painted black vertical steel flat bars are to be situated 6.8 metres from the front property boundary.

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

TABLE 1: DEVELOPMENT DATA:

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Site Area	560m ²	300m ²
Allotment Width	4.0 – 22.0m	N/A
Allotment Depth	54.56	N/A
External Wall Height*	3.6m (ground level) 7.1m (ground + upper level)	N/A
Maximum Overall Height (to roof apex)*	7.2m	N/A
Floor Area (total)	345.3m ²	N/A
Floor Area (footprint)	237m ²	N/A
Site Coverage	42.3%	N/A
Private Open Space	104m ² 19% of site area 59% uncovered	20% of site area 50% uncovered

TABLE 1: DEVELOPMENT DATA *continued...*

Consideration	Proposed Dwelling	Development Plan Merit Assessment Quantitative Guideline
Side Set-back	Northern: 1.2m and 2.3m at ground level 4.5m at upper level Western: Nil and 900mm - 1.5m at ground level 4.5m at upper level Eastern: 940mm (verandah/alfresco) and 2.5m at ground level 4.6m at upper level Southern: 3.0m and 6.6m at ground level 6.0m at upper level	2.5m - CWPDC 202 (ground level) 4.5m – CWPDC 203 (upper level)
Car Parking Provision	2 undercover + 1 visitor	2 - one of which is covered

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

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

Notification

The proposed development has been identified and processed as a Category 1 form of development. More specifically, the two-storey detached dwelling is Category 1, pursuant to Schedule 9, Part 1, 2(a) of the *Development Regulations 2008*. The other ancillary structures such as the swimming pool and fencing are also Category 1 forms of development pursuant to Schedule 9, Part 1, 2(d) of the *Regulations*.

Accordingly, 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 Norwood 4 Policy Area of the Residential Historic (Conservation) Zone; as identified within the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use and Density

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

- Norwood 4 Policy Area Desired Character Statement
- Norwood 4 Policy Area Objective: 1.
- Norwood 4 Policy Area PDC's: 1, 2, & 5.

RH(C)Z Desired Character Statement	
RH(C)Z Objectives:	1.
RH(C)Z PDC's:	1, 2, 7 & 8.
City Wide Objectives:	1, 2, 7, 8, 10 & 55-57.
City Wide PDC's:	1, 2, 3 & 4.

Norwood 4 Policy Area Principle of Development Control 2 states:

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

Residential Historic (Conservation) Zone Principle of Development Control 8 states (in part):

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

- (a) *land is vacant or under-utilised and the development can be achieved without adverse impact on the established residential amenity and the historic character of the relevant policy area;'*

Norwood 4 Policy Area Principle of Development Control 2 encourages a range of types and forms of residential accommodation and Residential Historic (Conservation) Zone Principle 8 encourages new dwellings on under-utilised land.

Of the overall 560m² of the subject land, the proposed dwelling is to be sited on approximately 435m² of the vacant land (ie. the portion of the land excluding the 'handle'). At 435m², the portion of the subject land excluding the 'handle' is larger than most directly neighbouring residential allotments – ie. 18 Edward Street 330m², 17A Moulden Street 319m², 19 Moulden Street 356m², 21 Moulden Street 372m² and 23 Moulden Street 374m².

In terms of land use, detached dwellings are an anticipated land use within the Norwood 4 Policy Area. Accordingly, the subject land is considered capable of accommodating a detached dwelling.

Streetscape/bulk/scale/height/character

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objective:	1.
Norwood 4 Policy Area PDC's:	1, 2, & 4.
Residential H(C)Z Desired Character Statement	
Residential H(C)Z Objectives:	1 & 5.
Residential H(C)Z PDC's:	1, 2, 13-19, 22, 23, 25 & 26.
City Wide Objectives:	18, 19 & 20.
City Wide PDC's:	28-32, 37, 39, 41, 201 & 209-216.

The proposed dwelling is outwardly two-storey in form, with a maximum height of 7.2 metres. In terms of architectural style, the proposed dwelling is outwardly contemporary in its design. It has a flat concealed roof with no eaves to the upper level and incorporates traditional external building elements such as face brick, render and timber soffits.

City Wide Principle of Development Control 201(a) limits dwellings on battleaxe and hammerhead allotments to a single storey height, except in areas where the predominant height of surrounding development is greater than one storey. In this instance, the proposal is considered to satisfy Principle 201(a), in that surrounding development is predominantly two-storey in building height (ie. 20, 22 and 22b Edward Street and 17A Moulden Street). In addition to this, the proposal is consistent with Principle of Development

Control 4 of the Norwood 4 Policy Area, which states that development in the policy area should not exceed two storeys in height.

Principle of Development Control 1 of the Norwood 4 Policy Area states that development should not take place unless it is consistent with the desired character of the policy area. In this respect, the Desired Character Statement states that the existing character created by villas and cottages should be preserved.

The proposed dwelling is set well back (ie. some 17.4 metres) from Edward Street, behind the existing original detached dwelling (with a new two-storey addition to the rear of it) at 20 Edward Street, such that it does not form part of the Edward Street streetscape. Accordingly, it is considered that the proposal does accord with the desired character of the policy area, as it does not compromise the existing streetscape character.

The Council's Heritage Adviser, Mr David Brown, has reviewed the Application and is supportive of the contemporary two-storey form of the dwelling from a heritage perspective. A copy of Mr Brown's report is contained in **Attachment C**.

It is considered that the proposed development accords with relevant provisions of the Development Plan that relate to bulk, scale and character. Accordingly, the proposal is considered to be acceptable from a heritage and character perspective.

Setbacks and Site Coverage

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objective:	1.
Norwood 4 Policy Area PDC:	1
RH(C)Z PDC's:	10, 11 & 12.
City Wide PDC's:	50, 202, 203204, 206, 207 & 208.

City Wide Principle of Development Control 202 states:

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

City Wide Principle of Development Control 203 states:

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

The adjacent dwelling to the north at 17A Moulden Street, Norwood is a conventional two-storey dwelling and has a setback of 1.0 metre to the northern boundary of the subject land. The three adjacent south-facing ground level windows of 17A Moulden Street are bathroom and kitchen windows along with a glazed personal access door from the laundry. The dwelling located to the south of the subject land at 22B Edward Street, is also a two-storey dwelling, but has a single-storey appearance as it has a 'room in the roof space' design. It also has a 1.0 metre setback from the southern boundary of the subject land, with a bathroom and bedroom located along this elevation.

Of the three directly neighbouring properties to the east, 19 Moulden Street shares approximately 2.6 metres of the eastern boundary of the land and has a predominant outlook to the west on 17A Moulden Street, 21 Moulden Street has a relatively substantial garage built on the eastern boundary subject land and as such, views of the proposed dwelling will be largely limited to some extent of the upper level and 23 Moulden Street is likely to retain a more open outlook to the west (ie. the subject land), given the location of the upper level in relation to the rear yard area of this property.

The proposed dwelling does not accord with City Wide Principle 202, in that it is not set back 2.5 metres from the northern and western boundaries. Given that the proposed dwelling will have similar side setbacks to the neighbouring northern dwelling (ie. 17A Moulden Street) of 1.2 metres and is to be built to a portion to the western boundary abutting the enclosed alfresco area of 20 Edward Street whilst having a setback of 900mm – 1.5 metres, the non-conformance with Principle 202 is not considered to be fatal to the application as the occupiers at 17A Moulden Street do not have an outlook towards the subject land from a main living area.

In terms of the occupiers at 20 Edward Street, the proposed ground level setbacks to the 3.6 metre high western walls are considered to provide a reasonable level of visual separation when viewed from the private rear yard area of this property so that the visual amenity for these directly neighbouring occupiers is not considered to be unreasonably compromised. On the eastern boundary, the proposed covered alfresco/verandah area is closer than 2.5 metres (ie. 940mm) however, this is not at odds with Principle 202, as the alfresco area is not integrated into the dwelling.

The proposed upper level setbacks range from 4.5 metres from the western and northern boundaries, 4.6 metres from the eastern boundary and 6.0 metres (at the closest point) from the southern boundary. The upper level setbacks accord with City Wide Principle 203.

The Norwood 4 Policy Area does not provide a quantitative figure for the maximum site coverage of a development. Instead, a more qualitative assessment is required against Principle of Development Control 12 of the Residential Historic (Conservation) Zone, which states:

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

The adjacent and nearby character dwellings at 10 to 18 Edward Street range between 40% and 53%, with an average site coverage of approximately 45%. The adjacent dwellings to the south of the subject land have a greater average site area, however these dwellings are predominantly townhouses which do not make a significant contribution to the historic character.

Notwithstanding this, the proposed site coverage of 42.3% is consistent with those buildings which contribute significantly to the historic character of the locality and is therefore considered to be appropriate.

Accordingly, the setbacks and site coverage of the proposed development are considered to be acceptable.

Overshadowing/overlooking

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

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

City Wide Principle of Development Control 196 states:

'Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that the north-facing windows of habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9am and 5pm on the winter solstice (21 June).'

The extent of shadowing from the proposed development satisfies the criteria prescribed in Principle 196 with respect to shadowing impact on the rear private open space area of 22B Edward Street. It is also reasonable to anticipate that overshadowing will occur within localities where density is relatively high and siting of buildings is generally compact.

The portion of the subject land exclusive of the 'handle' is relatively flat and the proposed finished floor levels are such that there will be no unreasonable overlooking of adjacent dwellings or their private open space areas from the internal living areas and surrounding ground levels of the subject land. In terms of the upper level windows, window sill heights of 1.7 metres above the finished floor level are proposed to all the room

areas, which satisfies the criteria specified in City Wide Principle of Development Control 235(a), which requires windows to have a sill height of not less than 1.7 metres above the finished floor level.

The only exception to this is the two fixed glass panels on the southern upper level elevation containing a void area above the internal ground floor entry area. Whilst there is no overlooking potential from the upper level void area, it does raise the possibility of the perception of overlooking when viewed from 22B Edward Street. In this context, if the Panel determine to approve the proposal, it is recommended that a condition be imposed requiring that this section of glazing be fixed and obscured below 1.7 metres above the internal upper floor level.

