

# Development Assessment Panel Minutes

**19 June 2017**

## **Our Vision**

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

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

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City of  
Norwood  
Payneham  
& St Peters

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**VENUE**                      Mayors Parlour, Norwood Town Hall

**HOUR**                        7pm

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

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

**APOLOGIES**                Nil

**ABSENT**                     Nil

**1.        CONFIRMATION OF THE MINUTES OF THE MEETINGS OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 10 MAY 2017 & 15 MAY 2017**

*Mr Frogley moved that the minutes of the Meeting of the Development Assessment Panel, held on 10 May and 15 May 2017 be taken as read and confirmed,*

*Seconded by Mr Smith and carried*

**2.        STAFF REPORTS**

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

## 2. STAFF REPORTS

### 2.1 DEVELOPMENT APPLICATION 155/107/2017 – MR D ROSELLA – 8 CARDIGAN AVENUE, FELIXSTOW

<b>DEVELOPMENT APPLICATION:</b>	<b>155/107/17</b>
<b>APPLICANT:</b>	<b>Mr D Rosella</b>
<b>SUBJECT SITE:</b>	<b>8 Cardigan Avenue, Felixstow (Certificate of Title Volume: 5690 Folio: 673)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Construction of a residential flat building containing four (4), two storey dwellings</b>
<b>ZONE:</b>	<b>Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

#### **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 residential flat building containing four (4) two storey dwellings.

Staff do not have delegated authority to determine the Application, as it is a Category 2 form of development and objections to the Application were received through the public notification process.

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:	rectangular
Frontage width:	18.29 metres
Depth:	45.85 metres
Area:	839m <sup>2</sup>
Topography:	slight fall (600mm) from rear to front
Existing Structures:	detached dwelling, freestanding garage and low masonry front fence
Existing Vegetation:	low shrubs and small non-regulated trees

The subject land contains a conventional single storey brick dwelling with tiled hipped-roof, constructed around the 1960's. A driveway enters the property adjacent to the southern side boundary and leads to a carport and beyond that, a freestanding galvanised garage. The land is relatively flat, with a slight fall of approximately 600mm from the rear boundary down to the front boundary.

A Development Application to divide the subject land via Community Title into four (4) Lots ranging in area from 119m<sup>2</sup> to 137m<sup>2</sup> and common property has recently been granted Development Approval under delegated authority, as the land division achieved the relevant quantitative provisions of the Development Plan.

## Locality Attributes

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

The locality is characterised by a mix of low and medium density housing, predominantly single storey in height. A dominant pair of two storey semi-detached dwellings located adjacent the subject land at 5A and 5B Cardigan Avenue, is the exception to the single storey character. Dwelling types include detached dwellings, group dwellings and residential flat buildings. The topography of the land in the locality is relatively flat, in contrast to the northern part of Cardigan Avenue, where the land starts to fall towards the River Torrens.

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

## Proposal in Detail

The Applicant seeks consent to construct a residential flat building containing four (4) two storey dwellings. All four dwellings front onto a common driveway area which is runs along the southern boundary of the property. Each dwelling therefore has a north-facing rear yard.

At ground level, each dwelling has a double garage and an open-plan living/meals/kitchen area. At first floor level, each dwelling has three bedrooms, bathrooms and varying degrees of living space, with Residence 1 having the largest living area and Residence 4 having the smallest.

The dwellings have a modern appearance, with concealed roof form and a range of cladding materials, including Hardies Scyon (in Matrix, Axon and Linea profiles), rendered blueboard, mini orb and selected stone facing.

A 1.8m high rendered block wall with letterboxes is proposed 1.0m inside the front property boundary, with landscaping in front.

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	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
Site Area	133m <sup>2</sup>	119m <sup>2</sup>	119m <sup>2</sup>	137m <sup>2</sup>	N/A
Allotment Width	12.03m	10.52m	10.52m	11.74m	N/A
Allotment Depth	12.29m	12.29m	12.29m	12.29m	N/A
External Wall Height*	6.8m	6.8m	6.8m	6.8m	Two storey
Maximum Overall Height (to roof apex)*	6.8m	6.8m	6.8m	6.8m	Two storey
Floor Area (total)	183m <sup>2</sup>	160m <sup>2</sup>	160m <sup>2</sup>	148m <sup>2</sup>	N/A
Floor Area (footprint)	87m <sup>2</sup>	82m <sup>2</sup>	82m <sup>2</sup>	86m <sup>2</sup>	N/A
Site Coverage (excluding common area)	72%	76%	76%	69%	N/A
Site Coverage (including common area)		44%			70%

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Development Plan Merit Assessment Quantitative Guideline
<b>Private Open Space</b>	44m <sup>2</sup> 100% uncovered	37m <sup>2</sup> 90% uncovered	37m <sup>2</sup> 90% uncovered	49m <sup>2</sup> 100% uncovered	35m <sup>2</sup>
<b>Street Set-back</b>	4m	N/A	N/A	N/A	4m
<b>Side Set-back (ground level)</b>	2.5m	2.5m	2.5m	2.5m	2.5m
<b>Side Set-back (upper level)</b>	4.5m	4.5m	4.5m	4.5m	4.5m
<b>Rear Set-back (ground level)</b>	2.5m	2.5m	2.5m	2.5m	2.5m
<b>Rear Set-back (upper level)</b>	4.5m	4.5m	4.5m	4.5m	4.5m
<b>Car Parking Provision</b>	2 occupant & 0.25 visitor	2 occupant & 0.25 visitor	2 occupant & 0.25 visitor	2 occupant & 0.25 visitor	2 occupant & 0.5 visitor per dwelling

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

Plans and details of the proposed development are attached (**Attachment B**).