As such, the proposed development is considered to be consistent with City Wide Principle of Development Control 11, in that no unreasonable overlooking or overshadowing will result from the development.

Private open space

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

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

The proposed dwelling includes approximately 104m² of private open space which is situated predominantly in along the eastern boundary. The private open space area includes the alfresco area, the swimming pool area and a lawned area toward the south-eastern corner of the land. The private open space is well oriented and will have good solar access in the morning to early afternoon periods.

The proposed area of private open space equates to 19 % of the overall site area, which does not accord with the minimum provision of 20%, stated in City Wide Principle of Development Control 225(a), however, this is considered to be a negligible shortfall, given that approximately 125m² of the subject land is attributed to the driveway handle. Accordingly, the configuration and provision of private open space is considered to be acceptable in the circumstances.

Car-parking/access/manoeuvring

RH(C)Z PDC's: 32.

City Wide Objectives: 34.

City Wide PDC's: 98, 101, 104, 118, 120, 181, 189, 198 & 219.

Table NPSP/8

Table NPSP/8 states that detached dwellings should be provided with two on-site car parking spaces per dwelling, of which at least one space should be covered. The proposed development will enable two vehicles to be parked undercover within the double garage and one visitor vehicle in front of the automated driveway gates.

The provision of on-site car parking therefore satisfies Table NPSP/8.

A new crossover will need to be constructed in order to provide access to the driveway handle. The section of Council verge area that the new crossover is to be situated within is free from impediments such as street trees or side entry pits.

Staff have applied vehicle manoeuvring templates for an 85th percentile vehicle and the proposed 5.4 metre wide panel lift door will enable vehicles to enter and exit the garage in a safe and convenient manner and exit onto the driveway handle in a forward direction.

The provision of on-site car parking, vehicle access and manoeuvring are considered to be acceptable.

Finished floor levels/flooding/retaining

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

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

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

The finished floor level of the proposed dwelling is approximately 1.55 metres above the top of kerb level in Edward Street, such that all stormwater from the dwelling will be able to drain by gravity to the street water table.

The adjacent ground levels are not proposed to be built up, with the proposed finished ground floor level to be at the height of surrounding ground level and/or no higher than 100mm above surrounding ground levels (ie. along the northern and north-eastern sides of the land).

A 1.8 metre high rendered masonry fence is proposed along a portion of the eastern boundary and is to return for a length of 8.1 metres along a portion of the northern boundary. Corrugated profile 1.8 metre high 'good neighbour' fencing is to be installed to the remaining portion of the eastern and northern boundaries and the entire length of the southern boundary.

The combined height of fencing and any potential retaining walls will not exceed 2.1 metres in any location, consistent with City Wide PDC 58 which prescribes that the combined height of a retaining wall and fence should not exceed 2.4 metres.

Trees (regulated, mature & street) and landscaping

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

Residential H(C)Z PDC's: 36 & 37.

City Wide Objectives: 24, 98, 117, 118 & 119.

City Wide PDC's: 220, 221, 396, 398- 400.

There are no regulated or mature trees on the subject land.

The Desired Character Statement for the Residential Historic (Conservation) Zone states that new development will be set in a sympathetic landscaped setting. This is reiterated by the Desired Character Statement for the Norwood 4 Policy Area, which promotes landscaped frontages.

In terms of landscaping, the Applicant has provided a landscaping plan and schedule, which identifies a range of ornamental trees, shrubs and ground covers adjacent the eastern side and to the southeast of the proposed dwelling. In addition to this, the Applicant has proposed Crepe Myrtle ('Indian Summer') and Murraya hedging either side of the driveway handle (ie. a 800mm wide section north of the visitor parking area before the automated driveway gates and a 600mm wide landscaping strip adjacent the length of the southern side of the driveway handle).

The proposed landscaping is considered to enhance the amenity of the proposed dwelling, particularly given the extent of hard paved areas as part of the development proposal. In this context, the provision of landscaping is considered to be acceptable and will complement the dwelling and achieve a 'landscaped setting' in accordance with the Desired Character Statement for the Residential Historic (Conservation) Zone.

Environmental Sustainability

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

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

The proposed internal ground level living area of the dwelling and main private open space area are well oriented for solar access, with the covered alfresco/verandah area situated adjacent to the open plan kitchen/meals/living area, providing sun and wet-weather protection.

High level and horizontally proportioned boxed-in windows are proposed on the western and northern elevations which will result in minimal heat-load on the internal area during the summer months.

The proposed dwelling are is to be provided with a 1,150 litre rainwater tank, which is to be plumbed back to the dwelling. Given that the proposed development includes large areas of impervious surfaces (ie. both roof catchment area and paved ground surface area), it is recommended that if the Panel determines to approve the proposed development, that a condition be imposed requiring that at a rainwater tank with a minimum capacity of 2,000 litres be installed, in accordance with City Wide Principle of Development Control 159.

Summary

The proposed development is of a height, scale and architectural character and appearance that is appropriate within the Residential Historic (Conservation) Zone given its location on an existing battleaxe/hammerhead allotment and the existing built form context surrounding the subject land.

Whilst the proposal does not meet the quantitative provisions relating to side set backs at ground level, the proposed built form will not result in unreasonable impacts such as compromised visual outlook for neighbouring occupiers, nor excessive shadowing of neighbouring land.

The proposed overall site coverage of the new dwelling is considered to be acceptable and compatible in the context of surrounding development which contributes to the historic character of the locality.

The environmental aspects of the dwelling design, are generally a positive aspect of the development.

Adequate on-site car parking, landscaping and stormwater management arrangements have been incorporated as part of the proposal.

It is considered that the extent of overshadowing impacts would not be unreasonable, given the siting of the dwelling, the surrounding built form and the orientation of the allotment.

The slight shortfall in the quantum of private open space is considered to be a marginally negative aspect of the proposal.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/106/17 by Mr and Mrs Rapuano, to construct a two-storey detached dwelling together with an associated swimming pool, fencing and landscaping, on the land located at 20A Edward Street, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans, elevations and landscaping plan and schedule (Project Number 16.035) prepared by Proske Architects and received by the Council on 4 April 2017.

Conditions

1. The portion of the upper floor windows on the southern elevation, less than 1.7 metres above the internal floor level, shall be treated prior to occupation of the dwelling in a manner 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 kerb & water table or a Council underground pipe drainage system.
3. The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
4. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
6. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

5. The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).
 6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.
 7. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
-

Mr 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 155/106/17 by Mr and Mrs Rapuano, to construct a two-storey detached dwelling together with an associated swimming pool, fencing and landscaping, on the land located at 20A Edward Street, Norwood, subject to the following requirements, conditions and notes:*

Relevant Plans

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

- *plans, elevations and landscaping plan and schedule (Project Number 16.035) prepared by Proske Architects and received by the Council on 4 April 2017.*

Conditions

1. *The portion of the upper floor windows on the southern elevation, less than 1.7 metres above the internal floor level, shall be treated prior to occupation of the dwelling in a manner 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 kerb & water table or a Council underground pipe drainage system.*
 3. *The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.*
 4. *A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.*
 5. *All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.*
 6. *All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.*
-

Notes to Applicant

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

Seconded by Ms Newman and carried.

2. STAFF REPORTS

2.2 DEVELOPMENT APPLICATION 155/911/2016 – LARES HOMES – 16 PROSSER AVENUE, NORWOOD

DEVELOPMENT APPLICATION:	155/911/16
APPLICANT:	Lares Homes
SUBJECT SITE:	16 Prosser Avenue, Norwood (Certificate of Title; Volume: 5731, Folio: 724)
DESCRIPTION OF DEVELOPMENT:	Construction of a pair of two-storey semi-detached dwellings together with associated inground swimming pools, outbuildings, fencing and landscaping
ZONE:	Residential Historic (Conservation) Zone – Norwood 4 Policy Area – Norwood, Payneham and St Peters (City) Development Plan (dated 24 April 2016)
PUBLIC NOTIFICATION CATEGORY:	Category 1

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the construction of a pair of two-storey semi-detached dwellings together with associated inground swimming pools, outbuildings, fencing and landscaping.

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

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

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

Subject Land Attributes

Shape:	regular
Frontage width:	18.3 metres
Depth:	45.5 metres
Area:	832.7m ²
Topography:	gently sloping from the rear (south) to the front (north)
Existing Structures:	single-storey detached dwelling and a single-storey outbuilding within the rear yard area
Existing Vegetation:	several small mature trees both within the front and rear yard areas

Development Approval has been granted to divide the land into two equal sized allotments of 415.2m². In addition, Development Approval has been granted to demolish the existing dwelling and associated outbuilding on the land.

The existing dwelling on the land is a conventional hipped tiled roof 1960's dwelling that has an attached carport on its western side. A low masonry and metal front fence presents to the street along with a well lawned front yard area.

Locality Attributes

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

The dwellings either side of the subject land facing Edward Street are both single-storey interwar dwellings, which have been modified over the years (eg. the dwelling at 18 Prosser Avenue is a tudor style which has had a tiled roof installed in lieu of a sheet metal roof and has aluminium windows installed to the front elevation).

Located behind the tudor at 18 Prosser Avenue are two, two-storey dwellings, constructed around 1998. One of the dwellings (18B Prosser Avenue) has a single storey wall containing glass brick windows, located on the eastern boundary of the subject land.

The locality of the subject land is considered to be confined to the section of Prosser Avenue between Queen Street to the west and a 90 degree bend in Prosser Avenue to the east and contains almost exclusively detached dwellings of the interwar era. Later infill dwellings exist behind 18 Prosser Avenue and adjacent the subject land at 13A Prosser Avenue in the form of a replica tudor style detached dwelling. Prosser Avenue contains a number of mature street trees and reasonably well landscaped front yard areas, which also contributes positively to the amenity of the locality.

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

Proposal in Detail

The Applicant seeks consent to construct a pair of two-storey semi-detached dwellings, together with swimming pools, outbuildings, fencing and landscaping.

At ground level, each dwelling comprises an open plan kitchen/meals/living area, a master bedroom (including walk-in-robe and ensuite), a study, laundry, WC, single vehicle garages and a covered verandah/alfresco area to the rear, directly adjacent the main private open space area. A secondary open space area in the form of an internal courtyard is proposed to the eastern side of each dwelling. Inground swimming pools are proposed adjacent the eastern side boundaries. Associated outbuildings (comprising storage and waste bin storage) are proposed within the rear yard areas.