### Notification

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

Three (3) representations were received in response to this notification, copies of which are attached (**Attachment C**). The representors were all opposed to the Application. Key issues raised by representors are, in summary:

- concern over fence replacement cost and potential stormwater drainage issues;
- concern over additional traffic in Cardigan Avenue;
- concern that visitor parking demand cannot be accommodated on site;
- concern that privacy will be impacted;
- concern that four x two storey dwellings will change the landscape;

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

### State Agency Consultation

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

### Discussion

The subject land is located within the Medium Density Policy Area of the Residential Zone, 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:

Medium Density Policy Area Objectives: 1 & 2  
Medium Density Policy Area Desired Character Statement  
Medium Density Policy Area Principles of Development Control: 3, 5 & 7

Residential Zone Objectives: 1 & 2  
Residential Zone Desired Character Statement  
Residential Zone Principles of Development Control: 1 & 3

Objective 1 of the Medium Density Policy Area encourages a range of medium density dwellings, including a minimum of 15 per cent affordable housing, designed to integrate with areas of open space, neighbouring centres or public transport nodes. Objective 2 speaks towards transitioning density down towards the edges of the policy area.

There is no minimum site area per dwelling for residential flat buildings within the Medium Density Policy Area, with the only quantitative requirement being that the property has a minimum frontage width of 18m. The Desired Character Statement explains:

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

Accordingly, residential flat buildings are clearly anticipated within the Medium Density Policy Area and whether or not the proposal is of an acceptable density will depend on whether policies related to private open space, communal space, car parking and the design of the built form are adequately addressed. These issues are discussed under the relevant headings in the preceding sections of this report.

streetscape/bulk/scale/height/character

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

Residential Zone Desired Character Statement  
Residential Zone Objectives: 3  
Residential Zone PDCs: 6, 8

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

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

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

The proposed two-storey building height is consistent with the desired character of the Policy Area. The subject land is located well away from the edge of the Policy Area, with the closest edge being Fisher Street, situated approximately 75 metres north of the subject land. In this context, it is not necessary for the scale and mass of the proposal to transition down, as the Desired Character Statement states should occur for development located adjacent to residential development outside of the Policy Area.

With respect to the modern style of the proposed dwellings, the Desired Character Statement for the Residential Zone states:

*“A variety of facade treatments will be permitted in the zone, allowing for individual preferences, however overall proportions of buildings as they present to the street, will be balanced and in accordance with good architectural practice, so as to provide a pleasant streetscape. Garages and carports will be located to the side or rear of dwellings and the placement of driveways will ensure minimal disruption to footpaths and street trees. Where double garaging is proposed, driveways will be tapered, where practicable, to reduce the extent of hard surface areas forward of dwellings.”*

The Residential Zone is silent on the type of roof forms that are appropriate. Unlike the Residential Character Zone, it does not contain policies advising that the roof form of new dwellings should reference those of surrounding dwellings. This omission, together with the stated flexibility in facade treatment, is considered to justify the modern ‘boxy’ appearance of the proposed dwellings.

The dwellings are considered to provide a good level of visual interest and articulation and avoid large expanses of uninterrupted walling, tilt-up concrete or glass, or the monochromatic use of materials and finishes, consistent with the Desired Character Statement. Although light-weight cladding is proposed for all dwellings, each dwelling is proposed to be clad in a variety of cladding types.

From the street, the layout of development with the driveway to one side of the building and the provision of a relatively generous set-back on the other side of the building, as well as a 4 metre front setback, would maintain a sense of space around the building and reflect the intent of the Residential Zone that a ‘suburban’ character be maintained.

#### Setbacks and Site Coverage

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

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

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

The proposal is consistent with this policy, with Dwelling 1 being set back from the street 4 metres.

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

All four dwellings achieve the side and rear setback provisions set out in Principles of Development Control 202 and 203.

In terms of site coverage, Medium Density Policy Area Principle of Development Control 7 states that the site coverage for residential flat buildings (and ancillary structures) within the Policy Area should not exceed 70%. The proposed development has an overall site coverage of 44%, which clearly satisfies Principle of Development Control 7.



Overshadowing/overlooking

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

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

City Wide Principle of Development Control 196 states:

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

The Applicant has provided shadow diagrams, to demonstrate the extent of overshadowing that would result from the proposed development during the winter solstice (21 June). The shadow diagrams show that at 9:00am, approximately 10 percent of the private open space of the dwelling site to the south at 6 Cardigan Avenue is overshadowed. By midday, approximately 20 percent of the private open space at 6 Cardigan Avenue is overshadowed and by 3:00pm, 100 percent is overshadowed. Accordingly, the development would ensure that at least half of the private open space at 6 Cardigan Avenue would receive direct sunlight for a minimum of two hours between 9:00am and 3:00pm on 21 June. More specifically, it is estimated based on the shadow diagrams, that at least half of the private open space would receive sunlight for approximately four hours.

City Wide Principle of Development Control 195 states:

*“Unless otherwise specified in the relevant Zone and/or Policy Area, development should ensure that the north-facing windows of habitable rooms of dwelling(s) on adjacent sites receive at least 3 hours of direct sunlight over a portion of their surface and in the case of the main living area windows, a minimum of 50% of their surface, between 9am and 5pm on the winter solstice (21 June). Development should not increase the overshadowed area in cases where overshadowing from existing structures, fences and non-deciduous vegetation already exceeds this requirement.”*

The dwelling at 6 Cardigan Avenue has two north facing windows. It is not known whether these are windows to habitable rooms, as during inspection, the roller shutters were down. The roller shutters were also down at times when *Google Streetview* images were taken in April 2013 and August 2016. The likely floorplan of the 1960's dwelling at 6 Cardigan Avenue, is such that the north facing windows are likely to be bedrooms and/or a dining room, not a living area. The window closest to the street would currently be overshadowed entirely throughout the day by the carport of the existing dwelling at 8 Cardigan Avenue. The other window is located further back, behind the carport of 8 Cardigan Avenue and would currently receive some direct sunlight. The shadow diagrams show that the proposal would prevent access to sunlight for this window. If it is a habitable room window, this would be inconsistent with Principle of Development Control 195. On the assumption that it is a habitable room, this is considered to be an acceptable shortcoming of the proposal, as the development is of a reasonable height (6.8m) for a two storey building (with 2 storey being envisaged in the Policy Area) and set back a reasonable distance from the southern boundary (4.7m). Accordingly, at all times other than the winter solstice, the window is likely to receive direct sunlight.

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

In terms of privacy, it is proposed that all upper level windows other than those facing the street, contain fixed obscure glazing to a height of 1.7m above floor level, consistent with City Wide Principle of Development Control 235.

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

Private open space

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

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

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

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

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

All of the proposed dwellings have site areas of less than 250m<sup>2</sup> and, as such, should have a minimum area of private open space of 35 square metres.

The proposed dwellings have private open space areas ranging in size from 37m<sup>2</sup> to 49m<sup>2</sup>, each containing an area of at least 16m<sup>2</sup> and a minimum dimension of 4m, consistent with Principle 225.

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

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

#### Carparking/access/manoeuvring

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

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

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

Each of the proposed dwellings includes two (2) covered car parking spaces within garages for use by the occupants of the dwellings. In addition, one (1) dedicated visitor parking space is provided within the common area, for use by visitors to any of the four (4) dwellings. This represents a shortfall of one (1) on-site car parking space for the development, when considering the rates in Table NPSP/8.

City Wide PDC 122 states (in part):

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

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

The subject land is located approximately 120 metres from a bus stop located on Payneham Road. The bus service operating along Payneham Road is a 'high frequency' service, as defined in the Development Plan as a 'route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.' Furthermore, the bus stop location is also

identified as being within a 'Go Zone'. As such, it is considered that the locality of the development site satisfies part b) of PDC 122.

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

Using the rate set out in Table NPSP/8, the development would be required to provide a total of 10 on-site parking spaces (8 occupant and 2 visitor). The proposal provides 9 spaces, which equates to an overall shortfall of 10%. This is considered to be a reasonable level of 'discounting' having regard to Principle 122.

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

The additional traffic that would be generated by the proposal can be reasonably anticipated, following the change of zoning in 2015 to Medium Density Policy Area, whereby development of the density proposed is anticipated. There is nothing unusual about

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

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

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

#### *Finished floor levels/flooding/retaining*

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

City Wide PDCs: 53-58, 79, 164, 167-171

The subject land is not within an identified flood plain.

The subject land has a fall of approximately 600mm from the rear boundary down to the front boundary. Dwellings 1 and 2 are proposed to have a floor level that is 500mm above top of kerb. This would result in Dwellings 1 and 2 being between 100mm and 300mm above natural ground level in the area they are to be sited. Dwellings 3 and 4 are proposed to have a floor level that is 700mm above top of kerb. This would result in Dwellings 3 and 4 being between 100mm and 200mm above natural ground level.

The proposed levels are not likely to result in the need for any boundary retaining walls, other than low fence plinths of around 200mm. Any new side and rear fencing would need to be negotiated between the developer and adjoining property owners, pursuant to the relevant provisions of the Fences Act.

Trees (significant, mature & street) and landscaping

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

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

The subject land does not contain any regulated trees, however, contains a number of small mature trees, shrubs and vegetation.

The Applicant has provided a landscaping plan, a copy of which is attached (**Attachment F**). While limited space is available for planting along the length of the driveway due to the required space for vehicle manoeuvring, widened sections have been provided at a number of locations along the length of the driveway and across the rear section of the driveway, where trees with a mature height of 7-8 metres are proposed. These trees are also proposed in front of Dwelling 1. In total, six (6) trees are proposed within the driveway area and in front of Dwelling 1. Another 3 trees are proposed at the rear of Dwellings 2, 3 and 4. Other landscaping comprises a mix of low shrubs and ground covers.

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

Environmental Sustainability

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

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

The proposed orientation of the ground level internal living areas and private open space, is a positive aspect of the proposal. The orientation of the development also means that there are minimal exposed east and west facing windows in the development, which is also a positive consideration.

Whilst no rear verandah or pergola structures are proposed, the design is conducive to future owners constructing a shade structure at the rear, to provide some relief from the summer sun angle.

The plans show rainwater tanks for each dwelling, however a capacity is not specified. Consistent with City Wide Principle of Development Control 161, if the Panel determines to approve the Application, it is recommended that a condition be imposed, requiring the tanks to each have a capacity of at least 2000 litres.

**Summary**

The subject land is located within the Medium Density Policy Area, where increased dwelling densities are anticipated. There is no minimum site area for dwellings within a residential flat building and the acceptable density will depend on whether policies related to private open space, communal space, car parking and the design of the built form are adequately addressed.

The amount of private open space provided for each dwelling is consistent with the relevant Development Plan criteria, as is the orientation of the private open space and its functionality and relationship with internal living areas.

The communal open space, comprising a common driveway and landscaping, also accords with the relevant Development Plan criteria. Sufficient space is provided for vehicle manoeuvring and meaningful landscaping areas.

The amount of on-street parking is slightly less than the rates provided in Table NPSP/8. Specifically, there is an overall shortfall of one (1) on-site parking space, comprising a visitor space. Having regard to the ability afforded in City Wide Principle of Development Control 122 to apply a lesser rate in certain circumstances, the amount of car parking is considered adequate.