At upper level, each dwelling comprises three bedrooms, a separate living area and a bathroom.

The proposed dwellings have a mostly single-storey presentation to Prosser Avenue, when viewed within a streetscape context. The proposed architectural design approach is contemporary, whilst at the same time reflecting traditional design elements. Materials and finishes include a combination of rendered dwelling walls (painted 'Dulux Hasst', which is an off-white/beige colour) and garage walls (painted triple strength Dulux Hasst), stained Western Red Cedar windows and front entry door, colorbond custom orb roof cladding (colour Woodland Grey) and panel lift garage doors. Projecting canopies to the front elevations are to be constructed from 'pfc' profile steel and painted Woodland Grey.

The proposal also includes 1.2 metre high rendered masonry (painted Dulux Hasst) and metal infill front fencing to each dwelling adjacent Prosser Avenue. The masonry and metal infill fencing is to return along the internal boundary dividing the front yard areas of the two properties.

Each dwelling is to incorporate landscaping areas to the front and rear yards and also adjacent the outer areas of the internal courtyards.

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 (eastern dwelling)	Dwelling 2 (western dwelling)	Development Plan Merit Assessment Quantitative Guideline
Site Area	415.2m ²	415.2m ²	300m ²
Allotment Width	9.1m	9.1m	N/A
Allotment Depth	45.5m	45.5m	N/A
External Wall Height*	3.3m (single-storey) 6.6m (two-storey)	3.3m (single-storey) 6.6m (two-storey)	N/A
Maximum Overall Height (to roof apex)*	7.5m	7.5m	N/A
Floor Area (total)	285m ²	298m ²	N/A
Floor Area (footprint)	203m ²	211m ²	N/A
Site Coverage	49%	51%	N/A
Private Open Space	101.5m ² 24% of site area 76% uncovered	101.5m ² 24% of site area 76% uncovered	20% of site area (ie. 83m ²) 50% uncovered
Front Set-back	7.1m (canopy) 8.0m (facade) 10.8m (garage) 17.0m (upper level)	7.1m (canopy) 8.0m (facade) 10.8m (garage) 17.0m (upper level)	N/A
Side Set-back	900mm – 3.6m and boundary development (ground level eastern side) 900mm – 3.6m (upper level eastern side)	Boundary development and 1.2m (ground level western side) 1.2m (upper level western side)	N/A
Rear Set-back	8.9m (ground level) and 13.2m (upper level)	8.9m (ground level) and 12.4m (upper level)	N/A
Car Parking Provision	1 undercover and 1 visitor	1 undercover and 1 visitor	2 - one of which is covered

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

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

Notification

The proposed development has been identified and processed as a Category 1 form of development. More specifically, the two-storey semi-detached dwellings are Category 1, pursuant to Schedule 9, Part 1, 2(a) of the *Development Regulations 2008*. The other ancillary structures such as the swimming pool, outbuildings and fencing are also Category 1 forms of development pursuant to Schedule 9, Part 1, 2(d) of the *Regulations*.

Accordingly, 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 Norwood 4 Policy Area of the Residential Historic (Conservation) Zone; as identified within the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use and Density

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objective:	1.
Norwood 4 Policy Area PDC's:	1, 2, & 5.
RH(C)Z Desired Character Statement	
RH(C)Z Objectives:	1.
RH(C)Z PDC's:	1, 2, 7 & 8.
City Wide Objectives:	
City Wide PDC's:	1, 2, 7, 8, 10 & 55-57. 1, 2, 3 & 4.

Residential Historic (Conservation) Zone Principle of Development Control 8 states:

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

- (a) land is vacant or under-utilised and the development can be achieved without adverse impact on the established residential amenity and the historic character of the relevant policy area;
- (b) it replaces a building or use of land which does not contribute significantly to the heritage value, historic character and the desired character of the zone; or
- (c) it involves the conversion of an existing building to row dwellings, or semi-detached dwellings, where such conversion will enhance the historic character of the zone.

The proposal is consistent with part (b) of Principle 8, insofar as the proposed dwellings would replace a building which does not contribute significantly to the heritage value, historic and desired character of the zone. In this respect, the Desired Character Statement for the Norwood 4 Policy Area explains that the eastern part of Prosser Avenue is characterised by interwar bungalows, including tudor-style bungalows. The dwelling on the subject land to be replaced is a circa 1960's dwelling and therefore does not contribute to the historic character of the locality.

The density of the proposal has been determined by the approved land division, which was assessed having regard to the minimum allotment size of 300m² set out in Principle of Development Control 5 of the Norwood 4 Policy Area and Residential Historic (Conservation) Zone Principle of Development Control 7, which seeks dwellings at densities that reflect of the historic development patterns of the locality and the established residential amenity and the historic character of the zone.

The type of dwellings proposed (ie. semi-detached dwellings) are neither explicitly encouraged nor discouraged in the zone or policy area, however Norwood 4 Policy Area Principle of Development Control 2 states:

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

Accordingly, the proposed semi-detached dwelling type is considered appropriate.

Streetscape/bulk/scale/height/character

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

Norwood 4 Policy Area Desired Character Statement

Norwood 4 Policy Area Objective: 1.
Norwood 4 Policy Area PDC's: 1, 2, & 4.

Residential H(C)Z Desired Character Statement

Residential H(C)Z Objectives: 1 & 5.
Residential H(C)Z PDC's: 1, 2, 13-19, 22, 23, 25 & 26.

City Wide Objectives: 18, 19 & 20.
City Wide PDC's: 28-32, 37, 39, 41, 190, 201 & 209-216.

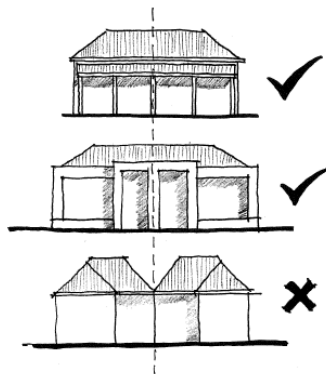
Norwood 4 Policy Area Desired Character Statement states:

'Development should not be undertaken unless it is consistent with the desired character for the Norwood 4 Policy Area.'

The Desired Character Statement provides no guidance for new development, instead speaking only to the conservation and maintenance of the existing character, created by later period bungalows, including Tudor-style bungalows.

City Wide Principle of Development Control 190 states:

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



City Wide Principle of Development Control 216 states:

"Garaging in association with semi-detached dwellings should generally not be placed side by side. In instances, where it may be considered appropriate, the garages should be set back from the main face of the dwellings and designed to provide visual separation between each garage"

Whilst the preferred design approach would be to have the garages of each of the semi-detached dwellings situated adjacent to the side boundaries so that the dwellings are able to be designed as one single cohesive building as depicted in Principle 190, in this instance it is not practical to do this as there is an existing stobie pole in the location of where a new crossover would have to be situated for Dwelling 1. The Applicant has considered relocating the stobie pole in order to enable the streetscape appearance of the dwelling to be more traditional (ie. garages on the outside of the dwellings), however has advised that the cost is overly prohibitive.

As a result, the proposed semi-detached dwellings present to the street as two abutting detached dwellings, particularly as the garages are setback back and are secondary elements to the taller vertically proportioned facades. Although the resulting width of each dwelling is inconsistent with the width of dwellings in the locality which contribute to the historic character, it is considered that the proposal is compatible with the established rhythm of built form in the street. In particular, the tudor style dwellings in the street typically have 'twin' projecting gables, spaced apart a similar distance to the projecting elements of each of the proposed dwellings. In addition, the width of the replica tudor adjacent the subject land at 13A Prosser Avenue, is similar to the width of the proposed dwellings.

Residential Historic (Conservation) Zone Principle of Development Control 31 and City Wide Principle of Development Control 211 provide guidance regarding the development of garages within the zone and state:

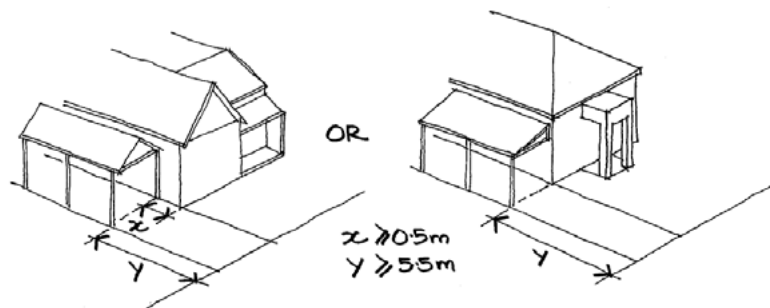
'Development of carports and garages or other outbuildings should, without necessarily replicating the historic detailing of the surrounding Heritage Places or Contributory Items:

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

And

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

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



The setback of the garages from the facades of the dwellings is 2.8 metres. The roof areas over the garages are flat concealed roofs that are lower than the underside of the eaves of the dwellings. The northern external walls are painted a 'grey' colour that is muted which will assist in reducing the prominence of the garage walls when viewed from the street. Accordingly, the proposed garages are consistent with Residential Historic (Conservation) Zone Principle of Development Control 31.

With respect to City Wide Principle of Development Control 211 and in particular, part (a) of this provision, the width of the garages of Dwelling 1 and Dwelling 2 equate to 38% and 41% respectively and are therefore reasonably consistent with the quantitative part of the provision. That said, part (a) also states that the garage width should be 'minimised'. With an internal width of 3.6 metres, the garage of Dwelling 2 has not

been minimised, resulting in a relatively garage-focussed presentation to the street. Whilst design treatments have been used to 'play down' the garages, this is considered a negative aspect of the proposal.

In terms of building height, Norwood Policy Area 4 Principle of Development Control 4 specifies that development should not exceed two-storeys in height above natural ground level. This needs to be considered in the context of Objective 1, which seeks development which enhances the historic character of the Norwood 4 Policy Area. Accordingly, whilst two storey development may be appropriate in some localities within the policy, area, it may be less so in other localities.