The design of the built form is considered appropriate, insofar as the layout provides functional living spaces at ground level with good access to sunlight and generous accommodation upstairs for bedrooms and secondary living. The presentation of the development in the streetscape is considered acceptable, having regard to the flexibility afforded by the Medium Density Policy Area Desired Character Statement.

The development is appropriately stepped down the slightly sloping land, minimising cut and fill. Overall, it is considered that the development 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 155/107/17 by Mr D Rosella to Construct a residential flat building containing four (4), two storey dwellings on the land located at 8 Cardigan Avenue, Felixstow, subject to the following requirements, conditions and notes:

### Relevant Plans

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

- Site and landscaping plan prepared by DJC Designs, amendment date 9 June 2017;
- Floor plans prepared by DJC Designs, amendment date 24 February 2017;
- Roof plan prepared by DJC Designs, amendment date 24 February 2017;
- Elevations prepared by DJC Designs, amendment date 13 June 2017;
- Civil works plan prepared by DJC Designs, amendment date 13 June 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 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. The portion of the upper floor windows less than 1.7 m above the internal floor level, other than those facing the street, shall be treated prior to occupation of the building in a manner that permanently restricts views being obtained by a person within the room to the reasonable satisfaction of the Council or its delegate. (Suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7 m above the internal floor level or a window sill height of 1.7 above the internal floor level.)

### 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.

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*Mr Donaldson moved*

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan, Development Application No 155/107/17 by Mr D Rosella to Construct a residential flat building containing four (4), two storey dwellings on the land located at 8 Cardigan Avenue, Felixstow, is deemed to insufficiently accord with the Development Plan such that it does not warrant consent in its current form and as such, consideration of the Application is **deferred**, to enable the Applicant to consider amending their proposal to overcome the following concerns:*

- *Shading over windows*
- *Extent of hard paving*
- *Lack of landscaping*
- *Lack of outlook from bedrooms*
- *Overbearing appearance of the upper floor and lack of articulation, compromising the elevation appearance of the development*

*Seconded by Mr Smith and carried.*

## 2. STAFF REPORTS

### 2.2 DEVELOPMENT APPLICATION 155/797/2016 – MS REGAN GARDNER – 21 PAYNEHAM ROAD, COLLEGE PARK

<b>DEVELOPMENT APPLICATION:</b>	<b>155/797/2016</b>
<b>APPLICANT:</b>	<b>Ms Regan Gardner</b>
<b>SUBJECT SITE:</b>	<b>21 Payneham Road, College Park (Certificate of Title Volume:5701 Folio:500)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Painting a mural on the side wall of a Local Heritage Place</b>
<b>ZONE:</b>	<b>Mixed Use Historic (Conservation) Zone Norwood, Payneham and St Peters (City) Development Plan (dated 28 April 2016)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 2</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application to paint a mural on the side wall of a Local Heritage Place. Staff do not have delegated authority to determine the Application, as it comprises a Category 2 form of development and there is an unresolved representation opposing the development. As such, the Application is referred to the Panel for determination.

All Development within the Payneham Road Policy Area of the Mixed Use Historic (Conservation) Zone which occurs on a property that adjoins land in a different zone is designated as a Category 2 form of development by the Development Plan.

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**

The subject land contains a large two storey symmetrical brick building constructed in the Inter-War Art Deco style. The facade is rendered with a central pediment parapet and round end awning. The building is known as the Duke of Leinster Building. To the south of this building is a State Heritage Place, known as Bells Plumbers Shop. An informal gravel car park separates the two buildings.

#### **Locality Attributes**

Land uses:	Commercial along Payneham Road, dwellings to the west
Building heights (storeys):	Predominantly two storey

The locality contains a number of State and Local Heritage Listed Buildings. The character of the immediate locality is strongly influenced by the large two storey form and minimal front setbacks of the Bon Marche Building at 3 Payneham Road and the Maid and Magpie Hotel at 1 Magill Road.

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

## Proposal in Detail

The Applicant seeks consent to paint a mural on the south facing wall of the building. The mural is not considered to constitute a form of advertisement. Instead, the need for development approval arises from the proposed external painting of a Local Heritage Place. Had the mural been proposed on the side of a building which is not heritage listed, development approval would not have been required.

## Notification

The proposal has been identified and processed as a Category 2 form of development, pursuant to Mixed Use Historic (Conservation) Zone Principle of Development Control 22, as the subject land is located on the interface with land in another zone (Residential Historic (Conservation) Zone).

Two (2) representations were received in response to this notification (1 in favour, 1 opposed), a copy of which are contained in **Attachment C**. The key issues raised by representors are, in summary:

- Future maintenance issues with the mural
- The mural will have a negative impact on the streetscape of Baliol Street

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

A summary of the response is provided below:

- The mural will not be visible from Baliol Street as a result of the surrounding buildings.

## State Agency Consultation

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

## Discussion

The subject land is located within the Mixed use Historic (Conservation) Zone 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.

### Heritage

The following Development Plan provisions provide guidance with respect to considerations relating to the potential Heritage impacts of the proposal:

City Wide Objective: 107, 110,

City Wide Principle of Development Control: 332, 333, 334, 336, 337 and 342

City Wide Principle of Development Control 332(b), 334 and 336 state:

“**3329(b)** All development involving or affecting State and Local Heritage Places, as designated in [Tables NPSP/5 and 6](#), should ensure that those places are retained, restored, rehabilitated, altered and added to, in an appropriate manner, which:

- (b) maintains or reinstates the integrity and prominence of the original street frontage and significant streetscape, setbacks and other aspects and features.