Two-storey buildings can be found at 13A (in roof space) and 18A and 18B Prosser Avenue (behind a single storey dwelling). In this context, it is considered important that new dwellings on the subject land are compatible with the single storey streetscape.

The proposed dwellings present to the street with single storey forms set back 8 metres from the street, with upper level components set back approximately 17 metres from the street boundary. Accordingly, whilst the upper levels would be visible from the street, they would not have a strong presence in the streetscape and therefore not detract from the established character of the locality.

It is considered that the two-storey form of the proposal is acceptable and accords with City Wide Principles of Development Control 29 and 30, which seek new buildings with a visual bulk and architectural scale that is complementary to the established character of the locality.

The Council's Heritage Adviser, David Brown, and the Council's Planning staff have met with the Applicant on several occasions and have reviewed earlier versions of the proposed development. Mr Brown has advised that the from a heritage perspective, the proposal is now the most appropriate version for this design configuration, however considers that it would be more appropriate for the stobie pole to be relocated and both garages located adjacent to the side boundaries.

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

Despite the improvements that would likely result to the design of the proposal if the stobie pole was relocated, that is not what has been proposed and the application must be assessed as proposed. In this respect, having regard to the advice from Mr Brown, it is considered that appropriate measures have been taken to ensure that the proposed dwellings, in their current configuration, are compatible with the historic context of the locality.

It is considered that the proposed development accords with relevant provisions of the Development Plan that relate to bulk, scale and appearance. On balance, the proposal is considered to be acceptable from a heritage and character perspective.

Setbacks and Site Coverage

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

Norwood 4 Policy Area Desired Character Statement	
Norwood 4 Policy Area Objective:	1.
Norwood 4 Policy Area PDC:	1
RH(C)Z PDC's:	10, 11 & 12.
City Wide PDC's:	50, 204, 206, 207 & 208.

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

'Dwellings should be setback from the allotment boundary on the primary street frontage:

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

In terms of front setbacks, there is a relatively consistent pattern of front setbacks evident on the southern side of Prosser Avenue, between 14 and 22 Prosser Avenue. The single-storey detached dwelling to the west of the subject land (14 Prosser Avenue) has a front setback of 9.4 metres to its verandah and a 10.8 and 11.7 metres setback to its staggered facade. The single-storey detached dwelling building to the east of the subject land (18 Prosser Avenue) has a front setback of 6.1 metres and 9.5 metres to its front verandah and facade respectively. Directly to the east of 18 Prosser Avenue, 20 and 22 Prosser Avenue have very similar front setbacks (ie. at the closest point) to 18 Prosser Avenue.

The front setback of the proposed dwellings is 7.1 metres to the canopy and 8.0 metres to the front facade. Beyond this, the garages of each dwelling are setback 10.8 metres. Whilst these front setbacks and in particular, the setback to the facade, is closer to the street than the neighbouring dwellings at 14 and 18 Prosser Avenue, the proposed front setbacks are considered to be complementary to these neighbouring dwellings given the well-modulated vertically proportioned facades and the well-setback garages, insofar, the proposed dwellings are not considered to 'read' as being set forward when viewed from the street.

Residential Historic (Conservation) Zone Principle of Development Control 20 states:

'Building to side boundaries (other than for party walls in semi-detached or row dwellings) or to the rear boundary is generally inappropriate, but may be considered where it is demonstrated that it assists in the retention of a heritage place and where there will be no detrimental effect on the residential amenity of adjoining properties.'

With regard to ground level side setbacks, both dwellings propose elements of boundary to boundary development at ground level. In particular when viewed from the street, Dwelling 2 is to have party walls on the internal boundary and its garage situated on the western side boundary. The boundary walls of the garage components begin 2.8 metres behind the facade, which when combined with the proposed landscaping adjacent the western side boundary, gives the impression of space around this dwelling when viewed from the street. In terms of Dwelling 1, the eastern side boundary development component is setback in the order of 26.4 metres from the front property boundary and as such, will not be discernible when viewed from the street.

The remainder of the ground floor side setbacks are between 900mm and 3.6 metres, which, in the context of existing development within the locality, some of which incorporates single-storey walls close to or on side boundaries, are considered acceptable. In this context, whilst the proposal is at odds with Principle 20 it considered acceptable in this instance.

With regard to the upper level side setbacks, the proposed dwellings are set back between 900mm and 3.6 metres from the existing eastern boundary and 1.2 metres from the western boundary. In relation to the property at 14 Prosser Avenue, the upper level component of Dwelling 2 is likely to have some impact on the visual outlook of the occupants of this dwelling. Whilst this is a negative aspect of the proposal, the occupants of 14 Prosser Avenue will retain a reasonably open outlook to the south and to the west and will not be subject to an unreasonable level of overshadowing or loss of natural light. In this context, it is considered that the proposed side setback of the upper level of Dwelling 2 adjacent to the western boundary of the subject land is sufficiently in accordance with City Wide Principle of Development Control 206, which requires that side and rear setbacks should be progressively increased as the height of the building increases in order to minimise such impacts.

In terms of the eastern side boundary, the existing two-storey dwelling located at 18B Prosser Avenue, incorporates a 12.0 metre ground level boundary wall on the eastern side boundary of the subject land. The boundary wall of 18B Prosser Avenue incorporates four glass block windows on the boundary, which provide light to the internal ground floor areas of this dwelling (ie. entry/foyer area, kitchen area, laundry and WC). The glass block windows have sill heights of 1.2 metres above the ground floor level. The location of the four glass block windows have been shown with red dots on the civil plan contained at **Attachment B4**. The Applicant has not proposed new side or rear fencing to the rear yards and therefore, solar access to these windows will not be impeded.

The proposed dwellings are set back 8.9 metres and 13.2 metres from the southern boundary to the ground floor and upper floor levels respectively. Combined with an outbuilding located within the rear yard area of 22A Queen Street and a covered verandah area within the rear yard of 3/161 Beulah Road, all of which limit the visual outlook onto the proposed dwellings, the proposed rear setbacks are considered to be acceptable.

Overall, it is considered that the proposed setbacks and the potential visual impact of the proposed two-storey semi-detached dwellings on the occupiers of adjacent land are acceptable in the context of the existing locality.

The Norwood 4 Policy Area does not provide a quantitative figure for the maximum site coverage of a development. Instead, a more qualitative assessment is required against Principle of Development Control 12 of the Residential Historic (Conservation) Zone, which states:

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

The adjacent and nearby dwellings at 22 Queen Street and at 13, 13A, 18, 20 and 22 Prosser Avenue, cover between approximately 45% and 65% of their sites. In this context, the proposed site coverage of 49% for Dwelling 1 and 51% for Dwelling 2 is consistent with those buildings which contribute significantly to the historic character of the locality and is therefore considered to be appropriate.

Accordingly, the site coverage of the proposed dwellings is considered to be acceptable.

Overshadowing/overlooking

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

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

Shadow diagrams (contained in **Attachment B7 – B9**) have been provided to demonstrate the extent of overshadowing from the proposed dwellings.

City Wide Principle of Development Control 196 states:

'Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that the north-facing windows of habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9am and 5pm on the winter solstice (21 June).'

The shadow diagrams demonstrate that there will be shadowing of the neighbouring property directly to the west at 14 Prosser Avenue, particularly during the morning period. Notwithstanding this, the diagrams demonstrate that the extent of shadowing does not offend City Wide PDC 196, because at least 50% of the private open space area will receive at least 2 hours of direct sunlight, from the middle of the day through to the afternoon.

The properties directly to the south at 22A Queen Street and 3-161 Beulah Road are not affected by shadowing from the proposed development (ie. the upper level components of each proposed dwelling). Likewise, the extent of overshadowing does not affect the rear private open space area of the property at 18B Prosser Avenue.

In terms of the upper level windows, all of the northern, eastern, southern and western facing windows are to have sill heights of 1.7 metres when measured above the internal upper floor level, with non-obscured glazing above this point. Accordingly, this will prevent any unreasonable overlooking of the adjoining yard areas from these windows.

As such, the proposed development is considered to be consistent with City Wide Principle of Development Control 11, in that no unreasonable overlooking or overshadowing will result from the development.

Private open space

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

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

City Wide Principle of Development Control 225(a) states that for dwellings with a site area of greater than 250m², 20% of the site area should be private open space. Both semi-detached dwellings are proposed to have 101.5m² (or 24% of their individual site areas) of private open space. 76% of the private open space area for each dwelling is open to the sky which exceeds the 50% requirement called for in City Wide Principle Development Control 229.

The private open space areas are of good dimensions and have good links to internal living areas. However, due to the orientation of the allotments the rear yards will have limited access to northern light and will be significantly shaded during winter which is considered to be a negative aspect of the proposal and inconsistent with Principle of Development Control 224(g).

Car parking/access/manoeuvring

RH(C)Z PDC's: 32.
City Wide Objectives: 34.
City Wide PDC's: 98, 101, 104, 118, 120, 181, 198, 211, 212 & 214.

Table NPSP/8

Dwelling 1 will require the creation of a new crossover whereas Dwelling 2 is to utilise the existing crossover.

Table NPSP/8 prescribes that a semi-detached dwelling should be provided with two on-site car parking spaces, of which at least one should be covered. Each proposed dwelling will accommodate one car parking space in the garage with room for a one visitor park in the driveway in accordance with the criteria in Table NPSP/8.

The internal dimensions of the garages satisfy the criteria in City Wide Principle of Development Control 212, in that a one vehicle garage should have a minimum internal dimension of 3.0 metres by 6.0 metres.

Vehicle access and egress in association with each dwelling is considered to be safe and convenient.

Finished floor levels/flooding/retaining

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

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

The subject land is not situated within a recognised flood plain.

The subject land has a slight slope from rear (south) to front (north) on average of 353mm over a distance of 45.4 metres. The proposed finished floor level results in the finished floor levels being on average 545mm above existing ground level adjacent the front yard areas of the subject land, whereas the middle and rear portions of the dwellings will be on average 210mm and 190mm above adjacent ground levels respectively. In this context, minimal retaining walls (ie. no higher than 300mm along the western side boundary, forward of the garage associated within Dwelling 2) are required along portions of both external side boundaries. The proposed finished floor levels are in the order of 840mm higher than midpoint top-of-kerb level, allowing for gravity fed stormwater disposal to the Prosser Avenue watertable.