**334** *Development on land containing a State or Local Heritage Place (including alterations or additions or a change in land use) as designated in [Tables NPSP/5 and 6](#) should:*



- (a) *retain and conserve the primary street frontage of the heritage place and the specific elements contributing to its heritage value;*
- (b) *not compromise the character of the original building;*
- (c) *be visually compatible with the elements contributing to its heritage significance;*
- (d) *have regard to the heritage value, physical material and setting of the heritage place;*
- (e) *have regard to the character of the locality within which the development is to be undertaken;*
- (f) *provide for the reinstatement and retention of views and vistas to the heritage place from public roads as well as between any elements of identified heritage value by removing unsympathetic fencing, building additions or alterations;*
- (g) *enable the heritage place to have a curtilage of a size sufficient to protect its setting;*
- (h) *be sited to the rear or side of the heritage place and not in front of the existing building or the elements of identified heritage value so that the original character, street prominence, siting and boundary set-backs are not compromised; and*
- (i) *retain mature vegetation that complements the heritage value of the place.*

**336** *Development of a heritage place that materially affects the appearance of a building, such as the rendering or covering of original unpainted or exposed brickwork or stonework, should not be undertaken.”*

The Application was referred to Council's Heritage Adviser, Mr David Brown, who made the following comments:

*The side wall is currently painted white and is not in great condition. The building was an economically built structure, and I suspect if they had the budget they would have rendered the side walls along with the front wall. Hence the proposal I do not believe impacts the heritage value of the Local Heritage Place. The mural on the render will appear as quite dominant, but given the location, and adjacent empty block, will have a limited life, and can be painted over or built out in the future when it is no longer needed or relevant.*

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

In summary, the advice of Councils Heritage Adviser is that the proposed mural will not detrimentally impact the Heritage contribution of the building, consistent with City Wide Principle of Development Control 332(b).

The concern raised by the representor that the mural will impact negatively on the streetscape of Baliol Street is not considered to be justified, as the mural will not be visible from within Baliol Street.

### **Summary**

Having regard to the advice of the Council's Heritage Advisor, the proposed mural is not considered to detrimentally affect the heritage value of the Local Heritage Place on which it is to be painted, nor is it considered that the mural will impact negatively on the contribution that the Local Heritage Place makes to the historic character of the area.

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

### **RECOMMENDATION**

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/797/2016 by Ms Regan Gardner for the painting of a mural on the side of a Local Heritage Place on the land located at 21 Payneham Road, College Park 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:

- All plans, details and specifications forming Development Application 155/797/2016 received by the Council on 14 November 2016.

Conditions

Nil

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*Mr Dottore 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 155/797/2016 by Ms Regan Gardner for the painting of a mural on the side of a Local Heritage Place on the land located at 21 Payneham Road, College Park 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:*

- *All plans, details and specifications forming Development Application 155/797/2016 received by the Council on 14 November 2016.*

Conditions

*Nil*

*Seconded by Mr Frogley and carried.*

## 2. STAFF REPORTS

### 2.3 DEVELOPMENT APPLICATION 155/040/2017 – MR P DE FAZIO – 13 BRIDGE STREET, KENSINGTON

<b>DEVELOPMENT APPLICATION:</b>	<b>155/040/17</b>
<b>APPLICANT:</b>	<b>Mr P De Fazio</b>
<b>SUBJECT SITE:</b>	<b>13 Bridge Street, Kensington (Certificate of Title: Volume: 5621, Folio: 579)</b>
<b>DESCRIPTION OF DEVELOPMENT:</b>	<b>Demolition of a detached dwelling and outbuildings and the construction of two (2) single storey group dwellings with associated fencing and retaining walls.</b>
<b>ZONE:</b>	<b>Residential Historic (Conservation) Zone – Kensington 1 Policy Area – Norwood Payneham and St Peters (City) Development Plan (dated 28 April 2016)</b>
<b>PUBLIC NOTIFICATION CATEGORY:</b>	<b>Category 1</b>

#### **Purpose of Report**

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of a detached dwelling and outbuildings and the construction of two (2) single storey group dwellings with associated fencing and retaining walls.

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

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

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

#### **Subject Land Attributes**

Shape:	regular
Frontage width:	17.5 metres
Depth:	64.36 – 64.39 metres
Area:	1126.3m <sup>2</sup>
Topography:	fall from front to back of 1.56m
Existing Structures:	Single storey detached dwelling and two (2) outbuildings
Existing Vegetation:	Mature trees and shrubs, none of which are regulated

The subject land currently contains a triple fronted, cream brick, detached dwelling constructed in the 1950's and two (2) outbuildings. Vehicular access is gained via a 6.0m wide crossover in the south eastern corner of the allotment. A semi-mature street tree is located within verge.

A land division was recently approved by staff under delegation, to create two Lots and a common property on the subject land. The approved Lots are 465m<sup>2</sup> and 507m<sup>2</sup> in area, consistent with Principle of Development Control 4 of the Kensington 1 Policy Area, which states:

*The average site area per dwelling unit for residential development in the Kensington 1 Policy Area should not be less than 400 square metres except where:*

*The site of the development does not contribute positively to the historic character of the Policy Area and is not identified in [Table NPSP/5, 6 or 7](#). In this instance a lesser site area per dwelling may be considered provided that the development is not inconsistent with the predominant pattern of development in the immediate locality.*

### Locality Attributes

Land uses: residential  
Building heights (storeys): mix of single and two storey

Bridge Street is characterised by a mix of character homes and more recent infill dwellings. The properties located at 7 and 22 Bridge Street are listed in the Development Plan as Local Heritage Places and the properties located at 2, 4, 6, 9, 10, 11, 12, 14, 15, 16, 18 all listed in the Development Plan as Contributory Items.