The proposed finished floor levels are considered appropriate as they result in the semi-detached dwellings having a level of 'build-up' that is compatible with the two adjacent interwar dwellings, when viewed from the street.

The Applicant has not proposed any side or rear fencing as part of the development proposal. That said, fencing within a Historic (Conservation) Zone would require approval and as such, should new side and/or rear fencing be proposed in the future, a fresh Development Application will be required to be submitted to the Council for consideration.

Trees (regulated, mature & street) and landscaping

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

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

There are no regulated or mature trees on the subject land.

The Desired Character Statement for the Residential Historic (Conservation) Zone states that new development will be set in a sympathetic landscaped setting. This is reiterated by the Desired Character Statement for the Norwood 4 Policy Area, which promotes landscaped frontages.

In terms of landscaping, the Applicant has provided a landscaping plan and schedule, which specifies a range of hedge plantings, shrubs and an ornamental tree. More specifically, the front yard areas of each dwelling are to be planted with a Murraya 'Paniculata' and Magnolia 'Teddy Bear' hedge plants adjacent the side boundaries along with front lawn areas partially surrounded with Nandina 'Moonbay' shrubs. The internal courtyards are to incorporate timber decking with a feature Acer palmatum (Japanese Maple) tree and Philodendron 'Xanadu' shrubs. The main private open space areas within the rear yard are to have lawned areas partially bound by shrub and hedge plantings in the form of Pittosporum 'Miss Muffet' and Photinia Robusta plants.

The proposed landscaping is considered to enhance the amenity of the proposed dwellings, particularly given the extent of hard paved areas as part of the development proposal. In this context, the provision of landscaping is considered to be acceptable and will complement the dwelling and achieve a 'landscaped setting' in accordance with the Desired Character Statement for the Residential Historic (Conservation) Zone.

Environmental Sustainability

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

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

The subject land is orientated north-south and the proposed dwellings are therefore to be sited north-south on the subject land. As such, the main living areas and primary private open space provision (ie. rear yard areas) have been orientated with a southern aspect. The primary private open space areas will have compromised access to northern sunlight primarily from midday and for the majority of the afternoon over the course of both the summer and winter months. In terms of gaining access to northern light for the internal living areas of the dwellings, the proposal is also considered to achieve a poor outcome, given that the main internal living areas are positioned towards the southern end of each dwelling.

The proposal includes the installation of 2,000 litre rainwater tanks for each dwelling, which exceeds the mandatory Building Code of Australia requirement and satisfies the rainwater tank quantum specified in City Wide Principle of Development Control 159.

Summary

The two-storey semi-detached dwellings are considered to result in a built form appearance that is of an acceptable bulk and scale in the context of the existing building character within the Prosser Avenue locality and the desired character sought by the Norwood Policy 4 Area. Furthermore, the development incorporates a good degree of articulation and a subtle combination of quality finishes and construction materials. The dwellings are considered to achieve functional links between the internal living areas and their private open space areas.

Both dwellings are considered to have compatible front, side and rear setbacks with existing residential development in the locality. The proposed overall site coverage of the dwellings is considered to be acceptable and compatible in the context of surrounding development which contributes to the historic character of the locality.

Each dwelling is provided with adequate onsite undercover car parking provision.

A negative aspect of the proposal is that the private open space areas and open plan living areas of each dwelling are orientated towards the south, which limits access to northern light, particularly in the winter months. The presentation of the dwellings as two separate building forms, rather than both dwellings being under one roof form with garages on the outside edges of the site is also a negative aspect of the proposal, as is the 3.6 metre internal width of the garage of Dwelling 2 (ie. not minimised).

Overall, the proposal is not considered to be seriously at variance with the Development Plan and is considered to be sufficiently in accordance with the provisions of the Development Plan to warrant Development Plan Consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/911/16 by Lares Homes, to construct a pair of two-storey semi-detached dwellings together with associated inground swimming pools, outbuildings, fencing and landscaping, on the land located at 16 Prosser Avenue, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans, elevations and landscaping plan prepared by Lares Homes and received by the Council on 30 March 2017.
- civil plan (Drawing Number 1611-C01, Revision B) prepared by Gama Consulting and received by the Council on 30 March 2017.
- confirmation of colours and materials prepared by Mr Eric Pagnozzi of Lares Homes and received by the Council on 6 April 2017.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.

3. A rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres) shall be installed for each dwelling and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

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

Mr 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 155/911/16 by Lares Homes, to construct a pair of two-storey semi-detached dwellings together with associated inground swimming pools, outbuildings, fencing and landscaping, on the land located at 16 Prosser Avenue, Norwood, subject to the following requirements, conditions and notes:

Relevant Plans

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

- plans, elevations and landscaping plan prepared by Lares Homes and received by the Council on 30 March 2017.
- civil plan (Drawing Number 1611-C01, Revision B) prepared by Gama Consulting and received by the Council on 30 March 2017.
- confirmation of colours and materials prepared by Mr Eric Pagnozzi of Lares Homes and received by the Council on 6 April 2017.

Conditions

1. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent kerb & water table or a Council underground pipe drainage system.
2. The swimming pool filter pump shall be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.
3. A rainwater tank with a storage capacity not less than 2 kilolitres (2,000 litres) shall be installed for each dwelling and plumbed into a toilet, water heater and/or laundry cold water outlet by a licenced plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with the application for Building Rules Consent.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted in accordance with the landscaping plan and schedule, herein approved, prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
5. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.

Notes to Applicant

1. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.
2. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

3. *The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.*
4. *The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513. All works on Council owned land required as part of this development is likely to be at the Applicant's cost.*
5. *The Applicant is advised that the property is located within an Historic (Conservation) Area and that Approval must be obtained for most works involving the construction, demolition, removal, conversion, alteration or addition to any building and/or structure (including fencing).*
6. *This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.*
7. *The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.*

The motion was lost for want of a seconder.

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 155/911/16 by Lares Homes, to construct a pair of two-storey semi-detached dwellings together with associated inground swimming pools, outbuildings, fencing and landscaping, on the land located at 16 Prosser Avenue, Norwood for the following reasons*

1. *The proposal is not consistent with the Desired Character of the Zone and Policy Area.*
2. *The proposal does not preserve, enhance and reinforce the streetscape appeal of the Policy Area*
3. *The proposal does not present as a single integrated building.*

Seconded by Ms Newman and carried.

2. STAFF REPORTS

2.3 DEVELOPMENT APPLICATION 155/C104/2016 – CHEESMAN ARCHITECTS – 9 NORA STREET, MAYLANDS

DEVELOPMENT APPLICATION:	155/C104/2016
APPLICANT:	Cheesman Architects
SUBJECT SITE:	9 Nora Street Maylands (Certificate of Title Volume: 5253 Folio:869)
DESCRIPTION OF DEVELOPMENT:	Community Title Land Division creating one (1) additional allotment
ZONE:	Residential Character Zone – Evandale/Maylands/Stepney 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 Community Title land division creating one (1) additional allotment.

Staff do not have delegated authority to determine the Application, as it comprises a Land Division which is inconsistent with the relevant Policy Area requirements. In particular a future dwelling on the proposed allotment would be defined as a group dwelling, which is not an anticipated land use within Maylands, and the proposed allotment size and frontage width is less than that anticipated within the Evandale/Maylands/Stepney Policy Area. As such, the Application is referred to the Panel for determination.

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

Subject Land Attributes

Shape:	regular
Frontage width:	12.36 metres
Depth:	57.95 metres
Area:	702.1m ²
Topography:	slightly sloping
Existing Structures:	dwelling, outbuildings
Existing Vegetation:	regulated tree, mature trees, other vegetation

The subject land contains a single storey bungalow style dwelling and two freestanding outbuildings. The site slopes 1.45 metres from the north-eastern (front) corner to the south-western corner. A regulated eucalyptus tree is located in the rear yard adjacent to the western boundary along with other non-regulated mature trees and vegetation. The subject land has reciprocal rights of way over a common driveway between the dwellings at 9 and 9A Nora Street Maylands which services the dwellings at 9 and 9A Nora Street as well as the undeveloped allotment at 9C Nora Street.

Locality Attributes

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

The locality is predominately residential with the exception of the Maylands Church of Christ located on the corner of Nora Street and Portrush Road, Cruikshank Reserve which abuts the western boundary of the site and the Maylands Hotel located within the broader locality. The majority of properties within Nora Street contain single storey detached dwellings, however there are also a number of residential flat buildings and group dwellings ranging from 1970 to 1990 construction.

Nora Street contains a range of allotment sizes and allotment types. Sites containing detached dwellings typically have site areas of 375m² to 1060m². Group dwellings and residential flat buildings typically have sites excluding common areas ranging from approximately 175m² to 325m². The immediate locality contains a greater number of group dwellings and residential flat buildings than is typical for the broader area of Maylands.

The adjacent allotment at 9A Nora Street was the subject of two recent Development Approvals; Development Application 155/802/2013 for the construction of a single storey dwelling at the rear was granted Development Plan Consent by the Panel in March 2014 and Development Application 155/C068/14 for a Community Title Land Division to reflect this dwelling was approved in October 2014.

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

Proposal in Detail

The Applicant seeks consent for a Community Title land division creating one (1) additional allotment at the rear of the existing dwelling. Vehicle access would be gained via the existing shared driveway between 9 and 9A Nora Street. A common area, to be shared between the two proposed allotments, is located at the end of the common driveway on the eastern boundary, to facilitate vehicle manoeuvring. The proposed land division plan and a site survey plan are contained in **Attachment B**.

The Applicant has provided indicative dwelling plans illustrating how a future dwelling could be accommodated on the site; these plans include two potential floor plans with slightly different eastern boundary setbacks and dwelling layouts and are contained in **Attachment C**. These plans are indicative only and do not form part of the current Application.