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

### Proposal in Detail

The Applicant seeks consent to construct two (2) single storey group dwellings with associated retaining walls and fencing.

The proposed group dwellings each contain three (3) bedrooms (master with ensuite bathroom and walk in robe), a separate bathroom and a combined kitchen/dining/lounge room with direct links to a covered outdoor area and a double garage.

The proposed group dwellings have corrugated iron hipped roofs in Colorbond Windspray (grey), black gutters and down pipes, vertically proportioned windows and simple front verandah elements. Building materials include recycled red brick, rendered masonry, powder coated commercial aluminium windows and a timber front doors.

The proposed development includes a contemporary 1.8m high front fence, with rendered brick piers to match the dwelling and steel slatted infill 'pickets'.

Landscaping includes the planting of a mixture of trees, shrubs and ground covers.

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	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
Site Area	465m <sup>2</sup>	507m <sup>2</sup>	>400m <sup>2</sup>
Allotment Width	11.9m	17.5m	N/A
Allotment Depth	36.39m	29.0m	N/A
External Wall Height*	3.7m	3.7m	N/A
Maximum Overall Height (to roof apex)*	6.8m	7.1m	N/A
Floor Area	230.0m <sup>2</sup>	230.0m <sup>2</sup>	N/A
Site Coverage	49%	45%	N/A

**TABLE 1: DEVELOPMENT DATA *continued...***

Consideration	Dwelling 1	Dwelling 2	Development Plan Merit Assessment Quantitative Guideline
<b>Private Open Space</b>	59m <sup>2</sup> 13% of site area 61% uncovered	177m <sup>2</sup> 35% of site area 80% uncovered	20% of site area - City Wide PDC 225(a) City Wide PDC 229
<b>Street Set-back</b>	7.0m	N/A	N/A
<b>Side Set-back</b>	1.5m – 2.7m Northern Boundary 1.0 - 1.7m Southern Boundary	2.6m	2.5m City Wide PDC 202
<b>Rear Set-back</b>	Nil (garage)	2.6m	2.5m City Wide PDC 202
<b>Car Parking Provision</b>	2 Undercover 2 Visitor	2 Undercover 2 Visitor	2 (1 covered) plus 1 visitor space - Table NPSP/8

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

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

**Notification**

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

**State Agency Consultation**

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

**Discussion**

The subject land is located within the Kensington 1 Policy Area of the Residential Historic (Conservation) Zone, as identified within the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is neither a complying nor a non-complying form of development and accordingly is required to be assessed on its merits having regard to all of the relevant provisions of the Development Plan.

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

Land Use and Density

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

- Kensington 1 Policy Area Desired Character Statement
- Kensington 1 Policy Area PDC's: 1, 2 & 4
  
- Residential H(C) Zone Desired Character Statement
- Residential H(C) Zone Objectives: 2, 4 & 6
- Residential H(C) Zone PDC's: 7 & 8
  
- City Wide Objectives: 7, 56 & 57
- City Wide PDC's: 3, 4, 81 & 186

Kensington 1 Policy Area Principle of Development Control 2 states:

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

Group dwellings are considered to be an appropriate land use within the zone, having regard to Policy Area Principle of Development Control 2, which encourages a range of types and forms of dwellings.

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.*

Parts (a) and (c) are not applicable to the proposed development. With respect to part (b), the existing triple fronted cream brick dwelling does not contribute significantly to the heritage value, historic character or desired character of the zone. Accordingly, the proposal is consistent with Principle 8.

Streetscape/bulk/scale/height/character

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

Kensington 1 Policy Area Desired Character Statement

Kensington 1 Policy Area Objectives: 1  
Kensington 1 Policy Area PDC's: 1 & 3

Residential Historic (Conservation) Zone Desired Character Statement

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

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

Residential Historic (Conservation) Zone Principle of Development Control 16 states:

*“Development of a new building or building addition should demonstrate a compatible visual relationship with the buildings that contribute to the historic character of the relevant policy area through consideration of the following:*

- (a) bulk and scale;*
- (b) width of site frontage, front and side boundary setback patterns, wall height and window placement;*
- (c) the proportions (vertical and horizontal) of additions visible from the street that complement the existing building façade and other elevations facing a public road;*
- (d) the form and level of visual interest present in a building (as determined by the height of eaves, the length and size of unbroken walling, treatment of openings and depths of reveals, roof form and pitch, external colour and texture of materials used, as well as detailing, landscaping and fencing); and*
- (e) design elements such as verandahs, balconies and eaves where appropriate.”*

It is considered that the proposed dwellings are consistent with Principle 16, in that the dwellings are similar in scale and form to that of surrounding single storey dwellings and utilise a materials and finishes palette which complements the materials and finishes of dwellings typically found within a Historic (Conservation) Zone.

The Applicant has prepared a streetscape diagram of the proposed dwellings, which illustrate the bulk, scale and architectural form of the proposed dwelling and its relationship with adjacent dwellings. The streetscape diagram is contained in **Attachment B**.

The Desired Character Statement for the Residential Historic (Conservation) Zone states:

*“New buildings and additions to buildings within this zone will reinforce the existing streetscape and historic building stock. New dwellings will be of a complementary nature which do not compete or stand out against the historic elements for streetscape prominence. They will take into careful consideration the scale of the surrounding dwellings. The roof pitch and basic roof form of surrounding houses will be repeated..... New development will complement and reinforce the traditional colours and materials such as stone, brick and rendered masonry. It will be set in a sympathetic landscaped setting and will emulate the general scale and form of traditional building elements such as fences, verandahs and hipped and gabled roofs, instead of attempting to reproduce the finer architectural detail of the historic building stock.”*

It is considered that the proposed dwellings are consistent with the character of the locality, and replace a dwelling which does not positively contribute to the Historic character of the locality and are consistent with the relevant provisions of the development plan relating to streetscape, bulk, scale, height and character.