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	Allotment 101	Allotment 102	Development Plan Merit Assessment Quantitative Guideline
Site Area	304m ²	325m ²	N/A*
Allotment Width	12.36m	12.57m	
Allotment Depth	30.36m	23.11m – 27.59m	

*The Evandale/Maylands/Stepney policy area does not provide a minimum site area for allotments accommodating group dwellings for Maylands as this is not an anticipated dwelling type

Notification

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

State Agency Consultation

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

Discussion

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

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

Land Use and Density

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

Evandale/Maylands/Stepney Policy Area Objectives: 1
Evandale/Maylands/Stepney Policy Area Desired Character Statement
Evandale/Maylands/Stepney Policy Area Principles of Development Control: 1, 2

Residential Character Zone Objectives: 1, 2
Residential Character Zone Desired Character Statement
Residential Character Zone Principles of Development Control: 1

City Wide Objectives: 1, 2, 7, 15, 16, 17, 56, 57
City Wide Principles of Development Control: 1, 2, 3, 21, 23, 24, 185, 186, 188, 189

The proposed allotment size and configuration is similar to the adjacent development at 9A Nora Street and some other allotments within the locality. As such, the proposed allotment is not considered to be significantly at variance to the existing allotment pattern. However, these existing developments were approved under a previous version of the Development Plan. The current Residential Character Zone policies were introduced in July 2015.

The Evandale/Maylands/Stepney Policy Area states, in part:

“Group dwellings may be proposed in Evandale and Payneham and dwellings on battle-axe or hammerhead configuration allotments may be proposed in Maylands, Evandale and Payneham providing that, in both cases, such development complements the existing streetscape character and is designed to maintain relatively spacious siting characteristics between buildings.”

In support of the above statement, Evandale/Maylands/Stepney Policy Area Principle of Development Control 2 provides minimum site area and frontage widths for detached dwellings, semi-detached dwellings and detached Dwellings on hammerhead allotments for Maylands, however site area and frontage width requirements for group dwellings are only provided for Evandale and Payneham.

Detached dwellings are defined as a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has a frontage to a public road, while group dwellings are defined as 1 of a group of 2 or more detached buildings, each of which is used as a dwelling and 1 or more of which has a site without a frontage to a public road.

Therefore, as the proposed land division would create a site for a dwelling which is not exclusive to that dwelling (as it would rely on common property for vehicular access), the dwelling would be defined as a group dwelling. If, on the other hand, the land division created a site which was exclusively for the dwelling at the rear (for instance if the dwelling at the front had no vehicular access), it would be a ‘hammerhead allotment’ accommodating a detached dwelling, which is envisaged in the Policy Area.

These policies primarily seek development which results in low densities at the rear of allotments with spacious siting around the building, as this is the predominant development pattern in the broader Maylands area. A group dwelling can take the form of more than one dwelling in the middle and/or rear of the site which is likely to result in less space around the dwellings and less opportunities for landscaping.

As the proposed land division is seeking only one allotment at the rear, the development has similar characteristics, and thus similar potential planning impacts, to a detached dwelling in a hammerhead development configuration. The notable difference between these development types is the establishment of shared access and car parking, which is anticipated to be of limited amenity impact to adjoining properties. Additionally, a development with a single shared driveway is likely to have a lesser streetscape impact than a development of two detached dwellings which would require two separate driveways.

In light of the above, it is considered that a group dwelling development with similar characteristics to a detached dwelling on hammerhead allotment may be appropriate in Maylands, subject to the size of the allotment and siting of the dwelling.

Evandale/ Maylands/Stepney Principle of Development Control 2 states that detached dwellings on hammerhead allotments in Maylands should be provided with a site area of 450m² exclusive of the driveway 'handle' and the allotment should have a driveway handle width of 4 metres and an overall allotment width of 15 metres. The proposed allotment has an area exclusive of the common area of 325m², a driveway 'handle' width of 2.28 metres and an overall width of 12.57 metres, all of which are below the requirements for a detached dwelling.

The below-criteria dimensions of the proposed allotment pose constraints on the development potential of the site in relation to space around the dwelling, car parking, landscaping, and vehicle manoeuvring as discussed in more detail in later sections of this report.

As such, although a group dwelling development with similar characteristics to a detached dwelling hammerhead development may be considered appropriate in Maylands, the proposed development is not considered to provide an allotment size which is anticipated within the area and is unlikely to accommodate the desired spacious siting characteristics around a dwelling. Therefore the proposal is at variance to the Evandale/Maylands/Stepney Policy Area Desired Character Statement, Objective 1, and Principles of Development Control 1 and 2.

streetscape/bulk/scale/height/character

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

Evandale/Maylands/Stepney Policy Area Objectives: 1

Residential Character Zone Principles of Development Control: 8, 11

City Wide Objectives: 8, 18, 19, 20

City Wide Principles of Development Control: 201

The existing bungalow at the front of the allotment is indicated as being retained which will help to preserve the existing streetscape character.

The proposed land division would result in less than 20% private open space being retained at the rear of the existing dwelling. This would result in the front yard area being used to provide private open space in accordance with the amount specified in the Development Plan, which is contrary to City Wide Principle of Development Control 222 and the street is not characterised by high solid front fences.

Private Open Space should be screened by a fence typically up to 1.8 metres high to provide adequate privacy, whereas the subject land currently has an approximately 1.5 metre high picket fence. The Residential Character Zone Desired Character Statement does state that development should have low front fencing, other than where private open space is required to be provided at the front or side of a dwelling, however as the remainder of the street is typically characterised by low and/or open style fencing it is considered that the construction of a high solid fence would have a negative impact on the streetscape.

The indicative plans illustrate a single storey dwelling for the rear allotment, consistent with City Wide Principle of Development Control 201, which states that dwellings located in hammerhead style developments should be single storey. A future dwelling at the rear of the allotment is likely to have little to no impact on the streetscape.

The width of the subject land is less than the 15 metres anticipated for hammerhead allotments in Maylands. As a result of the narrowness of the allotment, a future dwelling at the rear is unlikely to provide side and rear boundary setbacks consistent the Development Plan policies. The impacts of the potential building setbacks are discuss further in the Setbacks and Site Coverage section of this report.

As the land slopes 1.45 metres from the front to the rear, a future dwelling on the rear allotment may require some fill on the land, however stormwater can be directed from the site via a sump and pump system to avoid the need for excessive fill and therefore any excessive fence and building heights.

Setbacks and Site Coverage

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

Evandale/Maylands/Stepney Policy Area Principles of Development Control: 3

City Wide Principles of Development Control: 202

City Wide Principle of Development Control 202 states:

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

As the above policy indicates that verandah/carport structures under the main roof should be set back the same distance as the main building, it is considered appropriate to apply the 2.5 metre setback requirement to the eaves of the main building, rather than the external walls, to provide adequate visual separation to neighbouring property occupants.

The indicative dwelling plans illustrate two options for the siting of a future dwelling. The first option has side setbacks to the eaves of 0.7 metres and 1.5 metres, and a rear setback of 1.1 metres to the eaves of the rear alfresco under the main roof. The second option has side setbacks to the eaves of 1.3 metres and a rear setback to the eaves of 1.3 metres. All of these setbacks would be inconsistent with City Wide Principle of Development Control 202.

Notwithstanding the departure from this policy, it is considered that lesser setbacks could be provided to a dwelling on the rear allotment without necessarily compromising the visual amenity of adjacent property occupants. To the west, the proposed allotment is primarily adjacent to the tennis courts on Cruikshank Reserve; the impact on the occupants of 7 Nora Street is likely to be limited to future carports and car parking area. To the south, the allotment is primarily adjacent to a section of rear yard of 36 Clifton Street which appears to be separate from the main yard area and contains outbuildings and vegetable patches. To the east, a future dwelling on the approved allotment at 9C Nora Street may also have side setbacks of less than 2.5 metres given the narrowness of that allotment, so the impact of a future dwelling on the proposed allotment is not considered to be as significant for the future occupants of 9C Nora Street.

Although it is considered that the insufficient side and rear setbacks may not have an unreasonable visual impact on neighbouring properties, setbacks akin to those illustrated in the indicative dwelling plans would not provide spacious siting characteristics and would limit the opportunity for medium- tall landscaping, particularly trees. In this respect, the proposal is considered to be inconsistent with the Evandale/Maylands/Stepney Desired Character Statement, which seeks development which is “*designed to maintain relatively spacious siting characteristics between buildings.*”

Some portions of the rear setback of the existing dwelling would be less than the 4 metres anticipated by Evandale/Maylands/Stepney Principle of Development Control 3, however this is primarily adjacent to the common driveway area so is not expected to have an unreasonable visual impact on adjacent properties. It does, however, result in less than 20% private open space as previously outlined.

The existing dwelling will maintain a site coverage of 50% and the indicative dwelling options for the rear allotment have a site coverage below 50%, which is consistent with Evandale/Maylands/Stepney Principle of Development Control 3.

Private open space

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

City Wide Principles of Development Control: 222-225, 229

As a result of the proposed new boundary location, the existing dwelling will retain approximately 13% private open space at the rear of the existing dwelling, which is less than the 20% private open space anticipated by City Wide Principle of Development Control 225(a). This is likely to place reliance on the front yard as private open space which is contrary to City Wide Principle of Development Control 222 and is likely to result in a higher front fence which is uncharacteristic of the streetscape. This is considered a negative aspect of the proposal.

The first indicative dwelling option for the rear allotment illustrates a development which exceeds 20% private open space divided between front and rear yards, which is considered appropriate for a rear allotment. The second indicative dwelling option does not provide 20% private open space. In any case, it is considered that a dwelling of appropriate dimensions could be developed on this allotment to achieve the required private open space.

Carparking/access/manoeuvring

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

City Wide Objectives: 34

City Wide Principles of Development Control: 101, 113, 117, 120, 122, 123, 189, Table NPSP/8

The proposed development relies on vehicular access from a common driveway area that is shared between the dwellings at 9 and 9A Nora Street, as well as the currently vacant allotment at 9C Nora Street. The common driveway is only 2.28 metres wide (although there is a space of 3.18 metres from dwelling to dwelling), which is narrower than a driveway would ordinarily be, particularly when servicing three or more dwellings.

City Wide Principle of Development Control 189 states (in part):

“Residential allotments or sites in the form of a battleaxe, hammerhead or similar configuration, (including those accommodating group dwellings), should:

- (d) in relation to the driveway servicing dwellings to the rear of the allotment or site:
 - (i) have a driveway ‘handle’ length of no more than 35 metres and a width of no less than 4 metres and not more than 6 metres;*
 - (ii) the driveway ‘handle’ should have a vehicle carriageway of no less than 3 metres in width for a site that accommodates up to two dwellings and no less than 6 metres in width for at least the first 6 metres and 5 metres in width thereafter, for a site that accommodates three or more dwellings(Refer to Figure 4). A reduced paved area width of not less than 2.8 metres may be considered if any existing dwelling is retained; and*
 - (iii) the driveway ‘handle’ should incorporate a combined total width of 1 metre of landscaping along the length of the driveway ‘handle’ unless the driveway abuts unfenced areas of landscaping”**

Given that the common driveway is proposed to service four (4) dwellings, the access driveway should have a minimum width of six (6) metres comprising of a 5.0 metre paved area and a 1.0 metre landscaping strip to comply with the above provision. The existing driveway width of 2.28 metres falls significantly short of this minimum dimension.

Although the width of the common driveway cannot be amended without demolishing one or both of the existing dwellings, which is not desirable, an additional dwelling using the driveway would exacerbate the existing inconveniences of three allotments using a currently non-conforming driveway width.

The proposed land division plan and supporting documentation was referred to Tonkin Consulting to review whether the proposed land division is able to provide safe and convenient access to the proposed allotments. Tonkin Consulting has advised that they are unable to support the proposed development as access to the proposed car parking locations would likely require an encroachment onto the adjacent land at 9A/9C Nora Street.

In terms of the provision of car parking spaces, each dwelling would be serviced by two (2) car parking spaces located to the rear of the existing dwelling. The car parking rates prescribed in Table NPSP/8 state that each dwelling should be provided with two (2) on-site car parking spaces plus one (1) visitor space for every two dwellings. As such, the development should accommodate a total of five (5) car parking spaces to be consistent with Table NPSP/8. The lack of the visitor car parking space is considered to be a negative aspect of the proposed development.

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 Principles of Development Control: 10, 20, 21(e), 148, 164

The property is not within a recognised floodplain.

City Wide Principle of Development Control 164 states:

“A dwelling, other than a dwelling located within the 1-in-100 year Average Recurrence Interval floodplain, should be sited and designed so that the finished floor level of the dwelling is a suitable height above the adjacent top of kerb level, to enable the efficient gravity-fed drainage of stormwater from all impervious surfaces on the site, provided that the finished floor level of the dwelling is no more than 700 millimetres above the natural ground level at any point along the side and rear boundaries of the site.

In instances where this can not be achieved, a lower floor level and alternative stormwater management system, such as pump and sump and/or soakage systems, should be provided. This alternative stormwater management system should take into consideration the secondary flood flows from the road reserve and provide adequate mitigation measures”.

As the subject land slopes 1.45 metres from the front to the rear, it is anticipated that a future dwelling at the rear of the allotment would require a sump and pump stormwater drainage system rather than a gravity fed stormwater system which would require a finished floor level greater than 700 millimetres above natural ground level.

Even with a sump and pump system, the future development of the site is likely to require some cut and fill, however it is expected that a development could be achieved without excessive retaining wall and fence heights.

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: 117, 118

City Wide Principles of Development Control: 20, 395, 396

A regulated eucalyptus tree is located adjacent to the western boundary within the proposed rear allotment. It is considered the size and dimensions of the rear allotment would make it essentially impossible to construct a new dwelling on the rear allotment while retaining the tree.

City Wide Principle of Development Control 396 states (in part):

“A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply: ...

(d) development that is reasonable and expected would not otherwise be possible;”

If the Panel form the view the proposed land division is a reasonable form of development given the context of the locality, then it is also considered that the removal of the tree to facilitate a new dwelling in the rear would satisfy City Wide Principle of Development Control 396(d).

If on the other hand, the Panel formed the view that the land division is not a reasonable form of development, for the reasons set out in this report, then the removal of the tree would not satisfy City Wide Principle of Development Control 396(d)

Regardless, the removal of a regulated tree is considered to be a negative aspect of the proposal, particularly in the Residential Character Zone which seeks dwellings with spacious siting characteristics and a balance of soft landscaping, including trees.

The proposed land division is likely to result in a high level of hard paved areas with landscaping opportunities limited to the front yard of the existing dwelling (which has reasonable dimensions), and smaller areas of landscaping around a future dwelling in the rear allotment. The width of the existing crossover prevents any additional landscaping being incorporated to this area.

Environmental Sustainability

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

City Wide Objectives: 23, 42

City Wide Principles of Development Control: 7, 23, 149, 150

The orientation of the existing dwelling will not change as a result of the proposed development however the land division will reduce existing rear yard area which will limit the area of private open space with access to northern light.

The future allotment can be designed with a dwelling which makes use of the northern orientation of the site. As the allotment is at the rear, a dwelling could be designed with a living room and private yard space with good access to northern light.

It is expected that there would be room on the rear allotment to incorporate a rainwater tank in a future development.

Summary

The proposed land division would result in an allotment configuration and allotment size which is similar to other group dwelling and residential flat building development within the immediate locality. However, these existing developments were approved under previous Development Plan policies and the proposed development does not result in allotment size, overall allotment width, or future dwelling types which are anticipated within the Evandale/Maylands/Stepney Policy Area.

The proposed development will result in a limited amount of open area around both the existing and proposed dwellings. The visual impact on directly adjacent property occupants may be acceptable, however it will limit the opportunity for future landscaping at the rear. The size and location of the allotment will also likely require the removal of a regulated tree.

A traffic assessment has identified issues with the vehicle access arrangements and the development is provided with four (4) car parking spaces rather than five (5) as anticipated in Table NPSP/8.

In isolation, each of these shortfalls of the development may not be fatal to the Application, particularly in light of the existing allotment pattern within the locality. However given the number of aspects of the proposed development which are not consistent with the current Development Plan policies it is considered that the development is an overdevelopment of the site.

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

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **refused** to Development Application No 155/C104/2016 by Cheesman Architects for a Community Title land division creating one (1) additional allotment on the land located at 9 Nora Street Maylands for the following reasons:

1. The proposed land division is inconsistent with the Evandale/Maylands/Stepney Policy Area Desired Character Statement and Principle of Development Control 2 as it would result in the development of group dwellings which are not anticipated within Maylands, the proposed allotment sizes are less than the minimum allotment sizes and the development will limit the opportunities for spacious siting characteristics between buildings.
2. The proposed land division is inconsistent with City Wide Objective 34 as it does not provide adequate or safe car parking appropriate to the demands generated.
3. The proposed land division will result in insufficient private open space for the existing dwelling, inconsistent with City Wide Principle of Development Control 225(a) or alternatively, if private open space is provided in the front yard, this would be inconsistent with City Wide Principle of Development Control 222 (a)(i).
4. The land division would create an allotment which cannot be developed without the removal of a regulated tree.

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/C104/2016 by Cheesman Architects for a Community Title land division creating one (1) additional allotment on the land located at 9 Nora Street Maylands for the following reasons:*

1. *The proposed land division is inconsistent with the Evandale/Maylands/Stepney Policy Area Desired Character Statement and Principle of Development Control 2 as it would result in the development of group dwellings which are not anticipated within Maylands, the proposed allotment sizes are less than the minimum allotment sizes and the development will limit the opportunities for spacious siting characteristics between buildings.*
2. *The proposed land division is inconsistent with City Wide Objective 34 as it does not provide adequate or safe car parking appropriate to the demands generated.*
3. *The proposed land division will result in insufficient private open space for the existing dwelling, inconsistent with City Wide Principle of Development Control 225(a) or alternatively, if private open space is provided in the front yard, this would be inconsistent with City Wide Principle of Development Control 222 (a)(i).*

Seconded by Mr Duke and carried.

2. STAFF REPORTS

2.4 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 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 20 February 2017 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 a consent would now be warranted.

Background

On 21 July 2016, Development Application 155/573/2016 was lodged with the Council for the construction of a residential flat building comprising nine (9) dwellings.

Subsequent to the lodgement of this Application, a Community Title Land Division creating nine (9) community lots and a common property lot (being for driveway access) was lodged by the same Applicant and approved under delegation as it met the relevant Development Plan land division criteria with respect to site area and frontage width. This land division has established what staff considered to be an acceptable density for this site within the Medium Density Policy Area of the Residential Zone.

The Panel considered the land use Application at its meeting held on 20 February 2017 and determined to refuse the Application for the following reasons:

1. *The proposal is an over-development 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; and*
6. *The proposal had inadequate provision for bin collection.*

A copy of the relevant part of the Minutes of the Panel meeting held on 20 February 2017 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 design has been amended to 'split' the building form into two (2) separate buildings (which still comprise a total of nine (9) dwellings);
- a newly created space between the buildings, which is located centrally along the site (between Dwellings 4 and 5) provides space for two (2) on-site visitor car parks, a vehicle turn-around area and a communal bin storage area;
- additional landscaping has been provided along the common driveway, in the rear yards of the dwellings and adjacent to the Edward Street frontage;
- the design of the roofs of Dwellings 2 – 9 has been changed from a hipped design to a skillion and flat roof design, which reduces their height in sections and reduces their overall bulk; and
- the floor area of all nine (9) dwellings has been reduced to better satisfy the building set-back requirements.

A copy of the amended plans (including the landscaping plan) is contained in **Attachment B**.

Discussion

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

The proposal is lacking in visitor car parking;

The proposal has been amended to provide two (2) of the five (5) on-site visitor parking spaces, required by the rate stated in Table NPSP/8, (i.e. one (1) visitor space for every two (2) dwellings).

In the original assessment and report, consideration was given to 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 within 200m of a high frequency bus stop located on Payneham Road, close to Edward Street, which satisfies this criterion for applying a discount to the applicable rate. As discussed in the previous report, a discount amount of 20% is considered acceptable, based on the advice of a recent study - *Parking Spaces for Urban Places: Car Parking Study*, which was prepared by Aurecon Australia in 2013 and funded by the Local Government Association and several South Australian Councils.

Without factoring in any applicable discount, the addition of two on-site visitor parking spaces reduces the overall shortfall from 22% to 13%. Factoring in a discount of 20% would overcome this shortfall in its entirety.