The dwellings have been reviewed by Councils Heritage Adviser, Mr David Brown. In summary, Mr Brown is supportive of the proposed design from a heritage perspective. Mr Brown’s report raises a concern with previously proposed natural anodised commercial grade window frames. This aspect of the proposal has subsequently been amended to be powder coated commercial grade aluminium windows in a white finish. Mr Brown’s report is contained in **Attachment C**.

It is considered that the proposed dwellings are consistent with the character of the locality, and replace a dwelling which does not positively contribute to the Historic character of the locality and are consistent with the relevant provisions of the development plan relating to streetscape, bulk, scale, height and character.

#### Setbacks and Site Coverage

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

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

#### Residential Historic (Conservation) Zone

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

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

Dwelling 1 is proposed to be set back 7.0m from the Bridge Street property boundary, with verandahs and eaves extending a further 1.0 metre closer to the front boundary. 11 Bridge Street has a front setback of 7.0m and 15 Bridge Street has a front setback of 8.0m. The proposed setback is therefore consistent with Principle of Development Control 10(a) of the Zone

In terms of side setbacks, City Wide Principle of Development Control 202 provides the most direct guidance. It 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.*

Whilst Dwelling 1 does not achieve a 2.5m setback from the northern boundary, it presents as a detached dwelling, due to being located at the front of the subject land, fronting the street. Therefore, notwithstanding its correct categorisation as a group dwelling (due to reliance on a common driveway for car parking), when considering an appropriate side setback of Dwelling 1, it is considered more appropriate to apply Principle of Development Control 16(b), which states:

*Development of a new building or building addition should demonstrate a compatible visual relationship with the buildings that contribute to the historic character of the relevant policy area through consideration of the following:*

- (b) width of site frontage, front and side boundary setback patterns, wall height and window placement;*

Having regard to the locality, it is considered that the proposed side boundary setbacks of dwelling 1 are compatible with those of buildings in the locality that contribute to the historic character and are therefore consistent with Principle 16(b).

With respect to Dwelling 2, the garage encroaches within the 2.5m setback stipulated in City Wide Principle of Development Control 202. The garage is adjacent a blank wall of an adjoining dependent accommodation unit and will not result in any adverse amenity impacts to the occupants of that property.

In terms of site coverage, the proposed dwellings will cover 49% and 45% of each respective site (excluding the common driveway).

There are no quantitative site coverage guidelines within the Kensington 1 Policy Area or the Residential Historic (Conservation) Zone. In terms of qualitative guidance, Residential Historic (Conservation) Zone Principle of Development Control 12 and City Wide Principle of Development Control 208 state:

Residential Historic (Conservation Zone Principle of Development Control 12

*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.*

City Wide Principle of Development Control 208

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

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

It is considered that the proposed level of site coverage for each dwelling is consistent with Residential Historic (Conservation) Zone Principle of Development Control 12 and City Wide Principle of Development Control 208 as the level of site coverage ranges from 28%-66% given the range of dwelling styles in the locality along Bridge Street..

#### Overshadowing/overlooking

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

City Wide PDC's:

11, 31, 195 & 196



As the proposed dwellings are single-storey with an appropriate finished floor level relative to existing ground level and complementary wall heights and roof pitches, they are unlikely to lead to any unreasonable overlooking or overshadowing of adjacent properties.

Further discussion relating to fencing and retaining wall heights will follow further in the report.

Private open space

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

City Wide PDC's: 222-225 & 229

City Wide Principle of Development Control 225 states:

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

- (a) a dwelling with a site area of 250 square metres or greater, 20 per cent of the site area should be private open space, of which one portion should be equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres; or*
- (b) a dwelling with a site area of less than 250 square metres, a minimum of 35 square metres should be private open space, of which one portion should have an area of 16 square metres and a minimum dimension of 4 metres; and*
- (c) in either of the circumstances described above, have a maximum gradient of 1 in 10.”*

Both of the proposed dwellings have site areas in excess of 250m<sup>2</sup>. As such, each of the dwellings should have at least 20% of their respective site areas dedicated as private open space, with one portion equal to or greater than 10 per cent of the site area and have a minimum dimension of 4 metres.

Dwelling 1 is proposed to have 59m<sup>2</sup> of private open space, equating to 13% of the site area, which is not in accordance with Principle 225. Dwelling 2 is consistent with the provision.

With respect to Dwelling 1, whilst the shortfall in the amount of private open space is a negative aspect of the proposal, the private open space is located in one central courtyard with direct northern orientation and has good usable proportions of 6.4m by 6.7m. The usability of this area is enhanced by the fact that there is a further 18m<sup>2</sup> of space alongside the garage and bedrooms 2 and 3, which is not able to be counted as private open space due to having a width of less than 2.5m (it is 1.5m wide), however provides practical space for things which might otherwise be required to be placed in the true private open space, such as clothes drying, rainwater tanks, air conditioning units, bin storage etc. In this context, it is considered that the provision of private open space for both dwellings is acceptable.

Carparking/access/manoeuvring

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

Residential H(C) Zone PDC's: 32  
City Wide Objective: 34  
City Wide PDC's: 120, 123, 211, 212 & 218

Table NPSP/8

Table NPSP/8 states that group dwellings should each be provided with two (2) (1 covered) spaces per dwelling; plus one (1) visitor space for every two dwellings. Each dwelling is provided with two (2) covered spaces and two (2) uncovered visitor spaces in front of the garages. The provision of car parking is therefore consistent with Table NPSP/8.

The internal dimensions of the proposed garages are inconsistent with City Wide Principle of Development Control 212, as they measure 5.8m by 5.8m (as opposed to 5.8m by 6.0m). This is considered to be a minor shortcoming of the application.

Finished floor levels/flooding/retaining/fencing

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 Dwelling 1 ranges between 200mm and 750mm above natural ground level and Dwelling 2 ranges between 250mm and 1.0m above natural ground level. As a result, the Applicant proposes retaining walls to a maximum height of 700mm with a 1.8m colorbond fence on top, giving a total maximum height of fencing and retaining wall of 2.5m.

City Wide Principle of Development Control 58 states:

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

The combined height of the proposed fence and retaining wall will therefore marginally exceed the height stated in Principle 58. The rear boundary (where the highest point is) abuts outbuildings located at 2 Thornton Street and 25 Regent Street and as such will have no impact on the amenity of the occupants of the adjoining properties. In this context, the height of the retaining and fencing is considered acceptable.

The Applicants engineering documentation notes that stormwater can be directed to the kerb and water table through a sump and pump mechanism.

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:

Residential H(C) Zone PDC's: 36 & 37  
City Wide Objectives: 24  
City Wide PDC's: 220 & 221

There are no regulated trees on the subject land or adjacent land that would be affected by the proposed development. A number of mature fruit trees are located within the rear yard. A semi-mature street tree is located within the Council verge adjacent to the subject land.

The proposed development, including the construction of the crossovers and fencing are sufficiently separated from the street tree so as not to impact the structural root zone.

The Applicant has proposed to plant the yards of each dwelling with mix of mature trees and shrubs, as detailed on the landscaping plan marked **B2**. The inclusion of soft landscaping within the front yard of Dwelling 1 along the common driveway and adjacent the dwellings will provide an appropriate level of soft treatment to the dwellings consistent with City Wide Principle of Development Control 220.

Overall, the provision of landscaping is considered to be acceptable, consistent with Residential Historic (Conservation) Zone Principle of Development Control 37 and City Wide Principles of Development Control 220 and 221.

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 dwellings are well orientated on the subject land so as to provide solar access to the main living areas and the main areas of private open space.

The dwellings are proposed to have 1.0m wide eaves which will provide solar protection. This is considered to be a positive and practical design approach with regard to reducing the need for artificial cooling during the summer months within the proposed dwelling.

The Applicant has not provided numerical details of rainwater tanks. City Wide Principle of Development Control 161 states that new dwellings should be provided with a 2000 litre rain water tank in order to maximise the use of stormwater collected from roof areas. As such, if the Panel determines to approve the development, it is recommended that a condition be imposed requiring the Applicant to install a rainwater tank with a minimum capacity of 2000 litres.

### Summary

The proposed group dwellings are an appropriate land use at a suitable density within the Residential Historic (Conservation) Zone. The built form, when viewed from the street, will complement the historic dwellings within the locality, in terms of bulk, scale, architectural style and materials.

The front and side setbacks of the proposed dwellings are consistent with the predominant pattern of development within the locality as well as the relevant development plan provisions relating to dwellings sited on hammerhead allotments.

The overall site coverage of the dwellings is considered acceptable in the context of the locality.

The provision of private open space and off-street car parking are all considered to be acceptable, albeit that the amount of private open space provided for Dwelling 1 is below the relevant Development Plan standard.

On balance, 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 155/040/17 by Mr P De Fazio for the demolition of a detached dwelling and outbuildings and the construction of two (2) single storey group dwellings with associated fencing and retaining walls, on the land located at 13 Bridge Street, Kensington, subject to the following requirements, conditions and notes:

#### Relevant Plans

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

- the plans, elevations and details prepared by Mr Reno De Fazio, received by the Council on 31 January 2017; and
- Site Layout Plan prepared by Intrax Engineers marked Reference Number 77905 Drawing Number C1 Revision C.

### Conditions

1. 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.
2. A rainwater tank with a storage capacity not less than 2 kilolitres (2000 litres) shall be installed to each dwelling and plumbed into a toilet, water heater and/or laundry cold water outlet by a licensed plumber in accordance with AS/NZS 3500 and the SA Variations published by SA Water. Details of the installation shall be provided with application for Building Rules Consent.
3. Stormwater from the subject land shall be collected and discharged to Bridge Street via pump and sump arrangements in accordance with the following requirements:

#### Pump and Sump Configuration

- a) the pump system shall be designed to ensure that at a minimum the 1 in 20 year ARI event is safely discharged to the street watertable without overflowing onto neighbouring properties. This can be achieved by pumping the peak rainfall intensity duration in full to the street watertable or utilising onsite storage (above or below ground) and pumping a smaller flow rate;
- b) where the pump system relies on surface storage for flood peaks, ponding of water shall only occur for events having a 1 in 5 year ARI or greater;
- c) sufficient storage (above or below ground) shall be provided to safely contain runoff from the contributing catchments for a 10 year, 30 minute duration rainfall event in the event of power failure; and
- d) pump systems shall incorporate two pumps each capable of discharging the design flow (to cater for the failure of one of the pumps).

### Notes to Applicant

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

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **granted** to Development Application No 155/040/17 by Mr P De Fazio for the demolition of a detached dwelling and outbuildings and the construction of two (2) single storey group dwellings with associated fencing and retaining walls, on the land located at 13 Bridge Street, Kensington, subject to the following requirements, conditions and notes:

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*Seconded by Mr Donaldson and carried.*

3. **OTHER BUSINESS**  
Nil

4. **CONFIDENTIAL REPORTS**  
Nil

5. **CLOSURE**

*The Presiding Member declared the meeting closed at 7:53pm.*

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**Terry Mosel**  
**Presiding Member**