As such, it remains the view of staff, that the proposal satisfies the Development Plan policies for the provision of on-site vehicle parking.

The proposal is lacking in safe and convenient access for all forms of transport;

It is understood that this reason for refusal related mainly to the length of the driveway and the inability for a visitor vehicle (which might include a delivery truck) to turn around and exit in a forward manner if a vacant parking space is not available within the site.

In this respect, City Wide PDC 189 part (a) does require that a development site makes provision for vehicles to turn around so that entry and egress from the site can be in a forward direction. Part (d) of PDC 189 also provides guidance that driveways servicing this type of allotment should be no more than 35m in length.

The provision of the proposed two (2) additional vehicle parking spaces and adjacent turn-around space at about the mid-point of the driveway alleviates this concern to a large extent, as it would provide a more accessible turn-around area for visitor vehicles. With regard to the length of the driveway exceeding 35m,

the unusually deep site (being nearly 100m deep) means that it would be difficult to limit the driveway length and achieve a reasonable density on this site.

Accordingly, the amended proposal is considered to adequately address this concern of the Panel.

The proposed dwellings have inadequate setbacks from boundaries

The proposal has been amended to reduce the ground and upper floor areas of the dwellings, which has increased the upper level set-back of Dwellings 2-9 from the southern boundary. These dwellings were set back between 3.9m and 4.2m from the boundary (measured to the eave) in the original proposal, whereas the compromise proposal increases this distance to between 4.5m and 4.85m (measured to the wall as the altered roof form removes the eave component). Along the southern boundary, the amended set-back of the buildings now satisfies the 4.5m requirement of City Wide PDC 203. That said, the removal of the eave has reduced the amount of depth and to some extent, the level of visual interest to this elevation, which is a negative aspect of the amendment.

The side set-back of Dwelling 9 from the rear (western) boundary of the subject land has been increased from 3.32m to 3.55m, which still falls short of the required 4.5m. It is considered that the 1m shortfall in this set-back distance is unlikely to have an unreasonable visual or overshadowing impact on the neighbouring land.

The ground level set-back of Dwellings 2-9 from the southern boundary remains unaltered at between 900mm to the flat roofed lightweight carport component and 2.5m to the alfresco components. As per the discussion in the original report, these ground level set-backs are considered to be acceptable.

The upper level front set-back of Dwelling 1 has also been amended (through a reduction in the width of the balcony) to now satisfy the minimum front set-back requirement of 4m (Medium Density Policy Area PDC 7).

Other than the upper level side set-back of Dwelling 9, the amended plans are considered to address this concern of the Panel.

The proposal has inadequate landscaping

The proposed landscaping plan has been amended to include additional ornamental trees within the rear yards of the dwellings and along the common driveway. The fenced section of private open space adjacent to Edward Street has also been altered to provide more front yard for landscaping which would be visible from Edward Street. This front yard area now includes three (3) ornamental trees (Crepe Myrtles) which will assist in softening the streetscape appearance of the development.

Overall the landscaping includes at least thirty (30) ornamental trees, as well as numerous plantings of smaller small shrubs and grasses.

In this regard it is considered that the amended landscaping plan addresses this concern of the Panel.

The proposal had inadequate provision for bin collection

The Panel raised concerns that there would be insufficient kerb space for the placement of 18 household bins (general waste and recycling/green waste). The most relevant Development Plan policy relating to his concern is City Wide PDCs 141 which states:

'Development should enable economic and effective servicing for public transport, recycling and waste collection...'

The subject land has a frontage width of 18.3m, of which 6m is required for the proposed driveway crossover. This leaves a kerb space of 12.3m in which to place bins, although a juvenile street tree located on the verge further reduces the available space to approximately 11 metres.

East Waste has advised that the optimum spacing of bins on the verge is 500mm apart, although in practice, many households place their bins closer. Taking into account the width of the smaller general waste bin (535mm) and the larger recycling/green waste bins (580mm) and an average spacing of 300mm (factoring in what happens in practice), the length required along the verge for the placement of two (2) bins per household would need to be approximately 14.5 metres. In this regard, it is obvious that all 18 bins could not be placed on the verge in front of the subject land.

Although each dwelling has sufficient site area to accommodate the storage of their household bins, issues are likely to arise each fortnight if all occupants want to place both bins out for collection (i.e. their general waste bin and either their recycling or green waste bin, according to which is being collected on that week). Whilst there is no legal requirement or by-law which prevents occupants from placing bins on the verge of neighbouring properties, such a practice is likely to lead to disputes, which is not a desirable outcome and is also not sustainable in the longer term, as more similar sites are developed within the Medium Density Policy Area.

In a development such as is proposed, it is very unlikely that each household would always fill their green bin, particularly as the garden maintenance of the property would most likely be managed as a whole by the Corporation. With regard to the recycling and general waste bins, a recently completed waste audit undertaken on behalf of the Council has indicated that, on average, recycling bins are filled to approximately 70% of their total volume and the smaller general waste bins are filled to approximately 60% of their total volume.

Taking into account the modest size of the dwellings and the likely resultant number of occupants, it would be reasonable to conclude that waste volumes would be below the average identified in the audit and that a communal bin system would be sufficient to service the entire complex. If the occupants were to share five (5) larger (240 litre instead of 140 litre) general waste bins, seven (7) recycling bins and four (4) green waste bins, the maximum number of bins on the verge at any given time would be twelve (12). This number of bins (factoring in the slightly larger dimension of the general waste bin) would require approximately 10.5m of verge space (at 300mm spacing), which could be accommodated within the estimated available kerb space.

As such, the proposal has been amended to allocate the area adjacent to the new visitor car parking spaces as a communal bin storage area. The space is approximately 2.5m deep and 6m wide and is of sufficient size to conveniently accommodate the 16 bins.

In this context, it is considered that the proposal satisfies PDC 141 and accordingly the Panel's concern regarding the efficient collection of nine (9) household waste and recycling bins.

The proposal is an overdevelopment of the site

The Panel's concern that the proposal is an overdevelopment of the site appears to be a conclusion derived from the number of areas where the proposal did not, in its opinion, fully satisfy the relevant provisions of the Development Plan.

Whilst the amended proposal does not reduce the number of dwellings proposed for the subject land, the amended plans are considered to address the Panel's concerns about individual aspects of the proposal, which in turn may alleviate the concern that it is an overdevelopment of the site.

In setting more flexible policies for residential flat buildings within the Medium Density Policy Area (in particular no minimum site area for dwellings in residential flat buildings), the policy rationale was to encourage more flexible housing options, design innovation and to support the supply of more affordable housing.

Whilst such flexibility in density is provided, ultimately, the built form proposed will then be constrained by potentially smaller sites and by the range of other land use and built form policy requirements such as site coverage, private open space, building set-backs and the provision of on-site vehicle parking.

In this regard, the amended proposal is considered to satisfy the relevant land use and built form requirements to a degree which supports the number of dwellings which have been proposed for the subject land.

Summary

The compromise proposal has either partially or fully addressed the concerns of the Panel regarding on-site visitor parking, set-backs and bulk and scale.

With regard to on-site visitor parking, the amended proposal now includes two (2) on-site visitor parks, which reduces the overall on-site shortfall (without any consideration of discounting) from five (5) spaces to three (3) spaces. 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 the a recent South Australian Study – *Parking Spaces for Urban Places – Car Parking Study*, this shortfall would be overcome.

The inclusion of the two (2) additional on-site visitor parking spaces has resulted in the overall building form being amended to create a 6m gap between two separate building forms. Along with the altered roof design of Dwellings 2-9, it is considered that the visual bulk of the development has been reduced to a degree which is considered to be acceptable with the Medium Density Policy Area.

The upper level set-backs from the southern boundary of the subject land have been increased and now satisfy the 4.5m minimum requirement of City Wide PDC 203. The side set-back of dwelling 9 has been increased by 230mm and is now 3.55m from the rear (western boundary) of the subject land, which still does not meet the 4.5m requirement, however, this in itself, is not considered to be fatal to the proposal.

The upper level front set-back of Dwelling 1 has also been amended (through a reduction in the width of the balcony) to now satisfy the minimum front set-back requirement of 4m (Medium Density Policy Area PDC 7).

It is considered that the Panel's concern regarding the proposal being an overdevelopment of the site has been largely overcome by the fact that the amended plans have addressed the above-mentioned areas of concern.

The issue of kerbside bin collection is considered to be more related to the relatively narrow width of the subject land, rather than the ability of subject land to accommodate nine (9) dwellings. Ultimately, issues relating to kerbside waste and recycling collection in areas where medium density development is encouraged will require continued investigation into possible alternative waste collection solutions.

In this circumstance, the available kerbside space directly adjacent to the subject land would not be sufficient to effectively service 18 bins, given the need to provide a 6m wide driveway access and the location of a small juvenile street tree. A viable solution for this proposal would be to require the sharing of waste and recycling bins, which would reduce the number of bins on the kerb for collection at any given time. To this end, a communal bin storage area has been included in the amended proposal, which could accommodate the storage of the recommended number of shared bins.

The compromise proposal is considered to sufficiently accord with the relevant Development Plan provisions 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:

- Amended site plan, floor plans and elevations prepared by 'in property design' (Revision E) and received by the Council on 11 April 2017;
- Amended Landscape Plan prepared by Yardstick Landscape Services Pty Ltd dated 2 April 2017 and received by the Council on 11 April 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. 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.
2. 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.
3. 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.
4. That the number of household waste and recycling bins for the nine (9) dwellings is limited to the following:
 - five (5) 240 litre general waste bins;
 - seven (7) recycling bins; and
 - four (4) green waste bins.

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.
-

Mr Duke moved

That the Environment Resources and Development Court be advised that the Development Assessment Panel is not satisfied that the amended proposal sufficiently accords with the Development Plan to merit Development Plan Consent, for the reason previously resolved.

Seconded by Ms Moore and carried.

3. OTHER BUSINESS

Nil

4. CONFIDENTIAL REPORTS

Nil

5. CLOSURE

The Presiding Member declared the meeting closed at 8:15pm.

Phil Smith
Acting Presiding Member